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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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# Law Enforcement - Historical Notes

## **Militia**

Those acts once affecting Sumner 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 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. Sumner County's militia was designated the 15th Regiment joining similar units of the counties of Smith, Wilson, and Jackson to form the Fourth Brigade. The annual muster and drill would occur in Sumner County on the third Thursday in October of each year.
2. Acts of 1807, Chapter 20, permitted the County Court of Sumner County to allow David Dement at his own expense to take down the jail standing on the Public Square in Gallatin, provided Dement gave bond before doing so. The Court could likewise allow John Chapman to take down the stray-pen standing on the Public Square, provided that he, too, made sufficient and proper bond.
3. Acts of 1809, Chapter 89, was a lengthy amendment to the militia law but no portion was found which directly affected Sumner County.
4. Acts of 1815, Chapter 119, was a new statewide military code of laws for Tennessee. The Table of Organization established all of the county units then existing in Tennessee. Sumner County had two units which were designated as the 15th and 43rd Regiments respectively. Sumner County, Smith County, and Jackson County were joined to compose the Fourth Brigade which was a part of the Second Division.
5. Acts of 1819, Chapter 68, revised and amended many parts of the State's Militia Law. Sumner County retained its 15th and 43rd Regiments. The 15th Regiment would call and hold its annual Regimental muster and drill on the second Saturday in September and the 43rd Regiment would do the same on the third Saturday of the same month. The remainder of this long and involved law addressed itself to the details of organization, operation, logistics, and discipline of the entire military structure of the State.
6. Acts of 1825, Chapter 69, declared that free men and indentured servants between the ages of eighteen (18) and forty-five (45) would constitute the State Militia. Some few exceptions were mentioned. Sumner had the 15th, 43rd, and 77th Regiments, all assigned to the Fourth Brigade in the Second Division. The 15th Regiment would muster on the second Saturday in September, the 43rd Regiment on the third Saturday in the same month, and the 77th Regiment was scheduled to meet for their annual drill and inspections on the third Thursday in September. Many other changes were made to the military system primarily of a technical, or organizational nature.
7. Public Acts of 1835-36, Chapter 21, was a reorganization of the whole state militia law and units. Sumner's Regiments were numbered as the 54th, 55th, and 56th. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three (3) Sergeants, three (3) corporals, and no less than forty-five (45) privates.
8. Acts of 1837-38, Chapter 156, scheduled county drills and musters for every county militia unit in Tennessee. Sumner County would convene and drill its units on the first Friday and Saturday in September. Sumner and Robertson Counties' units made up the Fourteenth Brigade.
9. Acts of 1839-40, Chapter 56, limited membership in the Militia of the State to white, male, inhabitants between the ages of eighteen (18) and forty-five (45), with some exceptions specified. The Organizational Table did not make any changes in the regiments of Sumner County, which remained in the Fourteenth Brigade as they were formerly scheduled.

## **Offenses**

The act briefly summarized below fell into this category in Sumner County.

1. Private Acts of 1955, Chapter 259, made it unlawful for any person, firm or corporation to possess, store, use, manufacture, transport, or sell pyrotechnics, as defined in the Act, in Sumner County, identified by the 1950 Federal Census. Any article falling within the definition was declared contraband and was subject to confiscation by the proper authorities. Transporting was not illegal when there was a bill of lading to areas outside of Sumner County. This law did not to apply to public displays which were properly authorized. This Act was rejected by the Quarterly Court of Sumner County and never became an active law.

## **Sheriff**

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

1. Acts of 1797, Chapter 16, authorized the Sheriff of Sumner County to collect the state taxes from the people residing in the area of Robertson County which was, until just prior to that time, a part of Sumner County.
2. Acts of 1815, Chapter 74, required the Sheriff of Sumner County to advertise all sales of land being sold under execution in some public paper printed in Nashville. The Ranger of the County would also advertise the sale of the strays coming into his hands in some public newspaper in Nashville. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Private Acts of 1823, Chapter 186, declared it lawful for the Sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington Counties to appoint one deputy each in addition to the number now allowed by law. Each of the Sheriffs of the counties named could have three (3) Deputies. This act was repealed by Private Acts of 1978, Chapter 166 and also by Private Acts of 1978, Chapter 248.
4. Private Acts of 1826, Chapter 38, was the legal authority for the Treasurer of West Tennessee to allow Alfred H. Douglas, the late Sheriff of Sumner County, a credit of \$22.64 when it appeared to the Treasurer that he was entitled to the credit.
5. Private Acts of 1919, Chapter 458, named the Sheriff of Sumner County, identified by the 1910 Federal Census, as the Chief Probation Officer of the Juvenile Court. The County Court could fix the compensation for this position at no less than \$300 and no more than \$800 annually which would be paid out of the regular and general funds of the County.
6. Private Acts of 1925, Chapter 709, was the authority for the Quarterly County Court of Sumner County to appropriate and pay to the Sheriff additional compensation for the Sheriff, his Deputies, and for other peace officers in the enforcement of prohibition laws. This Act was repealed by Private Acts of 1974, Chapter 369.

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