



November 19, 2024

Law Enforcement - Historical Notes

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Militia

Those acts once affecting Smith 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, organized the militia for the State, requiring all free men and indentured servants to be members. The militia in Smith County would constitute the 16th Regiment and would hold at least one annual muster for all members.
2. Acts of 1807, Chapter 11, made it lawful for persons in Smith County, living west of Dixon's Creek and north of Fort Blount Road, to hold a general muster of the militia at the house of John Brevard on the second Thursday in October next, which would be conducted under the Commanding Officer or the senior officer present.
3. Acts of 1807, Chapter 29, made it lawful for four companies of militia to hold their meetings in the southeast part of Smith County at Liberty. The Sheriff would hold an election there on the same days regular elections were held, and the militia companies would meet at the same time.
4. Acts of 1815, Chapter 119, was an entirely new militia law for the State. The militia would consist of free men and indentured servants between the ages of eighteen and forty-five years. Smith County's militia would compose the 16th and 41st Regiments.
5. Public Acts of 1825, Chapter 69, established the militia units throughout the State. The Smith County militia was designated as the 16th, 41st, and 59th Regiments, and was assigned to the Fourth Brigade with Sumner and Wilson Counties. The annual muster of the 16th Regiment was on the fourth Thursday in September, that of the 41st Regiment on the fourth Thursday in October, and that of the 59th on the second Thursday in October.
6. Public Acts of 1835-36, Chapter 21, designated the regiments of the militia in the State, assigning to Smith County the 51st, 52nd, and the 53rd Regiments. Smith and Wilson Counties were assigned to the 9th Brigade.
7. Acts of 1837-38, Chapter 157, required that drill be held in each County of the State and that the 9th Brigade, in Smith County, would assemble its soldiers on the first Tuesday and Wednesday 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 Smith County Sheriff's Office.

1. Acts of 1809 (Sept. Sess.), Chapter 33, stated that when Smith County was reduced to constitutional limits and portions of the County transferred back to Jackson County, a list of taxes due was compiled, chargeable to George Matlock, the Sheriff. The taxed, however, already had been but paid. Matlock was authorized to lay before the County Court a full and complete statement for the year 1806 and upon acceptable proof being given, he was to be relieved of those taxes.
2. Private Acts of 1823, Chapter 186, authorized the Sheriffs of Knox Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington Counties each to appoint one deputy in addition to the number allowed by law and thereafter, if deemed necessary, to have three deputies each.
3. Private Acts of 1913 (1st Ex. Sess.), Chapter 110, stated that the Sheriff of Smith County would receive an annual salary of \$1,200, payable semi-annually in January and July, to be paid out of the county treasury by the Trustee on the warrant of the County Judge or Chairman, provided the Sheriff filed a sworn, itemized statement with the County Judge twice a year showing all fees collected in his office and the source of the fees. If the fees were less than the stated salary, the County would pay the difference, but the fees did not have to include the amounts for boarding prisoners and turnkeys. The Sheriff was forbidden to donate his fees to anyone.
4. Private Acts of 1927, Chapter 780, repealed Private Acts of 1913 (1st Ex. Sess.), Chapter 110, above, and stated that in Smith County, the Sheriff would receive an annual salary of \$1,000, payable monthly out of the county treasury on warrant of the County Judge or Chairman. The Sheriff could keep for himself all fees and commissions collected under the law.
5. Private Acts of 1929, Chapter 619, permitted the Superintendent of the Workhouse in Smith County to work prisoners, under the rules and regulations by which workhouse prisoners worked on public roads, to clean and to assist in beautifying cemeteries located outside of incorporated towns and containing thirty or more graves of soldiers or soldiers' widows from any war in which

the State participated.

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