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# Chapter XI - Law Enforcement

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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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## Chapter XI - Law Enforcement

### Law Enforcement - Historical Notes

#### **Jails and Prisoners**

The following acts once affected jails and prisoners in Knox County, but are no longer operative.

1. Acts of 1817, Chapter 83, authorized the Knox County Court to sell the lot where the jail of the county had been erected.
2. Public Acts of 1873, Chapter 29, amended Public Acts of 1871, Chapter 115, an act to regulate the salary of county jail physicians, by repealing the clause that sets limits on the amount the county jail physician can earn. In addition, Chapter 29, provided that the comptroller shall not allow any claim for medicines or attendance of said physicians, except in Madison, Davidson and Knox counties.
3. Public Acts of 1887, Chapter 184, created and regulated the office of superintendent of the workhouse for Knox County. This act is superseded by the Knox County Charter, Sections 3.06 and 8.12, pursuant to T.C.A. § 5-1-210.
4. Public Acts of 1897, Chapter 104, amended the general law which allowed counties to construct workhouses by providing that Knox County and other counties with a population between 55,000 and 75,000, according to the Federal Census of 1890, elect a superintendent of the workhouse for a term of four years. This act was amended by Public Acts of 1901, Chapter 38, by changing the population requirements of the act to conform to Knox County's population based on the Federal Census of 1900.
5. Acts of 1909, Chapter 201, authorized Knox County to establish and maintain a separate and permanent place of confinement of female prisoners, other than at the regular county workhouse.
6. Private Acts of 1911, Chapter 321, authorized and empowered the county court to create and establish, operate and maintain a separate and permanent place of confinement of female prisoners other than at the regular county workhouse, and to this end the said court was authorized and empowered to purchase and equip a place therefor in such manner as may be necessary, and to maintain the same at the expense of the county. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
7. Private Acts of 1915, Chapter 321, authorized the county to establish and maintain a Training Home for female prisoners sentenced to the County Workhouse. The Training Home was under the control and management of a board of five trustees, two of whom were women. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
8. Private Acts of 1973, Chapter 67, changed the name of the Knox County Workhouse to the Knox County Penal Farm.
9. Public Acts of 1986, Chapter 779, phased out certain programs or services which were provided through the Knox County Department of Correction

#### **Militia**

Those acts once affecting Knox 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 1799, Chapter 18, granted the citizens of Knox County the privilege of holding separate general musters. This act was amended by Acts of 1801, Chapter 88, which allowed the citizens of Knox County to hold elections on their battalion muster grounds on the last Thursday of October to elect a representative to the United States Congress. The elections were held by the deputy sheriff or the coroner of the county.
2. Acts of 1801, Chapter 1, Section 9, provided that the volunteer company of Knox County be annexed to the regiment of cavalry of the district of Hamilton and be a part of said regiment.
3. Acts of 1803, Chapter 1, established and regulated the militia of the state. The militia of Knox County composed the tenth regiment of the state and hold regimental musters on the last Thursday in September.
4. Acts of 1815, Chapter 119, provided for the better establishment and regulation of the militia of the state by dividing the militia of the state into regiments and revising the militia laws of the state. The militia of Knox County composed the tenth and fortieth regiments.

5. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Knox County composed the tenth and fortieth regiments and held regimental musters on the last Friday in September for the tenth regiment and on the first Friday in October for the fortieth regiment. This act was repealed by Public Acts of 1978, Chapter 595.
6. Public Acts of 1826, Chapter 69, revised and amended the militia laws of the state. The militia of Knox County composed the tenth and fortieth regiments of the third brigade and held regimental musters for the tenth regiment on the last Friday in September and on the first Friday in October for the fortieth regiment.
7. Private Acts of 1831, Chapter 32, Section 6, established a separate battalion in Knox County, south of the French Broad and Holston Rivers. A first major was elected to command said battalion.
8. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Knox County composed the twenty-second and twenty-third regiments, fifth brigade of the first division.
9. Acts of 1837-38, Chapter 157, placed the militia of Knox County in the fifth brigade and held regimental musters on the first Friday and Saturday in September. This act was repealed by Public Acts of 1978, Chapter 595.
10. Acts of 1839-40, Chapter 56, condensed and brought into one view the militia laws of the State of Tennessee. The militia of Knox County composed the twenty-second and the twenty-third regiments of the fifth brigade and held musters on the Wednesday after the first Monday in October for the twenty-second regiment and on Thursday the next day for the twenty-third regiment.
11. Private Acts of 1861, Chapter 1, divided the state militia into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Knox County formed the twenty-second and twenty-third regiments of the fifth brigade and held musters on the Wednesday after the first Monday in October

### **Offenses**

The acts briefly summarized below fell into this category in Knox County and are no longer in effect.

1. Private Acts of 1949, Chapter 568, declared it to be unlawful for any person, firm or corporation, to possess, store, use, manufacture or sell pyrotechnics in Knox County. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210, subject to continuation by ordinance of the county commission.
2. Public Acts of 1983, Chapter 353, declared it to be unlawful for any person to place or attach any type of show-card, poster, or advertising material or device, including election campaign literature, on any kind of poles, towers, or fixtures of any public utility company, whether privately or publicly owned or as defined in T.C.A. § 65-4-101, unless legally authorized to do so. This act is superseded by the Knox County Charter, Section 8.12, subject to continuation by ordinance of the county commission.

### **Sheriff**

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

1. Acts of 1804, Chapter 21, provided that Joseph Love, sheriff of Knox County, be paid the sum of \$113.33 for guarding Stephen Duncan in the Knox County Jail.
2. Private Acts of 1823, Chapter 186, authorized the sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner and Washington counties to appoint one additional deputy and provided that each such county have a total of three deputies. This act was repealed by Private Acts of 1978, Chapter 248.
3. Private Acts of 1831, Chapter 123, authorized the sheriff of Knox County to appoint three deputies. This act was repealed by Private Acts of 1978, Chapter 248.
4. Public Acts of 1857-58, Chapter 33, Section 5, provided that the Knox County Sheriff pay over the railroad tax before the first of June, unless otherwise directed by the Knox County Court.
5. Public Acts of 1857-58, Chapter 65, Section 2, provided that the Knox County Court may give the sheriff of Knox County such compensation for collecting the railroad tax of Knox County.
6. Private Acts of 1867-68, Chapter 63, authorized the Knox County Sheriff to appoint an additional

deputy.

7. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Sheriff at \$5,000 per annum.
8. Private Acts of 1945, Chapter 384, fixed the compensation of deputy sheriffs and constables regularly waiting on the circuit, criminal, chancery and domestic relations courts to \$5.00 per day. This act was repealed by Private Acts of 1978, Chapter 249.
9. Private Acts of 1953, Chapter 405, fixed the compensation of deputy sheriffs regularly waiting on the general session courts, circuit courts, criminal courts, chancery courts and domestic relations courts of Knox County to \$7.50 per day for each day of service, to be paid out of the county treasury. This act was repealed by Private Acts of 1977, Chapter 112.
10. Private Acts of 1963, Chapter 53, fixed the compensation and provided for the payment by Knox County, to all persons appointed to serve as officers of the chancery, circuit, criminal and domestic relations courts of Knox County. This act was amended by Private Acts of 1973, Chapter 45, so as to allow for the earning of additional fees for the service of process.
11. Private Acts of 1972, Chapter 353, would have amended Private Acts of 1963, Chapter 53, by fixing the compensation and supplemental compensation and providing for the payment of such compensation and supplemental compensation by Knox County to all persons appointed to serve as officers of the chancery, circuit, criminal and domestic relations courts of Knox County, and repealing Private Acts of 1963, Chapter 53, but this act was rejected by Knox County and never took effect.
12. Private Acts of 1975, Chapter 126, would have amended Private Acts of 1963, Chapter 53, relative to the compensation of court officer in Knox County who serve process, however, this act was never ratified by Knox County and therefore never took effect.
13. Private Acts of 1975, Chapter 186, would have amended Private Acts of 1963, Chapter 53, by increasing the salary of those officers who received \$3,600 to \$7,200 per annum, however, this act was not ratified by Knox County and therefore never became law.
14. Private Acts of 1978, Chapter 166, would have repealed Private Acts of 1823, Chapter 186 and Private Acts of 1831, Chapter 123, however, this act could not be ratified as the effective date of the act was listed as 1977 instead of 1978. This act was later replaced by Private Acts of 1978, Chapter 248.

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