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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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Table of Contents

Highways and Roads - Historical Notes	3
--	----------

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The following is a listing of acts which once had some effect upon the county road system in Lewis 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 general road law applicable to every county in Tennessee under 70,000 in population, according to the 1900 Federal Census. The County Court was required to select one Road Commissioner, who would serve two years, from each Road District in the County, the Road Districts being co-extensive with Civil Districts. The Road Commissioner, thus selected, would be in charge of all roads, bridges, road hands, tools, and materials in his district, would be sworn and bonded, and would be compensated at the rate of \$1 per day but this was limited to no more than ten days each year. The County Court would fix the number of days the road hands would work each year, which could not be less than five, nor more than eight, and would set a value on one day's labor. The County Court was further allowed to levy a special road tax of two cents per \$100 property valuation for each day the road hands were required to work. The Road Commissioner could name and would supervise the Road Overseers in their District. The Overseers were to be in immediate charge of a particular section of road, would work the same number of days as other road hands, but would be paid for the days over and above that number up to \$6 a year. All able-bodied males outside of cities between the ages of 21 and 45 were obligated to work on the roads, or pay the commutation fees prescribed by the Court. The Road Commissioner would dispose of the petitions to open, close, or change, roads filed in their Districts, and were required to index and classify the roads as well, in addition to seeing that their roads met the basic specifications stipulated in the Act. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
2. Acts of 1905, Chapter 478 , amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the portions dealing with the acquisition of rights of way and other materials and assets especially where the exercise of the power and eminent domain was required.
3. Private Acts of 1917, Chapter 359 , seemed to be the first privately enacted Road Law for Lewis County. The Lewis County Quarterly Court was obligated to choose three freeholders, one each from the Civil District specified, who could not be members of the County Court, experienced in the art of road building and maintenance, who would serve as Road Commissioners. The initial terms were staggered for one, two, and three years, and all terms thereafter would be for three years. Anyone knowing of the violation of the terms of this Act by any Road Commissioner would report the same to the County Judge, who would suspend the suspected violator and proceed to investigate the charges. The Commissioners would be sworn and bonded and choose one of their number to be the Chairman and Secretary. The Commission was placed in charge of the Workhouse and prisoners who were subject to laboring on the roads. Road work would be scheduled in seasons other than in winter. The Commissioners could appoint a Deputy for each 8 miles of road in their Districts and would submit reports each quarter to the County Court. Their Deputies would be competent to attend to road work or the Commissioner could be penalized for using incompetent people. The Deputy would be paid \$1.50 a day, the same as the Commissioner, for all days worked over the compulsory number. A general road tax of no less than 12 cents nor more than 20 cents could be levied which must be spent in the district in which it was collected as near as possible. All males able to do so between the ages of 18 and 50 would work the required number of days, furnish someone in their place, or pay \$1.00 for each day missed. Special regulations applied for the owners of wagons and teams and their drivers. The Commissioners would hear and dispose of petitions to open, close, or change roads. If necessary, a professional engineer could be employed. This Act was repealed by Private Acts of 1931, Chapter 798, below.
4. Private Acts of 1925, Chapter 392 , amended Private Acts of 1917, Chapter 359, Section 4, above, by raising the minimum age of the males obligated to labor on the county roads from 18 to 21, and by making some changes in the regulations governing the use of wagons, teams, and drivers in road work.
5. Private Acts of 1927, Chapter 634 , amended Private Acts of 1917, Chapter 359, above, by reducing the number of Road Commissioners to one instead of three, and changing all pertinent portions of this Act from plural to singular when the Commissioner was involved. Under this Act the State Highway Department would name the Road Commissioner.
6. Private Acts of 1931, Chapter 798 , expressly repealed Private Acts of 1917, Chapter 359, Item 3

above, together with its amendments.

7. Private Acts of 1931, Chapter 799 , provided that the Quarterly Court of Lewis County at its January term in each year could levy an ad valorem tax for general road purposes on all property outside of cities. The tax could be no less than 12 cents nor more than 20 cents per \$100 property valuation and would be collected as any other tax would be by the County Trustee. The Quarterly Court would at the same time elect some capable person to be Commissioner of Roads in Lewis County who would be required to look out after the laying out, maintenance, and working of roads, and to be responsible for the disbursement of road funds for those purposes stipulated in the Act. The Road Commissioner had to be sworn and bonded, would be paid as the Court directed, and would keep efficient and accurate records. The general road tax would be kept separately from the gasoline tax and would be used exclusively for road purposes. No person would hereafter be required or compelled to work on the roads.
8. Public Acts of 1977, Chapter 479, created a South Central Tennessee Railroad Authority calculated to provide railroad service in the future in the counties of Dickson, Hickman, Lewis, Perry and Wayne. This Act is published herein in full.

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