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Highways and Roads - Historical Notes

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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 Bedford 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 county courts of the various counties in the state to classify and index all the public roads in the county which is always the first step in transportation planning. This was the forerunner of several statewide laws on roads which were to follow. Penalties for obstructing roads were included, also a first, and one could be punished for failure to observe the conditions of this act. There were three classes of roads, all related to width in this instance but later the type of surfacing was a factor, the third class being wide enough to pass two horses and riders on the way to mill or market.
2. Private Acts of 1823, Chapter 230, allowed the court of pleas and quarter sessions of Bedford County to levy a tax sufficient to produce \$400.00 a year for the next three years, or longer, to finance the building of a bridge over the Duck River at Shelbyville. The court would appoint three commissioners to supervise the project who, after executing bond for \$5,000.00, would acquire the site for the bridge on both banks of the river. The tax money collected would be turned over to the commissioners for this purposes, the surplus, if any, would be given to the trustee. Newton and Robert Cannon, of Williamson County, may build the bridge at their expense and be reimbursed by the county, if this method is preferred. The bridge must be kept in good repair at all times and the tolls specified in the act may be charged to those using the bridge, if all other terms and conditions are met.
3. Private Acts of 1829-30, Chapter 269, Section 8, authorized the county courts of Davidson, Williamson, Rutherford and Bedford to grant turnpike roads.
4. Private Acts of 1831, Chapter 216, made the bridge at Shelbyville toll free and appointed Jonathan Moseby a commissioner of said bridge.
5. Private Acts of 1833, Chapter 253, authorized Thomas O. Hunter to build a bridge across Duck River at or near the Fishing Ford in Bedford County, provided that the bridge shall not be built so as to obstruct the Ford at the said place, or to otherwise interfere with the free navigation of the river. The act named John Wortham, John Lane, John M. Lane, Odom Miller, and Abram Mayfield, as commissioners to supervise the work, and select the land on either bank on which the bridge would be built.
6. Acts of 1855-56, Chapter 201, amended an act creating the Shelbyville, Flat Creek, Mulberry and Fayetteville Turnpike Company by extending the date for completion of that road for two years and conferring also the privilege of contracting the remainder of the work out. If Bedford County builds the road to the Lincoln County line and Lincoln County fails to meet them, then Bedford is entitled to all the benefits of this act. When five miles of this road are completed, one toll gate may be installed but cannot be placed any nearer to Shelbyville than the Scull Camp Ford on Duck River.
7. Acts of 1855-56, Chapter 218, organized the Duck and Elk River Valley Railroad which would run from Shelbyville to the Alabama line via Lewisburg. Capital stock was limited to \$260,000 at \$100.00 a share. Commissioners were appointed from Marshall and Giles County and many details for the organization and management of the railroad which could form a connection with the Nashville and Chattanooga Railroad, if desired.
8. Acts of 1855-56, Chapter 244, Section 5, incorporated the Duck River Valley Railroad which would run from Shelbyville on the north side of the Duck River to a point intersecting with the Tennessee and Alabama Railroad in Maury County. Capital stock was pegged at \$260,000 or so much thereof as may be necessary to build the road. William Littile, Robert Mathis, Sandy Moor, Thomas Jeffries, and J. Moor, all of Bedford County were listed among the incorporators, and the board of commissioners who would manage the road. Section 5 allowed the county courts of Bedford, Marshall, and Maury Counties to subscribe whatever amount of stocks in the company as was deemed advisable, provided, however, that the voters approved everything in a referendum conducted for that purpose.
9. Public Acts of 1901, Chapter 136, was a road law for every county in the state under 70,000 in population. The county court would select a road commissioner from each civil, or road, district, they being the same, who would be in charge of the roads and bridges in that area. The duties of the chairman, who would be selected by the members, the secretary, and the members themselves were all fairly well spelled out. A special road tax of two cents per \$100.00 was levied

which was to be in addition to other taxes. All males outside of cities between the ages of 21 and 45 were made subject to labor on the roads for a number of days to be determined by the county court, or pay a commutation fee for each day not worked. Some general specifications for roads were provided and roads would be classified into four classes, generally related to width. Petitions to open, close, or change a road could be filed with the commissioners who must dispose of them in accordance with the terms and conditions laid down in the act. County courts could designate roads to be worked by contract, employ someone skilled in road building, and could levy an ad valorem tax on each \$100.00 of taxable property not to exceed twenty cents. This act was the subject of litigation in Carroll V. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).

10. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, in several minor particulars but primarily in the methods by which the petitions to open, close, and change roads were received and handled.
11. Private Acts of 1921, Chapter 642, provided that all turnpike corporations heretofore or hereafter chartered under the laws of Tennessee in Bedford County, using the 1920 Federal Census figures, were authorized to charge tolls ranging from ten cents for motorcycles, and other two wheeled vehicles, to \$1.25 for trucks weighing five tons or more. The board of directors of each company would indicate the company's acceptance of this toll schedule by the adoption of a resolution.
12. Private Acts of 1929, Chapter 403, created a county highway commission in Bedford County composed of S. T. Holt, B. G. White, J. F. Butts, T. H. Haynes, T. F. Woodward, and A. F. Parker, together with the county judge, or chairman. Their terms of office were specifically staggered until their successors could be elected, each for a term of six years. The county would be divided into six highway districts, and one commissioner would be elected from each district. The commission would meet regularly once each quarter and specially upon the call of the judge. They would have supervision of the roads and bridges, control of all highway funds, were required to classify the county roads, and dispose of petitions to open, close, or change roads for all of which the commissioners would be paid \$2.50 per day, and the judge \$50.00 per month, plus all necessary travel expenses. All males between 21 and 50 years of age outside cities were required to work five, 10 hour days, or pay \$1.50 per day missed, but they were to work in their districts where possible and the commutation money would be spent there. A special road tax of three cents per \$100.00 was authorized. The chairman of the board would be the agent of the county in transactions with other governments.
13. Private Acts of 1929 Extra Session, Chapter 13, repealed entirely Private Acts of 1929, Chapter 403, above. This act created a county highway commission composed of S. T. Holt, B. G. White, J. F. Butts, T. H. Haynes, T. F. Woodward, and A. F. Parker, along with the county judge, or chairman. These commissioners would serve until the regular August election in 1930, when their successors would be elected for six year terms. The county would be divided into six highway districts composed of no more than four whole civil districts. The commission would meet at the office of the county judge on Wednesday after the first Monday in January, April, July, and October. They would be in charge of all supplies and machinery and could work prisoners on the roads under certain conditions, could employ labor as needed, fix bridges up to \$500.00 in cost, above that requiring the approval of the county court.
14. Private Acts of 1933, Chapter 548, did not have a specific repealing clause, only a general one. The act names 25 members of the created highway commission from the road districts who were J. E. Lee, Dave Alderman, J. T. Stephens, Bob Breechboard, Ed Chunn, R. H. Brown, W. Amos Brown, Chairman, G. N. Parsons, John W. Jackson, Leon R. Taylor, Douglas Jeffries, Charley Patterson, Clarence Harrison, Crawford Tate, W. T. Solomon, Ed. L. Ward, J. T. Gaither, Thruston Farrar, and Thomas Ayers, who would serve until September 1, 1934, when their successors would be elected from their home districts. Members of the commission would draw \$2.00 per day for each day actually spent on the business of the commission and the chairman would be paid \$1200.00 a year plus gas and oil for his car. The chairman would appoint an overseer for each district who would also be paid \$2.00 for each day's work. The required road labor day was reduced to eight hours and the commutation rate to \$1.25 per day. There was a special road tax of two cents which could be adjusted upward by the county court, if need arose. The other terms of the act were the same as those preceding this one, none being left out.
15. Private Acts of 1935, Chapter 103, expressly repealed Private Acts of 1933, Chapter 548, in its entirety.
16. Private Acts of 1935, Chapter 104, also repealed Private Acts of 1933, Chapter 548, and enacted a new road law. This act returned the county highway commission to seven members, one from each of six road districts into which the county would be divided, plus the county judge, or chairman, and named E. H. Cannon, P. G. Anthony, J. T. Cartwright, T. H. Haynes, A. C. Harrison,

and B. F. Simmons as members of the commission who would serve until the regular August election in 1935 produced their successors for six year terms. The county judge could vote only in case of tie when the commission met quarterly, or on special call of the chairman. Members would be paid \$2.50 per day actually spent in working while the chairman would be paid \$75.00 per month, plus travel expenses. The other terms were like the preceding acts except that the commission could employ a general foreman who would be experienced in road work, and bridges could be repaired up to \$1000.00 without approval of the county court. Males must work 5 days or pay \$5.00 as a commutation fee, and a special road tax of 2 cents per \$100.00 property valuation was authorized.

17. Private Acts of 1937, Chapter 87, amended Private Acts of 1935, Chapter 104, in Section 1 by providing that each road commissioner shall be elected from the road district in which he resides and, in case of a vacancy, a resident of that district must be appointed in his place. Their successors would be elected to six year terms in the August general election of 1942. This act also deleted Sections 12 and 13 from the original act.
18. Private Acts of 1941, Chapter 521, amended Private Acts of 1935, Chapter 104, by striking Section 9 and inserting a new Section 9 which authorized the quarterly county court to build a county workhouse or to designate one, but, if the county jail was designated as the workhouse, the sheriff would have the care and custody of the prisoners, and, if they were to work on the roads, they would only be under the supervision of guards during that time and on the trips to and from work. The remainder of the time would be supervised by the sheriff. If the court built a workhouse and one was sentenced to it, the prisoners would be under the care, custody, and control of the county highway commission. The workhouse board was abolished and all their duties and powers were transferred to the county highway commission.
19. Private Acts of 1943, Chapter 11, also amended Private Acts of 1935, Chapter 104, by striking the last paragraph out of Section 1 and inserting a new provision which limited the number of days for which a highway commissioner could be paid to 60 in each year. The compensation remained at \$2.50 a day for the commissioners and \$75.00 per month plus actual expenses for the judge, or chairman, while actually discharging highway duties. This act was repealed by Private Acts of 1947, Chapter 589.
20. Private Acts of 1947, Chapter 479, amended Private Acts of 1935, Chapter 104, by creating a new seventh highway district comprised at that of the twenty-fifth civil district only, and named Earl B. West as commissioner from that district. The seven members would select their chairman from their own number who would serve for 6 months and be paid \$25.00 a month for services as such. The highway commission was required under this law to redistrict the county into the seven districts. The county judge would no longer be chairman or be entitled to vote, and his compensation was reduced from \$75.00 to \$50.00 per month, while the commissioner's per diem pay was increased from \$2.50 to \$4.00 per day and the yearly limit raised to 75 from 60. The terms of office was decreases from six to four years. Funds were to be distributed among the districts as equally as possible according to a formula established in the act.
21. Private Acts of 1947, Chapter 589, repealed Private Acts of 1943, Chapter 11, which amended the current road law of Bedford County.
22. Private Acts of 1947, Chapter 726, amended Private Acts of 1947, Chapter 479, by striking out the figures \$75.00 and \$50.00 from Section 1, thus leaving the compensation of the county judge as it was established prior to that act at \$75.00 per month.
23. Private Acts of 1949, Chapter 581, amended Private Acts of 1935, Chapter 104, the Bedford County road law, by adding at the end of Section 3 a provision which authorized the county highway commission to borrow money to purchase equipment and machinery but only after the approval of the county judge was obtained, and to contract to repay the same in installments from any county highway funds coming into the hands of the commission. The borrowing for this purpose could not exceed \$60,000 nor could more than that amount be outstanding at any one time.
24. Private Acts of 1951, Chapter 448, created a three member county highway commission who would be elected by the people at large to four year terms, except the people in Shelbyville could not vote on this matter. The county was to be divided into highway districts composed of whole civil districts. The qualifications of the commissioners were specified and their compensation was pegged at \$500.00 a year. The commission would meet on the first Saturday of every month unless called specially on five day's notice, of which meetings, minutes would be kept and made public. Commissioners must be sworn, make bond, select a chairman, and could be removed for cause. They would employ a superintendent of highways by ballot whose salary could not exceed

- \$3600.00 annually, who must meet specified qualifications, and make a \$5000 bond, and whose first responsibility was to classify and index the public roads. The commission would have an office in the courthouse and could employ clerical assistance up to \$3000.00 a year. They could buy up to \$250.00 in purchases without bids, and could spend up to \$1000.00 on bridges without the approval of the county court. They were permitted to use workhouse prisoners on the roads if guards and transportation were furnished. An inventory of all supplies, machinery, and equipment was to be made and filed with the court. A road tax levy from two to five cents per \$100.00 property valuation, and a levy up to 30 cents per \$100.00 for bridges were allowed. The commission had the power of eminent domain, could not contract with themselves, or each other, and would be the agent of the county in all road transactions with other governments. All the provisions of Private Acts of 1935, Chapter 104, would remain in effect until September 1, 1952, when this law would become effective and Private Acts of 1935, Chapter 104 repealed.
25. Private Acts of 1953, Chapter 223, created a new road law for Bedford County. The seven highway districts of the county are retained by this act and the highway commission shall consist of one member from each district, elected for four years by the people in the district, to begin first at the regular August election in 1956. Present commissioners were continued in office until their terms expired. The districts could not contain more than three whole civil districts. The commissioners would be paid \$500.00, and the chairman, \$1200.00, each year out of regular highway money. Vacancies on the commission would be filled by the remaining members but only from the people of the vacated district. Commission could fix the time and date of their meetings but unless otherwise designated, they would meet on the first Saturday of each month at the courthouse in Shelbyville at 1:30 P.M. Commissioners could be removed for malfeasance in office, for cause, and, if absent wilfully for three meetings, the office could be declared vacant. The commissioners were required to execute \$5,000 bonds, and the chairman, who was selected at the September meeting for one year, must make \$15,000 bond. Their authority and jurisdiction are described in Section 12. The commission can employ a qualified superintendent of highways for a term not to exceed their own and a salary of \$3600 a year or less. Ten commission must classify and number the public roads and render a report on their status each quarter to the county court, who will appoint five of its members as an advisory committee to the commission. The superintendent would employ and supervise the necessary employees and laborers, and the commission could hire clerical assistance up to \$3,000.00 a year. The commission could make purchases up to \$100.00 without bids, and make repairs on bridges up to \$1000.00 without approval of the county court. The county jail was declared the workhouse and the sheriff would have care and custody of the prisoners at all times other than while working on the roads, or going or coming, when they would be under guards. The commission could not spend beyond the budget except machinery could be bought in an emergency in anticipation of revenues. No commissioner could be interested parties to contracts. This act was specifically repealed by the Private Acts of 1975, Chapter 30.
 26. Private Acts of 1955, Chapter 397, amended Private Acts of 1953, Chapter 223, by striking Section 1 and dividing the county into three highway districts composed of whole civil districts, creating a commission consisting of one person from each district; by increasing the compensation of the commissioners to \$1500.00 a year, and of the chairman to \$1800.00; by raising the maximum salary of the road superintendent from \$3600.00 to \$4800.00; by changing references throughout the act so that two commissioners will constitute a quorum. Section 19 established a highway purchasing commission composed of the county judge, the county court clerk, and the county trustee who would supervise all purchases for highways. This act was specifically repealed by the Private Acts of 1975, Chapter 30.
 27. Private Acts of 1957, Chapter 345, amended Private Acts of 1953, Chapter 223, by adding a provision to Section 5 which would pay the commissioners \$10.00 per meeting for all special, or called, meetings in addition to their other compensations, limited to three such meetings per month. Section 16 was amended so that the members of the advisory committee to the highway commission would be paid \$5.00 per day for every day actually spent in discharging their duties. These would both be paid out of any funds not previously allocated for other purposes. This act was properly ratified by the county court.
 28. Private Acts of 1965, Chapter 274, amended Private Acts of 1953, Chapter 223, Section 13, by increasing the annual compensation of the superintendent of highways from \$4800 to \$6000.00. This act was specifically repealed by the Private Acts of 1975, Chapter 30.
 29. Private Acts of 1967-68, Chapter 50, amended Private Acts of 1953, Chapter 223, Section 3, by setting the salary of all the commissioners of highways at \$1500.00 per year, including the chairman; by deleting a provision in Section 5 which paid the commission \$10.00 a day, up to

- three days a month, for a special, or called, meeting, and by increasing the per diem rate of the advisory committee from \$5.00 to \$10.00. Our information indicates that this act was never acted on by local authorities, and, therefore, never became effective.
30. Private Acts of 1967-68, Chapter 189, amended Private Acts of 1953, Chapter 223, by adding a provision at the end of Section 3 which would reimburse the commissioners for all necessary and reasonable expenses incurred in the discharge of the obligations imposed upon them by the law, and by adding to Section 16 a similar provision for members of the advisory committee. This act was specifically repealed by the Private Acts of 1975, Chapter 30.
 31. Private Acts of 1967-68, Chapter 385, amended Private Acts of 1953, Chapter 223, Section 18, by raising the ceiling placed on the amount of money to be expended on clerical assistance for the county highway commission from \$3000.00 to \$4500.00 annually. This act was specifically repealed by the Private Acts of 1975, Chapter 30.
 32. Private Acts of 1970, Chapter 221, amended Private Acts of 1953, Chapter 223, Section 13, by increasing the annual salary of the superintendent of highways in Bedford County from \$6000.00 to \$10,000.00 which was ratified by the county court.
 33. Private Acts of 1972, Chapter 328, was intended to be a new road law for Bedford County but was rejected at the local level by the county court and never became effective. Nine highway districts were created, and one member of the county road board, likewise created, would come from each district. The road superintendent would be an ex-officio, non-voting member of the board, whose members were to be elected in August, 1972, to four year terms. The superintendent of roads would be elected at the same time to a like term, at a \$10,000 a year salary. The members would select a chairman who would hold office for one year. The board would meet once a month at the courthouse in Shelbyville, and at such special meetings as may be necessary. They would be paid \$25.00 a meeting up to \$300.00 a year. The duties of the superintendent, who would be under \$15,000 bond, are specified, among which was the right to make purchases up to \$500.00 on equipment. All prior laws were repealed.
 34. Private Acts of 1974, Chapter 289, amended Private Acts of 1953, Chapter 223, Section 13, by substituting a provision which would permit the expenditure up to \$5,100.00 for clerical assistance for the commission, and also by limiting the purchases of office supplies and equipment to the amount contained in the budget, and by increasing the amount the commission could buy without the necessity of bids from \$100.00 to \$300.00. This act was properly ratified by the quarterly county court.
 35. Private Acts of 1975, Chapter 32, amended Private Acts of 1953, Chapter 223, Section 18, by substituting a whole new Section 18 by providing that the county highway commission shall have adequate spaces in the courthouse. The commission has the power to employ clerical assistance, and to purchase office supplies and equipment but the total amount expended for clerical help shall not exceed \$6,000 and the amount for office supplies and fixtures shall not exceed the amount contained in the budget appropriation. Our information indicates that this act was properly approved by the quarterly county court on April 14, 1975. It should be pointed out that this act amends Private Acts of 1953, Chapter 223, which was specifically repealed by Private Acts of 1975, Chapter 30, published herein as the road law. Both acts were passed on the same day, April 2, 1975.
 36. Private Acts of 1975, Chapter 47, also amended Private Acts of 1953, Chapter 223, by deleting Section 18 and inserting a new section. This act provided for an office in the courthouse and authorized the commission to employ the necessary secretarial assistance at a salary not to exceed \$6,000.00. This act was not approved by the quarterly court, according to our information from the secretary of state's office, and therefore would not become effective.

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