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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

Constables

Private Acts of 1992 Chapter 240

SECTION 1. Tennessee Code Annotated, Section 8-10-101, is amended by adding the following new subsection:

() The office of constable is abolished in any county having a population of not less than nine thousand two hundred seventy-five (9,275) nor more than nine thousand four hundred (9,400) according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-third (2/3) vote of the legislative body of Jackson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Jackson County and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective [sic] 3.

Passed: April 30, 1992.

Law Enforcement - Historical Notes

Jails and Prisoners

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

1. Private Acts of 1915, Chapter 423, stated that hereafter all jailors in Jackson County who shall furnish pure water, a wholesome diet, and clean bedding in their jails shall be entitled to receive fifty cents per day per prisoner for keeping and feeding the said inmate.
2. Private Acts of 1923, Chapter 296, amended Public Laws of 1919, Chapter 75, by reducing the amount allowed for board for public prisoners from seventy-five cents per day, as required in the public law, to sixty cents per day as it applied only to Jackson County. This Act was repealed by Private Acts of 1925, Chapter 56.

Militia

Those acts once affecting Jackson 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, was a general militia law for the State. The militia of Jackson County would compose the 18th Regiment of the 4th Brigade. The annual regimental muster would be held at the courthouse on the third Thursday in October.
2. Acts of 1809, Chapter 89, amended the State Militia Law by assigning the militia of Sumner, Wilson, Smith and Jackson counties to the 4th Brigade.
3. Acts of 1811, Chapter 93, amended the State Militia Law by transferring Jackson County out of the 4th Brigade and into the 7th Brigade. The 18th Regiment would now hold its regimental musters on the first Thursday in September.
4. Acts of 1815, Chapter 119, provided that all free men and indentured servants between the ages of eighteen and forty-five years would compose the militia of the state. Jackson County's units would be designated the 18th and 48th Regiments and would be a part of the 8th Brigade.
5. Acts of 1819, Chapter 68, was a general militia law for the state. All free men and indentured servants between eighteen and forty-five years of age would be required to serve in the militia subject to several occupations which were exempt. Jackson County would comprise the 18th and 48th Regiments. Regimental muster for the 18th would be held on the first Thursday in September, and for the 48th on the second Thursday in September.
6. Acts of 1825, Chapter 69, revised the militia law for the state. Jackson County formed the 18th

and 48th Regiments which were part of the 8th Brigade and the 2nd Division. The 18th Regiment held its regimental muster on the first Thursday of September and the 48th on the second Thursday of September, annually.

7. Acts of 1826, Chapter 36, made it lawful for all elections for field officers of the militia in Dickson, Jackson, Campbell, Claiborne, Stewart, Marion, Humphreys, and Hardin Counties to be held at the same places as have been designated for the election of Governor, General Assembly, and member of Congress.
8. Acts of 1837-38, Chapter 157, amended the militia laws to require an annual county drill at the county seat in September. Jackson County was I the 8th Brigade with Fentress, Overton, and White Counties. Jackson County would drill on Monday and Tuesday following the second Thursday and Friday of September. A regimental must was also held annually in October.
9. Acts of 1849-50, Chapter 229, declared that the militia of the Second Civil District of Jackson County was exempt from attending the county's regimental and battalion musters. They would instead hold a company muster within the district on the same days. The captain would report the strength and condition of his company annually to the colonel of the regiment

Offenses

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

1. Acts of 1820 (Ex. Sess.), Chapter 11, directed the Sheriff of Jackson County to hold an election at the courthouse in the town of Gainesboro on the first Monday in January, 1821, and every succeeding year, for the purpose of electing nine persons to serve as aldermen for the town of Gainesboro.
2. Acts of 1820 (Ex. Sess.), Chapter 117, authorized the sheriff and rangers of the counties of Warren, Jackson, Bledsoe, and Marion, at their discretion, to advertise all lands, and strays, to be sold by them under execution, or for taxes in the Sparta Gazette, a newspaper published in that city in White County.
3. Acts of 1821, Chapter 180, amended Acts of 1820 (Ex. Sess.), Chapter 117, and made it lawful for the Sheriffs of Warren, Jackson, Bledsoe, and Marion Counties in their discretion to advertise all lands to be sold under execution or for taxes in some newspaper in Sparta, and the Rangers, at their discretion, may advertise the stays they propose to sell under the law in the same way and in the same place.
4. Acts of 1831, Chapter 123, authorized the Sheriffs of Jackson, Cocke, Monroe, Knox, and Lawrence Counties to appoint three additional deputies who shall be subject to the same rules, regulations, and law as are the other deputy sheriffs.
5. Acts of 1837-38, Chapter 61, prohibited the county courts of Cannon, White, Warren, and Jackson Counties to levy a tax for the year 1838 on DeKalb County which was formed from portions of these counties. The Sheriff, if he failed to hold the election as required by the Act creating DeKalb County in the fraction of his county taken for reason of accident, or otherwise, shall proceed to hold the same on Tuesday, January 30, 1838, and make proper returns on the same. In Jackson County the election would be held at the home of Robert Allcorn.
6. Private Acts of 1921, Chapter 236, stated that in Jackson County and Macon County the sheriff shall receive as compensation \$720 per annum, payable monthly, out of the county treasury on the warrant of the county judge, or chairman. The sheriff was not required to account for or to pay over his fees, this salary being in addition to them.
7. Private Acts of 1921, Chapter 693, amended Private Acts of 1921, Chapter 236, so as to remove Jackson County from its provisions.
8. Private Acts of 1949, Chapter 578, recited in the preamble that the fees and the salaries of the sheriff of Jackson County were insufficient to meet the expense of patrolling roads, visiting eating and drinking places to keep order, and visiting public assemblies, and that the county needs these things to be done, therefore, this act grants to the sheriff of this county up to \$75 per month to accomplish the purposes being neglected above, to be paid on the warrant of the county chairman or judge to the sheriff when he files an affidavit of his expenses. This act was repealed by Private Acts of 1951, Chapter 110.
9. Private Acts of 1978, Chapter 166, would have repealed Acts of 1831, Chapter 123, however, it could not be ratified in the time stated in the act and therefor never became effective.

10. Private Acts of 1978, Chapter 248, would have repealed Acts of 1831, Chapter 123, but it was not approved by the quarterly county court.

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