



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter X - 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 X - Law Enforcement

Law Enforcement - Historical Notes

Jails and Prisoners

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

1. Acts of 1795, Chapter 5, Page 15, stated that the commissioners appointed by an Act of 1789 in North Carolina which directed the sale of salt licks and springs and the lands adjoining them in the Mero District, were authorized to ask and receive the several sums due and owing from the purchasers of the land and their securities, and to pay the same to James White, James Winchester, Stockley Donelson, David Campbell, William Cocke, and Robert Hayes, who would constitute a committee to cut and clear out a good wagon road, and to pay 200 pounds to those holding the lottery for building a jail in the Mero District.
2. Acts of 1799, Chapter 57, Page 132, ordered that the sum of \$32 be paid to Thomas Rutherford, jailor of the Mero District, the sum to be appropriated out of the treasury of the Mero funds for keeping the person of John Fallin who had been taken out of his custody by order of the Governor.
3. Acts of 1803, Chapter 31, Page 76, appointed Joel Lewis, George Ridley, Alexander Ewing, John Childress, Jr., and William Luntz as Commissioners to build a jail in Nashville as soon as the money was raised by lottery and to do so by letting a contract to the lowest bidder after advertising for forty days at the courthouse door and in the Tennessee Gazette. The jail would serve the County and the Mero District. It would have at least three rooms, one for the jailor, one for felons, and one for debtors. An account would be rendered to the County Court and any surplus paid over. The act established a jail inspection system and fixed requirements for jails concerning cleanliness and treatment of prisoners.
4. Acts of 1807, Chapter 14, Page 44, named George M. Deadrick, Felix Robertson, John Dickinson, Robert B. Curry, and Thomas Talbot, as additional Commissioners, to carry out a contract to build a jail on the bluff of the Cumberland River in Nashville for the County of Davidson and the Mero District. The jail would be built by John M. Goodloe. It would be near a water supply but not on the Public Square, and the County Court was authorized to levy a tax to help finance the jail. Prisoners would be transferred into it when it was completed and the old jail would then be torn down and the material sold for additional funds for the new jail.
5. Public Acts of 1829, Chapter 5, Page 5, provided that a jail and penitentiary house would be erected on a site to be selected by three commissioners who would be chosen by the joint ballot of both houses of the General Assembly. The site would be within two miles of Nashville in Davidson County and would contain from four to ten acres but not cost more than \$100. The commissioners would be paid \$3.00 for each day devoted to their objective to be paid out of the \$25 appropriated to carry out the provisions of this act.
6. Public Acts of 1831, Chapter 87, Page 106, required the Cashier of the Bank of the State of Tennessee to deliver to Robert C. Foster, Sr., Joseph Wood, and Moses Ridley, Commissioners appointed to superintend the erection of the Penitentiary, their note to the Bank of \$17,500 for money appropriated by them to building of the penitentiary. The act appropriated the \$17,500 sum, \$8,057.67 to pay to the individuals who had debts for other materials, and \$3,000 to build workshops and to complete the main penitentiary structure.
7. Acts of 1843-44, Chapter 160, Page 185, made it the duty of the State Comptroller to examine and adjust the claims of the Jailor of Davidson County for confining slaves who had been acquired by reason of pleas of insanity. The amount of the claims would be paid to the Jailor out of any funds available. The owners of slaves would be responsible for charges on such persons and they were not to be released until the charges were paid.
8. Public Acts of 1865-66, Chapter 23, Page 32, provided that the jail in Davidson County would, after the first Monday in April, 1866, be in the possession, control, and custody of the County Court and that the Court would, at its April term, elect a jailor to hold office at the Court's pleasure and who would otherwise be subject to all the pains and penalties to which other jailors were subject.
9. Public Acts of 1867-68, Chapter 77, Page 95, repealed Public Acts of 1865-66, Chapter 23, above, and declared that the Jailor of Davidson County would be elected at the regular March election in 1868, along with other County Officers, and every two years thereafter. The Jailor would make a

- bond of \$10,000 with two good securities who would be approved by the County Judge, or Chairman. The act was repealed in 1875.
10. Public Acts of 1873, Chapter 29, Page 55, repealed limits placed on the amount to be allowed to the County Jail Physicians and prohibited the Comptroller from allowing any claim for medicines or for the attendance of said physicians except in the Counties of Madison, Davidson, and Knox, and then only for prisoners confined while awaiting trial in the Supreme Court from other courts.
 11. Public Acts of 1875, Chapter 45, Page 42, repealed Public Acts of 1867-68, Chapter 77, Section 3, above, which required the jailor of Davidson County to be elected by the qualified voters of the County.
 12. Public Acts of 1883, Chapter 233, Page 311, made it the duty of Jail Physicians to render medical aid to prisoners, to make sanitary inspections, and to prescribe such rules and regulations as would be necessary for the comfort and well being of the prisoners. The Jail Physician would be the ex officio County Health Officer, with the duty of reporting to the Quarterly Court and making such reforms as were needed for the well-being of prisoners. His compensation would not exceed \$1,500 a year. The act applied to all counties that had 50,000 or more in population.
 13. Private Acts of 1915, Chapter 394, Page 1371, amended Public Acts of 1891, Chapter 123, which was an act establishing in each county a Board of Workhouse Commissioners, as it applied to Davidson County, to authorize the Board of Workhouse Commissioners to establish one of more camps for prisoners and employ a superintendent for each camp as such action was deemed best for the County. The Board in its discretion could allow each prisoner thirty-five cents a day for good behavior in addition to the forty cents per day permitted by the general law.
 14. Private Acts of 1917, Chapter 559, Page 1721, provided that the members of the Board of Workhouse Commissioners in Davidson County would receive \$100 per year as compensation to be paid quarterly out of the regular funds of the County.
 15. Private Acts of 1917, Chapter 560, Page 1723, allowed Jail Inspectors in Davidson County to receive as compensation the sum of \$100 per year, payable quarterly out of the ordinary funds of the County.
 16. Private Acts of 1925, Chapter 86, Page 264, provided that the Jail Inspector of Davidson County would be the custodian of the Criminal Court buildings in the County. They would have general supervision over the buildings and the allocation of space therein to the various officers and courts occupying the buildings, subject to the approval of the Quarterly County Court. They could employ and discharge engineers, firemen, and porters, but the County Court would fix the amount of the salaries of such employees.
 17. Private Acts of 1929, Chapter 465, Page 1211, authorized the City of Nashville to purchase or lease from Davidson County the Davidson County Jail and Criminal Court Building and the lot upon which it was situated on the west side of Second Avenue North, for use as a Police Station, City Court, Juvenile Court, Workhouse, or for any other purpose, in the event that Davidson County erected a public building on the Public Square in Nashville for use as a workhouse.
 18. Private Acts of 1929, Chapter 468, Page 1219, authorized Davidson County to sell or lease the Davidson County Jail and Criminal Court Building and the lot on which said building was situated on the west side of Second Avenue North in Nashville, in the event the County constructed a public building on the Public Square in Nashville for use as a Courthouse and for other County purposes, and it empowered the County to lease parts of the building to the City of Nashville for use as a City Hall. If the building was sold, the proceeds would be used for retiring the principal and interest of the bonds which had been issued for the new building.
 19. Private Acts of 1939, Chapter 268, Page 801, provided that the Jail Inspectors in Davidson County would be elected at the next regular election, one inspector for one year, one inspector for two years, and one for three years, and annually thereafter, an inspector would be elected for a term of three years.
 20. Private Acts of 1949, Chapter 332, Page 903, fixed procedures for transferring from the County Workhouse those persons unfit or unable to work to the County Jail for confinement or to the jail ward established in a hospital. The act primarily applied in cases where the prisoner could not work by reason of age, mental or physical infirmities, diseases and disabilities, and alcoholism. The decision to release the person from work was to be made by the Court upon certification of the County Health Officer.

Militia

Those acts once affecting Davidson 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 1786, Chapter 1, Page 1, Laws of North Carolina, provided for the raising, equipping, and maintaining of troops for the protection of the citizens of Davidson County. This act contained all the details for organizing and recruiting a county militia unit, not exceed 201 men.
2. Acts of 1796, Chapter 12, Page 30, was the initial organization of the State and County Militia units for the newly established State of Tennessee. Militia officers were to be elected by members of the various units. The procedures were set forth for holding elections, counting the votes, and for filling vacancies in the officers' ranks until new officers could be properly elected. All field officers in the militia units organized in the Mero District would meet according to schedule in Nashville.
3. Acts of 1797 (Sept. Sess.) Chapter 47, Page 119, stated that all the militia in Davidson County residing on the north side of the Cumberland River would be a separate and distinct Regiment, which would be called the Davidson Second Regiment, and which would have and enjoy all rights and privileges given and granted to other regiments. This regiment would hold its annual muster at Waynesborough in Davidson County and meet at the home of Captain Ezekiel Able for the purpose of electing regimental officers. The coroner or the sheriff of the County would hold the election and anyone voting who resided on the south side of the river would forfeit ten dollars.
4. Acts of 1799, Chapter 50, Page 117, repealed Sections 4 and 5 of Acts of 1797, Chapter 47, above, which had called for elections for governor and representatives to be held north of the Cumberland River and which had provided penalties for persons voting in the wrong places.
5. Acts of 1803, Chapter 1, Page 3, was a general militia reorganization for the State of Tennessee. The militia would be composed of indentured servants and free men between the ages of eighteen and forty-five. The act set forth complete and detailed procedures and regulations for militia affairs, incorporating the County units into the statewide organization. The act designated the two units in Davidson County as the 19th and 20th Regiments, and scheduled the 20th Regiment to hold its annual muster on the first Thursday in October and the 19th Regiment was scheduled on the last Thursday in September.
6. Acts of 1811, Chapter 93, Page 105, assigned the militia units in the Counties of Davidson, Williamson and Rutherford to the 9th Brigade of the State Militia and required that an election be held in Nashville to choose a Brigadier General.
7. Acts of 1815, Chapter 119, Page 127, was an organization act for the entire State Militia and constituted a code for Military affairs. The Davidson County units remained the 19th and 20th Regiments. All males, ages eighteen to forty, were declared members of the Militia.
8. Public Acts of 1825, Chapter 69, Page 78, was the next enactment organizing the affairs of the Militia. The act governed the organization and conduct of all militia units in the State. Davidson County had a new Regiment, the 79th, in addition to the 19th and 20th Regiments. The three Regiments constituted the 9th Brigade. Muster date for the 19th Regiment was on the second Saturday in September, for the 20th Regiment on the third Saturday in September, and for the 79th Regiment on the second Thursday in September.
9. Private Acts of 1831, Chapter 239, Page 204, assigned the volunteer company of the Nashville Greys to the 115th Regiment and declared the members would not be required to muster otherwise. If any of the members of the Nashville Greys resided within the bounds of another Regiment, they would not be compelled to join that Regiment.
10. Public Acts of 1835-36, Chapter 21, Page 97, was the militia law passed pursuant to the new constitution of the State. Davidson County Units were designated as the 85th, 86th, 87th, and 88th Regiments. Davidson County and Dickson County regiments were combined to form the 16th Brigade which was a part of the 2nd Division.
11. Acts of 1837-38, Chapter 157, Page 223, Section 3, set up drill and muster schedules for every militia regiment in the State of Tennessee. The 16th Brigade, of which Davidson County's regiments were a part, would muster on the first Friday and Saturday in September each year in Nashville.
12. Acts of 1839-40, Chapter 56, Page 91, established in one act the militia law for Tennessee. White male inhabitants between the ages of eighteen and forty-five were declared members of the Militia. Many persons were exempted from duty by occupation including grist mill keepers, jailers, mail carriers, ordained ministers of the gospel, and toll gate keepers. The militia of Davidson County would be the 85th, 86th, 87th, and 88th Regiments.
13. Private Acts of 1957, Chapter 211, Page 590, empowered the Quarterly County Court of Davidson County to enter into contracts with public or private institutions, or with individuals, to render scientific and medical assistance in connection with law enforcement problems. The contracts

would provide for, but not be limited to, autopsies, chemical and biological laboratory examinations, toxicological examinations, and other scientific and medical examinations and investigations. The court could appropriate up to \$10,000 to fund the contracts per year. Incorporated cities could join in the contracts as might be agreed between the County and municipality.

14. Private Acts of 1957, Chapter 368, Page 1158, authorized the Davidson Quarterly County Court to create a County Highway Patrol to consist of such officers and patrolmen as was deemed necessary for its efficient operation. The Quarterly Court would elect five persons to a County Highway Patrol Commission. The commission was authorized to organize and supervise the Patrol and its employees. The County Sheriff and his Chief Deputy were not to be members of the Patrol. The Captain or Administrator of the County Highway Patrol would be appointed by the County Court. Each member of the Patrol would work a probationary period of six months at a minimum salary of \$250 a month. An Investigation Division of eight members was set up to investigate crime and maintain an identification division. The Commissioners would be paid \$15 for each meeting attended and the patrolmen would be paid a minimum of \$285 per month after completing probation. A report by the commissioners was required within three months of its appointment which would set forth the number of personnel and the amounts of various budget items needed to operate the patrol. The Commission would adopt the rules and regulations for the internal discipline of the patrol. The act was not approved locally and did not become effective.
15. Private Acts of 1963, Chapter 55, Page 156, amended Private Acts of 1957, Chapter 211, above, by increasing the maximum amount which could be appropriated to fund the contracts for law enforcement assistance from \$10,000 to \$15,000 per year.

Offenses

The acts briefly summarized below fell into this category in Dickson County.

1. Acts of 1785, Chapter 54, Laws of North Carolina, made it unlawful within Davidson County for any person to distill, or cause to be distilled, any spirituous liquors from corn, wheat, rye, barley, or other grain. Any person violating the prohibition would be subject to a fine of ten pounds current money for every gallon of spirituous liquors unlawfully distilled. One-half the fine said would go to the prosecutor and the other one-half to the County.
2. Private Acts of 1935, Chapter 782, Page 2040, applied to Davidson County by population figures contained within the act and established a system allowing milk and dairy product companies to protect their product containers so they could be re-used by the companies. So long as the milk and product containers were marked or stamped and the marks or stamps were registered with the Circuit County Clerk, it was declared a misdemeanor to use the marks without consent; to fill any container without consent; to deface or obliterate the marks on a container; to buy, sell, or traffic in the containers. Any person possessing marked containers who had no bill of sale from the company holding the registered mark was required to deliver up the containers on demand to that company. The company with the mark could request search warrants be issued by a Justice of the Peace to search for containers. The collection of a container deposit was declared not to constitute a sale.
3. Private Acts of 1937, Chapter 896, Page 2631, amended Private Acts of 1935, Chapter 782, above, by making that act applicable to all counties in the State having a population in 1930 of 222,850 persons or more.
4. Private Acts of 1939, Chapter 286, Page 829, prohibited any person, firm, or corporation from having, keeping, storing, using, manufacturing, selling, handling, or transporting, within the limits of Davidson County, any pyrotechnics including sparklers, squibs, rockets, fire crackers, roman candles, or fireworks. Exemptions were made for railroad signaling devices, photographer's equipment, and the commercial use of explosions and blasting agents. The County Trustee was empowered to issue permits for the public display of fireworks in public parks and other public places and impose restrictions on the permitted activities as the Trustees deemed necessary to protect life and property.
5. Private Acts of 1947, Chapter 58, Page 178, made it unlawful to possess, store, use, manufacture or sell pyrotechnics within Davidson County. Persons violating the act were subject to fine and confinement in jail. Pyrotechnic displays at public functions were exempted and persons conducting the displays had to acquire the pyrotechnics from outside the County and keep them in their possession while inside the County. The constitutionality of this act was upheld in Elliott v. Fugua, 185 Tenn. 200, 204 SW2d 1016 (1947).
6. Private Acts of 1953, Chapter 109, Page 386, amended Private Acts of 1947, Chapter 58, above,

by allowing wholesalers of goods, wares, and merchandise to possess, purchase, store, and sell pyrotechnics, so long as no sales were made in Davidson County and provided records were kept and all made available for inspection by the fire marshal and other officials.

Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Davidson County Sheriff's office.

1. Private Acts of 1823, Chapter 186, Page 170, made it lawful for the Sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington Counties to appoint one additional Deputy each over and above the number allowed by law. Each one could have a total of three deputies if they deem it advisable.
2. Private Acts of 1861, (Ex. Sess.), Chapter 21, Page 41, allowed the Sheriff of Davidson County to appoint one additional Deputy Sheriff.
3. Private Acts of 1921, Chapter 761, Page 2362, provided that the Sheriff and Constables in Davidson County would receive fees for their services as follows: for executing every capias, summons, or other leading process, \$1.50; for serving Justices' warrants for each defendant, \$.75.
4. Private Acts of 1937, Chapter 410, Page 1289, directed the Sheriff of Davidson County to appoint three officers as court officers for the Circuit Courts in Davidson County. Each officer would receive \$150 per month compensation in addition to regular fees for service of process.
5. Private Acts of 1947, Chapter 494, Page 1961, authorized Davidson County to purchase motor vehicles for the use of the Sheriff in maintaining a police patrol in the County. The motor vehicles so purchased would be owned by the County and would be used exclusively in patrolling the State and County highways and roads to preserve the peace and maintain law and order.

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