



March 26, 2025

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# Chapter X - Law Enforcement

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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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# Chapter X - Law Enforcement

## Law Enforcement - Historical Notes

### **Constables**

The following private act has no current effect but is included here for reference purposes since it once applied to the Carter County Constable's Office.

1. Private Acts of 1937, Chapter 846, created an additional office of Constable for the 15th District of the State for Carter County. The act named Sherman Blevins to fill the office until the next general election. Blevins had the same duties as other Constables and was to receive the same compensation as other Constables in the State.

### **Militia**

Those acts once affecting Carter 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 1803, Chapter 1, constituted an early and complete military code for the local armed forces of the State, including within it a Table of Organization and the regulations appertaining to all phases of military functions. The act named those persons who were exempt from the military except in cases of imminent danger or invasion. Carter County militia comprised the Fifth Regiment, which constituted the First Brigade. Carter County had to hold one annual regimental muster at the place where Court was held. The Fifth Regiment met on the last Thursday in September.
2. Public Acts of 1825, Chapter 69, declared that all free men and indentured servants between the ages of eighteen and forty-five years would constitute the State Militia. Some persons were exempted including judges, secretary of state, treasurers, ministers of the gospel, justices of the peace, public ferry men, grist mill keepers and all mail carriers. The militia of Carter County composed the Fifth Regiment and held its regimental on the last Thursday in September. Many changes were made by the act in the military system of a technical and organizational nature.
3. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Carter County would convene and drill its units on the first Monday and Tuesday in September. Johnson, Carter, Washington and Sullivan Counties composed the First Brigade.
4. Public Acts of 1978, Chapter 595, repealed Acts of 1837-38, Chapter 157, above.

### **Offenses**

The acts briefly summarized below fell into this category in Carter County.

1. Private Acts of 1927, Chapter 438, made it unlawful for any person, firm or corporation to own, operate or in any way to be associated with any pool room, billiard room, hall, ten pin alley or other establishment of like character whether for money or pleasure in Carter County. The Grand Jury was given inquisitorial powers and every Circuit Court and Criminal Court Judge would change the contents of this law to the Grand Juries. The law did not apply to pool rooms operated by the Young Men's Christian Association or in private homes for pleasure. Fines ranged from \$25 to \$50 for each offense.
2. Private Acts of 1927, Chapter 535, required Sheriffs, Constables and all police officers to search for, seize and capture all illicit distilleries, stills and all parts, fixtures and equipment connected with them and to destroy any and all whiskey, beer or other intoxicants found at or near the stills. The officers would bring such stills to the County Seat, turn them over to the Clerk of the Circuit or Criminal Court, who would publicly destroy all of them in the presence of the Chairman of the Court and make a written report of his actions to the Judge of the Circuit or Criminal Court. The officers were further obligated to make arrests of all persons implicated herein and prosecute them before the proper tribunal. Upon each conviction, the officer would be paid \$50 from the fine imposed by the Circuit or Criminal Judge. For each person convicted of transporting unlawful liquors based upon the evidence furnished by the officer, the officer would be paid \$25.

### **Sheriff**

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

1. Private Acts of 1825, Chapter 205, allowed William B. Carter, the Sheriff of Carter County, two additional years from the passage of this act to finish his collection of taxes under the same rules, regulations and restrictions applicable to all Sheriffs in similar situations.
2. Private Acts of 1826, Chapter 147, allowed Andrew Taylor, the late Sheriff of Carter County, the additional time of two years from the passage of this act to complete his collection of taxes due, subject to the same rules, regulations and restrictions applicable to all Sheriffs in similar situations.
3. Private Acts of 1827, Chapter 87, ordered the Treasurer of East Tennessee to suspend the collection of the judgment rendered against William Carter, former Sheriff of Carter County, for failure to pay over the revenue collected for the year 1826 and no execution upon the said judgment shall be allowed to issue until March 1, 1828.
4. Private Acts of 1831, Chapter 231, required the Sheriff or the Collector of taxes in Carter, Fentress, Morgan and Anderson Counties to pay over the state taxes collected for the next two years to those Commissioners appointed by the County Courts of the named Counties for the purpose of building a jail in each of the Counties.
5. Private Acts of 1831, Chapter 245, allowed William B. Carter, former Sheriff of Carter County, two additional years from the passage of this act to complete the collection of all taxes not paid within their legal time limit. Nothing could prolong the time for settlement with the County Treasurer or Trustee.
6. Private Acts of 1915, Chapter 205, allowed the Sheriffs of Carter County to receive \$1,000 per year as compensation for his services, payable semi-annually upon the warrant of the County Judge or Chairman. The Sheriff had to file a sworn, itemized statement semi-annually with the County Judge or Chairman, showing the total amount of fees collected in his office. If the fees did not equal \$1,000, the county paid the difference. Fees allowed for boarding prisoners and turnkeys could not be included in the statement or report. The Sheriff had to also collect and report all legal fees.
7. Private Acts of 1919, Chapter 184, provided that the Circuit Court Clerk, Sheriff and Tax Assessor of Carter County, who were all drawing salaries, to be paid on a quarterly installment basis by the County Trustee upon warrant by the Chairman of the Quarterly County Court.
8. Private Acts of 1921, Chapter 159, amended Private Acts of 1915, Chapter 205, above, by increasing the annual salary of the Sheriff of Carter County from \$1,000 to \$1,500 per year.
9. Private Acts of 1923, Chapter 127, amended Private Acts of 1915, Chapter 205, as amended, above, by increasing the annual salary of the Sheriff of Carter County from \$1,500 to \$1,800 per year.
10. Private Acts of 1925, Chapter 145, amended Private Acts of 1921, Chapter 159, above, by increasing the salary of the Sheriff from \$1,800 to \$2,400, by changing the figures \$1,500 to \$2,000 wherever they appeared in the original and amended act. The County would pay three-fourths of the cost of all the Sheriff's auto repair bills including tires, tubes and gasoline. These amounts would be paid quarterly out of the County Treasury on order by the Chairman of the County Court.
11. Private Acts of 1927, Chapter 9, amended Private Acts of 1925, Chapter 145, above, by repealing the provision to pay the car expenses of the Sheriff and agreeing to pay \$50 a month to two Deputies. The Deputies would be named by the Sheriff and be assigned to duty in different parts of the County.
12. Private Acts of 1929, Chapter 822, amended Private Acts of 1925, Chapter 145, above, by raising the annual salary of the Sheriff from \$2,400 to \$3,000 per year.
13. Private Acts of 1931, Chapter 586, amended Private Acts of 1929, Chapter 822, above, by authorizing the Quarterly County Court of Carter County to levy a special tax not to exceed five cents per \$100 worth of taxable property to pay the salary increases provided for the Sheriff and his Deputies.
14. Private Acts of 1931, Chapter 752, amended Private Acts of 1929, Chapter 822, above, by permitting the Sheriff to be paid his expenses for operating his car expenses up to \$50 per month which would be in addition to his regular salary of \$3,000 per year.
15. Private Acts of 1931 (2nd Ex. Sess.), Chapter 4, applied to McMinn, Obion, Weakley and Carter Counties. It set the salary of the Sheriff at \$3,000 per year but the Sheriff could elect to be paid under the provisions of Public Acts of 1921, Chapter 101, Page 188. If the Sheriff decided to do this, he had to notify the Chairman of the Quarterly County Court of his decision to do so in

writing so that the County Chairman or Judge could issue warrants to pay the Sheriff in accordance with the terms of Public Acts of 1921, Chapter 101.

16. Private Acts of 1931 (2nd Ex. Sess.), Chapter 17, stated that the Sheriffs in Carter, McMinn, Obion, Montgomery and Weakley Counties were authorized to appoint one first or Chief Deputy Sheriff to be paid a salary of \$150 per month out of which he was obligated to pay all his own expenses. The Sheriff would not be paid this amount if he elected to be compensated under the provisions of Public Act of 1921, Chapter 101, above.
17. Private Acts of 1947, Chapter 855, amended Private Acts of 1931, Chapter 752, above, by increasing the monthly amount paid to the Sheriff for operating his car from \$50 to \$100.
18. Private Acts of 1951, Chapter 558, authorized the Sheriff of Carter County to purchase, at a cost not to exceed \$4,400, a two or three-way radio set to be used by the Sheriff in the process of law enforcement. The cost of the system would be paid out of the excess of fees collected by the County Court Clerk, the General Sessions Court Clerk, Trustee, Register and Circuit Court Clerk or from the general fund. The Trustee could pay for the cost of the warrant out of either source.

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