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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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Table of Contents

<b>Chapter X - Law Enforcement .....</b>	<b>3</b>
<b>Law Enforcement - Historical Notes .....</b>	<b>3</b>

# Chapter X - Law Enforcement

## Law Enforcement - Historical Notes

### **Jails and Prisoners**

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

1. Acts of 1806 (2nd Sess.), Chapter 43, named James Elver, Hugh Bell, John Shelby, and Charles Stuart as commissioners to build a courthouse, prison, and stocks, on a suitable site in Clarksville for the district of Robertson, and authorized the county courts of Montgomery, Robertson, Dickson, and Stewart to levy taxes, which would be collected by the sheriff, in order to finance the said edifices.
2. Acts of 1809 (1st Sess.), Chapter 66, deemed in its preamble that the taxes, levied above in the 1806 Act, are inadequate to build the courthouse, prison, and stocks in Clarksville, therefore, the quarterly courts of Montgomery County, Robertson County, Dickson County, Hickman County, and Stewart County may continue to levy taxes according to the schedule in the act and to collect the same for the next three years in order to accomplish the same. The commissioners must account under oath for all the money collected by them for that time.
3. Private Acts of 1829-30, Chapter 287, appointed George Petty, Emanuel Jones, Christopher Clements, John Scarbrough, Thomas Bayless, Alexander B. Outlaw, William Williams, Jacob Siroch, and John Richards, as commissioners with full power and authority to contract with suitable workmen to build a jail in Dover on such plan as may be pleasing to the majority of them. The county court may call for and appropriate funds in the hands of the trustee for that purpose. The commissioners will report when the jail is ready to be occupied and prisoners will be transferred out of the old jail and into the new one in a proper fashion.

### **Militia**

1. Acts of 1803, Chapter 1, averred that Stewart County shall compose the twenty-sixth regiment of the sixth brigade of the second division of the state militia. The remainder of this act is devoted to the rules and regulations of the state militia covering all aspects of organization and conduct.
2. Acts of 1803, Chapter 69, made it the responsibility of the sheriff, or his deputy, of Dickson and Stewart counties to hold an election on the first Thursday and Friday in June next for the purpose of electing the field officers of the respective militia units of the counties.
3. Acts of 1815, Chapter 119, was the enactment of the comprehensive militia law of Tennessee which organization would be made up of free men and indentured servants between the ages of 18 and 45. This acts contained a table of organization and all the rules and regulations pertinent to the internal management and discipline of the whole militia and of the individual units of which it was composed. Stewart County is not mentioned in the table of organization which was surely a mistake. Each regiment would equal two battalions, composed of companies with at least 40 privates, 2 musicians, 3 sergeants, 3 corporals, one captain, one lieutenant, and one ensign.
4. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Stewart County composed the twenty-sixth regiment, and held a regimental muster on the third Friday of October.
5. Public Acts of 1825, Chapter 69, was a virtual remake of the entire state militia law which, among other things, incorporated a new table of organization. Stewart County's militia constituted the twenty-sixth regiment of the sixth brigade, second division, and would conduct their regimental muster on the third Friday in October each year.
6. Private Acts of 1833, Chapter 272, authorized the citizens of Stewart County to establish a company of calvary by voluntary enlistment which is not to exceed 100 in number of rank and file people with the power of setting their own times for muster and for holding courts martial. The said company is hereby attached to the sixth brigade and subject to the orders of its commanding officer, but are not to be compelled to go beyond the limits of the county for musters.
7. Acts of 1837-38, Chapter 157, scheduled the county drills for every unit of militia in the State of Tennessee. Members would report at the place and time mentioned fully equipped to take three hours of training exercises daily conducted by the unit officers. Stewart County's unit was assigned to the fifth brigade along with Montgomery and Humphreys counties, and the drills would be held for the ninety-third regiment in Stewart County on the first Thursday and

Friday following the first Friday and Saturday in September of each year.

### **Sheriff**

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

1. Acts of 1803, Chapter 66, was the act which created Dickson County out of Robertson and Montgomery counties in which Section 7 stated that the sheriffs of Robertson, Montgomery, Stewart, and Dickson shall meet at Clarksville on the Monday next succeeding the election to count the votes and the sheriff of Montgomery County shall certify the vote for the governor, and the general assembly from Montgomery and Stewart counties.
2. Private Acts of 1820, Chapter 80, recited that James Mallory, the sheriff and tax collector of Stewart County, had reported to the quarterly court that all the tax remains due and imposed upon all the lands granted and surveyed by North Carolina and that Stewart County entered judgment for the double tax on all these lands now advertised to be sold for taxes, therefore, this act makes it lawful for the sheriff to sell the said lands and convey the same to the buyer by good and valid warranty deed.
3. Public Acts of 1821, Chapter 64, said that it would not be lawful for the sheriff of Stewart County to report and sell any lands for the taxes due in 1821 which do not lie within the lines of the said county at the passage of this act, nor for the costs of advertising the same.
4. Private Acts of 1825, Chapter 231, was the legal authority for the treasurer to pay to Charles D. McLean, the late editor and publisher of the "Tennessee Watchman", printed at the city of Clarksville, the sum of \$100 for advertising various tracts of land reported by the sheriff of Stewart County for non-payment of taxes for the year 1820.
5. Private Acts of 1829-30, Chapter 31, was the authority for the sheriff, the circuit court clerk, and the county court clerk to pay over severally to the trustee of Stewart County the state taxes collected by them in the same manner and under the same restrictions as if they were being paid to the state treasurer, and the trustee's receipt shall be sufficient proof of their compliance herewith.
6. Acts of 1841-42, Chapter 89, directed the treasurer of the state to pay to Albert Wallace, the sheriff of Stewart County, the sum of \$62.50 as compensation to him for arresting William King, Clements Manning, and Calvin Manning, on a charge of murder and transporting the three of them from Dover to the Clarksville Jail by order of the Court and for returning the same trio to Dover for their trial in the month of November.
7. Acts of 1855-56, Chapter 208, ordered the comptroller of the state to pay on warrant from the state treasury the sum of \$50 to R. T. Daniel, of Stewart County, which is the amount of the reward and the expenses paid by Daniel for the recapture of William Stephens and Thomas Medkirk who had both escaped from the Stewart County Jail.
8. Private Acts of 1919, Chapter 283, set the salary of the sheriff of Stewart County, identified by the use of the 1910 Federal Census, at \$1,200 a year, payable quarterly, on the warrant of the county judge, or chairman, provided the sheriff keeps an accurate record of all the fees collected in his office and files a quarterly statement of the same with the county judge. If the fees are less than the salary, the county will provide the difference, and the fees shall not include the board fees for prisoners and turnkeys. The sheriff was prohibited from donating the fees to anyone.
9. Private Acts of 1927, Chapter 546, amended Private Acts of 1925, Chapter 602, reported herein in the section of highways, to provide that the sheriff is hereby declared to be ex-officio workhouse commissioner and the county jail is also declared hereby to be the county workhouse and the sheriff and jailor shall have the care and custody of all the county convicts committed to that institution except when they are working on the county roads, or are being transported to and from them and the jail. The county judge shall appoint a guard at \$1.50 per day when the number of prisoners justify this action.
10. Private Acts of 1927, Chapter 734, provided that the sheriff of Stewart County shall receive as compensation the sum of \$1,200 per year, payable quarterly, on the warrant of the county judge, or chairman. The sheriff was obliged to file a sworn, itemized statement of all fees collected in the office with the judge, or chairman, with all other information which is necessary concerning the source and origin of the fees. The fees fail to equal the salary, the county must pay the difference but the sheriff cannot donate the fees to anyone.
11. Private Acts of 1933, Chapter 109, expressly repealed Private Acts of 1919, Chapter 283, in its entirety as written. The act was a regulation of the salary of the Stewart County Sheriff.

12. Private Acts of 1943, Chapter 39, stated that the salary of the sheriff of Stewart County shall not exceed \$50 per month which amount shall be over and above the fees collected in the office to which the sheriff shall also be entitled.
13. Private Acts of 1949, Chapter 440, set the salary of the sheriff of Stewart County at \$1,200 a year to be paid in monthly installments of \$100 each, and, in addition, the sheriff shall be entitled to all the fees of the office for their work which are now provided by law, and to all the other benefits now available by law, the purpose of this act being to provide a fixed salary for the sheriff and to prohibit any change in the same by any agency other than the general assembly of the State of Tennessee.
14. Private Acts of 1951, Chapter 322, amended Private Acts of 1949, Chapter 440, by increasing the annual salary of the sheriff to \$2,400 and the monthly payments to \$200.

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