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Highways and Roads - Historical Notes

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Sincerely,

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The following is a listing of acts which once had some effect upon the county road system in Henderson 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, required the Courts of Pleas and Quarter Sessions in each county to index and classify the public roads in the county into three classes: stage roads and like roads; roads 12 feet wide, suitable for loaded wagons; and roads suitable for single horse and rider. These roads were to be marked depending upon their classification. The Courts were also authorized to establish ferries where needed.
2. Acts of 1901, Chapter 136, was a statewide road law applying to all counties under 70,000 in population. The County Court was to elect one Road Commissioner for each road district (coextensive with civil districts) for a two-year term, to receive compensation of \$1 for each day of service up to 10 days per year. The County Court was authorized to levy an ad valorem tax of 2¢ per \$100 property valuation, 2/3 of which could be worked out on the roads in the district. All male residents between the ages of 21 and 45 were required to perform road labor or pay 75¢ for each day assigned but not worked. County prisoners were required to work on the public roads. Roads were to be classified by width and indexed, and built to meet basic specifications. The Commission was authorized to receive and determine petitions to open, close or change roads.
3. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, to make it a misdemeanor to refuse to serve as Road Commissioner if appointed, to limit their compensation to \$40, and to exempt certain counties from the provisions of the act. Petitions to open, close or change roads would be determined by the County Court rather than the Commission.
4. Acts of 1907, Chapter 466, regulated public roads in Henderson and Weakley Counties. The act established a three-member Board of Road Commissioners, with two members to be elected by the Quarterly County Court to serve two year terms at compensation of \$600 to \$800 per year, and the third member being the County Court Clerk serving ex officio without compensation. The Board was responsible for all public roads and all bridges and culverts under 25 feet in length in the county. Roads were to be classified into four classes by width. Petitions to open, close or change roads were to be made to the Road Commissioners, who were empowered to condemn land for road purposes. All males between the ages of 21 and 50, except residents of incorporated towns, were required to perform road labor at least 6 days per year or pay a fee of 50¢ per day. The Quarterly County Court was directed to levy a road tax of at least 20¢ per \$100 of taxable property, and a privilege tax of at least 5¢. The Road Commissioners were to prepare a "Public Road Record" describing each road in the county. Road work was to be done between April and October, except in emergencies. The penalty for obstructing public roads was \$5-\$10 per offense. Road Commissioners who failed to perform their duties or showed partiality were to be fined \$10-\$25 per offense.
5. Acts of 1909, Chapter 262, regulated public roads in Henderson County. The Quarterly County Court was directed to elect one Road Commissioner from each road district (coextensive with civil districts) to serve a two-year term. A notice of election was served upon the Commissioner by the Sheriff, and it was a misdemeanor to refuse to serve or fail to finish his full term without sufficient cause. Each Road Commissioner was to appoint Overseers in his district to be in charge of 3-8 mile sections of road. Petitions to open, close or change roads were to be made to the Road Commissioner in the district(s) in which the road was located. If only one district were involved, the Commissioner was to select two other freeholders to serve with him on the "jury of view," which had power of condemnation and assessment of damages. If two districts were involved, the two Commissioners and one other person would constitute the jury of view; if three or more were involved, the Commissioners served alone. Appeals had to be made within 3 days, first to the Quarterly County Court, then to the Circuit or Supreme Court. Roads were to be classified into four classes according to width, and built and maintained according to several enumerated conditions and specifications. Commissioners and overseers were required to work 6 days without pay, and received \$1.50 per day thereafter. County prisoners were to perform road work as needed. Males between 18 and 50, outside cities, were required to perform road duty from 6-12 days per year, or furnish a substitute worker or pay 75¢ per day. The County Court was directed to assess a road tax of 10¢-25¢ per \$100 of taxable property and a privilege tax not more than 1/4 the county assessment, 2/3 of which could be paid by road labor. The act did not apply to any incorporated town that maintained its own roads. This act was repealed and superseded by Private Acts of 1917, Chapter 589.

6. Acts of 1911, Chapter 312, was virtually identical to Acts of 1909, Chapter 262, except that payment to Clerks for supplying taxpayers' lists was limited to 20¢ per 100 names, the provisions allowing persons to furnish plows and wagons and the like in substitute for road labor were deleted, and all actions taken under prior road laws were ratified.
7. Private Acts of 1917, Chapter 589, regulated public roads in Henderson County. The Quarterly County Court was directed to select a three-member Highway Commission to serve staggered terms of three years. One member was to be selected each year to serve as Chairman, and one member was to serve as Secretary for a term not exceeding two years. The Secretary could be paid up to \$240 annually, but the remaining members would serve without compensation. The Commission had general supervision over all roads, bridges and levees, direction of the county workhouse and the work of the prisoners on the county roads, custody of all equipment, and acted as purchasing agent for the county in that regard. The Commission was authorized to hire a Road Supervisor at a salary not to exceed \$100 per month. The duties of the Commission included dragging all roads with split logs as soon as practicable after rains. The Commission was empowered to hear and decide petitions to open, close or change a road (including condemnation), or to do the same upon their own motion, and their determination was to be submitted to the County Judge for entry upon the court's record. The Quarterly County Court was directed to levy a road tax of 40¢-\$1 per \$100 of taxable property. All males between ages of 18 and 50 who were not residents of incorporated towns were required to work 10 days on the roads or pay a \$5 commutation fee. Prisoners from other counties could also be worked. This act contained a general repealer clause, "especially Chapter 262 of the published Acts of 1909," but the caption did not indicate that any act was to be repealed. This act was repealed by Private Acts of 1919, Chapter 489.
8. Private Acts of 1917, Chapter 812, authorized the Quarterly County Court of Henderson County to levy a road tax of 50¢ or more per \$100 taxable property, and the action of the Court in levying this tax for 1916 was validated.
9. Private Acts of 1919, Chapter 489, repealed Private Acts of 1917, Chapter 589, and regulated the public road system in Henderson County. The County Judge was to be the Chairman of a three-member Board of Highway Commissioners. The other two members were to be elected to staggered two-year terms by the Quarterly County Court. The Commission was to elect a Secretary to keep minutes and records, who could be paid up to \$300 per year. The Highway Commission had general supervision over all roads, levees, bridges and culverts in the county, and control of the workhouse and county property used in connection with same, and was to act as county purchasing agent in that regard. The Commission was authorized to employ an engineer, a supervisor, and other persons as needed to direct the county road work. Petitions to open, close or change roads were to be submitted to the Highway Commission, and would be acted upon by the Commission or the Supervisor and reported to the County Court for entry upon the record. Appeals to the Circuit Court had to be filed within 10 days. Machinery could be bought and financed over a term of years. The act authorized the issuance of interest-bearing warrants to pay for bridges or roads. The Quarterly County Court was directed to assess an ad valorem tax of 40¢-\$1 on all property outside incorporated towns. All males between 18 and 50 years of age were required to work 10 days on the county roads or pay \$10 in cash as a commutation fee. This act was the basis for the decision of the Tennessee Supreme Court in Choctaw Culvert and Machinery Company v. Henderson County, 89 S.W.2d 753 (Tenn 1936), holding that suit can be maintained against a county on its road warrant. This act was repealed by Private Acts of 1931, Chapter 331.
10. Private Acts of 1920 (Ex. Sess.), Chapter 33, amended Private Acts of 1919, Chapter 489, to lower the authorized tax rate to 20¢-40¢ per \$100 taxable property.
11. Private Acts of 1921, Chapter 800, amended Private Acts of 1919, Chapter 489, to create a seven-member Board of Highway Commissioners, one from each Civil District, to serve staggered seven-year terms. The initial members were S. J. Alton, J. L. Manley, T. C. Jowers, J. C. Benson, H. E. Graper, E. M. Evans, and J. S. Johnson. Each Commissioner was in charge of the roads in his district and would be paid \$100 per year. The Chairman would be paid \$1,800 per year. The tax rate was 40¢-\$1. Persons subject to road duty were required to give notice by March 1 if they intended to work or they would be deemed to have chosen to pay the \$5 commutation fee. The Commissioners continued to be authorized to appoint Road Overseers, but not District Supervisors. Members of the Commission were to be paid for their attendance at meetings.
12. Private Acts of 1927, Chapter 720, amended Private Acts of 1921, Chapter 800, to decrease the compensation of the Commissioners to \$60 per year and the Chairman to \$1,200 per year. The Chairman was required to devote at least 3 days per week to his duties except in July, August and

- September, when he was required to spend full time on the job. At least 30¢ of the road tax was required to be applied to current expenses, with the remainder to be used to retire prior indebtedness.
13. Private Acts of 1931, Chapter 331, repealed Private Acts of 1919, Chapter 489, and its amendments.
 14. Private Acts of 1931, Chapter 527, regulated the public road system in Henderson County. A seven-member Board of Highway Commissioners was established, with one member from each civil district to serve staggered two-year terms. Lucian Cook, Elmer Threadgill, George McPeake, Leo Segerson, James L. Gilliam, Clifford Neely and Ellis Maness were appointed to serve on the first Board until their successors were elected by the qualified voters. The Commissioners were to choose one of their number to serve as chairman. The County Court (not Quarterly County Court) was empowered to remove a member of the Commission for incompetence, neglect of duty, or misconduct upon petition filed by any citizen or taxpayer of the county. The Board was directed to employ a full time County Highway Superintendent, to be paid not more than \$1,800 per year. The duties of the Commission and the Superintendent were enumerated in the act. The Commission could choose a Secretary to be paid up to \$300 per year for the work of keeping minutes and records. The Board was to hold regular monthly meetings and act as representative of the county in its dealings with the State Highway Department. The Quarterly County Court was directed to levy an ad valorem road tax of 40¢-60¢ per \$100 taxable property outside incorporated towns. All males between 21 to 50 were required to work 10 days on the roads or pay \$10 commutation fee. This act and its amendments were repealed by Private Acts of 1941, Chapter 266.
 15. Private Acts of 1933, Chapter 737, amended Private Acts of 1931, Chapter 527, to abolish the position of County Highway Superintendent and give the Highway Commission supervision and control of all roads, levees, bridges, culverts, and the maintenance, working, and construction thereof, and road hands, materials, and machinery.
 16. Private Acts of 1939, Chapter 145, amended Private Acts of 1931, Chapter 527, to extend the term of the Highway Commissioners from two to four years. This amendment also purported to delete a phrase in Section 7 of the 1931 act dealing with the removal of the County Highway Superintendent, but Section 7 had been deleted in its entirety by Private Acts of 1933, Chapter 737.
 17. Private Acts of 1941, Chapter 265, regulated the public road system in Henderson County. The Board of Highway Commissioners was composed of seven members, one from each civil district to be elected by the qualified voters for a two-year term. Dennis Douglas, Joe Anderson, George McPeake, Curtis McMurray, Howard Meadows, Johnny Reeves and Lois Kelly were named to serve until their successors were elected. Commissioners were to be paid \$20 per month, with the Chairman to receive an additional \$17.50 per month. Commissioners could be removed for cause in the manner provided under the general laws. The Highway Commission was directed to employ a full time County Highway Supervisor, to be paid not more than \$1,600 per year, and who could be a member of the Highway Commission but would receive no salary in addition to the \$1,600. The duties of the Supervisor and the Commission were enumerated in the act. Public bids were required for all purchases of supplies and materials over \$100. The Commission was to hear and determine petitions to open, close or change roads, with the results reported to the County Court Clerk to be placed in the record. Appeals to the Circuit Court were required to be filed within 10 days. The Commission was directed to employ a keeper of the highway garage and tool house, and was authorized to employ an engineer or surveyor to be paid no more than \$125 per month.
 18. Private Acts of 1941, Chapter 266, repealed Private Acts of 1931, Chapter 527, and all amendments thereto.
 19. Private Acts of 1943, Chapter 247, amended Private Acts of 1941, Chapter 265, by deleting all of Sections 7, 8, 9, 10, 11, 13, 14, 15, 18, 20, 22 and 23, which among other things eliminated the positions of County Highway Supervisor, bookkeeper, garage keeper, and engineer or surveyor. Compensation to Commissioners was reduced to \$15 per month, the extra amount paid to the Chairman was reduced to \$5 per month, and Commissioners could no longer work as foremen on the roads at extra compensation.
 20. Private Acts of 1943, Chapter 248, directed the Quarterly County Court of Henderson County to elect annually a Supervisor of Roads, who could not be a member of the Quarterly County Court or the Highway Commission, and who would be paid no more than \$1,800 per year. The Supervisor was in charge of roads, road hands, materials and equipment. He could employ a secretary/bookkeeper to be paid no more than \$900 per year. The Supervisor was directed to

- employ a keeper of the highway garage and tool house. The Quarterly County Court was authorized to appoint an inspection committee to check the efficiency of the Supervisor, which committee could be paid no more than \$3.50 per day for 5 days. The Supervisor, acting on behalf of Henderson County, was given the power of eminent domain. This act was repealed by Private Acts of 1945, Chapter 471.
21. Private Acts of 1945, Chapter 470, regulated the public road system in Henderson County. The seven civil districts were grouped into three Road Districts. A Road Commissioner was to be elected by the voters in each Road District to a two year term, to work full time at compensation of \$5 per day of actual service. Each Commissioner was authorized to appoint a sub-commissioner for each of the civil districts in his Road District in which he did not reside, to be paid \$4 per day of actual service. The Commissioners were authorized to employ laborers and a skilled mechanic. Laborers could be paid no more than \$3 per day. The Chairman of the Commission would be paid no more than \$100 per month for his services. The Quarterly County Court was authorized to levy a tax of \$2 on every male citizen of the county between 21 and 50 years of age, to be used for road purposes. The Commission was given the power of eminent domain. This act was repealed by Private Acts of 1992, Chapter 179.
 22. Private Acts of 1945, Chapter 471, repealed Private Acts of 1943, Chapter 248.
 23. Private Acts of 1947, Chapter 632, authorized the Quarterly Court of Henderson County to assess and levy a tax on all real and personal property in the county for the purpose of obtaining funds for the construction, maintenance, and repair of roads, bridges, culverts, and other structures connected with the county road system.
 24. Private Acts of 1947, Chapter 641, regulated the public road system in Henderson County. This Act created a seven-member County Highway Commission and the office of County Road Supervisor, who had control and management of all roads, bridges and highways in the county except those which were State or Federal, and all road funds. One Commissioner was to be elected by the voters in each road district (coextensive with each civil district), and Commissioners could not be members of the Quarterly County Court. George Leslie, Jim Henry Britt, W. G. Blankenship, George Martin, Howard Meadows, Wilhoit Evans and Ben Hayes were named to serve as Commissioners until their successors could be elected in the next general election, and thereafter every two years. The Commission was directed to elect a Chairman, and was authorized to employ a full-time Secretary to be paid no more than \$50 per month who also could serve as secretary for the county purchasing agent. The Commission was to hear and dispose of petitions to open, close or change roads, and was given the power of eminent domain. The duties and powers of the Commission were enumerated in the act. The Chairman would be paid \$20 per month and the Commissioners \$15 per month. An annual audit was required to be performed by independent auditors, the cost of which could not exceed \$250. The Commission was directed to elect a County Road Supervisor annually, to be paid \$200 per month, whose duties and powers were enumerated in the act. Haskel Williams was named as initial Road Supervisor. This act contained a general repealing clause which presumably abrogated Private Acts of 1945, Chapter 470.
 25. Private Acts of 1949, Chapter 419, amended Private Acts of 1947, Chapter 641, to make mandatory the hiring of a Secretary to be paid \$75 per month for a two-year term; to require the signature of the County Judge, rather than the County Purchasing Agent, on all warrants; and to cause the term of the County Road Supervisor to coincide with the terms of the Commissioners.
 26. Private Acts of 1951, Chapter 681, created a three-member County Road Commission in Henderson County. Commissioners were to be elected to staggered six-year terms and would be paid \$900 per year. Glen Grissom, Johnny O'Bryan and Rellece Galbert were appointed to serve until the next regular election. The Commission was directed to employ a County Supervisor of Roads for a term not to exceed four years, to be paid \$3,000 per year. The Commission was given the power of eminent domain to open, close or change roads. The Commission and the Supervisor jointly were to make quarterly reports to the Quarterly County Court. The Commission was authorized to select a chairman and a vice-chairman, and to employ a secretary to be paid not more than \$900 per year. The duties of the Commission and the Supervisor were enumerated in the act. The Supervisor was declared the executive agent of the Commission. This act was held constitutional in *Peterson v. Grissom*, 250 S.W.2d 3 (Tenn. 1952). This act and its amendments were repealed by Private Acts of 1981, Chapter 48.
 27. Private Acts of 1953, Chapter 261, amended Private Acts of 1951, Chapter 681, to raise the salary of the Secretary to \$1,500 per year. This act was repealed by Private Acts of 1981, Chapter 48.
 28. Private Acts of 1967-68, Chapter 66, amended Private Acts of 1951, Chapter 681, to change the

- salary of the Road Supervisor from \$3,000 per year to an amount to be set by the Commission, not to exceed \$400 per month. This Act was repealed by Private Acts of 1974, Chapter 373.
29. Private Acts of 1971, Chapter 36, amended Private Acts of 1951, Chapter 681, as amended by Private Acts of 1967-68, Chapter 66, to change the salary of the Supervisor to no more than \$600 per month and no less than \$400 per month. This act was repealed by Private Acts of 1981, Chapter 48, as an amendatory act to Private Acts of 1951, Chapter 681.
 30. Private Acts of 1971, Chapter 37, would have amended Private Acts of 1951, Chapter 681, as amended, to create the elected office of County Supervisor of Roads. Huley Dickson was to have served until his successor's election. The Supervisor was to serve a two-year term, and would have been paid not less than \$4,800 nor more than \$7,200 per year. This act apparently was never acted upon by the Quarterly County Court, but nevertheless was repealed by Private Acts of 1974, Chapter 373.
 31. Private Acts of 1971, Chapter 40, would have amended Private Acts of 1951, Chapter 681, as amended, to increase the compensation of the members of the Highway Commission from \$900 per year to \$150 per month, but this act was rejected by the Quarterly County Court and never became law. Nevertheless, this act was repealed by Private Acts of 1974, Chapter 373.
 32. Private Acts of 1971, Chapter 157, would have amended Private Acts of 1951, Chapter 681, as amended, to increase the compensation of the Secretary from \$1,500 to \$2,100 per year, but this act apparently was never acted upon by the Quarterly County Court of Henderson County and never became law.
 33. Private Acts of 1971, Chapter 158, was identical to Private Acts of 1971, Chapter 40, but extended the time for approval by the Quarterly County Court from July 1 to August 1, 1971. This act apparently was never acted upon by the Quarterly County Court and never became law.
 34. Private Acts of 1974, Chapter 367, would have amended Private Acts of 1951, Chapter 681, to (a) raise the compensation of the members of the County Highway Commission from \$900 to \$1,800 per year; (b) create the office of County Road Superintendent to be elected to a four-year term; (c) rewrite Section 2 concerning the powers of the Highway Commission; (d) rewrite Section 3 concerning the powers and duties of the Road Superintendent and set his compensation at \$8,000 per year; (e) terminate the position of the present County Road Supervisor effective September 1, 1975; and (g) repeal Private Acts of 1967-68, Chapter 66, and Private Acts of 1971, Chapters 37 and 40. This act was rejected by the Quarterly County Court and never became law.
 35. Private Acts of 1974, Chapter 373, amended Private Acts of 1951, Chapter 681, as amended, to raise the salary of the Road Commissioners from \$900 to \$1,800 per year, and to create the position of County Road Supervisor to be elected in the next general election for a term of four years. The Quarterly County Court was to appoint a temporary Road Supervisor to serve until the 1976 election. The duties of the Commission and the duties of the Supervisor were rewritten. Private Acts of 1967-68, Chapter 66 and Private Acts of 1971, Chapters 37 and 40, were repealed. This act was repealed by Private Acts of 1981, Chapter 48.
 36. Private Acts of 1979, Chapter 117, would have repealed Private Acts of 1951, Chapter 681, and all amendments thereto, but this act was rejected by the County Legislative Body of Henderson County and never became effective.

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