



January 20, 2025

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# Law Enforcement - Historical Notes

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Law Enforcement - Historical Notes

## **Militia**

Those acts once affecting Monroe County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Monroe County composed the sixty-seventh regiment of the first division. Monroe County held regimental musters on the second Saturday of November. This act was repealed by Public Acts of 1978, Chapter 595.
2. Private Acts of 1821, Chapter 184, scheduled the time for holding annual musters for the militia of Monroe County, the sixty-seventh regiment, on the first Saturday after the first Tuesday in October each year.
3. Public Acts of 1825, Chapter 69, was an entirely new military code and militia law for Tennessee whose forces were composed of free men and indentured servants. The militia of Monroe County composed the sixty-seventh regiment of the seventh brigade. The militia of Monroe County held regimental musters on the second Saturday in November.
4. Public Acts of 1826, Chapter 18, provided that the Monroe County musters be held on the Thursday and Friday preceding the company muster that preceded the first regimental muster in the county.
5. Private Acts of 1829-30, Chapter 41, formed a volunteer company known as the Washington Blues which was formed in the Town of Tellico in Monroe County, which unit held its drills in that city and could be attached to whatever regiment its men might select.
6. Public Acts of 1835-36, Chapter 21, rewrote the military code and militia law for the state pursuant to the requisites of the 1835 Constitution of Tennessee. This act, being rather lengthy, covered all phases of the militia organizations and their internal disciplines and organization throughout the state. The militia of Monroe County composed the twenty-sixth and the twenty-seventh regiments of the sixth brigade, first division.
7. Acts of 1837-38, Chapter 157, scheduled the annual muster and regimental drills for every county in the state. The militia of Monroe County held muster on the Monday and Tuesday following the first Friday and Saturday in September. This act was repealed by Public Acts of 1978, Chapter 595.
8. Acts of 1839-40, Chapter 56, reenacted the militia law and military code for the state covering every matter of discipline, organization and operation. The militia of Monroe County formed the twenty-sixth and twenty-seventh regiments of the sixth brigade. Monroe County held regimental musters on the second Monday in October for the twenty-sixth regiment, while the twenty-seventh regiment held musters on the second Thursday of October.
9. Acts of 1845-46, Chapter 76, provided that after the passage of this act, the militia in the third civil district of Morgan County and the militia in the nineteenth civil district of Monroe County would be exempted and excused from attending battalion and regimental musters. The units, however, continued to attend all company musters and the company captain reported the company attendance to the regimental commander.
10. Private Acts of 1861, Chapter 1, reenacted the militia law and military code for the state covering every matter of discipline, organization and operation. The militia of Monroe County formed the twenty-sixth and twenty-seventh regiments of the sixth brigade. Monroe County held regimental musters on the second Monday in October for the twenty-sixth regiment, while the twenty-seventh regiment held musters on the on second Thursday of October.

## **Offenses**

The act briefly summarized below fell into this category in Monroe County.

1. Private Acts of 1949, Chapter 126, amended Section 11202 of the code of Tennessee so as to allow the exhibition of movies on Sunday lawful in Monroe County between the hours of 1 p.m. to 6 p.m. and between 8:30 p.m. to 11 p.m.

## **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Monroe County Sheriff's Office. Also referenced below are acts which repeal prior law

without providing new substantive provisions.

1. Private Acts of 1831, Chapter 123, authorized the sheriffs of Monroe, Jackson, Cocke, Knox and Lawrence County to appoint three deputies who were subject to the same laws, rules and regulations as other deputies. This act was repealed by Private Acts of 1978, Chapter 248.
2. Private Acts of 1831, Chapter 193, allowed John McCroskey, a former sheriff of Monroe County, the further time of two years from the passage of this act to wind up and complete the business of the former sheriff with all the powers and emoluments which sheriffs commonly enjoy.
3. Private Acts of 1833, Chapter 49, granted to John F. Henderson, a former sheriff of Monroe County, the additional time of two years after January 1, next, to collect all taxes, costs and sums due him which accrued during his terms as sheriff and collector of public taxes in the county. The sheriff had the same rights and was subjected to the same restrictions as existed when he was the sheriff.
4. Acts of 1837-38, Chapter 306 authorized the sheriff of the counties of Monroe, Maury and Hawkins to appoint one additional deputy over and above the number allowed by law.
5. Acts of 1845-46, Chapter 173, Section 2, named William Heiskell, William Henderson and John Wilson as commissioners to settle and adjust the claims of the state against Walter Henderson, the late sheriff of Monroe County, for revenue due the state for the years 1842 and 1843. Their authority included the right to settle the claims on terms they considered to be in the best interests of the state.
6. Acts of 1849-50, Chapter 12, gave further time to the securities of Abraham Dyer, of Monroe County, to pay the balance of the revenue for the year 1845.
7. Acts of 1849-50, Chapter 211, confirmed the settlement made with Mastin Henderson, late sheriff of Monroe County, and his securities in office.
8. Acts of 1855-56, Chapter 246, permitted the sheriff of Monroe County to appoint one additional deputy sheriff.
9. Private Acts of 1859-60, Chapter 187, authorized the sheriff of Monroe County to appoint one additional deputy over and above the lawful number.
10. Private Acts of 1919, Chapter 812, set the salary of the sheriff of Monroe County at \$1,500 a year, payable on the first Monday in January, April, July and October of each year, which amount were in place of all the fees collected in that office. If the fees were collected they were reported in an itemized sworn statement each quarter to the judge, or chairman, of the county court. If the fees did not equal the sum of \$375, the county paid the difference to the sheriff, and the sheriff paid any excess over that amount to the trustee. Fees which were collected under six different circumstances and conditions, such as prisoner board fees, turnkey fees, etc. did not have to be included in the amount reported.
11. Private Acts of 1927, Chapter 542, provided that the sheriff of Monroe County receive as compensation for his services \$2,000 per year, payable quarterly on the first day of January, April, July and October, out of the county treasury on the warrant of the county judge, or chairman, provided that the sheriff keep an accurate record of fees received in criminal cases and submit an itemized sworn report to the county judge, or chairman, on the first day of the four months names above. The report was accompanied by the fees which were to be paid over to the trustee. The sheriff was not required to account for the fees in civil cases, only criminal.
12. Private Acts of 1927, Chapter 730, applied to the counties of Monroe, Blount, Bradley, Loudon, McMinn, Polk and Roane. The act provided that all workhouse bonds be received, approved and collected by the criminal court clerk of the above respective counties who had the same powers in this regard as the other county officials formerly had. The clerk was subjected to and accountable for the same fees and to the same degree under the law as the former officials. The clerk was paid 10% of each bond as compensation for this duty. This act was amended by Private Acts of 1929, Chapter 720, so as to add a provision that the bonds of the workhouse established by that act could contain language which paid an attorney's fee of 15% in the event it became necessary to place the bonds in the hands of an attorney for collection, which fee was added to all the other principal, interest and costs.
13. Private Acts of 1929, Chapter 82, regulated and fixed the salary of the first deputy sheriff of Monroe County at \$1,200 per year, which was payable monthly on the first day of each month out of the county treasury.

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