



July 22, 2024

Law Enforcement - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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Jails and Prisoners

The following acts once affected jails and prisoners in Marion County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 58, abolished the Work House in Marion County.
2. Private Acts of 1949, Chapter 137, repealed Chapter 58 of the Private Acts of 1939 above.

Militia

Those acts once affecting Marion County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1822, Chapter 205, provided that the different militia regiments of Rhea, Bledsoe, Hamilton, Marion and McMinn Counties were to constitute a brigade of Tennessee militia.
2. Acts of 1823, Chapter 310, authorized the field officers of Marion County to exempt Captain Sergeant's and Elliott's companies from attending regimental and battalion musters.
3. Acts of 1831, Chapter 141, exempted the Marion County troop of cavalry from attending regimental musters but in lieu of those, required the troop to attend battalion musters in Marion County.
4. Acts of 1835-36, Chapter 21, divided the state militia into companies, regiments, brigades and divisions, and prescribed the times and modes of electing officers. Marion County composed the 38th Regiment of Tennessee.
5. Acts of 1837-38, Chapter 157, amended the Militia Laws of Tennessee. Marion County, which was part of the seventh brigade, was to hold county drills on the second Monday and Tuesday of every year.
6. Acts of 1839-40, Chapter 56, amended the Militia Laws of Tennessee. The act placed Marion County was the 38th Regiment and in the seventh brigade. Marion County was to hold drills on the first Saturday in October of every year.

Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Marion County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1820, Chapter 117, allowed the Sheriffs of Warren, Jackson, Bledsoe, and Marion Counties to advertise all lands sold by them, by execution or for taxes, in the Sparta Gazette, and also allowed the rangers of those counties to advertise all strays in the Sparta Gazette. This was repealed by Acts of 1821, Chapter 180, which contained the same provisions as to advertising, but dropped the mandatory requirement that it be in the Sparta Gazette.
2. Acts of 1821, Chapter 134, required the Commissioners of the City of Jasper to build the public jail upon some "eligible" lot rather than building it upon the public square.
3. Acts of 1831, Chapter 161, authorized the Trustee of Bledsoe County to pay Daniel Riggle, jailor of Marion County, the sum of \$125.50 for upkeep of a prisoner who had been convicted of manslaughter in the Circuit Court of Bledsoe County.
4. Private Acts of 1917, Chapter 389, provided that in all counties having a population of not more than 18,850 and not less than 18,800, according to the Federal Census of 1910, it was the duty of the Sheriff to, when it came to his knowledge that a fire had occurred of the character contemplated by section two of Chapter 397 of the Acts of 1907, to make a full investigation of all the facts pertaining to the said fire and procure the attendance of all witnesses having knowledge of such fires to the next grand jury for the purpose of indicting persons guilty of unlawful burning. And that the sheriffs of counties under the provision of this act were empowered and directed to summon all male inhabitants of such counties between the ages of 15 and 45 and require them to assist in the extinguishing of forest fires, and that all parties summoned by the Sheriff who refused to obey the summons were deemed guilty of a misdemeanor and subject to a fine not less than \$5 nor more than \$25.
5. Private Acts of 1919, Chapter 74, general state law provided that sheriffs were responsible for collecting delinquent taxes.
6. Private Acts of 1923, Chapter 701, provided additional compensation for the Sheriff of Marion

- County of not more than \$800 per year and not less than \$10 per year, until September, 1923.
7. Private Acts of 1925, Chapter 4, authorized the quarterly county court of Marion County to appropriate to the sheriff, annually, an amount for ex-officio services not to exceed \$600 per annum.
 8. Private Acts of 1927, Chapter 216, set the compensation of the Sheriff at \$100 per month, plus the fees of the office.
 9. Private Acts of 1929, Chapter 799, authorized the quarterly county courts of all counties in the State of Tennessee having a population of not more than 17,410 nor less than 17,400 according to the Federal Census of 1920, to pay all necessary medical and hospital expenses of any sheriff, deputy sheriff or constable injured or wounded while engaged in the performance of any duty imposed by law upon such officer.
 10. Private Acts of 1939, Chapter 29, authorized the purchase of a patrol wagon for the sheriff's office.
 11. Private Acts of 1939, Chapter 31, was an act organizing the Sheriff's office, setting his salary, authorizing him to hire five deputies and setting their compensation. This was amended by Private Acts of 1939, Chapter 314, to provide that these salaries would be paid by warrants issued by the Chairman of the Board of County Commissioners rather than by the Chairman of the County Court. It was further amended by Private Acts of 1945, Chapter 535, to increase the salaries of the deputies.
 12. Private Acts of 1939, Chapter 58, abolished the Marion County Workhouse. This Act was repealed by Private Acts of 1949, Chapter 137.
 13. Private Acts of 1949, Chapter 782, as amended by Private Acts of 1957, Chapter 284, Private Acts of 1959, Chapter 90, provided that in all counties of the state having a population of not more than 19,200 and not less than 19,100, according to the Federal Census of 1940, sheriffs receive a salary of \$5,000 a year, and empowered them to appoint six deputies at a salary of \$150 per month plus an additional allowance of \$100 per month for expenses.
 14. Private Acts of 1949, Chapter 783, as amended by Private Acts of 1959, Chapter 107, gave the county judge of Marion County the authority to purchase and pay for out of the general fund of the county an automobile to be used by the sheriff and his deputies. The county contributed \$100 per month to the sheriff for maintenance and operating expenses.
 15. Private Acts of 1967-68, Chapter 136, was an attempt to specifically repeal a number of Private Acts dealing with the Sheriff's office in Marion County, but the Quarterly County Court did not ratify this act.
 16. Private Acts of 1970, Chapter 294, attempted to create a Department of Law Enforcement for Marion County, but its provisions were rejected at the local level.

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