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Law Enforcement - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

Law Enforcement - Historical Notes	3
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Jails and Prisoners

The following act once affected jails and prisoners in Rhea County, but is no longer operative.

1. Acts of 1825, Chapter 146, appointed Thomas Price, Richard G. Waterhouse, William S. Leuty, John Locke, Miles Vernon, William Smith and Robert Bell, as Commissioners with the power and authority to contract with suitable workmen to build a new jail in Rhea County on the public square or at some other suitable place in Washington. The Quarterly Court may levy a tax over the next three years to finance the cost of construction. The said tax would be collected by the Sheriff, paid to the Trustee and used for no other purpose. The Commissioners will report to the Court when the new jail is completed and then the old jail will be either sold or tom down.

Militia

Those acts once affecting Rhea 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 1809, Chapter 43, set up muster times for the militia in Rhea and Bledsoe Counties. The Regiment of infantry in Rhea County shall hold their regimental musters at the place of holding Court in Rhea County on the second Thursday in next October, and every year thereafter. The battalions composing the First Regiment of Rhea County shall hold their battalion and company musters at the same time.
2. Acts of 1809, Chapter 89, stated that the militia of Rhea County shall compose the 30th Regiment of the State Militia, and will muster at the place of holding Court in the said County. Section 14 formed some brigades in the militia and assigned Anderson, Roane, Bledsoe, and Rhea Counties' to the 8th Brigade.
3. Acts of 1815, Chapter 119, was an entirely new militia law for the State saying that the militia shall be composed of free men and indentured servants between 18 and 45 years of age. There is a table of organization complete with the duties of each rank and a re-enactment of all rules and regulations pertinent to the orderly discharge of the functions of the units of the State and County militia including police work. The militia of Rhea County would compose the 30th Regiment. Each regiment consisted of two battalions, made up of companies of not less than 40 privates, 2 musicians, 3 sergeants, 3 corporals, one captain, one lieutenant, and one ensign.
4. Acts of 1821, Chapter 184, stated that the militia of Rhea County which is the 30th Regiment of the State of Tennessee shall hold a regimental muster on the fourth Tuesday in September.
5. Acts of 1822, Chapter 155, stated that all that part of Rhea County which lies on the south of the Tennessee River shall be and compose a separate battalion of militia which shall be known as the Third Battalion and commanded by the second Major of the Regiment.
6. Acts of 1822, Chapter 205, averred that the different militia regiments of the counties of Rhea, Bledsoe, Hamilton, Marion, and McMinn shall constitute a Brigade in the militia of this State and shall be attached to the First Division. Field officers shall meet at the Courthouse in Washington in-Rhea County, to elect a Brigadier General, who, when elected, shall have all the rank, power, and authority as other Brigadier Generals.
7. Acts of 1825, Chapter 69, was a virtual rewriting of the Militia Law of Tennessee ranging the entire scale of military affairs. Rhea County's militia was the 30th Regiment in the 12th Brigade whose regimental muster would be on the first Saturday in October every year.
8. Acts of 1825, Chapter 86, provided that the militia of Rhea County on the north side of the Tennessee River shall compose the 30th Regiment and the militia on the south side shall compose the 96th Regiment which will consist of two battalions and be a part of the 12th Brigade.
9. Acts of 1827, Chapter 162, was the authority for the volunteer Rifle Company in the County of Rhea and the town of Washington, called the Washington Guards, to dissolve their association and unite themselves into a company of calvary, and thus be entitled to receive all the benefits granted to other calvary companies.
10. Acts of 1831, Chapter 101, released Edmund Bean, a citizen of Rhea County, from the payment of the sum of \$65, that being the total amount of three separate fines assessed against him by a regimental Court Martial held for the 30th Regiment of Tennessee Militia. The release will be effective upon Bean's paying the Court costs, if any, which remain unpaid.
11. Acts of 1831, Chapter 121, stated that all persons living on Walden's Ridge in Rhea County near Gordon's Road are hereby exempted and discharged from attending all musters of militia unless

the same is in case of invasion or insurrection.

12. Acts of 1835-36, Chapter 21, was a reenactment of the entire militia laws of Tennessee to conform to the requirements of the new 1835 State Constitution. Rhea County's militia will constitute the 35th Regiment which shall be commanded by a Colonel.
13. Acts of 1837-38, Chapter 157, was a lengthy amendment to the militia law which set the county drills for every militia unit in the State, plus scheduling the regimental musters for these organizations. Each member was compelled to report equipped according to law for at least three hours of training each day of the muster. Rhea County's militia was in the 7th Brigade with the units in Meigs, Bledsoe, Marion, and Hamilton Counties, and would drill on the Monday and Tuesday after the first Friday and Saturday in September of each year. The regiment in the county would meet on the first Thursday in the following October.

Sheriff

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

1. Acts of 1819, Chapter 134, was the legal authority for the Sheriff of Rhea County to collect any arrearages of tax, or any other debts he was authorized to collect before the establishment of Hamilton County from any person stricken off of Rhea County and placed into Hamilton County.
2. Act of 1831, Chapter 21, was the legal authority for the Sheriffs of Lincoln and Rhea Counties to appoint three Deputy Sheriffs in addition to all other Deputies, who shall be subject to the same rules and regulations as are other Deputies.
3. Acts of 1841-42, Chapter 114, directed the Treasurer of the State of Tennessee to pay to Samuel R. Hackett, the late Sheriff and Tax Collector of Rhea County, the sum of \$13.16, on the warrant of the Comptroller of the State, payable out of any State money which might be available, and uncommitted. The Quarterly Court of Rhea County was expected to refund to Hackett the sum of \$31.32 upon proof he has paid the full amount of the County tax.
4. Private Acts of 1921, Chapter 522, stated that the Sheriff of Rhea County shall be paid the sum of \$2,000 per year as a salary provided the Sheriff shall file quarterly, beginning on January 1, an itemized statement, sworn to by him, showing the amount of fees collected by his office, and when the fees, excluding prisoner's board and tumkeys, fails to equal the \$2,000, the County shall pay the difference, but, if the fees exceed that amount, the Sheriff may retain the excess salary. This Act was repealed in Item 20, below.
5. Private Acts of 1931, Chapter 661, was the legal authority for the Quarterly Court of Rhea County, by Resolution, at any regular, or called, session to appropriate and provide for payment to Sheriffs, Deputy Sheriffs, and Constables, making arrests for violation of the liquor laws of the State, a portion, not to exceed half, of the fines collected upon the conviction of those arrested therefore, which fines may be imposed in the Justice of the Peace Courts, the Circuit Court, or the Criminal Court. This Act was repealed by Private Acts of 1949, Chapter 34.
6. Private Acts of 1949, Chapter 19, expressly repealed Private Acts of 1921, Chapter 522, Item 18, above, which fixed the salary of the Rhea County Sheriff, in its entirety.
7. Private Acts of 1949, Chapter 34, expressly and entirely repealed Private Acts of 1931, Chapter 661, above.
8. Private Acts of 1995, Chapter 65, would have established a civil service system for sheriff's department employees, but was not locally adopted by the county legislative body.

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