



December 20, 2024

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# Chapter X - Law Enforcement

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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

## Offenses

### Pyrotechnics

#### Private Acts of 1947 Chapter 617

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 28,523 and not more than 28,525 inhabitants according to the Federal Census of 1940 or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

**SEC. 2.** That any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of any County within this State to which this Act is applicable, and it shall be the duty of the Sheriff of any such County, and all peace officers, to seize such article or articles and destroy the same.

**SEC. 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 and not more than \$400.00, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment in the discretion of the Court.

**SEC. 4.** That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

**SEC. 5.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**SEC. 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 5, 1947.

## Law Enforcement - Historical Notes

### Jails and Prisoners

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

1. Acts of 1807, Chapter 86, appointed George Maxwell, Andrew Campbell, Francis Dalzell, Rhodham Kenner, and Andrew Galbreath as commissioners to superintend the building of a prison and stocks on the public square in Rogersville. The commissioners were required to advertise for bids. The Hawkins County Quarterly Court could levy a tax, if necessary, at its January meeting in 1808 to produce funds to pay for the prison.
2. Private Acts of 1831, Chapter 127, provided that treasurer of East Tennessee pay Joseph Hicks, jailor of Hawkins County, \$55 for the keeping of William Crutchfield in the Hawkins County Jail.
3. Private Acts of 1833, Chapter 154, provided that Joseph Hicks, jailor of Hawkins County, receive \$42 from the state for keeping James Hanna in the Hawkins County Jail under a charge of stabbing.

### Militia

Those acts once affecting Hawkins 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 1799, Chapter 22, authorized the militia of Hawkins County to hold general musters on the third Fridays in February and July annually.
2. Acts of 1801, Chapter 1, was an act which amended the state militia law in several particulars. Section 9 was pertinent in the provisions that were made for the volunteer companies of cavalry of Hawkins and Washington counties, commanded by Captains Alexander Nelson and Allen Gillespie, which were annexed to the district of Washington.
3. Acts of 1803, Chapter 1, organized the Tennessee Militia into units designating the militia in Hawkins County as the fourth regiment of the state and held musters on the third Thursday of October.
4. Acts of 1805, Chapter 5, provided that the militia residing north of Clinch Mountain and within Hawkins County compose the third battalion of the Hawkins County regiment.
5. Acts of 1815, Chapter 119, was an act which was intended to better establish and regulate the militia of the state. Hawkins County's militia was designated as the fourth regiment of the first brigade which also embraced Washington, Sullivan, and Greene counties.
6. Public Acts of 1819, Chapter 68, was a new militia law for Tennessee. The first brigade was made up of the county militia units for Hawkins, Washington, Greene and Carter. The military units in Hawkins were termed the fourth regiment and their official annual muster was set for the fourth Saturday in October. The remainder of the act was all regulatory and administrative in nature. This act was repealed by Public Acts of 1978, Chapter 595.
7. Public Acts of 1826, Chapter 69, revised and amended the militia laws of the state. The militia of Hawkins County composed the fourth and the seventy-eighth regiment of the first brigade which also included the counties of Washington, Sullivan, Greene and Carter. The annual official muster for Hawkins County took place on the fourth Saturday in October for the fourth regiment and on the second Thursday in October for the seventy-eighth regiment.
8. Public Acts of 1835-36, Chapter 21, divided the militia of the state into regiments, brigades and divisions. The militia of Hawkins County composed the ninth, tenth and eleventh regiments of the third brigade of the first division.
9. Acts of 1837-38, Chapter 157, Section 3, scheduled the times for county drills for every militia unit in the state and rewrote several sections of the state military code. The third brigade was composed of the units in Hawkins, Powell and Grainger counties and the brigade's official muster would occur on the Monday and Tuesday following the first Friday and Saturday in September of each year. This act was repealed by Public Acts of 1978, Chapter 595.
10. Acts of 1839-40, Chapter 56, revised the militia laws of the state and also divided the militia into regiments and brigades. The militia of Hawkins County composed the ninth, tenth and eleventh regiments of the third brigade. The militia of Hawkins County held its regimental musters on the first Tuesday in October.
11. Private Acts of 1861, Chapter 1, revised the militia laws of the state and also divided the militia into regiments and brigades. The militia of Hawkins County composed the ninth, tenth and eleventh regiments of the third brigade. The militia of Hawkins County held its regimental musters on the first Tuesday in October.
12. Public Acts of 1870, Chapter 31, divided the state into judicial circuits. The first judicial circuit was composed of Hawkins, Hancock, Greene, Carter, Johnson, Sullivan and Washington counties.

### **Sheriff**

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

1. Private Acts of 1821, Chapter 158, stated that it appeared to the satisfaction of the general assembly that a judgment was obtained against Gabriel McGraw, sheriff of Hawkins County, for the amount of taxes due the state on a tract of land, advertised in the county as the property of Walter Sims, when it was out of the power of the sheriff to make a sale because there were no bidders on the property, therefore the judgment against the sheriff was suspended until he had an opportunity to offer the property for sale again, the proof of which he must offer to the quarterly county court of Hawkins County.
2. Private Acts of 1827, Chapter 4, made it lawful for the sheriff of Hawkins County to appoint two

- deputy sheriffs in addition to the deputies now allowed to be appointed by law.
3. Private Acts of 1827, Chapter 7, declared that anyone who bought land from the sheriff of Hawkins County who sold Thomas Johnson's land for taxes may pay their proportionate share of the balance still due on the taxes of the said land and get their title cleared.
  4. Private Acts of 1831, Chapter 229, allowed James P. McCarty, former sheriff of Hawkins County, the further time of two years to collect the taxes and public dues which accrued during his stay in office and for that purpose he may exercise the same powers of the sheriff's office as before in collecting the money.
  5. Private Acts of 1833, Chapter 232, made it the duty of the treasurer of the East Tennessee State Bank to pay to James Bradley, sheriff of Hawkins County, the sum of \$13.50 which represents the amount of pay and expenses for himself and a guard in conveying William Crutchfield, under a charge of bigamy, from Hawkins County to Blountville, provided the sheriff makes an oath before a justice of the peace that he has never before received any compensation for the same thing.
  6. Acts of 1837-38, Chapter 306, was the legislative authority for the sheriffs of Hawkins, Maury and Monroe counties to appoint one more deputy in addition to all the other now permitted under the law.
  7. Acts of 1855-56, Chapter 213, Section 2, directed the comptroller of the state to issue a warrant to Crawford Hall, an attorney for Jesse L. Harton, of Scott County, Virginia, in the amount of \$124, same being the amount of \$100 which was offered by Havery Hamilton, sheriff of Hawkins County, for the arrest and delivery of Madison Saunders, a fugitive from justice, charged with the murder of George Emmett, and \$24 which was the amount of expense incurred in traveling and in pay to guards in the apprehension and delivery of Saunders to the jailor of Hawkins County.
  8. Acts of 1861 (Ex. Sess.), Chapter 21, was the authority needed for the sheriffs of Hawkins, Shelby and Dyer counties to employ two additional deputies over and above that number allowed under the general law.
  9. Private Acts of 1865-66, Chapter 122, stated that it appeared from duly certified records that the state owes the sum of \$367.40 to George W. Beal, the recent jailor of Hawkins County for his services in boarding and lodging two state prisoners, one charged with murder and the other with rape. This act directed the state comptroller to pay that amount to Beal.
  10. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Sheriff at \$1,800.
  11. Private Acts of 1919, Chapter 102, provided that the Hawkins County Sheriff would receive \$600 per annum in ex-officio fees, to be paid quarterly. Private Acts of 1929, Chapter 200, amended Section 1 of Chapter 102, by increasing the amount of the ex-officio fees to be paid to the sheriff each year from \$600 to \$1,200, also in addition to all fees collected in the office. This act and Private Acts of 1929, Chapter 200, were both declared unconstitutional in Shanks v. Hawkins County, 160 Tenn. 148, 22 S.W. 2d 355 (1929).
  12. Private Acts of 1919, Chapter 282, fixed the compensation of sheriffs or other officers for each day's attendance on any court in Hawkins County to \$3.00.
  13. Private Acts of 1929, Chapter 539, allowed the sheriff of Hawkins County to appoint a chief deputy who would serve at the will and direction of the sheriff. The chief deputy was paid \$100 a month out of the "County Fund Proper" in addition to the statutory fees for a deputy. A warrant was issued for the \$100 and paid as other warrants. The chief deputy must devote his full time to law enforcement, be subject to discharge by the sheriff, and must make bond as the law requires. He must also be a resident of the county and maintain both local and long distance phone service. This act was declared unconstitutional in Hose v. Hawkins County, 159 Tenn. 652, 21 S.W. 2d 395 (1929).
  14. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Sheriff at \$2,500. Private Acts of 1935, Chapter 720, expressly and entirely repealed Private Acts of 1933, Chapter 851, which concerned the annual salaries of several Hawkins County officials.
  15. Private Acts of 1978, Chapter 274, would have provided for a civil service system for the Hawkins County Sheriff Department, however, this act was not approved by the quarterly court and therefore never took effect in Hawkins County.

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