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# Law Enforcement - Historical Notes

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Dear Reader:

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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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# Law Enforcement - Historical Notes

## **Militia**

Those acts once affecting Carroll 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 1822, Chapter 94, provided that the military officers elected in Carroll County by order of the Brigadier General of the 11th Brigade be confirmed in their offices, and the Governor was directed to issue their commissions.
2. Private Acts of 1824, Chapter 40, designated the Carroll County militia as the 74th Regiment, attached to the 13th Brigade along with Henderson, Gibson, Henry, Weakley, Obion and Dyer Counties.
3. Public Acts of 1825, Chapter 69, declared that free men and indentured servants between the ages of 18 and 45 years would constitute the state militia. Certain persons were exempt from service, including judges, ministers of the gospel, grist mill keepers, public ferry men and mail carriers. The militia of Carroll County constituted the 74th Regiment, which would hold a regimental muster on the second Saturday in September each year.
4. Private Acts of 1827, Chapter 203, provided that the volunteer company known as the Carroll Guards were not required to attend battalion or regimental musters or court martials. If a person was subject to militia duty in the county and was a member of the Carroll Guards, he could be exempt from militia duty by providing a certificate from the Captain of the Guards to that effect.
5. Public Acts of 1835-36, Chapter 21, reorganized the state militia. The state had four divisions, and the Carroll County militia constituted the 111th and 112th Regiments, which formed part of the 18th Brigade, in the 4th Division.
6. Acts of 1837-38, Chapter 157, scheduled county drills for every county militia unit in Tennessee. Carroll County would drill its units on the first Monday and Tuesday following the first Friday and Saturday in September. The units in Carroll, Henry and Benton Counties comprised the 18th Brigade.
7. Acts of 1839-40, Chapter 56, required all white male inhabitants of the state between the ages of 18 and 45 to serve in the militia, with some exceptions specified. The act made various organizational changes, but no changes were made in the regiments of Carroll County.
8. Acts of 1845-46, Chapter 109, changed the time of holding drill musters in Carroll, Henry 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 each year, preceding their regimental musters.

## **Offenses**

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

1. Private Acts of 1923, Chapter 316, made it unlawful for any person, firm or corporation to own, operate or in any way to be associated with any pool room or billiard room for financial gain in counties having a population between 24,350 and 24,360 according to the 1920 census. The act obviously was intended to apply to Carroll County, but the population of Carroll County was 24,361. Therefore, the act was amended by Private Acts of 1923, Chapter 684, to change the upper limit of the population bracket to 24,361.

## **Sheriff**

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

1. Private Acts of 1826, Chapter 175, directed the Carroll County Sheriff to make a certified report to the Sheriffs of Gibson and Dyer Counties of the taxes due on those tracts of land which were once in Carroll County but now lay in Gibson and Dyer counties for the years 1821, 1822 and 1823. The Sheriff of Carroll County had been unable to collect the delinquent taxes.
2. Acts of 1847-48, Chapter 147, directed the Treasurer of the State of Tennessee to refund Jeremiah T. Rust, Sheriff of Carroll County, \$27.50 for insolvencies disallowed him out of the state revenue and collected by him for the year 1845. The act also authorized all sheriffs and tax collectors in the state to make deeds of conveyance for lands sold for delinquent taxes.
3. Private Acts of 1923, Chapter 462, set the salary of the Sheriff of Carroll County at \$1,500 annually, payable quarterly. The Sheriff would receive 60¢ per day for feeding each prisoner held in the county jail. The Sheriff was prohibited from charging jail fees for receiving or releasing

prisoners, but he would receive the fees set by law for service of process, subpoenas and other legal papers.

4. Private Acts of 1927, Chapter 636, provided that as compensation for their enforcement of the liquor laws in Carroll County, the Sheriff, deputy or constable making the arrest would receive one-fourth of the fines collected from the violator.
5. Private Acts of 1947, Chapter 191, amended Private Acts of 1923, Chapter 462, to repeal the provision which prohibited the Sheriff of Carroll County from receiving any jail fees for receiving (and presumably releasing) prisoners.

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