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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 Grundy County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1901, Chapter 136, was a Road law enacted to apply to all counties in the State under 70,000 in population. The County Court of the respective Counties would select a Road Commissioner from each Road District which would be co-extensive with the Civil Districts who would serve a two year term, be a citizen and freeholder of the district and experienced in road work and who would be in charge of all the roads, bridges, and overseers in the District. He would be sworn and bonded and discharge the duties stipulated in the Act. The County Court will assign the road hands to the Sections to be worked and set the number of days for them from five to eight, and set the price to be allowed one for the use of a team and wagon. The County Courts were allowed to levy a road tax of two cents per \$100 of evaluation for each day of labor assessed for road hands, two-thirds of which may be worked out. All males outside of incorporated cities between the ages of 21 and 45 are subject to labor on the roads. The Commissioners would name the road overseers in their districts. Prisoners could be worked on roads under certain conditions. Roads would be classified and indexed and meet some of the specifications set up in the act. The County Court was authorized to contract for some of the road maintenance, if desired. Procedures were specified which must be followed in the exercise of eminent domain and in the handling and disposition of petitions to open, close, or change roads. See Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906) for a case on this Act.
2. Acts of 1905, Chapter 478, amended Chapter 136, Acts of 1901, in several minor particulars but primarily in the procedures to be followed in the reception of the hearing of, and the disposition of petitions to open, close, or change roads since the execution of such requests nearly always involved the exercise of eminent domain and the infliction of damages on other parties.
3. Private Acts of 1921, Chapter 349, stated that the Road Districts in Grundy County were hereby made and declared to be co-extensive with the Civil Districts of the County as they existed at this time. If the boundaries of Civil Districts are changed, or the county should be redistricted, the same will have no effect on this law and the Road Districts will continue to be co-extensive with the Civil Districts.
4. Private Acts of 1923, Chapter 392, declared that the same number of days of road work shall be levied against the owners of wagons and teams as are levied against road hands, and the owners of the wagons and teams are required to work that number. The owners of teams must pay \$3.50 per day for commutation fees and road hands \$1.75 per day for each day of work missed. If one is not subject to duty but desires to drive ones own team, he shall be paid \$1.50 per day for a double team, and \$1.00 per day for a single team. The amount paid to the authorities for commutation shall be credited to the Road District from whence it came. Road overseers shall warn each team owner of the days to work according to law, and the overseer shall be paid \$1.50 for each day he works at this job. All violators of this Act were subject to fines from \$10 to \$50.
5. Private Acts of 1925, Chapter 662, amended Chapter 136, Public Acts of 1901, which is Item One, above, as it was amended, in Section 3, by adding after the word "State" a provision which granted the authority to the Road Commissioners to open any road to public use which led to any rock quarry, gravel bed, or other road surfacing material.
6. Private Acts of 1927, Chapter 614, contained a general repealing clause but no specific references. The Act provided that the Quarterly Court of Grundy County should levy against the owner of all teams and work stock the same number of days labor on the roads as were levied against other road hands, except that the owner of two or more teams was required to work only two teams. This Act would not apply to mine mules, Jucks, Jennets, stallions, brood mares, and saddle horses. The owner of a team could commute by paying \$3.50 per day, the amount to be credited to the District where paid. Overseers would supervise this work and issue warnings to the owners notifying them of the time and place to report. Failure to comply could result in fines ranging from \$10 to \$50. General road laws of the State would apply to all instances not covered by this Act. This law was repealed by the one following.
7. Private Acts of 1929, Chapter 135, expressly and entirely repealed Chapter 614, Private Acts of 1927, above.
8. Private Acts of 1929, Chapter 278, was the next comprehensive Road Law for Grundy County. This Act designated all highways in the County as secondary or district roads, defining each class.

A three member Highway Commission was created of which the County Judge would be chairman, and the Quarterly Court would appoint the other two members, all of whom would be sworn and bonded. Afterwards the Commissioners would be elected by the people, and a chairman would be selected by the members, thus elected from their own number who would be the County's agent in highway matters. The Commission would classify the roads into the categories mentioned and would supplant the Workhouse Commission, assuming all their responsibilities towards working the prisoners on the roads. The Commissioners would be paid as the Quarterly Court might direct, including repayment of their actual expenses. The Commission would manage and control all public roads and bridges, equipment and supplies, which they could purchase under the regulations prescribed, all amounts over \$250 being bought under the bid process. They would hold regular monthly meetings, exercise the right of eminent domain observing strictly and at all times the requirements of the law and would divide and disburse road funds as the best interests of the county demanded but could not exceed the tax levy appropriation in any circumstance. The Commission was allowed to employ an engineer and was required to formulate a system for county road repair. Reports would be made at intervals to the Court which had the authority to change their plans if the Court desired. Procedures were prescribed in the Act which must be followed in considering petitions to open, close, or change roads. All conflicts with this law were repealed.

9. Private Acts of 1929, Chapter 279, recited that, in order to raise funds to construct, maintain, and repair roads in Grundy County, identified by the use of the 1920 Federal Census figures, the Quarterly County Court at its first session after the passage of this Act, shall levy a tax of not less than \$2.50 and not more than \$5.00 upon every male citizen between the ages of 21 and 50 who have not been exempted under the law from road duty. The Tax Assessor will place the names of all those who are subject to the tax on the tax rolls and the Trustee will collect the same. A property tax of 15 cents per \$100 property valuation was also levied which the Trustee would likewise collect.
10. Private Acts of 1929, Chapter 889, was an act which created a County Highway Commission for counties between 9,193 and 10,000 in population, according to the 1920 census. These figures would include Grundy County but it is obvious the Act was not intended to apply to Grundy County, although some works on private acts differed. In any event, this Act was repealed by Chapter 698, Private Acts of 1937, a fact which goes unnoticed by those who say the Act applied to Grundy County.
11. Private Acts of 1931, Chapter 590, amended Chapter 278, Private Acts of 1929, Item 8, above, in Section 3, by changing some of the verbiage and inserting a provision that the County Court would elect the three Highway Commissioners thereafter for one, two, and three year terms, and after that, for three year terms so that one would be up every year.
12. Private Acts of 1933, Chapter 455, amended Chapter 278, Private Acts of 1929, in Section 2, by increasing the bond of the Road Commissioners from \$5,000 to \$10,000, and by naming Alan M. Shook, R. M. Crick, and Robert Crouch as Highway Commissioners to serve until September 1, 1934, when their successors, who would have been elected in the August, 1934 elections, would take over the office.
13. Private Acts of 1933, Chapter 713, specifically repealed Chapter 590, Private Acts of 1931, which amended Chapter 278, Private Acts of 1929, the Road Law of Grundy County, and which gave the County Court the authority to appoint the Highway Commissioners to staggered three year terms, instead of their being elected by popular vote.
14. Public Acts of 1976, Chapter 767, made it unlawful for the State, or any political subdivision thereof including counties and cities, to own or operate any plant, or facility, for the manufacture or production of hot mix asphalt, and to sell, barter, trade, loan, or give away, the product of any such plant or facility. This prohibition did not apply to any county, or city, already operating such a plant, but they must comply with all state rules, regulations, and standards governing the same. Six counties exempted themselves from the provisions of this Act, one of which was Grundy County.

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