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Chapter X - Law Enforcement

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

Offenses

Open Beer Cans

Private Acts of 1981 Chapter 31

SECTION 1. It shall be unlawful for any person to drink or consume or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has the appropriate permits and licenses for on premises consumption as required by law.

SECTION 2. Any person violating the provisions of this Act shall upon conviction be guilty of a misdemeanor and shall be punishable by not more than a fifty dollar (\$50.00) fine.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Obion County before September 1, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 4. 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 upon being approved as provided in Section 3.

Passed: March 4, 1981.

Law Enforcement - Historical Notes

Militia

Those acts once affecting Obion 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, Chapter 40, provided that the Sheriffs of the Counties of Weakley, Obion, Dyer, Haywood, Tipton, Hardeman, and McNairy, would hold elections on the first Thursday and Friday in November, 1824, to elect the field officers of their respective county militias. The militia in Obion County was designated as the 83rd Regiment of the 13th Brigade.
2. Acts of 1825, Chapter 69, enacted an entirely new militia law and military code for the State, which established in detail the procedures for the organization and operation of the State Militia and set up a military code of laws by which the members would be governed in their conduct. Obion County's units constituted the 83rd Regiment which would hold their annual muster and field exercises on the first Saturday in October. The 13th Brigade included the militia in the Counties of Obion, Henderson, Carroll, Henry, Weakley, Dyer and Gibson.
3. Acts of 1835-36, Chapter 21, composed the new militia law and military Code enacted pursuant to the new State Constitution. The State Militia would consist of white male inhabitants of the State, between the ages of 18 and 45, with some exemptions. A base Table of organization for the whole State was included which required Constables to hold elections in the proper Districts in order to choose the company officers. The military Code of Conduct was prescribed and the procedure for Courts martial in case of violations was established. The State was laid off into Regiments of two Battalions each. The Obion County units made up the 136th Regiment.
4. Acts of 1837-38, Chapter 157, amended the State Militia Law in several respects but largely by fixing the schedules for county wide and Regiment Drills for every militia unit then organized. Obion County was attached to the 19th Brigade and would hold their county drills on the first Friday and Saturday in September each year. The Regimental musters and drills would be held in October.
5. Acts of 1839-40, Chapter 56, rewrote the entire militia law for the State changing many aspects of the prior law. The people in the units were limited to white males between the ages of 18 and 45 with certain exemptions. Battalion musters were to take place in April of each year and the Regiments would hold their drills according to the schedule in the Act. Obion County's Units were set up for October of each year. Obion County was organized as the 136th Regiment.
6. Acts of 1847-48, Chapter 142, stated among other things, that the 136th Regiment in Obion

County would hold their county musters hereafter on the first Saturday after the first Thursday in October of each year. The musters for the other Counties in the 19th Brigade were also listed in this Act.

Offenses

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

1. Private Acts of 1929, Chapter 824, permitted the Quarterly Court of Obion County to offer a reward of \$25 to any person catching or causing to be caught any poultry thief provided a conviction was obtained in the Circuit Court. The Quarterly Court could appropriate up to \$500 annually for this purpose. The Act further required that all persons, firms, or corporations, buying poultry to keep records showing, among other things, the date of purchase, the name of the seller, and the number and kind of poultry bought. Such records were made subject to inspection by law enforcement authorities at any time. This Act was repealed by Private Acts of 1979, Chapter 81.

Sheriff

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

1. Acts of 1827, Chapter 178, provided for the release of Joel S. Enloe, the Sheriff and Revenue Collector of Obion County, from the payment of taxes on 65,284 acres of land for the year 1826, if it were made to appear to the satisfaction of the Commissioners who were appointed by the Quarterly Court to settle accounts with Sheriff Enloe, and other county officials, that there was that amount of land returned to the Treasurer of the State in excess of that number of acres which actually appeared on the tax rolls in Obion County. The certificate of the Commissioners making this finding of fact would be sufficient to exonerate and release the Sheriff.
2. Acts of 1831, Chapter 45, was the authority for the Sheriff of Obion County to hold an election in the newly incorporated town of Troy to select a Mayor and seven aldermen. The election was scheduled for the first Saturday in March for terms of one year in each office.
3. Acts of 1831, Chapter 152, granted to Joel S. Enloe, the Sheriff of Obion County, along with the Sheriff of Dyer County, the further time of one year beginning from December 31, 1831, to pay the taxes on all tracts of land reported as taxable by them in the years 1829 and 1830, any act or law to the contrary notwithstanding.
4. Acts of 1855-56, Chapter 1, Section 5, was the enabling legislation for the Sheriff of Obion County to appoint one additional Deputy Sheriff over and above the number allowed under the law to serve the citizens of the district lying west of Reelfoot Lake.
5. Acts of 1873, Chapter 41, declared that the State costs incidental to the guarding of prisoners arrested and tried within the jurisdiction of the Law Courts of Union City, and the costs of their confinement were hereby made a charge on and must be paid by Obion County in misdemeanor cases and by the State of Tennessee in felony cases. Whenever or wherever the Sheriff of the County, or the municipal authorities of Union City have incurred costs in the care and keeping of State prisoners, they were given the authority and the permission to collect the same from Obion County, or from the State whichever government was responsible.
6. Private Acts of 1925, Chapter 574, stated that the Sheriff of Obion County would hereafter be paid the sum of \$200 per month over and above all the other fees and emoluments of his office, which amount would be payable on the last day of each month upon the warrant of the County Judge and County Court Clerk, drawn on the County treasury.
7. Private Acts of 1931, Chapter 569, created a Board of County Commissioners in Obion County. The Board would be composed of three members nominated by the County Judge, or Chairman, and elected by the Quarterly County Court to serve terms of three years which would be initially staggered. The Commissioners would be sworn into office and have a performance bond of \$1,000. The Board members were obligated to assume the charge of the workhouse and its prisoners as well as the County Poorhouse and the inmates in it, and the Board was authorized to make the necessary rules and regulations to govern the conduct of the inmates of both Institutions and the Staff of each as they might deem desirable. Board meetings must occur at least monthly. The Board had the authority to employ a Superintendent and guards for both places. Compensation of the Board members was fixed at \$10 per month plus \$4 per day travel expenses when they were conducting the business of the County. The Quarterly County Court had the power to levy a tax up to four cents per \$100 property valuation to defray the expenses

incurred in the carrying out of the provisions of this Act.

8. Private Acts of 1931 (2nd Ex. Sess.), Chapter 4, provided that the Sheriff of Obion County would be paid an annual salary of \$3,000 which would be paid by the Chairman of the County Court in the same manner as all other county expenses were paid. The Sheriff was required to notify the Chairman of the Court of his acceptance of the salary provided herein in the place and stead of the compensation permitted under Public Acts of 1921, Chapter 101.
9. Private Acts of 1931 (2nd Ex. Sess.), Chapter 17, was the authority for the Sheriff of Obion County to appoint one First, or Chief, Deputy whose salary would be \$150 per month but the Sheriff was to pay all the expenses of the position out of that amount. The above salary would not be paid if the Sheriff chose to be paid under the general public law, Public Acts of 1921, Chapter 101.
10. Private Acts of 1933, Chapter 780, said that the Sheriff of Obion County would not be entitled to receive as compensation for his services more than \$3,500 during any one year of his term, all of which must be paid out of the fees collected in his office. This Act was not intended to interfere with the provisions of Sections 10728 through 10747, of the Tennessee Code, nor was it intended in any way to interfere with the Sheriff receiving special compensation for his services as a Trustee or a Receiver. This Act was repealed by Private Acts of 1979, Chapter 81.
11. Private Acts of 1937, Chapter 300, created a Board of County Commissioners for Obion County, naming Wade Willy, Willis Williams, and Walter Harper, as the first members of the Board. Their successors would have terms of three years each and would be appointed by the Quarterly County Court and could be removed from office by a two-thirds vote of that body. The terms and provisions of this Act were very similar to Private Acts of 1931, Chapter 569, except that an Assistant Superintendent would be employed for the County Poorhouse but the combined salaries of the Superintendent and the Assistant could not exceed \$1,200 annually. In the event the county jail was formally declared to be a Workhouse the Board had the authority to contract with the Sheriff to maintain and board prisoners. The Board would receive \$10 per month as their sole compensation. A tax levy of four cents per \$100 of taxable property was also mandated.
12. Private Acts of 1943, Chapter 381, expressly and specifically repealed all Private Acts heretofore enacted relative to the Workhouse and the County Farm located in Obion County.

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