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# Law Enforcement - Historical Notes

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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,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Law Enforcement - Historical Notes

## **Jails and Prisoners**

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

1. Acts of 1806 (Ex. Sess.), Chapter 43, appointed as commissioners, James Elder, Hugh Bell, John Shelby, Henry Small, and Charles Stewart, and authorized them to fix a site in Clarksville and erect a courthouse and a prison for the District of Robertson. Montgomery County would levy a tax for the year 1807 and for two years thereafter to pay for the construction. Robertson, Dickson, and Stewart Counties would also levy a tax to defray a portion of the expenses of building the prison.
2. Acts of 1809, Chapter 50, amended Acts of 1806 (Ex. Sess.), Chapter 43, by appointing Joseph Woolfolk to replace Hugh Bell as Commissioner for the courthouse and prison and providing that if additional vacancies were to occur, they were to be filled by the remaining commissioners.
3. Acts of 1809, (Sept. Sess.), Chapter 66, amended Acts of 1806 (Ex. Sess.), Chapter 43, above, by authorizing Montgomery County to levy additional taxes to pay for the courthouse and prison and directing the Counties of Robertson, Dickson, Hickman, Stewart, and Humphreys to levy additional taxes to pay their proportional share of the expenses for the prison.
4. Private Acts of 1826, Chapter 82, allowed the County Court of Montgomery County to levy a tax for the purpose of repairing the county jail or building a new one.
5. Public Acts of 1867-68, Chapter 77, provided that the Jailer of Montgomery County would be elected by the qualified voters for two-year terms.
6. Public Acts of 1883, Chapter 111, directed the County Court of Montgomery County to elect three persons to be Commissioners of the county jail along with the County Judge. The commissioners would have complete jurisdiction and control of the jail and workhouse. They would employ a physician to attend the inmates, examine and approve all accounts for clothing and supplies, work prisoners on the roads with the approval of the District Road Commissioners, or place them at other employment not dangerous or injurious to their health. They were to appoint a superintendent to supervise the jail. The act was declared invalid by the Court because of its defective title in an unreported case styled Staten v. Montgomery County which is cited in Collier v. Montgomery County, 103 Tenn. 705, 54 S.W. 989, 991 (1900).
7. Public Acts of 1889, Chapter 155, provided for the control and management of the jail and workhouse, and the prisoners therein. The act contained most of the provisions of the 1883 Act, above, and also authorized the County Court to appoint a superintendent of the jail and workhouse who would be the Sheriff of the County, if the Sheriff properly notified the County Judge of his intention to fill the office. This Act was the basis of litigation in the case of Collier v. Montgomery County, 103 Tenn. 705, 54 S.W. 989 (1900). It was held invalid on the grounds that it unconstitutionally deprived the sheriff of custody of prisoners not convicted and sentenced to the workhouse.

## **Militia**

Those acts once affecting Montgomery 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 1803, Chapter 1, constituted an early and complete military code for the local armed forces of the State. It included a Table of Organization and the regulations appertaining to all phases of military functions. Montgomery County would compose the 24th Regiment.
2. Acts of 1809 (Sept. Sess.), Chapter 89, was a lengthy amendment to the militia law. Several regulations were set forth. For example, an officer could be fined five dollars for not appearing for roll call at the regimental muster.
3. Acts of 1815, Chapter 119, was a new statewide military code for Tennessee. The Table of Organization established all of the county units then existing in Tennessee. The Montgomery County Militia constituted the 24th and the 50th Regiments, parts of the 6th Brigade. All men ages eighteen to forty were declared members of the militia.
4. Public Acts of 1819, Chapter 68, revised and amended many parts of the State's Militia Law. Montgomery County retained its 24th Regiment and its 50th Regiment. The 24th Regiment would call and hold its annual Regimental muster and drill on the fourth Friday in September and the 50th Regiment would do the same on the first Friday in October. The remainder of this long and involved law addressed itself to the details of organization, operation, logistics, and discipline of

- the entire military structure of the State.
5. Public Acts of 1825, Chapter 69, declared that all free men and indentured servants between the ages of eighteen and forty-five years would constitute the State Militia. Some persons were exempted including judges, ministers of the gospel, grist mill keepers, public ferry men, and mail carriers. The times for muster for Montgomery County's 24th and 50th Regiments remained the same as ordered in the 1819 act, above. Many changes were made to the military system of a technical or organizational nature.
  6. Public Acts of 1835-36, Chapter 21, was a reorganization of the state militia law. Montgomery County's Regiments were numbered as the 91st and 92nd. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three Sergeants, three corporals, and no less than forty-five privates. The 91st and 92nd Regiments formed part of the 15th Brigade which was in the 2nd Division. The State had four Divisions.
  7. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Montgomery County would convene and drill its units on the first Friday and Saturday in September. Montgomery, Humphreys, and Stewart Counties' units would compose the Fifteenth Brigade.
  8. Acts of 1839-40, Chapter 56, limited membership in the militia of the State to white, male, inhabitants between the ages of eighteen and forty-five, with some exceptions specified. The Organizational Table did not make any changes in the regiments of Montgomery County, and scheduled muster on the first Thursday in October for the 91st Regiment and the following Saturday for the 92nd Regiment.

### **Sheriff**

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

1. Acts of 1903, Chapter 69, declared that the Montgomery County Sheriff would not be required to give an additional bond on account of his duties regarding the newly created Criminal Court.
2. Private Acts of 1931 (2nd Ex. Sess.), Chapter 17, authorized the Sheriff to appoint one First or Chief Deputy, at a salary of \$150 monthly.
3. Private Acts of 1933, Chapter 600, fixed the salary of the Montgomery County Sheriff at \$3,600 annually. In the event the fees and commissions collected by the office equalled or exceeded that amount, the excess would be turned over to the Public Treasury, but if such fees and commissions amounted to less than \$3,600 then the Sheriff's salary would be the lesser amount.
4. Private Acts of 1935, Chapter 812, provided a schedule of salaries for several officials of Montgomery County, the Sheriff's being fixed at \$3,600 per year.
5. Private Acts of 1941, Chapter 427, authorized the Sheriff to appoint two Deputies of his own choice who would receive, in addition to the fees allowed by law, a salary of \$80 monthly paid out of County funds on warrant from the County Judge. The Sheriff was not precluded from hiring other Deputies but they would be paid only the legal fees for work actually done. The Deputies would be required to submit a detailed report showing that they had met all the conditions of the act and had devoted their full time to the duties of office.
6. Private Acts of 1949, Chapter 115, amended Private Acts of 1941, Chapter 427, by increasing the salary of the two Deputies from \$80 monthly to \$125 monthly.
7. Private Acts of 1951, Chapter 135, authorized the Sheriff of Montgomery County to appoint four Deputies of his own choice, one of whom would be assigned to duty in the District Attorney's office. Each Deputy was to be paid \$150 a month over and above the fees then allowed by law.
8. Private Acts of 1953, Chapter 249, authorized the Sheriff to appoint seven Deputies of his own choice, one of whom would be Chief Deputy. A salary of \$175 per month would be paid the Deputies.
9. Private Acts of 1957, Chapter 154, amended Private Acts of 1953, Chapter 249, allowing the Sheriff to appoint eight Deputies of his own choice, each to receive a salary of \$200 a month in addition to their ordinary fees.
10. Private Acts of 1976, Chapter 262, made it unlawful in Montgomery County for any person except a law enforcement officer duly authorized to make arrests and holding a first, second, or third class radio operator's license, or a member of the Sheriff's Department, or a member of a police force to have in his or her possession or to have installed in a motor vehicle any mobile radio or

any other apparatus capable of receiving or transmitting messages or signals on the same wave length or frequency as that assigned to police radios. The act was not approved by local authorities and did not become effective.

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