



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Law Enforcement - Historical Notes

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Dear Reader:

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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

## **Jails and Prisons**

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

1. Public Acts of 1920 (Ex. Sess.), Chapter 4, constituted the legal authority to purchase land in Morgan and Anderson counties either for or in connection with Brushy Mountain Prison.
2. Private Acts of 1931, Chapter 130, required Anderson County (identified by the use of the 1930 Federal Census) hereafter to furnish to the county jail the water, light, heat, fuel, and all the necessary bed clothing for jail purposes, plus a telephone to be used for jail business. All of the cost of the above was to be counted as expenses incidental to the normal operation of the county jail and would be paid in that manner.
3. Private Acts of 1947, Chapter 571, fixed the jailor's fees to \$1.10 per day for each prisoner in counties having a population of not less than 26,500 nor more than 26,510, according to the Federal Census of 1940.

## **Militia**

Those acts once affecting Anderson 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. Acts of 1801, Chapter 87, Section 2, formed the first regiment of calvary for the district of Hamilton which was composed of Knox, Sevier, Blount, Roane and Anderson counties.
2. Acts of 1803, Chapter 1, was a statewide militia law regulating and organizing all the county military units. The militia would be made up of freemen and indentured servants between the ages of 18 and 45, with certain people and professions being exempted from service. Anderson County's unit was the thirteenth regiment, forming third brigade with the counties of Knox, Sevier, Blount, and Roane. The first, second, and third brigades constituted the first division. This act was a long one which dealt with all the phases of military law both internal and external.
3. Acts of 1815, Chapter 119, was a new military code and militia law for Tennessee which incorporated most of the features of the preceding militia act. Some organizational changes were made and internal disciplinary rules were tightened. Anderson County's militia units were still designated as the thirteenth regiment but were assigned to the seventh brigade with Roane, Bledsoe, and Rhea counties. A regiment consisted of two battalions formed of companies which contained 40 privates, two musicians, three sergeants, three corporals, one captain, one lieutenant, and one ensign.
4. Acts of 1817, Chapter 73, declared that all people residing on the waters of the New River in Anderson County were exempt from the mustering of militia units except for battalion and regimental musters, and the settlers along the waters of the New River were given the authority to form their militia company which would then be taken into the state organization as the other units were.
5. Public Acts of 1825, Chapter 69, modified the existing military code of Tennessee with some organizational changes and changes in the schedules of training for the larger units. Freemen and indentured servants between the ages of 18 and 45 were still qualified to serve in the units. The Anderson County units composed the thirteenth regiment which would conduct its regimental muster on the third Thursday in October of each year. The seventh brigade included the militia of the counties of Roane, Monroe, Morgan, and Anderson.
6. Private Acts of 1827, Chapter 61, was the legal authority for the citizens in the mountainous areas of Anderson County to form a military company, elect their company officers, drill, muster and conduct themselves as other military units did under the military laws of the state.
7. Public Acts of 1835-36, Chapter 21, was the enactment of a new militia law and military code for the state subsequent to the adoption of the new state constitution. This law, which carried over substantially all of the regulations for internal organizations and conduct, nevertheless rearranged the table of organization because of the growing numbers of people and the formation of new counties across the state. Anderson County was designated as the twenty-fourth regiment and was assigned to the fourth brigade along with Claiborne, Campbell, and Morgan counties.
8. Acts of 1837-38, Chapter 157, Section 3, amended the Tennessee Military Code by scheduling county drills for every militia unit in existence. The fourth brigade still included the same county

military units mentioned above but the county drills for Anderson County were set to take place on the Wednesday and Thursday following the first Friday and Saturday in September each year.

9. Acts of 1839-40, Chapter 56, Section 25, reenacted most of the militia law of the state of Tennessee concerning itself mostly with the internal guidance and composition of military units plus some limitations on the logistics of supplies and equipment. No organizational changes were made for Anderson County.

### **Offenses**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Anderson County.

1. Private Acts of 2021, Chapter 34, would have repealed Private Acts of 1947, Chapter 291, relative to the regulation of pyrotechnics in Anderson County, but the act failed to gain local approval.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Anderson County Sheriff's Office.

1. Acts of 1851-52, Chapter 323, directed the treasurer of the State of Tennessee to pay \$49.62 to James E. Walker, former sheriff of Anderson County, out of any unappropriated funds in the treasury, which was the amount expended by the said Walker in recapturing John Knight and Ephraim Dunnivant, escapees, who were then lodged in the Anderson County jail on felony charges and who were later convicted and transported to the prison in Nashville.
2. Private Acts of 1947, Chapter 395, created a sheriff's fund in the county, consisting of all the fees to which the sheriff, the deputies, or the jailor, might be entitled under the law, which would be in the custody of the county trustee. The trustee, the county judge, or the purchasing agent would compensate the sheriff, the deputies, and the jailor in the amounts stipulated in the act but could not exceed the amount of funds available for these purposes.
3. Private Acts of 1947, Chapter 415, abolished the office of county physician in Anderson County and authorized the sheriff to call upon any licensed physician to care for and treat any prisoner within the sheriff's custody according to the medical needs of the prisoner. The physician must present a bill for calls made, which could not exceed \$3.00 per call, to the sheriff, who was required to endorse them on the accuracy of their charges, whereupon the county judge would draw a warrant for their payment. Other county officials were permitted to use this method to obtain medical attention for those needing it within their scope of employment. The physician would then present the charges to the official who had summoned him. The official would then proceed according to the above directions.
4. Private Acts of 1955, Chapter 96, declared it unlawful in Anderson County for any deputy sheriff to undertake to perform any of the duties pertaining to his office unless the deputy was clad in the uniform of his office at the time. It was the duty of the quarterly county court to furnish the specifications for the uniforms. Any deputy failing to comply was guilty of a misdemeanor, and would be dismissed from office and ineligible to hold the same for the ensuing ten years after dismissal. This act was rejected by the quarterly court and never became an effective law.

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