



March 10, 2025

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# Highways and Roads - Historical Notes

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

1. Public Acts of 1821, Chapter 6, was enacted in the same year the boundaries of Haywood County were established. This Act was apparently the first to attempt the classification of roads in each county of the State, which is the first step towards fashioning a highway system. The roads were to be placed in one of three classes according to their width, the last of which would be wide enough to permit passage of two horses and riders on the way to mill or market.
2. Acts of 1827, Chapter 30, authorized the County Court of Haywood County to levy a tax, not to exceed the State tax, which would be used to erect bridges, causeways, or to cut roads across bottom lands. A Commission was to be appointed to lay out and inspect the work which could be contracted out if in the best interests of the county.
3. Acts of 1829, Chapter 12, authorized a bridge to be built across the Hatchee River at the Turnpike in Haywood County in the same manner as it was in Jackson. Blackman Coleman, Richard G. Nickson, George Claiborne, and John B. Hogg were appointed as Commissioners to supervise the project.
4. Acts of 1829, Chapter 280, authorized Haywood and Tipton Counties to build a road and causeway across the overflowed lands of the Hatchie River in both counties, said road running from Brownsville to Covington. A corporation was formed to assist in the accomplishment of this work.
5. Acts of 1831, Chapter 79, granted Joab Wilson who was building a turnpike and bridge across the Hatchie River bottom until December, 1833, to complete it. Daniel Cherry was also given the further time of four years to complete the bridge and turnpike across the Forked Deer River at Harrisburg in Haywood County.
6. Acts of 1851-52, Chapter 44, permitted the County Court to levy a tax to build a good, substantial plank road across the bottom and lowlands of the Big Hatchie River and to establish and keep up a ferry in connection with it. The authority to construct the same in another place was granted, if to do so were more practical for the county. A schedule of toll rates to be charged could be formed but they were to be the same for all people, residents and non-residents. A Superintendent could be elected and a special tax collector appointed, but, if this should not be done the Sheriff must collect the taxes.
7. Private Acts of 1903, Chapter 572, was the first special road law for Haywood County. The County Court could designate all or any of the county roads as county highways which could be maintained by contract by forced labor, or by convict labor, or combinations thereof. The County Court could designate these roads at any regular session. A committee of the County Judge, as Chairman and four citizens to be appointed would be in charge of contracting the work but no contractor could have more than 20 miles of road to maintain. Contracts to keep up the roads for a period of three years could be awarded to the low bidder. Some terms were specified in the Act which were required to be a part of all contracts for road maintenance. The Circuit Court Clerk was required to report on the actions of all who had contracts to perform. All applications to open, close, or change roads were to be filed with the Commission for disposition. All males living outside of cities between the ages of 18 and 50 were required to work six, eight hour days on the roads during the year, or they could commute by paying \$3.00 before June 1 of each year. The Commission would be paid the same rate as the Justices of the Peace for every day spent on this work.
8. Private Acts of 1909, Chapter 456, created a three member "Board of Public Roads" in Haywood and Robertson Counties who would serve staggered three year terms, and have complete control and supervision over all county roads. The Board was allowed to employ an Engineer and fix his salary, who was charged to make essential maps and charts, to inspect the roads, and to make recommendations for changes. The Board must spend the road funds as nearly as possible in the districts where collected, could not contract for work or incur any debt unless funds were available to pay the same. Roads were to be classified according to their width, the minimum being 18 feet. The Board could appoint overseers in each Civil District who would be in immediate charge of the roads in that district. Accurate records were to be kept by all concerned. Durable sign posts and mileage markers were to be placed on all first and second class roads. The County Court was permitted to levy a special road tax of twenty to thirty cents per \$100 property valuation, both real and personal, and one-third of the privilege taxes collected would go into the

- road fund. This act had a general repealer clause which presumably nullified the 1903 act above.
9. Private Acts of 1911, Chapter 168, also had a general repealing clause only. This act provided that at the April Term, 1911, and at the January Term, 1912, and every January thereafter, the County Court would elect one Road Commissioner for Haywood County for general supervision over all roads, bridges, and levees in the County who must take an oath to perform, make a bond, also and who would receive a monthly salary of \$50. The County Judge and the Road Commissioner would appoint overseers for each Civil District who would be in charge of and manage the work hands in that district. The overseers must furnish a list of all work hands in their District. They were responsible for all the tools and equipment used on the roads, and would see that all roads were kept repaired, for which they would be paid \$2 to \$3 per day spent on the job. Roads were to be classified according to width the minimum width being raised to 25 feet, and to obstruct them or to interfere with an overseer was declared a misdemeanor. The County Court could levy an ad valorem tax from fifteen to twenty-five cents per \$100 property valuation and on the capital stock of merchants outside cities. All males, outside cities, between 21 and 50 years of age must work six days on the roads or pay seventy five cents for every day not worked.
  10. Private Acts of 1913, Chapter 164, did not specifically repeal any prior act, or part of any, having only a general repealing clause. The act required the County Court to divide the County into four road districts composed of whole civil districts, from each of which Road District one Road Commissioner would be appointed to be in charge of the roads in that road district for which he would be paid \$150 a year. The County Judge and the Road Commissioner would appoint overseers for each district who would furnish a list of the road hands to be found therein and be in charge of the work for which he would be paid \$2 to \$3 a day as determined by the Court. To refuse to act as overseer was punishable by a fine from \$2 to \$20 which could be enforced by the Road Commissioner. The special road tax authority was granted which remained at the same rate. The provisions to furnish road hands to work the roads remained as they were except a working day was ten hours long. Roads must be classified and the procedures to open, close, or change a road must be observed as set out in this law. No Justice of the Peace could be a Commissioner, or an overseer, and could not be personally interested in any contract. To fail to perform or discharge any obligation imposed by this act was declared a misdemeanor and violators could be fined from \$25 to \$100.
  11. Private Acts of 1915, Chapter 486, removed Haywood County from the provisions and requirements contained in Acts of 1875, Chapter 142, Section 7, and Acts of 1877, Chapter 101, which were designed to encourage the construction of macadamized roads in the State to have a grade not exceeding an angle of seven degrees from the horizon. This Act was repealed by the one following.
  12. Private Acts of 1917, Chapter 82, repealed Private Acts of 1915, Chapter 486, above, in its entirety, thus placing Haywood County back into the requirements stated in the acts mentioned above.
  13. Private Acts of 1917, Chapter 227, amended Private Acts of 1913, Chapter 164, above, to provide that the maintenance and upkeep of the roads in any Civil District can be worked by contract when the Chairman of the County Court and the Road Commissioner of that District consider it in the best interests of the County. The contract would be let by a Committee composed of the Chairman of the County Court the Road Commissioner of the District, and a citizen of that area. The contract must be from two to four years and contain the specifications enumerated in the act. The successful contractor could draw the road funds for that district after first making a performance bond equal to that amount.
  14. Private Acts of 1917, Chapter 406, amended Private Acts of 1915, Chapter 180, as stated in the act. Private Acts of 1915, Chapter 180, applies to Lincoln County according to our information but a synopsis of this act is written in the event we might be mistaken. This Act provided for an appeal to the Circuit Court from the verdict of a jury of view in road damage cases. If the verdict were overruled by the court, the new one will be paid out of the road funds of the county; if the verdict is sustained, the case will proceed as if no appeal had ever been made.
  15. Private Acts of 1920 (Ex. Sess.), Chapter 62, also amended Private Acts of 1915, Chapter 180, by rewriting the section on appeals of the verdict of a jury of view. The one aggrieved by the action of the jury of view was granted the right to appeal to the next term of the County Court and from there to the Circuit Court, the Court of Appeals, and the Supreme Court. If the verdict were affirmed, the appellant must pay the costs. If the verdict be approved, the Road Commissioners shall proceed as if no appeal were ever taken. If overruled, or changed, they shall abide by the orders of the court.

16. Private Acts of 1921, Chapter 525, was the next Road Law for Haywood County, generally repealing all laws in conflict. The Quarterly County Court would elect a Road Supervisor at its next term of court to be in charge of all the county roads for a two year term, except the Supervisor could be removed for inefficiency, misfeasance, or malfeasance committed in office upon being given 30 days notice. The County Court would select one to fill out the term in case of a vacancy for any reason. The Supervisor must meet the qualifications listed in the Act, devote his entire time to the job, handle all contracts and appoint overseers in those districts where there are no contracts. The overseers must furnish a list of road hands in the district and keep accurate records of the work done and those who are doing it. The Supervisor must also keep accurate records of all transactions as stipulated in the law. His salary was \$1800 a year payable monthly. He must take an oath and give a \$5,000 performance bond. The overseer must keep up with all tools and equipment assigned to his district. He would be paid from \$2 to \$3 per actual day worked as decided by the court. The County Court was empowered to levy a road tax from five to twenty-five cents per \$100 property valuation and on the capital stock of merchants outside cities. All males, outside cities, from 21 to 50 years of age were required to work six, ten hour days on the roads, or they could commute by paying \$1 per day before April 1, and \$1.25 afterwards. Road classes and specifications were prescribed in the law. No Justice of the Peace could serve or be interested financially in any contract. This act was repealed by Private Acts of 1929, Chapter 189.
17. Private Acts of 1927, Chapter 331, amended Private Acts of 1921, Chapter 525, Sections 5, 6, and 15, above. Section 5 was amended by increasing the maximum amount of the road tax levy from twenty-five to thirty-five cents per \$100 property valuation; and Section 6 was amended by extending the time in which a road hand could normally commute from April 1 to July 1.
18. Private Acts of 1929, Chapter 188, was a new Road Law for Haywood County. This act created a new road system to be supervised by a Board of Highway Commissioners. The Board would consist of four men elected one from each of four road districts and a Chairman who would be elected at large. The act named P. O. Wilkerson as the Commissioner from the 1st Road District, T. B. Smoot as the Commissioner from the Second. N. P. Thornton as Commissioner from the Third District, Charlie Humphreys, as the one from the Fourth District, and George W. Meux, to serve as Chairman, all to continue in office until their successors are elected. Each would take an oath and execute \$1,000 bond and a procedure for their removal from office was established. The duties and powers of the Board are prescribed in eleven paragraphs in Section 10 of the act, among which was the authority to employ a Road Superintendent for periods not to exceed one year who must meet all the qualifications enumerated and who would be in charge of the road program and the Department exercising those powers prescribed in Section 9. The Board would act as purchasing agent for all road needs, and may solicit bids and award contracts as the best interest of the county may appear. The Board would meet monthly at least and be paid \$5 per day salary. Records must be kept by the Secretary which are complete and accurate. Overseers for each Civil District, coextensive with Road Districts could be appointed at a daily salary of \$3 or less. All males outside of cities, between ages of 21 and 50 must work either, ten hour days each year, or commute by paying 80 cents for each day not worked. The Board could not make obligations exceeding funds on hand. Office Assistants may be hired at \$300 a year, or less, and the maximum amount for the road tax levy by the County Court was pegged at forty cents per \$100 property valuation. See *State v. Meux*, 166 Tenn. 286, 61 S.W.2d 974 (1933).
19. Private Acts of 1929, Chapter 189, expressly and entirely repealed Private Acts of 1921, Chapter 525, above.
20. Private Acts of 1931, Chapter 180, recited in the preamble some of the provisions of Private Acts of 1929, Chapter 188, the current Road Law for Haywood County which concerned the composition of the Board of Highway Commissioners created therein and the conditions under which they were to be elected. The original five members, who were named in Chapter 188, became candidates to be elected in the next election, being unopposed, but their names were mistakenly omitted from the ballot. The Board met and all its five members resigned. In the ensuing election by the County Court, all five members were reelected by the Court. This act confirms and validates the actions of the Board and the County Court in connection therewith and names the same five men, Meux, Wilkerson, Smoot, Thornton, and Humphreys as the members of the Board.
21. Private Acts of 1931, Chapter 335, repeals Private Acts of 1931, Chapter 270, which levied a privilege tax on carts, buggies, surreys, wagons, and other vehicles. Although the act is listed as being applicable to Haywood County, Chapter 270, which it repeals, it applies only to Lincoln County, not to Haywood.

22. Private Acts of 1933, Chapter 480, created a road system under the general supervision and control of a Board of Highway Commissioners composed of the County Judge, the County Trustee, and the County Court Clerk. The position of County Road Supervisor was created and its qualifications established. The Supervisor would be elected for a two year term, must take an oath and make a \$2,000 bond, and would draw a salary of \$1,080 a year. The act appointed H. J. Claiborne to the Supervisors position to discharge the obligations and powers outlined in six paragraphs in Section 3, and eleven paragraph in Section 4 are devoted to the powers and duties of the Board. The Board would act as the purchasing agent for the road department but must take bids on all items over \$500. The Board must meet at least monthly and keep accurate records of all meetings and transactions. The Commissioners or the Supervisor could appoint overseers in each district who would receive \$2.50 a day for no more than 50 days in one year. Road hands of the same age bracket must work six, ten hour days or pay a fifty cent commutation fee for every day not worked. The tax rate maximum was forty cents per \$100. The Supervisor would be furnished a car, would keep a list of all hands working on the roads and expend all road funds. He would also do the contracting with the State and Federal Governments. The provision for office assistants at \$300 a year was carried over into this act, which had only a general repealer. See *State v. Meux*, 166 Tenn. 286, 61 S.W.2d 974 (1933).
23. Private Acts of 1937, Chapter 561, was the next Road Law for Haywood with many provisions, heretofore mentioned, being carried over into this Act. The Board would again be composed of a member from each of four Road Districts and the Chairman from the county at large. Vernon L. Mann, Claiborne Hooper, William Whitehurst, Otis Humphreys, and T. D. Russell, as Chairman were named as the first Board. The powers of the Board of the Road Superintendent whom they could employ at \$1,200 a year, and the authority of the Chairman are all enumerated in various Sections of the Act. \$500 would be set aside each year to take care of overdrafts, debts, and obligations which were miscalculated. All items over \$250 were subject to the bid process. The Board would meet twice a month or when called, each member being paid \$200 a year, and the Chairman \$1,200. All conflicts of interest were prohibited. Road hands, 21 to 50 years of age must pay fifty cents a day, or work eight, ten hour days on the roads. No state, county, or city official could be a member of the Board.
24. Private Acts of 1937 (Ex. Sess.), Chapter 30, amended Private Acts of 1937, Chapter 561, above, in Section 16 by increasing the salary of the members of the Board of Highway Commissioners to \$300 a year, and of the Chairman to \$1,500 a year payable \$125 a month all to be paid out of any road funds available. Section 14 was amended by removing the limitation on the Commission that they could not pay out, contract for, or agree to pay out for any purpose in any one month any amount in excess of the amount received from all sources for the road funds in the preceding month. Section 17 was amended by adding a provision that the Chairman and each member of the Board shall be entitled to one vote on all matters which may come before the body.
25. Private Acts of 1939, Chapter 250, amended Private Acts of 1937, Chapter 561, Section 24, by reducing the number of days the eligible males must work on the roads of the county from eight to six.
26. Private Acts of 1941, Chapter 110, amended Private Acts of 1937, Chapter 561, by striking Section 8 therefrom and inserting a new Section. The new portion set up certain standards for the Road Superintendent to meet before being employed which were practically the same as before. The Superintendent could be employed for only one year at a time, and could be discharged upon ten days notice being given him for the causes listed in the Act. If a superintendent should not be hired, the chairman of the Board may hire a bookkeeper, assign duties to the same, and discharge him at any time, the specified salary being \$600 a year. Section 10 was amended to the effect that inmates of the workhouse could only be worked on the roads in accordance with agreements between the Commission and the Workhouse Commission. Section 14 was changed to provide that no contract to purchase materials for the roads could be entered into until it was approved by the County Judge, and Section 17 was altered to that the Commission could meet at such times and places as they themselves might direct.
27. Private Acts of 1949, Chapter 605, amended the Road Law by inserting a new Section 8 after removing the prior one. The Board of Highway Commissioners could employ a Road Superintendent for a one year term who would be between the ages of 21 and 65 years. He would take an oath, make bond of \$2,000, and draw a salary fixed by the Board at some figure \$3,000 a year or under, payable monthly. If no Superintendent is hired, the Chairman of the Board can perform his duties at a salary less than \$3,000. Other members of the Board would get \$300 a year and so would the Chairman if not acting as Superintendent. The Chairman may employ a bookkeeper but he could not serve beyond January 1 of the year following the

- employment. The bookkeeper's salary could not be more than \$1,500 a year.
28. Private Acts of 1951, Chapter 427, is published herein. This Act authorized the County Court to levy a tax not to exceed fifty cents per \$1,000 property valuation to build, maintain, and repair the public roads of Haywood County.
  29. Private Acts of 1951, Chapter 726, amended Private Act of 1951, Chapter 427, above, so as to make the amount of property subject to taxation at \$100 instead of \$1,000.
  30. Private Acts of 1953, Chapter 218, amended Private Acts of 1937, Chapter 561, Section 2, by increasing the length of the term of all members of the Board to four years. Section 8 was amended by increasing the salary of the Chairman of the Board from \$3,000 to \$4,200 annually when he was acting as Superintendent, and the salary of the members was increased from \$300 to \$600 annually. The salary of the bookkeeper went from \$1,500 to \$1,990 a year.
  31. Private Acts of 1963, Chapter 129, provided for an elected board of road commissioners with their powers, duties, terms and compensation. The act also provided for a chief administrative officer to be employed by the board of road commissioners. This act was repealed by Private Acts of 1991, Chapter 24.
  32. Private Acts of 1963, Chapter 34, amended Private Acts of 1953, Chapter 218, Section 2, above, by changing the salary of the Chairman from \$4,200 to \$4,800, and the salary of the Bookkeeper from \$1,980 to \$2,400. This Act was properly ratified as required by the Home Rule amendment to the State Constitution.
  33. Private Acts of 1971, Chapter 106, amended Private Acts of 1963, Chapter 129, by increasing the maximum salary of the secretary of the road commission from \$3600.00 to \$4800. This act was repealed by Private Acts of 1991, Chapter 24.
  34. Private Acts of 1972, Chapter 308, amended Private Acts of 1963, Chapter 129, by dividing the county into five road districts (rather than four) based on magisterial districts (rather than civil districts). Provided for the election of the road commissioner from district five and increased the number of affirmative votes needed for a majority. This act was repealed by Private Acts of 1991, Chapter 24.
  35. Private Acts of 1976, Chapter 245, amended Private Acts of 1963, Chapter 129, the Haywood County Road Law by rewriting Section 3 to provide that the Haywood County Quarterly Court elect one member of the County Highway Commission for four year terms from each of the County road districts. The Quarterly Court would also elect one of the Commissioners to be the Chairman. All the present members of the Highway Commission would continue in office until their specified term had expired, whereupon the new members appointed by the Court would assume the office all of the above was contingent upon the people's approval in a referendum election. This Act was rejected by the Quarterly Court of Haywood County and never became an effective law.
  36. Private Acts of 1980, Chapter 328, amended Private Acts of 1963, Chapter 129, by deleting the compensation provisions and providing that the county legislative body set compensation, including fringes or travel expenses. The Act further changed the title of "County Engineer" to "chief administrative officer" and provided that the chief administrative officer be the head of the county highway department. This act was repealed by Private Acts of 1991, Chapter 24.
  37. Private Acts of 1982, Chapter 273, amended Private Acts of 1963, Chapter 129, by providing for a five member road commission to be elected at large. This act was repealed by Private Acts of 1991, Chapter 24.
  38. Private Acts of 1984, Chapter 247, amended Private Acts of 1963, Chapter 129, by providing that the road commissioners and employees of the road department only hold one compensated position. This act was repealed by Private Acts of 1991, Chapter 24.

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