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# Chapter X - Law Enforcement

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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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# Chapter X - Law Enforcement

## Law Enforcement - Historical Notes

### **Jails and Prisoners**

The following acts once affected jails and prisoners in Franklin County, but are no longer operative.

1. Acts of 1813, Chapter 85, appointed five commissioners to raise up to \$1500 by conducting a lottery for the purpose of rebuilding the jail in Winchester which had burned.
2. Private Acts of 1819, Chapter 21, authorized the County Court at its next January session, at least nine Justices then being present, to levy a tax on all taxable property in the County and continue it for the next two years, for the purpose of building a jail in Winchester, said tax to be collected by the regularly constituted tax collection officer.
3. Private Acts of 1822, Chapter 49, specified that the limits of the prison rules were to be as follows: Beginning on the northeast bank of the Boiling Fork of Elk River below Christopher Bullard's Spring, thence running a straight line up the creek including said spring eight poles above, and including Nathan Green's spring on the south side of said creek, thence running parallel with the south boundary of the town in Winchester opposite to the southern corner of said town, thence running with the western boundary of said town so far past the western corner thereof as that a straight line running to the beginning will include Carrick Academy.

### **Militia**

Those acts once affecting Franklin 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, constituted an early and complete military code for the local armed forces of the State, including within it a Table of Organization and the regulations appertaining to all phases of military functions. Franklin County was yet to be created but all persons in the State were affected by this act.
2. Acts of 1809 (Sept. Sess.), Chapter 89, was a lengthy amendment to the militia law. Franklin and Warren Counties were Constituted as the seventh brigade. Several regulations were set forth. For example, an officer could be fined five dollars for not appearing for roll call at the regimental muster.
3. Acts of 1815, Chapter 119, was a new statewide military code of laws for Tennessee. The Table of Organization established all of the county units then existing in Tennessee. The Franklin County Militia constituted the 32nd Regiment, a part of the 8th Brigade. All men age eighteen to forty were declared members of the militia.
4. Public Acts of 1819, Chapter 68, revised and amended many parts of the State's Militia Law. Franklin County retained its 32nd Regiment and added the 56th Regiment. The 32nd Regiment would call and hold its annual Regimental muster and drill on the third Saturday in October and the 56th Regiment would do the same on the fourth Saturday of the same month. The remainder of this long and involved law addressed itself to the details of organization, operation, logistics, and discipline of the entire military structure of the State.
5. Public Acts of 1825, Chapter 69, declared that all free men and indentured servants between the ages of eighteen and forty-five years would constitute the State Militia. Some persons were exempted including judges, ministers of the gospel, grist mill keepers, public ferry men, and mail carriers. The times for muster for Franklin County's 32nd and 56th Regiments remained the third and fourth Saturdays of October, respectively. Many changes were made to the military system of a technical or organizational nature.
6. Public Acts of 1835-36, Chapter 21, was a reorganization of the whole state militia law and units. Franklin County's Regiments were numbered as the 39th, 40th, and 41st. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three (3) Sergeants, three (3) corporals, and no less than forty-five (45) privates.
7. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Franklin County would convene and drill its units on the second Friday and Saturday in September. Franklin, Warren, Cannon, and Coffee Counties' units would compose the Tenth Brigade.
8. Acts of 1839-40, Chapter 56, limited membership in the militia of the State to white, male, inhabitants between the ages of eighteen and forty-five, with some exceptions specified. The

Organizational Table did not make any changes in the regiments of Franklin County, and they remained in the Tenth Brigade as they were formerly scheduled.

### **Sheriff**

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

1. Acts of 1815, Chapter 162, required the Sheriff of Franklin County to advertise land in execution in a newspaper in the Fourth Judicial Circuit as well as the Third Judicial Circuit, as then already required. The County Ranger was likewise required to publish his advertisements concerning stray animals.
2. Private Acts of 1822, Chapter 54, required the Sheriffs and Rangers of Lincoln and Franklin Counties to advertise all sales and stray animals in a newspaper printed in Nashville, Shelbyville, Murfreesboro, or Sparta.
3. Public Acts of 1825, Chapter 259, authorized the Sheriff and Clerks of the County and Circuit Courts to publish their advertisements and orders in the Franklin Gazette, being published in Winchester.
4. Private Acts of 1826, Chapter 17, required the Sheriff of Franklin County to collect all taxes due Marion County, up to January 1, 1826, from that area which was annexed to Franklin County by an act of 1823.
5. Private Acts of 1867-68, Chapter 63, allowed the Sheriffs of Franklin, Knox and Dyer Counties to appoint an additional deputy sheriff over the number then allowed by law.
6. Public Acts of 1897, Chapter 124, set the salaries of various county officials across the state by classifying counties into population groups. This act was the first departure from the fee system of compensation and it became the model for future legislation. The salaries would be paid from the fees collected by officials but the fees were declared the property of the respective counties. The salary of the Sheriff of Franklin County under this act was \$1,000 annually.
7. Private Acts of 1921, Chapter 977, fixed the salary of the Franklin County Sheriff at \$1,500 per year. He was required to make a report to the County Court by December 31st of each year containing an itemized statement of the amount of fees he had collected. If the fees were less than \$1,500, the county would pay the deficit out of the county treasury.
8. Private Acts of 1969, Chapter 160, authorized the Sheriff of Franklin County to receive a fee of \$2.00 per day for each prisoner kept in the county jail for a period of 24 hours without naming the source from which the money would be paid. This act was rejected at the local level and did not become a law.
9. Private Acts of 1970, Chapter 283, permitted a fee of \$1.75 daily to the Sheriff for each prisoner committed for 24 hours or longer. This act was rejected by the Quarterly County Court and did not become law.

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