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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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# Law Enforcement - Historical Notes

## **Jails and Prisoners**

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

1. Public Acts of 1883, Chapter 233, amended the general law concerning county jail physicians, Public Acts of 1877, Chapter 160, by redefining his duties and setting his salary to \$1,500 per annum in counties with a population of 50,000 or more.
2. Acts of 1905, Chapter 458, provided that the quarterly county court of Shelby County should elect four competent persons, plus two justices of the peace, to serve as a workhouse commission for the county.
3. Acts of 1909, Chapter 195, provided that the board of workhouse commissioners was to furnish the turnpike superintendent with a gang of convicts, properly equipped, of not less than forty nor more than seventy to keep the gravel roads of the county in good repair. Guards for this gang were to be employed by the superintendent of the workhouse, but their salary was to be paid from the turnpike fund.
4. Private Acts of 1911, Chapter 300, authorized Shelby County to enter into contracts with municipalities within its boundaries regarding the care of prisoners for those municipalities. This was repealed by Private Acts of 1913, Chapter 243.
5. Private Acts of 1921, Chapter 115, created the Shelby County Jail Commission to oversee the construction of a jail or a jail-penal farm and to issue and sale bonds for the construction of that facility. This was amended by Private Acts of 1921, Chapter 937, to provide that any surplus remaining after completion of the jail or penal farm would be used for improving the county workhouse and/or the home for the aged and infirm and/or any other county institution.
6. Private Acts of 1965, Chapter 249, attempted to give the superintendent of the Shelby County Penal Farm broad discretion in the confinement, temporary release and rehabilitation of chronic alcoholic persons sentenced to the workhouse by the criminal court for public drunkenness, but this act was rejected by the quarterly county court and its provisions were never effective.

## **Militia**

Those acts once affecting Shelby 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, revised and amended the militia laws of the state. The militia of Shelby County composed the sixty-ninth regiment and held a regimental muster on the fourth Saturday in September annually.
2. Private Acts of 1827, Chapter 60, Section 4, set the time for holding drills for the militia of Shelby County to the Thursday and Friday preceding the third Saturday in September.
3. Public Acts of 1835-36, Chapter 21, divided the state militia into militia brigades. The militia of Shelby County formed the twenty-second brigade.
4. Acts of 1837-38, Chapter 157, provided that the county drill of the twenty-second brigade of Shelby County would be held on the second Monday and Tuesday of September of each year.
5. Acts of 1839-40, Chapter 56, revised the militia laws of the state. The militia of Shelby County composed the one hundred twenty-eighth and the one hundred and twenty-ninth regiments of the twenty-second brigade of the fourth division.
6. Acts of 1839-40, Chapter 187, created the twenty-third brigade of the Tennessee militia, which included the counties of Shelby and Fayette. This act also provided for the election of brigade officers by white males in those counties, between the ages of eighteen and forty-five.
7. Public Acts of 1861, Chapter 1, was an overall militia law for the state. The militia of Shelby County composed the one hundred twenty-eighth and the one hundred and twenty-ninth regiments.

## **Sheriff**

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

1. Public Acts of 1859-60, Chapter 125, authorized the sheriff of Shelby County to appoint five deputies.

2. Public Acts of 1861 (Ex. Sess.), Chapter 21, authorized the sheriffs of Hawkins, Shelby and Dyer counties to appoint two extra deputies for their offices.
3. Private Acts of 1917, Chapter 77, set the salary of the sheriff of Shelby County to \$6,500 per annum.
4. Private Acts of 1919, Chapter 755, fixed the fees of the sheriffs for attendance on court in counties having a population of 190,000 or more according the Federal Census of 1910. A fee of \$3.50 was set for each day's attendance on court.
5. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Sheriff to \$7,500 per annum.
6. Private Acts of 1927, Chapter 682, set the sheriff's salary at \$10,000 per year.
7. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Sheriff to \$7,500 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the sheriff to \$8,250 per annum.
8. Private Acts of 1947, Chapter 517, authorized the quarterly county court to appropriate such additional funds as necessary to supplement the sheriff's fees so that he could properly and efficiently administer his office.
9. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the sheriff to \$8,800 per annum.
10. Private Acts of 1965, Chapter 252, attempted to create a civil service system for sheriff's employees, but the quarterly county court did not approve the provisions of the act so it never came into effect.
11. Public Acts of 1978, Chapter 934, extended the term of office for the sheriff from two years to four years and removed the limitation of three on the number of terms the sheriff could serve. Effective September 1, 1978, county rangers were abolished.
12. Public Acts of 1979, Chapter 249, allowed the sheriff under certain conditions to work prisoners who were sentenced to the county jail, or workhouse, for eleven months and twentynine days, or less, picking up trash and litter from the public roads and highways. The state department of transportation could supply a truck and a driver to assist in this program.

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