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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,

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Table of Contents

<b>Law Enforcement - Historical Notes .....</b>	<b>3</b>
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# Law Enforcement - Historical Notes

## **Militia**

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

1. Public Acts of 1825, Chapter 69, declared that free men and indentured servants between the ages of eighteen years 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 time for muster for Henry County's Seventy-third Regiment would be the third Saturday of September each year. Many changes were made by the act in the military system of a technical or organizational nature.
2. Public Acts of 1835-36, Chapter 21, was a reorganization for the whole state militia law and units. Henry County's Regiments were numbered as the 114th and 115th. 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 114th and 115th Regiments formed part of the 18th Brigade which was in the 4th Division. The State had four Divisions.
3. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Henry County would convene and drill its units on the first Friday and Saturday in September. Henry, Carroll and Benton Counties' units would compose the Eighteenth Brigade.
4. 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 Henry County.
5. Acts of 1845-46, Chapter 109, changed the time of holding drill musters in Henry, Carroll and Gibson Counties. The commissioned officers of the militia in each of these counties were to hold their drill musters at their respective county seat in each year preceding their regimental musters.

## **Offenses**

The acts briefly summarized below fell into this category in Henry County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 805, made it unlawful for any County office holder in Henry County to sign any bond or note as surety during the time of holding said office. The act did not apply to county officers who were elected and holding office at the time the act was passed.
2. Private Acts of 1961, Chapter 325, prohibited the possession, storing, using, manufacturing or selling of pyrotechnics in Henry County. Any merchandise falling within the definition of pyrotechnics was subject to confiscation and destruction by the Sheriff of the County. Those persons who violated this act would be guilty of a misdemeanor and upon conviction were subject to a fine that ranged between \$50 and \$400 or confinement in the county jail for not less than 30 days. The act did not apply to persons conducting public displays of pyrotechnics who had acquired same from outside the County.
3. Private Acts of 1979, Chapter 75, repealed Private Acts of 1961, Chapter 325.

## **Sheriff**

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

1. Private Acts of 1823, Chapter 117, required the Treasurer of the State to give to Thomas Gray, Sheriff of Henry County, a credit in the collection of State taxes for the year 1822 of in the amount of \$331.52 which was the amount overpaid by the Sheriff on the 1821 taxes due from the County to the State. The production of this act was to serve as settlement of the account.
2. Private Acts of 1823, Chapter 162, stated that it was just and expedient for each county to bear its own tax and not be burdened with the taxes of another county. The Sheriff of Henry County was directed to return to the people living in the territory west of Henry County, which had petitioned to be a separate county, any part or portion of taxes collected from them as a tax by the County Court of Henry County for the purpose of defraying costs of public buildings which tax was levied in 1823. The Treasurer of the State was directed to credit the Sheriff with the amount of taxes returned to the inhabitants of the other county.
3. Private Acts of 1829, Chapter 194, directed the Quarterly County Courts of Henry and Weakley

Counties to appoint a Commissioner to determine how much money the Sheriff of Henry County had collected from the people of Weakley County as a public building tax, and paid to the Trustee of Henry County. The Trustee of Henry County had the duty to pay the amount determined over to the Trustee of Weakley County. The Commissioner was authorized to make any necessary motion against the Sheriff and Trustee of Henry County and the Commissioners of Weakley County could proceed in any lawful manner to collect the taxes due them under this act.

4. Private Acts of 1831, Chapter 33, appointed five Commissioners to receive and appropriate the funds collected from a navigation tax imposed on the Henry County residents for the years 1825 and 1826. The act provided for the former Sheriff of Henry County to turn over those funds to the Commissioners. The funds were to be devoted to clearing obstructions in the Big Sandy River, starting at the mouth and ending at Wyatt Mill.
5. Private Acts of 1921, Chapter 81, provided that the Sheriff of Henry County would be paid a salary of \$1,200 a year, payable out of the County Treasury on the warrant of the County Judge.
6. Private Acts of 1921, Chapter 864, amended Private Acts of 1921, Chapter 81, above, by striking out the phrase "and compensation as ex-officio jailer" and providing that the fees received by the Sheriff as jailer in connection with the operation of the jail would not be taken into account in deciding whether the fees of the Sheriff's office amount to as much as \$1,200 annually and would not be considered in determining whether or not the deficiency in meeting the annual salary existed.
7. Private Acts of 1923, Chapter 374, provided additional compensation in the amount of \$100 per month to the Sheriff of Henry County for his duties as ex-officio jailer.
8. Private Acts of 1947, Chapter 282, amended Private Acts of 1921, Chapter 864, by increasing the salary of the Sheriff of Henry County from \$1,200 to \$1,500 annually.
9. Private Acts of 1949, Chapter 506, repealed Private Acts of 1921, Chapter 81. The act made no mention of the amendments to the 1921 act.

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