



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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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Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Henry 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 respective courts of all counties to classify their roads into three classes. The first class being stage roads, the second class being roads twelve feet in width and the third class being roads wide enough to pass a horse and rider. The act empowered the Justices of the Pleas and Quarter Sessions Courts to establish ferries wherever necessary for public convenience.
2. Private Acts of 1829, Chapter 33, authorized Robert L. Brown and Elijah Foster to raise up to \$5,000 by a lottery. The funds would be used to construct and improve the road from the mouth of Big Sandy River to Paris. Daniel Mason, John H. Dunlap, Thomas K. Porter, John W. Cooke, Washington J. Dewitt and Julian Frazier were to draft the lottery scheme and supervise the drawing. Terance Cooney, James Cowan, David Armour, Hugh Dunlap and Crawford Bradford were appointed to be Road Commissioners. They had to execute a bond in the amount of \$10,000 and were empowered to appropriate the money needed for improvements.
3. Private Acts of 1833, Chapter 267, authorized James Bond and Benjamin Bond to build a bridge across the Big Sandy River at or near Bond's Ferry under the direction, supervision and according to the plans of T. L. Darnell, Constantine Frazier and Richard Manley. The cost of the bridge was not to exceed \$200 which was to be paid out of the internal improvement funds of Henry County. The bridge was to be a free bridge.
4. Private Acts of 1835-36, Chapter 111, authorized the Internal Improvement Board of Henry County to contract with the lowest bidder and have a bridge built across Main Sandy River at or near Bonds Ferry. The bridge would be a free bridge and its cost paid from the internal improvement fund. The building and erecting of the bridge was not to interfere with the free navigation of the Big Sandy River.
5. Private Acts of 1859-60, Chapter 114, required the County Courts in Henry, Carter, Johnson, Greene, Obion, Robertson, Meigs, McMinn, Monroe, Polk, Cheatham, Washington and Cannon Counties to classify the public roads into three classes and to assess the tax upon the property and polls of said counties. The purpose of the tax was to maintain and repair the public roads in said Counties. The voters would be allowed to vote for or against assessing the tax. The taxpayers could work off their taxes under the direction of those who undertook to maintain and repair the roads at \$1 a day for eight hours. The County Court would receive sealed bids from persons desiring to undertake to do the roads and required the giving of bond and security for the faithful performance of the work.
6. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 in population. The County Court in each county would select a Road Commissioner at its January meeting for each road district. The road districts would be coextensive with the County Civil Districts. The act detailed the duties of the Road Commissioners and the road section overseers to be appointed by the Commissioners. Male residents of the County were subject to road work but could commute the duty by paying a fee. Prisoners of the County were also subject to road work. A tax levy was authorized not to exceed twenty cents per \$100 valuation.
7. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several details but most importantly in the manner in which the Road Commissioner would receive and dispose of petitions to open, close or change the roads.
8. Acts of 1909, Chapter 166, empowered the Quarterly County Court to elect five Road Commissioners for Henry County. They would then elect a Road Supervisor for the County. The Road Supervisor had to execute bond in the amount of \$5,000 and serve a two year term in office. The Road Supervisor was responsible for supervising the public roads in the County. The public roads were divided into three classes and the Road Supervisor was authorized to assign persons to work on the public roads. The act set out the procedures for petitioning to change, widen, restore, open or close a public road. All males in the county between 21 and 50 years of age were required to labor on the roads for a minimum of five days for eight hours a day each year. However, a substitute could be used, but the County Trustee had to be paid fifty cents per day by the individual being relieved by the substitute. County prisoners were also used for labor on the public roads. The County Court could levy a tax for highway purposes.
9. Private Acts of 1917, Chapter 434, repealed Acts of 1909, Chapter 166.

10. Private Acts of 1917, Chapter 757, empowered the Quarterly County Court of Henry County to elect four Road Commissioners. They would then elect a County Engineer for the County. The County Engineer had to execute bond in the amount of \$5,000 and serve a two year term in office. The County Engineer was responsible for supervising the public roads in the County. The roads were divided into three classes and the County Engineer was authorized to assign residents to work on the public roads. All males in the County over 21 and under 50 years of age were required to labor on the roads for a minimum of five days for eight hours a day each year. Release from labor could be had by using a substitute and paying the County Trustee seventy-five cents for each day of use. Prisoners were required to labor on the roads and a tax could be levied by the County Court for highway purposes.
11. Private Acts of 1919, Chapter 41, amended Private Acts of 1917, Chapter 757, by setting the commutation fee of all males over 21 and under 50 years of age, who would be required to work a minimum five to a maximum eight days on the public roads as the Quarterly County Court would determine, at \$7.50 regardless of the number of days to be worked. No male under 18 years of age could be used as a substitute.
12. Private Acts of 1919, Chapter 311, amended Private Acts of 1917, Chapter 757, by increasing the pay of the County Engineer from \$1,200 to \$1,500 a year and by increasing the daily rate of compensation for the Board of County Commissioners from \$3 to five dollars \$5. The maximum number of days for which the Board could be paid was increased from thirty to forty.
13. Private Acts of 1921, Chapter 265, amended Private Acts of 1917, Chapter 757, by increasing the population requirement based upon the 1920 census figures. The act raised the commutation fee from 75¢ to \$1 for work done on the public road before March 1 of that year, to \$1.25 from March 1 to July 1, and to \$1.50 thereafter. The amending act provided for the County Commission to meet once every two months and receive a report from the County Engineer on the work done the two preceding months. Commissioners received no pay for their services.
14. Private Acts of 1923, Chapter 291, provided that the four elected members of the Board of Road Commissioners as described in Private Acts of 1917, Chapter 757, receive for their services the sum of \$3 per day, not to exceed thirty-five days per year, for which the County Judge would issue warrants.
15. Private Acts of 1927, Chapter 249, amended Private Acts of 1917, Chapter 757, above, by reducing the population requirement based upon the 1920 census figures and leaving the number of days for the males of the county to work on the roads to the discretion of the court. The act also reduced the commutation fee from 75¢ to 60¢ and by extending until May instead of March the time to pay said fee. The act provided for a member of the Board to be elected Chairman and one be selected as Chairman Pro Tem. The other amendments in the act have the effect of removing the County Judge as the ex-officio Chairman of the Board and by taking away the salary he received as such.
16. Private Acts of 1929, Chapter 660, amended Private Acts of 1917, Chapter 757, Section 13, by requiring all males over 21 and under 50 years of age, except those in cities, to work six days on the Henry County public roads each year or they could exempt themselves from such work by paying \$1.50 for each day to be worked. Males under 18 years of age could be act as substitutes in performing the work.
17. Private Acts of 1931, Chapter 125, divided Henry County into four Road Districts. The Quarterly County Court was empowered to elect four Road Commissioners who would then employ a County Engineer. The County Engineer was required to execute a \$5,000 bond and would supervise the public roads, laying the roads out into three classes under the direction of the Road Commissioners. The County Engineer had the authority to employ agents and servants to labor on the roads and were permitted to use county prisoners also. The Quarterly County Court was authorized to levy a tax for highway purposes. The act provided for at tax of two cents to be levied on every gallon of gasoline sold at retail in the county with the revenue received to be used for construction and maintenance of gravel and hard surfaced roads. The Board of Highway Commissioners could employ an attorney to advise and represent it on related matters.
18. Private Acts of 1931, Chapter 510, amended Private Acts of 1929, Chapter 660, above, by reducing the number of work days a resident was required to work on the county road to five and the commutation fee was fixed at 60¢ per day. A male resident over 21 and under 50 years of age was subject to road work could be released upon paying the commutation fee by March 1 of each year. The act disallowed substitutes under age of 18 to perform the road work.
19. Private Acts of 1931, Chapter 511, amended Private Acts of 1917, Chapter 757, Section 14, by deleting the phrase that "no road hands would be warned to work the roads after August 31 of

- each year."
20. Private Acts of 1933, Chapter 620, divided Henry County into four Road Districts. The County Highway Commission was created and composed of five Commissioners, who were elected by the qualified voters to serve a two year term. Four of the Commissioners were elected from the qualified voters of their respective districts and the fifth Commissioner was elected by all the qualified voters in the County and would be the Chairman. The act also provided for the election of a Supervisor of Roads. Males over 21 and under 50 years of age were required to labor five days unless exempted by paying 60¢ for each day of work. All county prisoners were subject to labor and males under 18 years of age could not be used as substitutes for residents paying to be exempted. A tax levy was assessed to repair and preserve the roads and bridges and half of the funds received from the State as the proceeds of gas and automobile taxes was to be used for road purposes.
 21. Private Acts of 1943, Chapter 378, amended Private Acts of 1933, Chapter 620, above, by raising the allowable expense for clerical assistance for the Road Supervisor from \$150 to \$720 annually and by increasing the Road Supervisor's salary from \$1,200 to \$1,500, payable \$150 per month.
 22. Private Acts of 1947, Chapter 72, repealed Private Acts of 1943, Chapter 378.
 23. Private Acts of 1947, Chapter 98, amended Private Acts of 1933, Chapter 620, above, by making the Road Supervisor subject to one year appointment by the Highway Commission at its regular January term instead of being elected by the qualified voters. Each year the Highway Commission would fix the Road Supervisor's salary when the budget was submitted. During the interim his salary was set at \$200 per month. The clerical assistance expense for the Road Supervisor was raised to \$1,200 a year and a car would be furnished to the Road Supervisor for which the operational expenses would be paid by the County.
 24. Private Acts of 1951, Chapter 187, Private Acts of 1933, Chapter 620, and Private Acts 1947, Chapter 98, both above, to provide for the popular election of the Road Supervisor at the same time the Highway Commissioners were elected and for the terms to be the same length. The Road Supervisor's salary would be \$3,000 per year, payable in equal monthly payments.
 25. Private Acts of 1955, Chapter 409, amended Private Acts of 1933, Chapter 620, above, by providing that the Chairman and Board of Highway Commissioners meet once a month and have a report from the Road Supervisor on the work done the preceding month. Said Chairman and Board would be paid \$25 a month and could not make purchases exceeding \$250 without receiving bids.
 26. Private Acts of 1959, Chapter 299, amended Private Acts of 1933, Chapter 620, as amended by Private Acts of 1947, Chapter 98 and Private Acts of 1951, Chapter 187, all above, by increasing the salary of the Road Supervisor from \$3,000 to \$5,000 a year. This act failed to receive approval by the proper parties and never became a law.
 27. Private Acts of 1963, Chapter 288, provided for the general election of four Commissioners, one from each of four Road Districts and the Chairman to be elected from the county at large. Each Commissioner had to execute a \$5,000 bond and would receive \$25 per month as compensation for their services. A County Road Superintendent would be elected by a majority of the Commissioners. The Road Superintendent had to execute a bond in the amount of \$25,000 and his salary would be set by the Commissioners between \$5,000 and \$7,000 annually. The Superintendent was to have control over all work done on roads, highways, bridges or levees in Henry County. This act failed to receive approval by the proper authorities therefore, it never became law.
 28. Private Acts of 1965, Chapter 280, amended Private Acts of 1933, Chapter 620, as amended by increasing the salary of the Road Supervisor to \$5,000 and required him to act as the coordinator for State and Federal Aid in all instances where said aid may have been involved. The Highway Commissioners would be paid \$30 a month instead of \$3 per day and would act as Commissioners of State and Federal Aid, where said aid may be involved in the construction and maintenance of all the county roads and bridges.
 29. Private Acts of 1971, Chapter 17, amended Private Acts of 1933, Chapter 620, as amended above, by providing for six instead of four Road Districts and for one Commissioner to be elected from each Road district and the Chairman from the county at large. The seventh Commissioner was to be elected by the Supervisor of Roads and would have the duties of coordinator and director of all programs concerned with solid waste collection and disposal outside the limits of any city.
 30. Private Acts of 1972, Chapter 326, repealed Private Acts of 1933, Chapter 620.

31. Private Acts of 1982, Chapter 367, amended Private Acts of 1972, Chapter 326, reprinted herein, by specifying that the County Road Supervisor would meet the requirements for chief administrative officer set out in Tennessee Code Annotated Section 54-7-104. This act was not approved and never became law.

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