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Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, Section 1, required the respective County Courts to classify all the roads of their counties into three classes, (1) the stage roads and those of equal importance, (2) roads at least 12 feet wide which would afford loaded wagons a secure passage, and (3) roads which would accommodate a horse and rider and for going to the mill. This was probably the first constructive legislation of a broad nature regarding roads.
2. Private Acts of 1839-40, Chapter 99, Section 5, allowed the directors of the Columbia, Pulaski, and Elkton Turnpike Company to abandon the completion of the road between Pulaski and the state line under certain terms and conditions set out in this Act.
3. Private Acts of 1840-41, Chapter 130, authorized the installation of 10 toll gates between Columbia and the Alabama state line, and houses for the attendants.
4. Private Acts of 1851-52, Chapter 315, provided that upon the application of the President of the Columbia, Pulaski, Elkton, and Alabama Turnpike Company, the Quarterly County Court may appoint 12 Commissioners to locate a toll gate at some convenient point no less than one and one-quarter and no more than two miles north and south of the courthouse in Pulaski.
5. Private Acts of 1855-56, Chapter 218, permits Giles County to subscribe a discretionary amount of stock, but only after the favorable referendum election, in the construction of a railroad from Shelbyville to the Alabama state line via Lewisburg, and Pulaski.
6. Acts of 1901, Chapter 136, was a general road law applying to all counties under 70,000 population, providing for a road commissioner from each road, or civil district, prescribing their duties, authorizing a road tax and requiring the commissioners to appoint overseers for each section of road; specifying who was subject to road duty, how much they were compelled to do and under what circumstances they could commute. Prisoners could work the roads which the county court was again obligated to classify into 4 classes according to their width and function. Petitions to repair or change roads would be filled with the court who would determine the priorities of work.
7. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, Item 6 herein, by exempting some counties from its operation but primarily by transferring the decision on the priorities of road alteration and repair and the agency for the reception of petitions for a change from the Quarterly County Court to the Road Commissioner of the district.
8. Private Acts of 1907, Chapter 424, required the Road Commissioners in Giles County within twelve months from the Act's passage to remove roads of the first, second, and third class from stream beds except where there is a ford. If anyone is damaged thereby the Commissioner shall appoint two disinterested freeholders to assess the same and report the entire matter to the Quarterly County Court. All mail roads were to be considered as one of the first three classes and all gates removed from them. All males, 18 and 50 years old, were subject to road duty.
9. Private Acts of 1913, Chapter 187, was a general road law for Giles County which required the Quarterly County Court to elect three competent people to be a Public Road Finance Auditing Committee whose broad powers were enumerated in the Act. The position of County Road Supervisor was created and his duties spelled out; fixed a privilege tax on different types of conveyances and levied a special road tax of 25 cents per \$100 property valuation on real and personal property. The Act repealed all those in conflict with it.
10. Private Acts of 1913 (Ex. Sess.), Chapter 11, specifically repeals Private Acts of 1913, Chapter 187, Item 9, regular session, above, in its entirety.
11. Private Acts of 1917, Chapter 642, was a road law for Giles County which required the Quarterly County Court to elect a road supervisor for each district, every two years, who would have charge of public roads, bridges, and the overseers of each road section. Each road district would include 3 or 4 Civil Districts. County Trustee would pay charges for materials and labor which must be itemized and presented to the County Judge for approval. The road tax levied could not exceed 20 cents per \$100 and be used only for road purposes. Roads would be classified, males from 21 to 50 must work on them or commute for \$5.00 daily and the methods for opening, closing, etc. in the act would be followed. This Act was specifically repealed by Private Acts of 1937, Chapter 90.

12. Private Acts of 1919, Chapter 190, amends Private Acts of 1917, Chapter 642, above, by rewriting Section 1 to provide a road supervisor for each civil district instead of each road district; gives the road supervisors in the civil district the same authority as the other had; eliminated the \$5.00 per day commutation cost and left this matter to the discretion of the court.
13. Private Acts of 1921, Chapter 252, made all gravel bars in the county subject to condemnation by the road commissioners and two other disinterested parties which condemnation shall last for a period of one year or longer but the compensation for the condemned gravel bars shall be confined to the agreed price of one year.
14. Private Acts of 1921, Chapter 609, abolishes the office of Turnpike Superintendent without referring to any prior act which might have created this position.
15. Private Acts of 1923, Chapter 605, amended Section 7, Private Acts of 1917, Chapter 642, the road laws for Giles County, by providing the Road Supervisors with authority, whenever a road is changed, to open and establish proper and necessary roadways and outlets along the most direct and practical route and over and across any lands, to enable land owners in the area to reach such new or altered roads.
16. Private Acts of 1933, Chapter 874, granted the County Court the authority to apply one-half of the gasoline tax funds of the county to the payment of any bonded indebtedness of the county which was incurred for the construction of highways.
17. Private Acts of 1937, Chapter 90, establishes itself through its caption as the road law for Giles County, and specifically declares that Private Acts of 1917, Chapter 642, the prior road law, and all other conflicting laws were thereby repealed.
18. Private Acts of 1939, Chapter 415, also sets up to be the road law for the county and expressly repeals Private Acts of 1937, Chapter 90, above, and all conflicting laws. All the provisions of the 1937 Act are carried over into the 1939 Act except for Sections 12, 13, 14, and 15, which are all concerned with working roads with citizen labor, a condition which was later repealed by state law, and which the county could eliminate if it so desired. Then, the Sections of the 1939 Act were renumbered accordingly, and a new Section 15 added as shown in our published act herein.
19. Private Acts of 1953, Chapter 125, is an amendment to the road law but purports to amend Private Acts of 1937, Chapter 90, which as allegedly been repealed by Private Acts of 1939, Chapter 415, of which no mention is made in this Act. This Act amends Section 4 by permitting the books of the county highway department to be kept by the County Auditor at his office and a special assistant bookkeeper from the highway department would be furnished him for these books. This amendment might just as well have been made to Section 4, of Private Acts of 1939, Chapter 415. All of this was nullified by Private Acts of 1957, Chapter 37, Section 1, which was properly ratified by the local governing body.
20. Private Acts of 1953, Chapter 125 also amended Section 6 by adding some new language at the end which required the County Highway Commissioner to obtain the written approval of the magistrates in the civil districts affected before any new road, bridge, or reopening of roads could be started and, if the magistrates could not agree, then the matter must be submitted to the county court whose decision would be final.
21. Private Acts of 1955, Chapter 151, recites that it is to amend Section 3, Private Acts of 1953, Chapter 125, the amendatory act mentioned in the above paragraphs, but Private Acts of 1953, Chapter 125, does not have a Section 3 to be amended. It is obvious from the amending language in Section 1 that Section 3, Private Acts of 1937, Chapter 90, is the one intended to be amended, said section dealing with the compensation of the county highway commissioner, setting the limits thereof between \$2,400 and \$4,800 annually. This Act also was rendered obsolete by a later amendment, Private Acts of 1965, Chapter 47, which did not cite any prior legislation to be affected by it.
22. Private Acts of 1957, Chapter 37, permitted the employment of a bookkeeper and the return of the books to the highway department. This Act as amended, is published in this volume under a sub title and does not further affect the road law.
23. Since Private Acts of 1965, Chapter 47, did not specify the Act it was amending but simply states a minimum sum of \$6,000 per year for the compensation of the County Highway Commissioner.