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# Chapter X - Law Enforcement

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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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# Chapter X - Law Enforcement

## Constables

### Private Acts of 2002 Chapter 93

**SECTION 1.** Chapter 52 of the Private Acts of 1973, as amended by Chapter 183 of the Private Acts of 1990, and any other acts amendatory thereto, is hereby repealed.

**SECTION 2.** It is the intent of this act that the election of constables in Tipton County be governed by the general law compiled in Tennessee Code Annotated, Title 8, Chapter 10.

**SECTION 3.** Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

**SECTION 4.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Tipton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 5.** 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 as provided in Section 4.

Passed: February 28, 2002.

## Law Enforcement - Historical Notes

### Constables

1. Private Acts of 1972, Chapter 388, provided that constables in Tipton County should be elected from magisterial districts, one from each district, except where the Tipton County Courthouse was located, which was to elect two constables. The term of office was to be two years. This act was rejected or disapproved or not concurred in by the county legislative body, and therefore, did not become law.
2. Private Acts of 1973, Chapter 52, as amended by Private Acts of 1990, Chapter 183, relative to the election of constables in Tipton County. This act was repealed by Private Acts 2002, Chapter 93.

### Jails and Prisoners

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

1. Private Acts of 1976, Chapter 278, authorized any person incarcerated in the Tipton County - Covington Justice Complex to work on any publicly-owned property in Tipton County or in Covington at the direction of the person having supervision over him during his term of imprisonment. This act was repealed, by Private Acts of 1995, Chapter 89.
2. Private Acts of 1976, Chapter 279, authorized the salary of the Tipton County penal farm superintendent to be set by the Tipton County penal farm committee and approved by the quarterly county court. It was to be set annually and paid in equal monthly installments. The act was repealed by Private Acts of 1995, Chapter 88.

### Militia

Those acts once affecting Tipton 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 1824 (Ex. Sess.), Chapter 40, was a militia law for Tipton County, placing it as the eighty-seventh regiment. It placed the militias of Hardeman, Fayette, Shelby, Tipton, Haywood and Madison counties in the fourteenth brigade and provided that they would organize on the first Thursday in February, 1825, in Jackson, Tennessee.
2. Public Acts of 1825, Chapter 69, transferred Tipton County to be a part of the thirteenth brigade, in the third division, and still constituted the eighty-seventh regiment. Regimental musters were to be held on the first Saturday of October.
3. Acts of 1832, Chapter 7, established the one hundred twenty-seventh regiment of the militia of the state, to consist of those troops residing north of the Hatchie River in Tipton County. Regular musters were to be held on the first Thursday in October; battalion musters on the first and

second Fridays in April.

4. Acts of 1832, Chapter 28, named the militia company commanded by William Harper "The Tipton Troop", and provided that it could not consist of more than seventy-five men.
5. Acts of 1837-38, Chapter 157, was another militia law for Tipton County. This act provided that the twenty-first brigade, consisting of Haywood, Tipton and Lauderdale counties, would hold county drill on the Monday and Tuesday following the first Friday and Saturday in September for Tipton County.
6. Acts of 1839-40, Chapter 56, Section 9, designated the regiments of the state militia, with the militia of Tipton County composing the one hundred thirtieth and one hundred thirty-first regiments. Section 25 of said act divided the state into brigades, with the counties of Haywood, Tipton and Lauderdale constituting the twenty-first brigade. Section 26 of this act specified the boundaries of divisions, with the fourth division being composed of the eighteenth, nineteenth, twentieth, twenty-first and twenty-second brigades.
7. Acts of 1861 (1st Ex. Sess.), Chapter 1, also designated Tipton County to compose the one hundred thirtieth and one hundred thirty-first regiments, and Haywood, Tipton and Lauderdale counties constituted the twenty-first brigade. The eighteenth, nineteenth, twentieth, twenty-first and twenty-second brigades composed the fourth division.

### **Offenses**

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

1. Acts of 1905, Chapter 352, made it unlawful for any person, firm or corporation to sell or tipple intoxicating liquors, beers, ale, or any drink that intoxicates within Tipton County. Anyone found violating this law was guilty of a misdemeanor and subject to being fined not less than \$50 and confined in county jail for not less than six months. This act was repealed by Private Acts of 1933, Chapter 794.

### **Sheriff**

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

1. Acts of 1826, Chapter 170, Sec. 6, authorized the sheriff of Tipton County to hold an election at the courthouse in Covington on the first Monday of December every year for the purpose of electing seven aldermen for the Town of Covington.
2. Acts of 1831, Chapter 48, Sec. 5, authorized the sheriff of Tipton County to hold an election on the second Monday of December every year for the purpose of electing seven aldermen for the Town of Randolph.
3. Private Acts of 1939, Chapter 416, provided that the Tipton County Sheriff was to be paid a yearly salary of \$3,600. The act was directed at counties that maintained a separate penal farm. In *Tipton County v. Scott*, 177 Tenn. 507, 151 S.W.2d 167 (1941), the Tennessee Supreme Court ruled this act to be unconstitutional on the ground that it was a violation of the constitutional prohibition against partial legislation, since it guaranteed a minimum salary to the Tipton County Sheriff without guaranteeing a similar salary to sheriffs of all third class counties.
4. Private Acts of 1939, Chapter 417, authorized the sheriff to appoint a chief deputy, who was to receive an annual salary of \$1,800, plus any extra fees that he earned in the exercise of the duties of his office. This act, too, was directed at counties maintaining a separate penal farm.
5. Private Acts of 1949, Chapter 533, provided that the Tipton County Sheriff was to receive an expense account of \$200 per month in addition to his annual salary, since the current general law provisions at that time for fees and compensation of the office were not sufficient for the competent and efficient performance of the duties. This act was repealed by Private Acts of 1967-68, Chapter 284.

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