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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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Table of Contents

<b>Law Enforcement - Historical Notes .....</b>	<b>3</b>
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# Law Enforcement - Historical Notes

## **Jails and Prisoners**

The following acts once affected jails and prisoners in Hamilton County, but are no longer operative.

1. Acts of 1901, Chapter 38, amended Public Acts of 1897, Chapter 104, by replacing the minimum population figure of the act at 70,000 instead of 55,000, which made the original act no longer applicable to Hamilton County. The act set up certain requirements for workhouse commissions to comply with, and prohibited relatives of the workhouse commission and members of the county court from being superintendent of the workhouse.
2. Acts of 1903, Chapter 538, made it the duty of the county judge or chairman of the county court to submit a detailed report to the quarterly county court showing the name of each prisoner bailed out of the workhouse during the preceding quarter, the amount of fines and costs collected during the quarter, and all bail bonds or contracts in his hands which were in default.

## **Militia**

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

1. Private Acts of 1821, Chapter 184, designated the militia of Hamilton County as composing the sixty-fourth regiment and was to hold the regimental muster on the first Tuesday of October.
2. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Hamilton County composed the sixty-fourth regiment and was to hold its regimental musters on the fourth Saturday in October. The sixty-fourth regiment was a part of the twelfth brigade, which in turn was a part of the first division.
3. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalions, regiments, brigades and divisions, and prescribed the times and modes of electing officers. The militia of Hamilton County composed the thirty-seventh regiment, and regimental musters were to be held on a Thursday or Saturday in September every year, the particular day to be determined by the number of the regiment.
4. Acts of 1837-38, Chapter 157, amended the militia laws of the state. County drills for Hamilton County, which was a part of the seventh brigade, were set for the third Thursday and Friday of September. Times for regimental musters for the seventh brigade were established, and the thirty-seventh regiment was to hold its muster on the second Tuesday of October.
5. Private Acts of 1839-40, Chapter 56, placed Hamilton County in the thirty-seventh regiment of the seventh brigade of the state militia and their annual muster would take place on the second Tuesday in October each year. The act also divided the state into brigades, with the seventh brigade being comprised of Rhea, Meigs, Bledsoe, Marion and Hamilton counties.
6. Acts of 1861 (1st Ex. Sess.), Militia Law Chapter 1, designated Hamilton County's militia to compose the thirty-seventh regiment, which was to meet for its regimental musters the Tuesday after the second Monday in October in each year. Marion and Hamilton counties constituted the seventh brigade, and the seventh brigade was a part of the first division.

## **Sheriff**

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

1. Private Acts of 1821, Chapter 114, prohibited Charles Gamble, Esq., sheriff of Hamilton County, from collecting more than the single tax due and owing on several tracts of land being advertised for sale by him for the tax of 1820.
2. Acts of 1845-46, Chapter 173, made it lawful for the sureties of James M. Anderson, late sheriff of Hamilton County to execute a note for their respective pro rata shares of the obligations of Anderson for one year of time. This same act was reenacted as Acts of 1847-48, Chapter 138.
3. Private Acts of 1857-58, Chapter 153, Section 4, authorized the sheriff of Hamilton County to appoint one deputy in addition to the number of deputies then allowed him by law.
4. Private Acts of 1945, Chapter 384, fixed the compensation of deputy sheriffs and constables who regularly waited on the circuit, criminal, chancery and domestic relations courts in Knox and Hamilton counties at \$5.00 per day for six days per week for the entire year, to be paid out of the county treasury. This act was subsequently repealed by Private Acts of 1977, Chapter 151, as it

specifically applied to Knox County, and repealed by Private Acts of 1978, Chapter 249, in its entirety.

5. Private Acts of 1953, Chapter 405, fixed the compensation of deputy sheriffs regularly waiting on the general sessions, circuit, criminal, chancery and domestic relations courts in Knox and Hamilton counties (by virtue of the population range given - not less than 200,000 nor more than 250,000, according to the Federal Census of 1950, or subsequent) at \$7.50 per day for each day of service, to be paid out of the county treasury. The act went on to say specifically that the salary increase was subject to and at the option of the county court of Knox County.
6. Private Acts of 1977, Chapter 112, specifically repealed Private Acts of 1953, Chapter 405. According to the secretary of state's office, Knox County approved this act at the local level but Hamilton County failed to take any action.

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