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Law Enforcement - Historical Notes

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,

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

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Jails and Prisoners

The following act once affected jails and prisoners in Wayne County, but is no longer operative.

1. Acts of 1833, Chapter 9, authorized and required the Board of Internal Improvement of Wayne County to pay to the commissioners appointed to superintend the building of a county jail all the interest arising from the internal improvement fund to be used to build the jail. The commissioners of the town of Waynesboro were authorized to sell the old jail and lot and apply the proceeds towards the construction of the new jail.

Militia

Those acts once affecting Wayne 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 1823, Chapter 310, stated that the militia of Wayne County would compose the 68th Regiment of the Tennessee Militia and would hold their regimental musters on the first Saturday in October each year.
2. Acts of 1825, Chapter 69, stated that the Militia would be made up of free men and indentured servants between the ages of 18 and 45. The unit in Wayne County was designated as the 61st Regiment of the 11th Brigade, 3rd Division, mustering and drilling on their annual inspection on the first Saturday in November. This Act identified every military unit in the state, set up schedules for their drills, and covered the whole range of military affairs, including internal organization and discipline.
3. Acts of 1835-36, Chapter 21, was the Militia Law enacted pursuant to the new State Constitution and covered all phases of the state military operations. Wayne County's Regiments were designated the 101st and 102nd Regiments of the 17th Brigade which also contained Hickman, Hardin, and Lawrence Counties.
4. Acts of 1837-38, Chapter 157, scheduled the annual musters and drills for every militia unit in the state requiring a county drill in the month of September annually at the County seat. The 17th Brigade had Hickman County mustering on the first Friday and Saturday in September, Wayne County on the next Wednesday and Thursday, Hardin County on the next Friday and Saturday after that, and Lawrence County on the next Friday and Saturday.

Offenses

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

1. Private Acts of 1913, Chapter 198, made it unlawful for anyone to construct a building, the principal material of which is wood or similar combustible materials within two hundred feet of a Court House in any unincorporated county seat in Wayne County. Violators may be fined upon conviction from \$100 to \$500 and further, be required to remove the building, and pay all the costs of any suit involved. If one refuses to remove the building, others may remove it and the costs of the same be charged to the owners. This Act was repealed by Private Acts of 1920 (Ex. Sess.), Chapter 64.

Sheriff

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

1. Acts of 1821, Chapter 101, required the Sheriffs of Wayne and Hardin Counties to advertise all lands which were required under the law to be advertised, either for execution or taxes, in some paper printed in Nashville. Rangers were directed to make their advertisements in some paper printed in Columbia regarding strays they had picked up which the law required them to sell.
2. Acts of 1829, Chapter 111, allowed the Sheriff and the Ranger of both Wayne and Lawrence Counties to hereafter advertise in any newspaper printed in the town of Nashville, or printed in the town of Columbia at their option.
3. Acts of 1909, Chapter 536, stated that in Wayne County the Sheriff and his Deputies, shall be paid for summoning jurors of a regular venire, for each juror summoned, the sum of 25 cents, to be paid by the county, and for special venires summoned, the Sheriff or his Deputies, shall be paid 15 cents for each juror.

4. Private Acts of 1911, Chapter 602, provided that in Wayne County, the Sheriff shall be paid \$750 per year, semi-annually, on the first day of January and July out of the regular county funds on the warrant of the County Judge, or Chairman; provided that the Sheriff files a sworn, itemized account of all the fees collected and the source from which they came. Fees for the boarding of prisoners shall not be counted and if the other fees fail to equal the salary, the county shall pay the difference to the Sheriff but if the fees exceed the salary the Sheriff may retain the excess. The Sheriff was allowed to retain the compensation provided by law for keeping prisoners in addition to the salary provided in this Act. This Act was repealed by Private Acts of 1915, Chapter 386.
5. Private Acts of 1919, Chapter 192, stated that, in Wayne County, the Sheriff shall receive the sum of \$1,200 per year, payable quarterly, on the first day of January, April, July, and October, out of the regular county funds, provided he keeps and files quarterly, a sworn, itemized statement showing the total amount of fees collected in the office and the source from which they came, excepting the fees received for the boarding of prisoners. The County would pay the difference if the fees did not equal the salary, but the Sheriff could retain any excess. The Sheriff was also entitled to the compensation as now provided by law for keeping and boarding prisoners, in addition to the salary fixed in this Act.
6. Private Acts of 1949, Chapter 275, amended Private Acts of 1919, Chapter 192, by increasing the annual salary of the Sheriff from \$1,200 to \$2,400, all other terms and conditions to remain as they were specified.
7. Private Acts of 1959, Chapter 110, provided that the Sheriff of Wayne County would be paid up to \$200 per month out of the county treasury as expenses for doing patrol work, public services, auto expenses, and other activities over and above the duties required by law for which no compensation is provided by law. This amount was not to be considered as an increase in salary but as reimbursement for expenses of the Sheriff since the fees of the office are insufficient.

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