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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 Rutherford 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 1803, Chapter 1, was a new and detailed militia law for the State which would make free men and indentured servants between the ages of 18 and 45 eligible for membership. Rutherford County's until was designated as the 22nd Regiment which would hold its annual drill and muster at the Court House on the third Thursday of October. The units from Davidson, Williamson, and Rutherford Counties would make up the Fourth Brigade.
2. Acts of 1811, Chapter 93, amended the existing militia law of the State in several places. This act placed the counties of Davidson, Williamson, and Rutherford in the 9th Brigade for which a Brigadier General would be elected by the brigade officers. A second Regiment was formed in Rutherford County, called the 45th Regiment, which would hold the required annual muster and drill on the second Thursday in September.
3. Acts of 1815, Chapter 119, constituted an entirely new military code for Tennessee. This Act organized each county unit into Brigades and Divisions. Rutherford County's Regiments would consist of the 22nd and 45th, of the 9th Brigade, of the Second Division.
4. Acts of 1819, Chapter 63, rewrote the State Militia Statute. Rutherford County now had the 22nd, the 45th, and the 53rd Regiments. The 22nd Regiment would hold its muster on the second Thursday in October, the 45th Regiment on the third Thursday in October, and the 53rd Regiment on the fourth Thursday in October. The Davidson County, Williamson County, and Rutherford County units were still assigned to the Ninth Brigade.
5. Acts of 1825, Chapter 69, continued the composition of the militia of Rutherford County as the 22nd, 45th and 53rd regiments which formed the Ninth Brigade. The Ninth Brigade was made a part of the Second Division.
6. Acts of 1826, Chapter 18, set up drills for the 9th Brigade composed of the militia units in the Counties of Davidson, Williamson, and Rutherford, scheduling the required annual drill and muster for Rutherford County on the second Thursday and the day following after the first Monday in September of each year.
7. Acts of 1826, Chapter 134, stated that the volunteer company of the State Militia known as the Murfreesboro Sentinels in the 45th Regiment of that County would have all the rights and privileges of all other personnel in the militia except their members are not required to attend regimental and battalion musters, or courts martial. Anyone subject to military duty in Rutherford County could join the Sentinels and, if a certificate of membership is produced the holder thereof would be exempted from militia duty in the regiment of his place of residence.
8. Acts of 1827, Chapter 164, made the volunteer company, called the Guards of the 53rd Regiment in Rutherford County, now commanded by Captain William F. Ready, subject to all the rules and regulations of the State Militia and military code except that their members would not be compelled to attend regimental or battalion musters and courts martial. The Company could have from 40 to 100 privates and anyone in Rutherford County wishing to enlist with them may do so and thereby be exempt from militia duty with their assigned regiment.
9. Acts of 1829, Chapter 266, authorized a militia company to be denominated the Rutherford Patriots, composed of 45 to 100 privates, to be formed in that County which would have and enjoy all rights and privileges except that their members would not be compelled to perform duty with any other unit. The officers of the Company would be one Captain, three Lieutenants, and one Ensign. The company was assigned to the 22nd Regiment.
10. Acts of 1829, Chapter 296, provided that the volunteer company called the Rutherford Rangers of the Rutherford County militia would not be compelled to attend regimental and battalion courts martial and musters. Any person subject to militia duty could join the Company and not have to attend the musters of the units of their residence so long as they remain members of the Company.
11. Acts of 1835-36, Chapter 21, was an entirely new militia law as part of the general reorganization of the local and State governments after the adoption of the 1835 Constitution. The militia units would be composed of white males between the ages of 18 and 45. Rutherford County now had four regiments, the 61st, the 62nd, the 63rd, and the 64th. Annual drills and musters were scheduled according to Regimental numbers. Rutherford County and Williamson County made up

- the 13th Brigade of the Third Division.
12. Acts of 1837-38, Chapter 157, required that there be a county drill in the month of September in every unit of every County across the State. For Rutherford County the drills would occur on the first Friday and Saturday in September of each year. Rutherford County remained in the 13th Brigade with Williamson.
  13. Acts of 1839-40, Chapter 56, was a complete revision of the State military laws. The militia units would be composed of white males between the ages of 18 and 45. A schedule was established for the battalion musters. Section 9 designated the County Regiments for each county, giving Rutherford's regiments the 61st, 62nd, 63rd, and 64th designations. Rutherford and Williamson Counties constituted the Thirteenth Brigade.
  14. Acts of 1843-44, Chapter 88, required the Brigadier General of the 13th Brigade to assemble the field officers of the existing regiments in the Brigade in Rutherford County to consider the propriety of forming an additional regiment for the County. If a new regiment could be formed without reducing the other regiments in the county, the officers would proceed to lay off the area for the new Regiment which would best serve the convenience of all concerned. If the above should occur, the regiments would then be renumbered.
  15. Acts of 1861, Chapter 1, rewrote the State's military laws as the Civil War loomed on the horizon. Rutherford County retained the four Regiments in the County. An overall tightening up in every aspect of the military Code was apparent as the State prepared itself to participate in the war which was imminent. Rutherford and Williamson County units were still the 13th Brigade of the Third Division.

### **Sheriff**

Those acts once affecting Rutherford 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 1803, Chapter 1, was a new and detailed militia law for the State which would make free men and indentured servants between the ages of 18 and 45 eligible for membership. Rutherford County's until was designated as the 22nd Regiment which would hold its annual drill and muster at the Court House on the third Thursday of October. The units from Davidson, Williamson, and Rutherford Counties would make up the Fourth Brigade.
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