



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Chapter X - Law Enforcement

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 1972 Chapter 377

COMPILER'S NOTE: See T.C.A. 8-10-108 for the law enforcement powers of constables in Humphreys County.

SECTION 1. Effective with the August, 1972 general election and each general election held every two years thereafter, in Humphreys County, there shall be elected one (1) constable from each of the magisterial districts in Humphreys County except in the districts where the Humphreys County Court House is located, which shall elect two (2) constables. The term of office for each such constable shall be for two (2) years beginning on the first day of September next succeeding his election.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Humphreys County before August 1, 1972. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or disapproving this Act it shall take effect on becoming a law, the public welfare requiring it. For all other purposes it shall take effect upon being approved as provided in Section 2.

Passed: April 7, 1972.

Law Enforcement - Historical Notes

Jails and Prisoners

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

1. Acts of 1809, Chapter 66, was the basis for the Justices of the Peace in Montgomery County to lay a tax to build a district jail in the City of Clarksville for the Robertson District. The Courts of Pleas and Quarter Sessions of the Counties of Robertson, Dickson, Hickman, Stewart, and Humphreys were also authorized to levy a tax in the year 1810 in order to produce their respective shares of the cost of the District Jail.
2. Private Acts of 1823, Chapter 99, directed the Humphreys County Court to appoint commissioners to build a public jail, and directed the treasurer of Humphreys County to pay over to said commissioners all monies in his hands collected from the sale of the lots in Reynoldsburg. The commissioners would purchase a lot in Reynoldsburg for the purpose of erecting a jail.
3. Acts of 1837-38, Chapter 145, permitted the County Courts of Humphreys County and Benton County to sell the jails and public prisons and purchase others, and to sell, remove and rebuild their court houses. Humphreys County would divide the proceeds equally with Benton County.
4. Acts of 1855-56, Chapter 19, directed the Comptroller of the State Treasury to pay to James McGhee of Humphreys County the sum of \$31.12½ for keeping in jail certain negroes who were placed there at the instance of the State of Tennessee.

Militia

Those acts once affecting Humphreys 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 1809, Chapter 31, which created the County of Humphreys directed the Sheriff to hold an election for the purpose of electing one Colonel and two Majors in the Humphreys County Militia which would be the 38th Regiment in the Fifth Brigade.
2. Acts of 1811, Chapter 93, moved the militia of Humphreys County to the 6th Brigade.
3. Acts of 1815, Chapter 119, was a revised militia law which said the State Militia would be composed of free men and indentured servants between the ages of 18 and 45. The militia units of every county were organized into Regiments and Brigades. Humphreys County's unit was the 38th Regiment and along with those of the Counties of Stewart, Hickman, and Dickson made up the 6th Brigade.

4. Public Acts of 1819, Chapter 68,, was a new militia law which limited militia membership to free men and indentured servants between the ages of 18 and 45. Humphreys County retained its designation as the 38th Regiment in the 6th Brigade, and would hold the county muster and drill on the fourth Saturday in October of each year.
5. Public Acts of 1825, Chapter 69, divided and designated the units of the State militia which was composed of free men and indentured servants between the ages of 18 and 45. Humphreys County was designated the 38th Regiment which would muster on the fourth Friday in October each year. Humphreys County unit would join those of the counties of Wayne, Perry, Hardin, and McNairy to form the Eleventh Brigade.
6. Public Acts of 1826, Chapter 18, Sections 25 and 26, divided the 38th Regiment, the Humphreys County militia, into two divisions. Those who were located west of the Tennessee River in the County would form a new Regiment, but all commissioned officers were to continue in their same rank and additional officers were to be elected.
7. Private Acts of 1827, Chapter 153, Section 4, provided that the new Regiment of the militia in Humphreys County and the new Regiment in Perry County would be numbered in their proper sequence by the Governor upon the certification to him by the Sheriff that the field officers of the Regiment had been elected and commissioned.
8. Private Acts of 1831, Chapter 124, stated that the 116th Regiment of Humphreys County would hold a regimental muster on the first Saturday in October of each year, subject to the same rules and regulations as though the time of holding the muster had not been changed.
9. Public Acts of 1835-36, Chapter 21, was a revised militia law for Tennessee which designated each county regiment by number. Humphreys County had the 95th Regiment and joined the units in Montgomery County and Stewart County to form the 15th Brigade. The Eighth, Ninth, Fourteenth, Fifteenth, and 16th Brigades constituted the Second Division.
10. Acts of 1837-38, Chapter 157, set up the schedules for the musters and drills for every militia unit in Tennessee. Humphreys County had the 95th Regiment which would drill on the second Saturday in October of each year. In the musters for the 15th Brigade, Humphreys County would muster and drill on the Monday and Tuesday following the first Friday and Saturday in September. The Brigade also included the Counties of Stewart and Montgomery.
11. Acts of 1839-40, Chapter 56, condensed and revised the State Militia Law which limited membership to free white males between the ages of 18 and 45. Humphreys County had the 95th Regiment which would hold its county muster and drill on the second Saturday in October of each year.

Sheriff

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

1. Public Acts of 1825, Chapter 36, Section 5, provided that any Coroner who might be hereafter appointed by the County Court of Humphreys County would not be compelled to take or receive any *capias ad satisfaciendum* on any judgment heretofore rendered against the Sheriff of the County and others jointly.
2. Private Acts of 1825, Chapter 136, made it lawful for the Sheriffs of the counties of Humphreys, Perry, and Hardin, the Rangers, and the other public officers to advertise the sale of lands to be sold under execution, or for taxes, and the sale of strays to be made in some public newspaper in the City of Jackson in Madison County.
3. Private Acts of 1825, Chapter 277, released Isaac Enloe, of Humphreys County, from the payment of a \$50 fine against him for being married to a girl under the age of 16. Enloe would be released upon the payment of the costs of the prosecution.

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