



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

May 17, 2024

Chapter X - Law Enforcement

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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Chapter X - Law Enforcement 3
 Law Enforcement - Historical Notes 3

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Law Enforcement - Historical Notes

Militia

Those acts once affecting Fentress County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Private Acts of 1824, Chapter 154, provided that the Governor number the regiment of the militia of Fentress County that was to be attached to the 8th Brigade.
2. Acts of 1839-40, Chapter 56, declared that all white males between the ages of eighteen and forty-five would compose the State of Tennessee Militia. Some persons were exempted including judges, ministers of the gospel, postmasters, grist mill keepers, jailers, and public-ferry keepers. The militia residing in each company would be commanded by one Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three corporals and three sergeants. They would be elected by those in each company and would hold office five years. No company could be composed of less than forty-five privates. The field officers in Fentress County had the duty to attend the first battalion muster ground on the Saturday before the regimental muster. The removal of muster places was only allowed by a two-thirds vote of the officers present at a regimental court martial. Fentress County composed the 46th Regiment. Regimental musters were held in each Regiment in Tennessee in the month of October of every year. Some Regiments in each Brigade were exempted from the normal muster meeting by the act. The counties of Fentress, Overton, White and Jackson composed the Eighth Brigade, which was a part of the 4th Division.

Offenses

The act briefly summarized below fell into this category in Fentress County.

1. Private Acts of 1967-68, Chapter 97, specified how fireworks were to be regulated in Fentress County. The act made it a misdemeanor for any person, firm or corporation to possess, store, use, manufacture, or sell pyrotechnics in Fentress. The act did not apply to persons, firms or corporations conducting public displays of pyrotechnics by contract or arrangement with any state fair, patriotic assembly or similar public function. The act defined pyrotechnics as any sparkler, squib, rocket, firecracker, roman candle, fire balloon, flashlight composition, fireworks or composition used to obtain a visible or audible display. Such contraband was subject to confiscation when found within the boundaries of Fentress County. This act was declared to be unconstitutional because regulation of firecrackers in one particular county was not in its governmental or proprietary capacity. Jones v. Haynes, 221 Tenn. 50, 424 S.W.2d 197 (1968).

Sheriff

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

1. Private Acts of 1929, Chapter 249, provided that the Sheriff in Fentress County would receive \$600 annually. The Sheriff was assigned to receive all fees collected by his office in the exercise of the duties of he and his deputies.
2. Private Acts of 1949, Chapter 48, raised the annual salary of the Sheriff to \$2,100, payable at a monthly rate of \$175. This was in addition to the fees of office then received by sheriffs.

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