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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 Lawrence 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, directed the Courts Pleas and Quarter Sessions of the respective Tennessee counties to classify and index the public roads in their counties into three classes according to the width of the road and the surfacing materials. The classes ranged from stage roads down to one wide enough to pass a single horse and rider. The court was empowered to assign hands to repair and maintain the roads.
2. Acts of 1847-48, Chapter 159, Section 11, named Daniel Bentley, William McKnight, Jr., and John H. Beeler, all of Lawrence County, and Anthony Buckner, Henry Miller, and John Gant, of Maury County, as Commissioners to open books and to sell stock to make a turnpike road from Lawrenceburg which would intersect the turnpike road from Columbia to Waynesboro at some point between Waynesboro and Mount Pleasant as the stockholders might direct. The road must meet all the specifications in the act. The company would be named the Lawrenceburg Turnpike Company. This road would be regulated by the same rules applicable to other roads in similar situations. The Company had the power to extend their road from Lawrenceburg to Pulaski in Giles County.
3. Acts of 1851-52, Chapter 280, Section 13, incorporated the Pulaski and Lawrenceburg Turnpike Company which company intended to construct a turnpike, or a macadamized road, from Pulaski in Giles County to Lawrenceburg, in Lawrence County, while possessed of all the same rights and privileges belonging to the Franklin Turnpike Company. This Act named R. M. Bugg, F. T. McLauren, Noah Hancock, S. M. Bentley, B. M. Moore, and T. D. Deavenport, as the Commissioners with the authority to procure the stock for the company in such an amount as was needed to build the road.
4. Private Acts of 1857-58, Chapter 99, Section 7, incorporated the subscribers and stockholders for building a turnpike from Mount Pleasant, running with the Military road in Maury County, to Lawrenceburg. The name of the company would be the Mount Pleasant and Lawrenceburg Turnpike Company whose officials were empowered to stop the road at any point after five miles had been completed. The authorized capital stock was \$5,000 and Seth R. Kittrell, W. G. J. Hunter, J. H. Kittrell, Edmond Wiltshire, Thomas P. Stone, James H. Granberry, Henry Goodloe, and S. P. Jordan were named as Commissioners to sell the stock to raise that amount.
5. Acts of 1901, Chapter 136, was a general road law applicable to every County in Tennessee under 70,000 population. The County Court would elect one Road Commissioner to serve two years from each of the Road Districts in the County. Road Districts and Civil Districts were co-extensive with each other. The Commissioners must be sworn, bonded, and would be in charge of all roads, bridges, road hands, tools, and materials used in that District, at a compensation of \$1 per day not to exceed 10 days in one year. The County Court would fix the number of days the road hands would labor compulsorily on the roads at no less than five days and no more than eight. The Court was allowed to levy a general road tax of two cents per \$100 property valuation for each day of labor the court prescribed for the road hands. District Commissioners would name for a one year term the Road Overseers in their District, who would be in charge of a specific section of road in the District. He would serve as many days as are assessed to road hands without compensation, but for each additional day he would receive one dollar per day, not to exceed six dollars in one year. All males between the ages of 21 and 45 were subject to compulsory labor on the public roads. Petitions to open, close, or change roads were to be filed with and disposed of by the Road Commissioners, who would file his report with the County Court. All roads must meet the basic specifications established in the Act.
6. Acts of 1903, Chapter 533, amended Acts of 1901, Chapter 136 to require the Road Commissioner to file his report on opening roads with the County Chairman or Judge instead of at the next quarterly term of the County Court. Both Acts were the subject of a constitutionality challenge in Morgan County in the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 S.W. 66 (1906).
7. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, increasing the compensation of the Road Commissioners. The sections on eminent domain were revised to provide for action by the County Court as to damages.
8. Private Acts of 1919, Chapter 623, was the first specific road law for Lawrence County. The Act provided that the Lawrence County Court at its January term in 1920 would select a Road

Supervisor for each Civil District (Road District), who would supervise the public roads, bridges and overseers in that District. He would be sworn, execute bond in the specified amount, and serve a two year term. Regulations were made for the payment of labor and materials in each District. Supervisors were to be paid \$2.50 per day not to exceed 20 days per year. The Road Supervisor must assign road hands to the particular section of road upon which they were to work the number of days stipulated by the County Court which could be no less than five nor more than ten. The Court would levy a road tax of no less than 20 cents nor more than 50 cents which would be held as a separate road fund by the Trustee. All parties were instructed to keep good records of all transactions and accounts. Road Supervisors would appoint overseers for each section of road who were expected to work the required number of compulsory days as others did (but only as overseers) and who would be paid \$1.50 per day for each day above that number up to ten dollars each year. All males between the ages of 21 and 45 were subject to road duty but could commute by paying \$1.50 for each day required. The District Road Supervisor would act on requests to open, close, or change roads and report his determination to the Judge of the County Court. This Act was repealed by Private Acts of 1939, Chapter 440, and by Private Acts of 1937, Chapter 703.

9. Private Acts of 1920 (Ex. Sess.), Chapter 6, amended Private Acts of 1919, Chapter 623, by reducing the minimum levy for the tax on roads from twenty cents to ten cents per \$100 property valuation. This Act was repealed by Private Acts of 1937, Chapter 703.
10. Private Acts of 1921, Chapter 716, amended Private Acts of 1919, Chapter 623, in Section 1 to provide that Road Supervisors were to be paid \$3.00 per day for an 8 hour day of work up to 30 days each year. Section 5 was changed to require the Road Overseers to give at least two days warning to road hands before they were to report for work. Section 12 was modified to define a wagon and team and to establish the commutation rate at \$2.50 per day for a team of two animals, and at \$1.25 per day for one animal. This Act was repealed by Private Acts of 1937, Chapter 703.
11. Private Acts of 1937, Chapter 703, created a three member County Highway Commission and a position of County Road Superintendent who would have general supervision of all county roads, bridges, highways, and culverts in the County. A Commissioner must be at least 21 years old, a county resident for five years, could not be a member of the County Court, and no two could live in the same civil district. The three current Commissioners were continued in office until the expiration of their terms, the new members would serve initial staggered terms and then terms of three years. The Chairman of the Commission was to be named by the County Court and sworn into office for a one year term. Members would be paid from \$75 to \$350 annually, and the Chairman from \$150 to \$450 annually, plus the amount of the bond premium. The Road Superintendent would be appointed by the Quarterly County Court to a two year term, be sworn and bonded from \$3,000 to \$10,000, would be paid a salary set by the Quarterly Court which could be no less than \$900 and no more than \$1,500 per year, plus travel expenses up to \$50 monthly. Joe Graves, named as the Superintendent in the Act, would be paid \$1,200 annually in equal monthly installments. The duties of the Commission and its power and authority were all detailed, as well as that of the Road Superintendent. All males, outside cities, between 21 and 45 years of age must work from four to eight days on the roads as set by the Court but could commute at a cost of 50 cents per day. Failure to do either was a misdemeanor. Owners of wagons and teams had to work from 2 to 5 days, or pay 50 cents per animal and/or wagon for each day missed. The Road Superintendent must submit reports on the status of roads to the County Court and Commission as soon as work was completed, and the Quarterly Court would set the amount to be paid to foremen and overseers. The Commission could have obstructions removed and prescribe requirements for building driveways. The Commission could exercise the power of eminent domain when needed, and dispose of petitions to open close, or change roads, provided the procedures in the Act were followed. County workhouse prisoners could be worked on the roads under certain conditions. The Quarterly Court had the authority to levy a general road tax of no less than five cents and no more than thirty cents per \$100 which was to be used in the District from whence it came. The Commission could issue notes not exceeding the aggregate of \$10,000 upon a 2/3 vote of the Court at 5% interest, or less, and to mature from 3 to 10 years. Supplies could be purchased but all over \$200 had to be on competitive bid. The Commission could employ engineers and clerical help and the Superintendent would select the foremen and overseers. An office must be kept open at the Court House in the county seat and the Commission would meet on the first Monday in every month. This Act was repealed by Private Acts of 1939, Chapter 440.
12. Private Acts of 1937 (Ex. Sess.), Chapter 12, amended Private Acts of 1937, Chapter 703, in Section 16 by rewriting the first two paragraphs to require the owners of wagons and teams to

furnish the same for road work if they resided outside of a city for no less than two nor more than five days. Commutation rates were fixed at fifty cents per animal and/or wagon per day and a legal description of a team was incorporated. This Act was repealed by Private Acts of 1939, Chapter 440.

13. Private Acts of 1937 (Ex. Sess.), Chapter 15, amended Private Acts of 1937, Chapter 703, in Section 27 by providing that when the Road Superintendent and the County Workhouse Commission deemed it impractical to work prisoners on the public roads for any reason justifiable in their discretion, the prisoners would be worked under the supervision and control of the Sheriff, as the ex-officio superintendent of the Workhouse. This Act was repealed by Private Acts of 1939, Chapter 440.
14. Private Acts of 1939, Chapter 440, expressly repealed Private Acts of 1937, Chapter 703, and all the amendments to that Act, and did not revive any of the acts which might have been repealed by Private Acts of 1937, Chapter 703.
15. Private Acts of 1939, Chapter 441, established a County Road Commission of three members who were to be 21 years of age or more, a resident of the county for five years, could hold no other office and no two to whom could live in the same civil district. The Quarterly Court would elect the first members for staggered terms and after the initial terms for 3 year terms, with specific provisions for filling vacancies if one occurred. The Act named J. P. Conway, Fred Usher, and Alec Wright as the first three members, Conway to be the Chairman. All would be sworn and bonded for \$2,500 and the Chairman would execute an additional bond of \$2,500. The Quarterly Court would fix the salary of the members not to exceed \$200 annually with the Chairman being paid an added \$200, all to be taken from the road funds. Members of the Commission could be removed by a 2/3 vote of the Quarterly Court but the procedures for doing so specified in the Act were to be closely followed. The Chairman, named by the Quarterly Court, would represent the County in its transactions with the State. The County Road Superintendent, selected by the Quarterly Court for two year terms, must be 25 years of age, or older, and experienced in the art of road building and maintenance. Joe Graves was named to serve as such until another could be chosen under the procedures of this Act. The salary would be decided by the Quarterly Court but could not exceed \$1,800 per year. The Quarterly Court was empowered to levy a road tax up to twenty cents per \$100 property valuation. The Road Superintendent, the Commissioners, and the County Judge would constitute the Purchasing Committee who would supervise and manage all the purchasing for the Department under the rules promulgated in the Act, all purchases over \$500 to be on competitive bid. Workhouse prisoners could be worked on the roads for which guards could be hired at \$1 per day and preference was to be given local residents in the award of contracts within the Highway Department. This Act was repealed by Private Acts of 1941, Chapter 211.

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