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# Chapter IX - Highways and Roads

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Sincerely,

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# Chapter IX - Highways and Roads

## Road Law

### Private Acts of 1951 Chapter 114

**COMPILER'S NOTE:** Parts of this act have been superseded by the County Uniform Highway Law found in Tennessee Code Annotated Title 54, Chapter 7.

**SECTION 1.** That there is hereby created the office of County Road Superintendent for Lincoln County, Tennessee. Tom Sumners is hereby named as the first Road Superintendent and shall serve as such until September 1, 1952. At the regular election for County officials to be held in August, 1952, and every four years thereafter, there shall be elected by the qualified voters of Lincoln County a County Road Superintendent.

As amended by: Private Acts of 1955, Chapter 143  
Private Acts of 1965, Chapter 138

**SECTION 2.** That said County Road Superintendent shall receive as his compensation the sum of \$10,000.00 per year payable in equal monthly installments out of the County funds of Lincoln County by warrant drawn upon the County Trustee. Said warrant shall be signed by the Road Superintendent and countersigned by the County Judge. Lincoln County shall furnish the Road Superintendent with adequate transportation facilities, either a pick-up truck or automobile, together with tires, gas, and oil to be used in the performance of his official duties. The person holding the office of County Road Superintendent shall devote his full time to the performance of his duties as such County Road Superintendent.

As amended by: Private Acts of 1965, Chapter 275,  
Private Acts of 1970, Chapter 22

**COMPILER'S NOTE:** The salary provision of the County Supervisor of Roads has been superseded by general law. For the current minimum compensation of the County Supervisor of Roads, see Tennessee Code Annotated Section 8-24-102.

**SECTION 3.** That the Road Superintendent shall be a person of not less than 25 years of age and shall be a licensed engineer or have at least 10 years practical experience in road building and maintenance.

**SECTION 4.** That the Road Superintendent shall have full and complete control and supervision of all of the roads of said County which are not a part of the State Highway System. The jurisdiction and authority with reference to the bridges of said County shall come under the supervision of the Road Superintendent, who shall have exclusive control over the maintenance, management and supervision of the Road Department with complete power to employ and discharge such employees as he may see fit, including a bookkeeper and garage foreman. The garage foreman shall be a skilled mechanic. The wage scale of all employees shall be fixed by the Road Superintendent and be paid out of the general road fund of Lincoln County upon a warrant signed by the County Road Superintendent and countersigned by the County Judge.

**SECTION 5.** That it shall be the duty of the Road Superintendent to keep or cause to be kept an accurate and complete record of all receipts and disbursements made by him and shall keep separate accounts and records of all purchases made for the building, repairing and maintenance of said roads as well as an account and record of all machinery and equipment which he purchases. Said Road Superintendent shall make a detailed report to the Quarterly County Court of said County setting forth the financial status, including receipts and disbursements, made by him out of the County Road Fund. This report is to be made quarterly at the regular meeting of the Quarterly County Court.

**SECTION 6.** That all funds received by the County Trustees, including gas tax and all State Road Funds now or hereafter levied for the use and benefit of the roads and highways of said County shall be kept in a separate funds to be known as the general road fund and the same shall be expended upon such roads, highways and bridges as the Road Superintendent shall designate.

**SECTION 7.** That all dump trucks shall be placed in a motor pool to be located at the County garage and each truck shall remain at such location when not in use.

**SECTION 8.** That all funds collected from taxes, or received from gasoline taxes or other sources shall remain within or be deposited with the County Trustee of the County or counties to which this Act applies, and that the same shall be paid out by him upon warrants signed by the County Road Superintendent and countersigned by the County Judge of the County, and that said funds be used solely and alone for the purpose for which the same are provided or levied under the law and the provisions of this Act, and shall be issued only for the payment of work, material, labor, supplies, and other things coming under the

provisions of this Act.

**SECTION 9.** That all applications to open, change or close any of the public roads of the County shall be made by written petition, signed by the applicant and addressed to the Road Superintendent, specifying in particular the change or action asked, but no road shall be opened, changed or closed without giving at least five days notice to all parties interested, of the time said road or roads are to be opened, changed or closed. Landowners and those controlling lands touched by the proposed highway shall be deemed interested parties. If any owner of land so concerned is a non-resident, then notice to his agent or his attorney, if such agent or attorney resides in the County, shall be sufficient. If there be no such agent or attorney, then notice shall be given by publication for four (4) consecutive weeks in a newspaper having general circulation in the County, the last publication to be at least one week before the hearing.

The Road Superintendent shall attend at the appointed time and place if proper notice has been given as herein required. He shall act upon the applications, and shall summon three (3) disinterested freeholders who shall be in nowise related to any of the parties affected, who shall take and subscribe to an oath before said Road Superintendent to act without partiality or favor in the matter, whose oaths shall become a part of the record, and said freeholders shall constitute a jury of view, and shall proceed to condemn said property, or such portion thereof as may be needed or required for highway purposes, and shall assess the value of the land taken, and any incidental damages if any, and which shall be paid out of the funds provided for highway purposes, upon warrant issued and approved by the Road Superintendent. Any person or persons considering themselves aggrieved by the action of the jury of view may appeal to the next Quarterly County Court, and from that to the Circuit and Supreme Courts. Said Road Superintendent shall also have and be here vested with the right of eminent domain for and on behalf of the counties for which he operates, for the purpose of acquiring the needed rights-of-way, borrow pits, gravel pits, rock quarries or crushed stone needed for the construction, maintenance, building and changing of old roads, or the opening of new roads, any action brought for said purposes to be brought in the name of the State of Tennessee for the use of the county involved, and upon the resolution of order of said Road Superintendent acting in the counties and the counties to which this Act is applicable, or which may become within the provisions hereof, and in such condemnation cases the law of eminent domain of the State shall be applicable in such proceedings, and proceeding shall be had thereunder.

**SECTION 10.** That the County Road Superintendent, before entering upon the discharge of his duties, shall take and subscribe to an oath that he will perform the duties of his office faithfully and impartially and without prejudice against or in favor to any section of said county or individual, and shall execute to the State of Tennessee a good and solvent bond in the amount of Five Thousand (\$5,000.00) Dollars, payable to the State of Tennessee for the benefit of that particular county in which he is elected, and that he will faithfully and impartially execute and perform all the duties imposed upon him without fear, favor or partiality and that he will honestly and faithfully expend and account for all moneys coming into his hands, and honestly and faithfully discharge all duties required of him by law.

**SECTION 11.** Be it further enacted, that the Road Superintendent shall have authority to purchase such equipment as he deems necessary to be used in the building and maintenance of the roads and highways of Lincoln County and such equipment shall be paid for out of any road funds available to such county. Provided that any single purchase of an item of equipment of any character as well as gas and other supplies shall be made by the road superintendent and the county executive jointly upon competitive bids when such single item or single purchase is contemplated to exceed one thousand five hundred dollars (\$1,500.00). When the road superintendent purchases more than one item of the same kind that individually does not exceed one thousand five hundred (\$1,500.00) but the total purchase of which items would exceed one thousand five hundred dollars (\$1,500.00) in any twelve (12) months, such superintendent shall take competitive bids for such items annually and for which competitive bids are taken, such purchases shall be made in such quantities, if more than one is needed, as will give the county the benefit of the best possible prices. Except as otherwise provided by this section, the road superintendent shall have the right to make all necessary purchases of supplies, materials, and equipment when the costs of any such single purchase does not exceed one thousand five hundred dollars (\$1,500.00) without competitive bids and without the approval of the county legislative body. All purchases shall be paid for out of the road fund by warrant issued by the superintendent and countersigned by the county executive.

As amended by: Private Acts of 1979, Chapter 45

**SECTION 12.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 31, 1951.

## Highways and Roads - Historical Notes

### **Road Law**

1. Private Acts of 1955, Chapter 143, amended Section 1 of Chapter 114, Private Acts of 1951, by reducing the term of the Road Superintendent from four to two years. The Act was repealed by Chapter 138 of Private Acts of 1965.
2. Private Acts of 1959, Chapter 343, would have repealed Chapter 143, Private Acts of 1955, above, in its entirety, thus restoring the four year term of the Road Superintendent but this Act was rejected by the Quarterly County Court of Lincoln County and never became an effective law under the Home Rule Amendment to the State Constitution.

### **Highways - Roads**

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

1. Acts of 1815, Chapter 190, authorized the Court of Pleas and Quarter Sessions of Lincoln County, if they deem it proper, to lay a tax on all taxable property, in the county which could not exceed the state tax, which shall be a fund in the hands of Commissioners to be appointed to contract for and supervise the building of a bridge over the Elk River below the mouth of Norris Creek. Three Commissioners would be appointed to select a site, to purchase land on both sides of the river, and proceed to manage the building of the bridge. All would be under a \$5,000.00 performance bond. They would make reports at specified intervals to the County Court.
2. Acts of 1821, Chapter 6, required the County Courts of the several counties in Tennessee to index and classify the public roads in their respective counties. Three classes of roads were defined primarily according to width and would be maintained accordingly under this law. This Act was probably the first step towards the modern road systems we enjoy today.
3. Acts of 1822, Chapter 180, authorized Ezekiel Norris to build a good and substantial bridge across Elk River at the mouth of Norris Creek in Lincoln County. The County Court would fix the rate of toll to be charged when the bridge was completed. Norris must not block or impede the navigation of the river, and he must keep the bridge in good condition or forfeit all the rights granted to him hereunder.
4. Acts of 1823, Chapter 78, made it lawful for Joseph and John Greer, of Lincoln County, to build a mill dam across Elk River at the place where they are erecting a grist and saw mill, provided they shall construct such locks in said dam that the safe passage of all boats and other watercraft shall not be impeded by the dam.
5. Acts of 1824, Chapter 46, amended the Act which allowed Joseph and John Greer to build a dam across the Elk River at their mill, above, by requiring them to build a slope at least 25 feet wide on the Fayetteville side which is calculated to produce safer conditions up and down the river. The slope must be built by December 1, 1824, and for every day it is incomplete beyond that date, the Greers shall pay a penalty of \$20.
6. Acts of 1855-56, Chapter 135, Section 7, authorized and empowered the County Court of Lincoln County to order the erection of a bridge across the Elk River at or near the town of Fayetteville, provided that in the erection of the said bridge, it shall be so constructed as not to interfere with the downstream navigation of the said river.
7. Public Acts of 1901, Chapter 136, was a road law for every county in the State under 70,000 in population. The County Court would elect a Road Commissioner for each road district in the County, which road districts would be co-extensive with the Civil Districts who would hold the office for two years, all Commissioners would be sworn and bonded, be in charge of the public roads in his district and be paid \$1 per day for each day of service. The Court would fix the number of days each eligible male had to work on the roads and assign the road hands to each road district. County Courts could levy a special road tax of two cents per \$100, to be collected by the Trustee as any other tax, for each day of work assessed, which the Trustee would keep in a separate fund and disburse on the warrant of the district commissioner, approved by the County Judge or Chairman. The Commissioners would name the overseers in their districts who would work out the required number of days free but be paid for all days over that number spent on the job. All males outside of incorporated cities between 21 and 45 years of age were to work the roads. Some specifications for roads were included and some standards adopted which roads must meet. Roads were to be indexed and classified according to width. Prisoners could be worked on the roads if certain conditions were met and petitions to open, close, or change roads were to be filed with the Commissioners and the procedures established in the Act for their disposition must be followed.

8. Public Acts of 1905, Chapter 478, amended Chapter 136, Public Acts of 1901, above, in several minor aspects but primarily in the procedures to be observed in the hearing, reception, and disposition of petitions to open, close, and change roads, especially when resort to eminent domain must be made in order to accomplish the objectives of the said petition.
9. Acts of 1909, Chapter 299, was the first private road law we found for Lincoln County. The County Court would elect one Road Commissioner for each road district, they being the same as the Civil Districts, who must be skilled and experienced in the art of road building, and who would be in charge, of the roads, the bridges, and the overseers in that district for a term of two years. Commissioners must be sworn and bonded, and see to the payment for all road supplies and equipment, and his salary would be \$1 per day for each day of service, actually spent on the job, not to exceed ten in any one year. The County Court would assign road hands to the districts who would work from 5 to 10 days per year, and the Court would fix the price to be paid for the furnishing of teams and wagons. The Court would also levy a tax for roads of not less than 25 cents per \$100 of property valuation, which would be collected by the Trustee, one-third of which could be worked out, and one-half of which must be spent in the district from which it was collected, any surplus being divided equally among the districts. Commissioner would appoint a road overseer for each section of road who would work the required days and then be paid \$1 per day for each extra day up to three days a year. Males between ages of 21 and 50 were required to work or pay 75 cents for each day missed. The Commission would avoid heavy grades, if possible, classify and post roads, and decide on the petitions to open, close, or change the same. The County Court was allowed to levy a special tax of up to ten cents for special road work and the amount of vehicle tax specified in the Act must be paid for the privilege of using the county roads.
10. Private Acts of 1913 (Ex. Sess.), Chapter 73, was the next road law for Lincoln County although it contained only a general repealing clause. The Act created a three member Board of Public Road Commissioners, one each from the northern, middle, and southern portions of the county as the Quarterly Court divided it. The Commissioners would be elected by popular vote after the passage of this act in a special election, and again in August, 1914 and then at two, four, and six years thereafter, all being elected for six year terms. The Commissioners would be elected by the county at large could not succeed themselves, and would be paid \$4 per day up to 50 days per year for their services. They could employ a Road Superintendent, or Engineer, at \$1800, or less, annual salary which would be the total compensation for this position. This person could be fired by the Commission, must keep his office in the Courthouse, and attend all regular, and called, meetings of the Commission. He would buy all equipment and supplies observing some specified conditions, and would employ the road foreman and laborers. Roads would be classified according to width and surfacing materials and be closed, opened, or changed on motion of the Board, or by petition from citizens under specified circumstances. All males between the ages of 21 and 50 must pay \$4 to \$6 or work the equivalent out on the roads, and the Court could levy a special ad valorem tax for roads between twenty and thirty cents per \$100 property valuation. Blanket authorization was granted to the Quarterly Court to issue up to \$100,000 in bonds at a 5%, or less, interest rate, for maturity periods not to exceed 30 years, provided the same is approved by the voters in a referendum or is initiated by a petition signed by at least 10% of the qualified voters. If bonds are issued, then an additional tax must be levied for the sinking fund in order to amortize them.
11. Private Acts of 1915, Chapter 180, had only a general repealing clause but was obviously the next road law for the county. The County Court would select a Road Commissioner from each of the Road Districts to be in charge of the roads, bridges, and overseers of that District, who must be sworn and bonded, serve a two year term, be paid \$2 per day up to ten days per year, and who could be removed from office under certain conditions set out in the Act. The Court would assign road hands to Districts and appoint two suitable people as a Bridge Committee. The Court could levy a road tax from 20 to 30 cents per \$100 which would be kept in a special road fund and one-half of it spent in the district from whence it was collected. One-half of the tax could be worked out at the rate of \$1 per day for labor and \$1.25 per day for a wagon and team. The Commissioners would appoint the overseers in the Districts to be in immediate charge of road sections. Males between the ages of 21 and 50 would work the number of days on roads as determined by the Quarterly Court or commute at \$1 per day. Classification of roads and the procedures for opening, closing, or changing roads remained the same. Penalties were fixed for failure to comply with this Act, and for obstructing, or damaging roads. The County Court would elect two Workhouse Commissioners to serve along with the County Judge to supervise the use of prisoners on the roads. All roads would be worked before October 1, and the arrival of foul weather.

12. Private Acts of 1915, Chapter 366, amended Chapter 180, Private Acts of 1915, above, in Section 10, by inserting a new Section concerning the appointment and conduct of a Jury of View to be followed in condemnation cases connected with the operations of the road department, which would be composed of the Commissioners and the County Judge. When only two Road Commissioners are involved, a citizen shall be picked as the third member.
13. Private Acts of 1915, Chapter 486, amended Chapter 188, Public Acts of 1891, which was designed to encourage the building of macadamized roads by the counties in the State, by exempting Lincoln County from the requirement that grades in the roads built under the authority of that Act shall not exceed seven degrees from the horizon.
14. Private Acts of 1917, Chapter 82, exempted Lincoln and Haywood Counties from the requirements of an 1891 Public Act which stated that these roads built under the authority of that Act could not exceed an angle of seven degrees in grade from the horizon, repealing the above act.
15. Private Acts of 1917, Chapter 237, stated that the Quarterly County Court of Lincoln County at its regular, or called, meeting could appoint three discreet residents and taxpayers as the "Alabama-Jackson Highway Commissioners" who would hold their offices for one year, or more, and serve under such terms and conditions and receive such compensation as the Court may decide. They could be removed on three-fifths vote of the Court when cause was present. The duties of the Commission could be summarized as the supervision of the construction of financing of that portion of the Jackson-Alabama Highway going through Lincoln County. The Commission could employ an engineer, if desired, and make contracts for materials and equipment, all over \$500 to be on sealed bids. Adequate records were to be kept and regular meetings held open to the public.
16. Private Acts of 1917, Chapter 406, amended Chapter 180, Private Acts of 1915, Item 11, above, by granting an appeal to all those who were aggrieved by action of the Jury of View to the County Court of Lincoln County, whereupon all documents and papers in the transaction would be transferred to that Court. The appellant will pay all costs if the Jury of View is sustained, but, if reversed or changed, the costs of the appeal will be paid out of the funds of the District where suit was brought. Road Commissioners will abide by the orders of the Court, in all cases.
17. Private Acts of 1917, Chapter 732, was apparently the next Road Law of the County. The Quarterly County Court would appoint four members of the County Highway Commission and the County Judge would be the fifth ex-officio member, all to serve four year terms at no pay except the necessary travel expenses. The members must be sworn and bonded, could be removed for cause by a three-fifths vote of the County Court, and would choose a Chairman each year, and a Secretary every two years. Regular meetings would be held but special meetings could be called when necessary. An office would be kept open in Fayetteville for which the Court could appropriate \$500. The Highway Plan shall include the list of 13 roads named in the Act in which connection the right of eminent domain was conferred but the procedures outlined in the Act must be observed in the exercise of it. The Commission would be in charge of all tools, equipment, employees, and prisoners who work on the roads. A special road tax ranging from 30 to 75 cents may be levied in each year.
18. Private Acts of 1919, Chapter 747, amended Chapter 732, Private Acts of 1917, in Section One by striking the provision for no compensation for the Commissioners and fixing a per diem of \$4 per day for the Commissioners up to 50 days per year; in Section 7 by requiring that sufficient records be kept of all receipts and disbursements and quarterly reports made to the Court; in Section 8 by requiring the Commission to repair roads and expend funds according to the way the roads are numbered in Chapter 732, starting with the road listed first; and finally by adding Road #14 to the above mentioned list.
19. Private Acts of 1920 (Ex. Sess.), Chapter 14, amended Chapter 732, Private Acts of 1917, by reducing the lower limit of the permissible tax rate which could be levied for roads from 30 cents to ten cents, and the maximum level from 75 cents to 25 cents, making the permissible range go from 10 to 25 cents per \$100 property valuation.
20. Private Acts of 1920 (Ex. Sess.), Chapter 62, amended Chapter 180, Private Acts of 1915, Section 11, so that any person aggrieved by a report of the Jury of View may, before the report is acted on by the County Judge, appeal the cause to the County Court, to the Circuit Court of Appeals, and to the Supreme Court. If the decision on appeal is contrary to the report of the Jury of View, the County will pay the costs and the additional damages, if any. If the report is affirmed, the County Road Commission may proceed and, if appealed at that point, the appellant must make bond for the costs at least.
21. Private Acts of 1920 (Ex. Sess.), Chapter 91, amended Chapter 180, Private Acts of 1915, by

- raising the number of days in a year for which a Road Commissioner could be legally paid from ten to fifteen and gives the Commissioner until December 1 of each year to file their reports; Section 4 was amended to increase the daily rate for the use of a team and wagon on the roads from \$1.25 to \$2; Section 6 was amended to increase the daily pay of overseers from \$1 to \$1.50, and adds a provision that overseers may summon road hands in a case of emergency to make repairs to roads and the time worked shall be credited to the time imposed upon them by law; Section 7 was amended by lowering the age limits for road labor to between 18 and 50, by raising the commutation rate from \$1 to \$1.50 per day, and by changing the classification of roads to a slight degree. Culverts were to be constructed only on first and second class roads.
22. Private Acts of 1921, Chapter 206, amended Chapter 732, Private Acts of 1917, Item 17, above, which created a Highway Commission and established a County Highway Plan for Lincoln County by adding four more roads to the County Highway Plan, making a total of 18 new included therein with priorities of repair and maintenance starting with the first road on the Plan's list.
  23. Private Acts of 1925, Chapter 287, amended Chapter 91, Private Acts of 1920 (Extra Session), Item 21, above, Section 4, by changing the age limits between which males were required to work on the public roads back to 21 to 50.
  24. Private Acts of 1925, Chapter 644, amended Chapter 732, Private Acts of 1917, Item 17, above, in Section 8, which established the County Road Plan by including within that plan a road beginning at Kelso and running to the highway connecting with Flintville; another beginning on Highway 6 about three miles northeast of Fayetteville, following the Chenault Road and another beginning at Blanche and running in the general direction of Randolph Hill Road.
  25. Private Acts of 1927, Chapter 706, amended Chapter 732, Private Acts of 1917, Item 17, above, by adding two more roads to the County Highway Plan to be improved, giving a short description of each and providing that, when completed, the same shall be considered as an integral part of the public road system of the county.
  26. Private Acts of 1927, Chapter 799, amended Chapter 732, Private Acts of 1917, Item 17, above, Section 8, by adding still another road to the County Highway Plan, beginning on Highway #5 at the brick church at Howell and running southwest to the village of Hughey on Highway #4.
  27. Private Acts of 1927, Chapter 957, amended Chapter 732, Private Acts of 1917, Item 17, above, Section 8, by adding another road to the County Highway Plan, this one being in the Second Civil District Commencing at Fort Hampton Road and running in a northerly direction with Shiloh Hill Road.
  28. Private Acts of 1929, Chapter 208, amended Chapter 732, Private Acts of 1917, Item 17, above, Section 8, by adding a total of seventeen new roads to the County Highway Plan, placing all of them, as described, under the requirement to be improved and maintained as are others listed in the County Highway Plan. Several miles of roads were involved thus increasing greatly the number of miles of public county roads to be improved and maintained.
  29. Private Acts of 1929, Chapter 453, amended Chapter 732, Private Acts of 1917, Item 17, above, Section 8, by adding six more roads to the County Highway Plan to be improved and maintained as are other roads under the same system, (1) beginning at Hereford Bridge and running southwest to the Giles County line, (2) commencing on the Jackson Highway where Union Hollow Road intersects the State Highway following Union Hollow Road, (3) starting at the forks of the road south of the school at Elora in the 24th Civil District and running south to the Alabama line, (4) beginning on Road 3, above, and running through Elora to the Franklin County line, (5) one in the 14th and 12th Civil District at Boonshill, and (6) in the 13th and 14th Civil District starting at the same point and running south to Swan Creek Church Road.
  30. Private Acts of 1929, Chapter 746, amended Chapter 732, Private Acts of 1917, Item 17, above, Section 8, by adding another road to the County Highway Plan requiring the same maintenance and improvements as others, starting at Tell Hollow public road, one mill south of Kelso at the point where the Negro Hollow Road intersects, running thence with the Ridge Road.
  31. Private Acts of 1929 (Ex. Sess.), Chapter 28, amended Chapter 732, Private Acts of 1917, Item 17, above, Section 8, added two more county roads to the Road Plan, the first one beginning at the Alabama line in the second Civil District of the County following the old railroad lead to the Fayetteville and Elkton Pike winding up finally at Highway #15, and the second, beginning at a point in front of the A.T. Stewart residence in the 21st Civil District.
  32. Private Acts of 1931, Chapter 51, amended Chapter 732, Private Acts of 1917, Item 17, above, Section 8, by adding 28 more roads to this Section to become a part of the County Highway System and Plan all of which were to be improved and maintained as the other roads heretofore



- made a part of the Highway Plan. These roads covered several miles in all parts of the county.
33. Private Acts of 1931, Chapter 114, amended Chapter 208, Private Acts of 1929, Item 28, above, Section 1, by striking out the figures "10" in the fourth paragraph embracing the second road mentioned therein and inserting the figures "15," thus changing the miles involved in the road to 15.
  34. Private Acts of 1931, Chapter 142, allowed the Quarterly Court of Lincoln County to issue up to \$30,000 in coupon bonds to pay for rights of way for roads and highways now being constructed, or to pay debts incurred in connection therewith. The interest rate could not exceed 6%, nor the maturity period twenty years. The bonds would be payable in New York, or Nashville.
  35. Private Acts of 1931, Chapter 496, amended Chapter 732, Private Acts of 1917, Item 17, above, Section 8, by incorporating 25 more roads into the County Highway Plan of Lincoln County which shall embrace them as fully as all others heretofore designated as part of the Plan. Some of these roads may be parts of, or a repetition of, roads previously mentioned as being added to the Plan, it being difficult to tell from the descriptions of them in the Act.
  36. Private Acts of 1933, Chapter 311, amended Chapter 180, Private Acts of 1915, Item 11, above, Section 2, by requiring the County Court to assign road hands to work on the recommendation of the Road Commissioners. The road hands were required to work out four nine-hour days. Section 4 was amended so that a special road tax could be levied from 10 to 30 cents per \$100 property valuation to be collected by the Trustee and by him paid out only on the order of the Road Commissioners as approved by the County Judge, or Chairman, but any person could work out one-half of this tax at the rate of \$1 per day alone, and \$2 per day when a wagon and team were furnished. Section 6 and 7 were amended so as to restore Section 6 to the way it read before the changes in it were brought about by Chapter 91, Private Acts of 1920 (Extra Session), which dealt with the appointment, conduct, responsibilities, and pay of road overseers, while Section 7, was involved with the work requirements of road hands.
  37. Private Acts of 1935, Chapter 669, divided Lincoln County into four Road Districts composed of whole Civil Districts, from each of which road districts one member of the County Highway Commission would come. The Commissioners would serve two year terms, all vacancies being filled by election also. The County Judge was a member and Chairman of the Commission who would have sole authority to let contracts, sign vouchers, and approve expenditure. Board would have overall supervision and the Commissioner immediate supervision of the roads and bridges in his District. All males between 18 and 45 years of age were required to work from 3 to 5 days on roads as the Court might decide. The Commissioners and the Judge would be paid \$600 a year, the others, \$2 per day. Commissioners must keep adequate records, must work all the roads in their areas at least once each year, and post the carrying capacity of bridges.
  38. Private Acts of 1935 (Ex. Sess.), Chapter 124, stated that in Lincoln County the funds coming to the County under the authority of Chapter 45, Public Acts of 1931, the allocation of the gas tax, shall be turned over to the State Department of Public Works who shall maintain the roads and highways of the county and in this connection the Commissioner of the Department of Public Works is authorized to enter into any contracts essential to the successful objectives of the highway program.
  39. Private Acts of 1935 (Ex. Sess.), Chapter 126, amends Chapter 669, Private Acts of 1935, by adding a phrase to caption on the eligibility of members of the Highway Commission. A new Section 3 was added which called for a special election to be held to allow one Commissioner from each Road District who will serve until September 1, 1936, when his successor, elected by the people, will take office. All qualified voters may vote and the Election Commission was not required to give special notice. The Commission will not have charge of the gas tax funds as long as contracts with the Federal Government are in force, but, at their termination, the Commission will supervise the same. All county officials were declared ineligible to serve on the Commission.
  40. Private Acts of 1937, Chapter 184, abolished the existing road Districts and created five new ones composed of whole Civil Districts. El Sorrels, H. J. Jarred, Garner Stewart, Harvey Sims, and Tom Somner were named as Road Commissioners, and Grady Wright was to serve as Road Superintendent, all until the regular August election in 1938 when their successors would be elected. The Superintendent would be paid \$1500 per year and the Commissioners \$250 per year out of the general funds of the county.
  41. Private Acts of 1937, Chapter 317, amended Chapter 184, Private Acts of 1937, above, by adding some language to the caption providing for the rights, powers, duties, and jurisdiction of both the Superintendent of Roads and the Road Commissioners, and the County Judge in connection therewith. A new Section 6 stated that all public roads not maintained by the State Department of

- Public Works is now part of the County Highway System to be supervised by the Road Superintendent and the Commissioners, as the authority to do so, plus the assumption of the duties of the Workhouse Commission is conferred upon them. Section 7 was amended so as to acquire a site for use as a garage and warehouse for the Highway Department and to dispense tools and gasoline as specified in the act. Section 8 required sealed bids on all purchases over \$100 the procedures enumerated therein to be followed, and Section 9 required all males between the ages of 18 and 60 to work three days on the roads or to pay \$1.50 per day in lieu thereof.
42. Private Acts of 1937, Chapter 399, appointed Mark Rhea, Walter Stone, and Joe Perry as a Bridge Committee in Lincoln County to serve until September 1, 1938, when their successors, elected in the August general election, would assume office for two years. The Committeemen must be 21 years of age, and residents of the County. Vacancies would be filled by the County Court for the unexpired portion of the term. The Committee would have control over the construction, location, and repair of bridges where the cost exceeds, \$250. They would elect a Chairman and a Secretary and all would be paid \$5 per meeting but not to exceed 18 in one year. All purchases over \$250 must be by sealed bids except in case of an emergency when the approval of the County Judge would be sufficient. This Act was repealed by Chapter 51, Private Acts of 1939, below.
  43. Private Acts of 1939, Chapter 4, stated that in Lincoln County the vacancies which might occur in the offices of members of the Board of Education, in the office of Road Commissioners, and in the office of Superintendent of Roads would be filled by the Quarterly County Court until the next general election when someone would be elected to fill out the term.
  44. Private Acts of 1939, Chapter 8, amended Chapter 184, Private Acts of 1937, as it was amended, by adding a new Section 6 stating that each road not maintained by the State Department of Public Works shall be a part of the County Highway System and each member of the Road Commission shall be responsible for the maintenance of roads in his District, giving a detailed quarterly report to the County Court, to County Judge, and to the Road Superintendent. The Superintendent of Roads may acquire Rights of Way by eminent domain and the Road Commission would discharge the duties of the Workhouse Commission. A new Section 7 authorized the acquisition of five acres, or less, for a workshop and a warehouse, established a system to dispense gas, oil, and other supplies, and granted the use of a vehicle to the Road Superintendent. A new Section 8 required all purchases over \$500 to be by sealed bid and in accordance with the procedures enunciated. A new Section 9 stated that males were no longer required to work on roads and any funds left in this account would go into the general funds. A new Section 9-A imposed some record keeping duties on the Superintendent of Roads.
  45. Private Acts of 1939, Chapter 50, amended Chapter 184, Private Acts of 1937, Section 2, by rearranging the county into five road districts composed of whole Civil Districts. A new Section 4 abolished the office of Road Superintendent at the conclusion of the current term and provided that the Commissioner be elected by the people of each district to four year terms at the regular general August election. Each Road Commissioner will be paid \$600 per year out of the general road funds.
  46. Private Acts of 1939, Chapter 51, expressly repealed Chapter 399, Private Acts of 1937, which created a Bridge Committee for Lincoln County.
  47. Private Acts of 1943, Chapter 49, amended Chapter 184, Private Acts of 1937, Item 40, above, as it had been amended by changing "four years" wherever they appear in Section 4 to "two years" reducing the term of the Road Superintendent, and by increasing the salary of each Road Commissioner to \$900 annually from \$600.
  48. Private Acts of 1945, Chapter 563, amended Chapter 184, Private Acts of 1937, Item 40, above, by adding a new Section 3-A which stated that it shall be the duty of the Road Commissioners to elect one of their number as Chairman and designate him as Road and Highway Supervisor. He will have exclusive power to enter into contracts with the State which involve highway operations and mutual agreements and he shall make all financial disbursements and all financial reports. His salary shall be \$1500 per year in equal monthly installments from the regular highway funds.
  49. Private Acts of 1947, Chapter 426, contained only a general repealing clause. The Act created a Board of County Highway Commissioners giving the Board the charge of opening, building, maintaining, and repairing all public roads and bridges not under the direct supervision of the State Department of Public Works. The three members of the Board would be selected for staggered terms of one, two, and three years, by the Quarterly Court at its July term in 1948. The County Judge would act as Secretary to the Board and be paid as one of the members. Regular meetings of the Board would be held on the last Saturday in each month. The members would be paid \$10 per meeting for two meetings per month and five cents per mile for travel. They could

employ a Road Superintendent at \$250 per month for one year at a time and discharge him for cause on 30 days notice, who would be in immediate charge of all personnel and equipment. Relatives of officials were not to be employed. All purchases over \$100 must be made by the Commission, all others by the Superintendent. A special road tax of 15 cents for each \$100 and ten cents for bridges were authorized. The Superintendent must execute \$5,000 bond and all petitions to open, close, or change roads must be received and handled as prescribed in the Act. This Act was repealed by the one following.

50. Private Acts of 1951, Chapter 112, specifically repealed Chapter 426, Private Acts of 1947, the Road Law for Lincoln County, in its entirety.

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