



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 1980 Chapter 298

SECTION 1. The county legislative body of Hardin County, upon passage of a resolution may direct the County Election Commission to place upon the ballot at the Regular August Election in 1980 a question, advisory in nature, for the purpose of advising the members of the county legislative body of the preference of the voters of Hardin County on the powers of constables. The form of such question shall be as follows:

Shall Hardin County retain the office of constable and restore the powers and duties of such officers?

_____ YES

_____ NO

The County Election Commission shall prepare the ballots with the advisory question in the manner provided by law for such questions. The ballots shall be counted and returns made and canvassed as provided by law and the results certified to the Secretary of State.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardin County before May 31, 1980. 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 3. 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 2.

Passed: April 16, 1980.

Law Enforcement - Historical Notes

Jails and Prisoners

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

Acts of 1907, Chapter 497, repealed parts of Public Acts of 1891, Chapter 123, which was the general law in regard to county workhouses, as it applied to Hardin County. The Act provided that the chairman of the County Court, the Clerk of the County Court, and the Clerk of the Circuit Court would constitute a Commission to be called the Board of Workhouse Commissioners.

Acts of 1909, Chapter 501, amended Acts of 1907, Chapter 497, above, by providing for the compensation of the secretary of the Board of Workhouse Commissioners as the County Court would deem proper.

Militia

Those acts once affecting Hardin 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, 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 time for muster for Hardin County's 65th Regiment was on the second Saturday in October of each year. Many changes were made by the act in the military system of a technical or organizational nature.
2. Public Acts of 1835-36, Chapter 21, was a reorganization of the whole state militia law and units. Hardin County's Regiments were numbered as the 105th and 106th. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three Sergeants, three corporals, and no less than forty-five privates. The 105th and 106th Regiments formed part of the 17th Brigade which was in the 3rd Division. The State had four Divisions.
3. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Hardin County would convene and drill its units on the second Friday and Saturday in September. Hardin, Hickman, Wayne, and Lawrence Counties' units would compose the Seventeenth Brigade.

4. 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 Hardin County and scheduled muster on the third Friday and Saturday in October for the 105th and 106th Regiments.

Sheriff

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

1. Private Acts of 1821, Chapter 101, required the Sheriffs of Wayne and Hardin County to advertise all lands that were required by law to be advertised before being sold in some newspaper in Nashville. Rangers in these counties were directed to advertise, concerning strays they have picked up, in the newspaper then being published in Columbia.
2. Private Acts of 1825, Chapter 136, stated that the Sheriffs of Humphreys, Perry, and Hardin Counties, the Rangers, and other public officials, who have been required to advertise the notice of execution sales on property and estrays in newspapers published elsewhere, were required to publish the notices in the newspaper at Jackson, Tennessee.
3. Private Acts of 1919, Chapter 561, provided that the Sheriff of Hardin County, in addition to all the legal fees of his office, would be paid \$300 for ex officio services rendered. This amount would be paid quarterly out of the regular county funds and would be in the place and stead of all other ex officio payments or special appropriations.
4. Private Acts of 1923, Chapter 429, stated that the Sheriff of Hardin County would receive \$1,500 as an annual salary, payable quarterly, provided he filed a sworn, itemized statement each quarter with the County Judge or Chairman, showing the amount of all the fees collected in his office from all sources. If the fees were less than the salary, the County would pay him the difference. The Sheriff was not required to account for the fees he received for the destruction of illicit distilleries or for any jailor or turnkey fees.
5. Private Acts of 1925, Chapter 546, declared that the Sheriff of Hardin County would receive \$1,200 per year as salary, payable quarterly on the first day of January, April, July, and October, from the county treasury on the warrant of the County Judge. He would receive, in addition, all the fees which were collected by his office in the exercise of the duties which attached both to the Sheriff and to his deputies.
6. Private Acts of 1929, Chapter 589, amended Private Acts of 1925, Chapter 546, above, by increasing the annual salary of the Sheriff from \$1,200 to \$1,800.
7. Private Acts of 1959, Chapter 123, fixed the salary of the Sheriff of Hardin County at \$4,800 a year, payable out of the county general funds in equal monthly installments.

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