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# Law Enforcement - Historical Notes

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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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# Law Enforcement - Historical Notes

## **Jails and Prisoners**

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

1. Acts of 1815, Chapter 76, was the authority for the county courts of Smith and Overton counties to lay a sufficient additional tax to raise a sum sufficient in the next two years to build a good, substantial jail and stocks at the present court house and the commissioners of the town of Monroe are to proceed forthwith to contract with someone to accomplish that objective.
2. Private Acts of 1921, Chapter 443, declared that hereafter in Overton County all the jailors who shall furnish good, wholesome, water, diet, and bedding shall be entitled to receive \$1.40 per day for keeping and feeding each prisoner in his jail; further, that the jailors shall be entitled to receive for each prisoner the said \$1.40 per day, and \$1.00 for each turnkey, provided there are but two turnkeys for each prisoner.
3. Private Acts of 1947, Chapter 368, stated that the jailor in Overton County would receive as compensation for boarding prisoners \$1.00 per prisoner per day.
4. Public Acts of 1981, Chapter 60, made it a legal necessity that the trial judge, the district attorney general, and the sheriff, or their successors in office, who had a part, or were otherwise involved, in the prosecution of a prison inmate who was not qualified for and seeking to obtain a parole, be notified of the time and place of the parole hearing so that they might attend whenever necessary or desirable.

## **Militia**

Those acts once affecting Overton 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 1809, First Session, Chapter 89, Section 3, organized the militia into units across the entire state. The militia of the counties of Overton, White, Warren and Franklin shall constitute the seventh brigade and the meeting to select a brigadier general for the brigade shall take place in White County.
2. Acts of 1815, Chapter 119, was a reenactment of the militia law for the state. The act contained the tables of organization for the militia which was composed of free men and indentured servants between the ages of 18 and 45. Overton County had the thirty-fifth regiment with each regiment being composed of two battalions of companies which had at least 40 privates, 2 musicians, 3 sergeants, 3 corporals, one captain, one lieutenant and one ensign.
3. Public Acts of 1819, Chapter 68, an act to revise and amend the militia laws of Tennessee. Overton County was composed of the thirty-fifth regiment and was to hold regimental muster on the third Saturday of September.
4. Public Acts of 1825, Chapter 69, reorganized the militia of the state. Overton County had the thirty-fifth regiment in the eighth brigade and their regimental muster was scheduled to occur on the third Saturday in September annually. This act was virtually a revision of the entire state military code.
5. Private Acts of 1829-30, Chapter 50, assigned the militia of Overton County as the thirtyfifth and the one hundred-fourteenth regiments. The thirty-fifth regiment shall hold a regimental muster on the third Saturday in September each year and the one hundred-fourteenth regiment shall muster on the second Saturday in September.
6. Private Acts of 1831, Chapter 32, Section 9, established a separate brigade composed of the counties of Overton, Fentress and Jackson, known as the fifteenth brigade of the Tennessee Militia. It was the duty of the major general of the second division to issue a writ of election for the purpose of electing a brigadier general for the said brigade.
7. Public Acts of 1835-36, Chapter 21, divided the militia of Tennessee into companies, battalions, regiments, brigades and divisions, and to prescribe the times and modes of electing officers. Overton County was composed of the forty-seventh and forty-eighth regiment.
8. Acts of 1837-38, Chapter 157, Section 3, set up the county drills for every militia unit in Tennessee. The act required members to report fully equipped to be trained at least three hours each day by the officers. Overton County was assigned to the eighth brigade with Fentress, White, and Jackson counties and the county muster was scheduled to take place on the Monday and

Tuesday after the first Friday and Saturday in September. Regimental musters would take place in October following. The eighth brigade would meet on the first Thursday in October. Other organizational and disciplinary rules were stipulated in the act.

9. Acts of 1839-40, Chapter 56, Section 9, stated that the militia of Overton County shall compose the forty-seventh and forty-eighth regiments. Furthermore, the counties of Fentress, Overton, White and Jackson formed the tenth brigade of the State of Tennessee.
10. Public Acts of 1861, Chapter 1, was a statewide militia law which assigned Overton County as the forty-seventh and forty-eighth regiment.
11. Public Acts of 1861, Extra Session, Chapter 8, was an act passed shortly before the start of the Civil War set the muster and drill dates for the forty-eighth regiment of Overton County on Wednesday after the third Friday in September and the forty-seventh regiment would meet and drill on the next day, Thursday.

### **Sheriff**

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

1. Acts of 1809, First Session, Chapter 61, stated that it appeared to the general assembly that John B. Cross, sheriff, and collector of the state tax in Overton County, Tennessee, was charged with \$13.33, the state tax on 10664 acres of land, which land did not sell for want of bidders thereon and which Cross paid out of his own funds. Cross was charged in similar fashion with \$74.73 in tax money for the same reasons which amount he also paid. This act directs that \$88.06 be paid to Cross as a reimbursement on taxes improperly collected from him.
2. Acts of 1813, Chapter 123, recited that William Gore, the sheriff and tax collector of Overton County neglected to report certain lands on which the taxes for 1812 were due but he has since paid the tax himself to the trustee of Overton County. This act allows Gore to report these lands and be given credit for the tax already paid, and he may personally retain the amount he had paid.
3. Private Acts of 1820, Second Session, Chapter 117, declared that after the passage of this act, the sheriffs of Overton and White counties have the authority to advertise all lands to be sold under execution in the Sparta Gazette and the ranger of these counties may also advertise the sale of strays in the same newspaper. This did not preclude either the sheriff, or ranger, from advertising in the Nashville newspapers.
4. Private Acts of 1821, Chapter 180, provided that the sheriff of Overton County and White County were required to advertise all lands to be sold under execution or for taxes in some newspaper printed in the town of Sparta. Rangers in both counties will likewise do so when they propose to sell strays.

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