



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Highways and Roads - Historical Notes

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Sincerely,

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# Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in McNairy County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1843-44, Chapter 31, Section 4, granted to George G. Adams, J.L. Rushing, and James Kerr, a franchise for a turnpike road to run from the Hardin County line near the east end of Willie Lucas' land to Purdy. They would have the right to charge toll rates for twenty years. The road must be at least 18 feet wide, kept properly maintained and drained, and clear of obstructions. William Rogers, John Linsey, and William Scratt, were appointed Commissioners to supervise the construction of the said road, inspect it at periodic intervals, and to institute the rates of toll to be charged. Anyone who crossed a gate without paying the toll was subject to prosecution and fine.
2. Acts of 1901, Chapter 136, applied to all the counties under 70,000 population, according to the 1900 census, and seemed to be the first statewide road law which served as a pattern for very numerous public and private acts for roads which followed. The County Court would divide the County into road districts, coextensive with civil districts, and appoint one commissioner from each road district to the Commission which would exercise general supervision over all the public roads, bridges, and overseers in the county. The County Courts would decide the number of days one would work on the roads and who would be compelled to do so, and to levy a two cent tax per \$100.00 for general road purposes. This act stated all males between ages of 21 and 45 must work on the roads. There were some specifications for roads, and the procedures to open, close, or reroute roads were prescribed. Prisoners could work on roads under certain conditions of which work accurate records were required to be kept and contracts to repair as well as to build roads could be made. This act was the subject of litigation in Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
3. Acts of 1905, Chapter 478, amended the 1901 Act, above, in several minor particulars among them being the method for petitions to for opening, closing, and rerouting roads to be filed and acted upon.
4. Private Acts of 1923, Chapter 601, establishes a schedule of tolls to be charged for vehicles passing through toll gates on toll roads and, turnpikes, ranging from five cents for motorcycles to \$1.25 for trucks which weigh over five tons. No turnpike could have over two toll gates, and if a vehicle was not mentioned in the act, a reasonable charge would be made for its passage.
5. Private Acts of 1925, Chapter 464, seemed to be the first road law for McNairy County. The Act created a road system with Hallie Hamm and its Supervisor who would serve until his successor was elected and qualified in January, 1927. The County Court would select a Supervisor for a term of two years who with the one named herein, have charge of all the roads, bridges, levees, culverts, etc. He would classify all the roads in the county and be in charge of all the males between 21 and 50 years of age who would be working on them for at least 10 eight hour days each year. The Supervisor could obtain dirt, sand, or gravel to maintain the roads, even by eminent domain, if necessary. He could appoint foremen and overseers who would be responsible for certain sections of each road. A road tax from ten to fifty cents could be levied on each \$100 of taxable property and a privilege tax could be imposed in addition to that. Compensation was fixed for the people of this Act, purchasing procedures and limitations were prescribed and regulations made for working prisoners and penalties were provided for failure to comply with the provisions of this Act. This act was repealed by Chapter 336, Private Acts of 1937.
6. Private Acts of 1925, Chapter 563, authorized the Quarterly County Court of McNairy County, using 1920 population figures, to issue interest bearing notes, or warrants, to provide funds for highway purposes and projects which would not be in excess of \$5,000 to be issued in such a way and manner as the Court should determine, but this act shall not affect or prohibit any other bond issues.
7. Private Acts of 1927, Chapter 97, amended Chapter 464, Private Acts of 1925, Section 10, the Road Law for McNairy County, as follows "there shall be due on January 1 of each year, and shall be paid on or before the first Monday in March of each year except that in 1925 it shall be paid by May 1." The act concerned a \$5.00 vehicular payment.
8. Private Acts of 1929, Chapter 640, amended Chapter 464 of the Private Acts of 1925 in four minor instances and by authorizing the County Judge to represent the County in any dealings and negotiations with the State Department of Highways and Public Works for which all his expenses incurred thereby would be paid.

9. Private Acts of 1931, Chapter 541, amended Chapter 464, Private Acts of 1925, the then McNairy County road law, by requiring that road hands be assigned to work on the highways nearest or most convenient for them (2) by giving the County Judge or Chairman, concurrent authority with the Supervisor to classify roads, (3) by reducing the commutation charge for road bonds from \$5.00 to \$2.00, the fine for failure to comply from \$25.00 to \$5.00, and by requiring a five day notice to work on the roads be given instead of two, (4) by making the levy of a special road tax permissive instead of mandatory reducing the maximum tax limit from 50 cents to 25 cents and deleting requirement to levy a special privilege tax for the roads, and (5) by revising all the purchasing limitations and practices.
10. Private Acts of 1931, Chapter 758, stated that the State Highway Department would have and exercise full control, direction and supervision over the expenditures of all funds received by McNairy County for road purposes from the State from all sources including registration fees and gasoline taxes. The State could expend the funds itself giving the County Judge an account of the expenditures or, in its discretion, permit the road authorities of the county to spend them.
11. Private Acts of 1935, Chapter 566, amended Chapter 464, Private Acts of 1925, by rewriting Section 10 which changed the required work days for road hands to five 8 hour days and the commutation price to \$2.50 for the five days, and a three day notice would be given to each eligible worker. The Trustee would issue distress warrants against those who elected to commute but did not pay by January 1 of the following year. The Supervisor would immediately discharge any person who was employed to work on the roads and who did his work in an unsatisfactory manner. The act also contained three more minor amendments.
12. Private Acts of 1937, Chapter 336, specifically and entirely repealed Chapter 464, Private Acts of 1925, as amended, the road law for McNairy County.

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