



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

1. Acts of 1849-50, Chapter 210, authorized the Trustees of Benton, Henry, and Carroll Counties to draw out of the Branch of the Bank of Tennessee at Trenton, the unexpended balance of the funds appropriated to improve the navigation of the Big Sandy River, the same being divided into three equal shares and given to each county. The County Court was allowed to spend these funds on bridges and causeways, if desired. The money could also be lawfully invested in the stock of the Huntingdon and Tennessee Turnpike Company, if the County Courts so wished to do.
2. Public Acts of 1901, Chapter 136, was a statewide road law which applied to all counties under 70,000 in population, as established by the 1900 Federal Census. This act served as a pattern for many county road laws which followed. The act required the County Court of each County to elect one Road Commissioner from each Road District, which were co-extensive with the civil districts of the county for two year terms, who would be in charge of the roads, bridges, causeways, and overseers in that district, and whose duties were generally specified in the act. The County Courts shall assign road hands, specify the number of days they should work on the roads each year, and the amount to be paid by them if they didn't work, which would run between 5 and 8 days. The Courts could levy a special road tax of two cents per \$100 property valuation, two-thirds of which could be worked out on the roads and two-thirds of the same must be spent in the district from whence it came. Certain records were directed to be kept and reports were to be made. The duties of the Commissioners were outlined generally. Male residents between 21 and 45 years of age were subject to compulsory road labor after being properly notified. Roads must be classified into four classes according to width and some basic specifications were pronounced for laying out and building roads. Petitions to open, close, or change roads would be filed with, considered by, and disposed of by the Commission. Workhouse prisoners could be worked on the roads if certain conditions were met and arrangements were made with the Sheriff. This act was tested in the courts by the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1905).
3. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, in several minor particulars but principally in the procedures established for considering and disposing of petitions filed with the Road Commission to open, close, or change roads.
4. Private Acts of 1919, Chapter 435, created a 3 member Board of County Highway Commissioners, elected to staggered two year terms by the County Court. The County Judge or Chairman, would be an ex-officio member of the Commission whose members must be sworn and bonded. A Chairman and a Secretary would be chosen from the members. A list of 19 duties of the Commission, and their power and authority, is compiled in Section 5 of the act, ranging over the whole spectrum of highway operations and maintenance. The County Court was empowered to designate the public roads of the county, which were to be classified within a minimum width of 14 feet and a maximum of 24 feet. The Commission will set aside out of the highway funds a sum sufficient to prosecute all the above work, and they could contract with farmers along the road for work payable out of these same funds. The Commission may enter upon private lands to obtain rights of way and materials either by contract or by condemnation. Commissioners would be paid \$3.00 per day for their services, including their inspections but were limited to \$90 per plus, their necessary travel expenses. Supervisors could be appointed by the commissioners for roads of three to eight miles in length who would be directly responsible for those roads. Obstruction of roads was prohibited under penalty of fine and imprisonment. The County Court was allowed to levy a special highway tax of from 50 cents to \$1.00 per \$100 property valuation which would not interfere with or supersede any other road tax then in force. Blanket authority to issue bonds was also vested in the commission the proceeds of all of which would be used to accomplish road objectives.
5. Private Acts of 1919, Chapter 451, is contained in some works on private acts as relating to Benton County but this act applies only to Wayne County. The population figures quoted were "no less than 12,050 and no more than 12,070". The 1910 Federal Census gave Benton County a population of 12,452.
6. Private Acts of 1921, Chapter 690, is also shown as applying to Benton County, but it amends the act above, and consequently does not apply to Benton County.
7. Private Acts of 1923, Chapter 532, was the next road law for Benton County but contained only a general repealing clause. After defining several terms as used in the act, it creates a County

Highway Commission, naming C. N. Matlock, S. L. Bawcum, N. P. Lashlee, Bob Smith, and J. F. Dowdy to the commission, who shall hold office until the August, 1924, general elections produce their successors. The duties of their offices were specified and their term of office set at two years. The Supervisor of Roads would be the Chairman of the Commission, who could employ a Secretary, and the duties of both were spelled out in the act. The Road Districts would be the same as the civil districts, for each of which an overseer or foreman would be appointed to discharge certain specified duties. All males, not residents of cities, between the ages of 21 and 50 shall work five, 8 hour days or pay commutation fees. Fines were provided for those who failed to comply. Purchasing procedures were established which required bids to be solicited and records to be kept. Prisoners, and convicts, could be worked if certain conditions were met. The Chairman of the commission would be paid \$1,000 a year, and the members would be paid \$3.50 per meeting. This act was repealed by Private Acts of 1929, Chapter 868.

8. Private Acts of 1927, Chapter 746, amended Private Acts of 1923, Chapter 532, above, in Section 3 by reducing the membership of the County Highway Commission from five to three members and specifying certain qualifications to be met. Section 4, was amended by adding a provision that the commission would pay their office expenses and then use any money coming into their hands, or appropriated for their use, to run and operate a tractor and grader on roads under their supervision from February 1 to September 1, of each year, said tractor and grader not to be used at any other time. Section 6 was changed to increase the annual salary of the Secretary to the Commission to \$600 payable monthly. Section 8 was revised so that people with teams and wagons, between ages of 21 and 50, must furnish them for road work and use them as the commission, or overseer directed. The salary of the Chairman was increased from \$1,000 to \$1,500 annually, and his bond from \$5,000 to \$7,000. This act was also specifically repealed by Private Acts of 1929, Chapter 868, below.
9. Private Acts of 1929, Chapter 868, specifically repealed Private Acts of 1923, Chapter 532, and Private Acts of 1927, Chapter 746, and then wrote a new road law for Benton County. A board of Road Commissioners was created consisting of one member from each Road District which were the same as the 16 Civil Districts, plus the County Judge, who would be the ex-officio Chairman of the Board and in charge of the spending of all money at a compensation of at least \$25 per month for his services. R. G. Farmer, W. B. Warrick, and R. H. Crockett the present Road Commission would be members also of the new one until their terms of office expired. Farmer was appointed as County Supervisor, and the other Supervisors for the Districts were to be appointed by the County Court for two year terms, if the established qualifications were met. The County Supervisor would be paid from \$100 to \$150 a month as the County Court determined, and must execute a \$5,000 bond. The District Commissioners were in charge of their Districts, and would appoint overseers who would be fined, if they did not serve. Overseers would work six days labor, as other males would, and then could work not more than ten additional days at \$2.50 a day and five cents per mile travel allowance. Purchasing regulations were adopted to which all must adhere, but work could be contracted, if desired, which must take place between April and October. The special road tax levy could range between fifteen and thirty cents per \$100 property valuation. All males between the ages of 21 and 50 must work six, eight hour days, or pay 50 cents a day commutation. Wagons and teams must be furnished by those who had them but drivers could be found elsewhere, if necessary. A privilege tax of \$3.00 for a car, and \$5.00 for a truck, was levied. The County Court Clerk would collect the privilege tax and give each purchaser a metal tag when the tax was paid. See *Frazier v. Lindsey*, 162 Tenn. 230, 36 S.W.2d 437 (1931).
10. Private Acts of 1931, Chapter 200, evidently superseded the 1929 act, Item 10, above, as the new Road Law for Benton County although it contained only a general repealer. This act created a 3 member County Highway Commission naming R. L. Farmer, B. C. Bell, and J. Carley Martin as such until the general election in August, 1932, when their successors would be elected for two year terms. Farmer was to be the chairman of the Commission and the County Road Supervisor. Twelve roads were named in this the act as the ones to be worked first, the intention being to get at least one road through each Civil District. The Commission would select the roads to be worked, appropriate the money for the same, and the Supervisor was not to exceed that amount. The Chairman would be the Road Supervisor and be in charge of all county road programs keeping accurate records of all details as required. The Commission would appoint an overseer who would be responsible for road work in his district, the same being coextensive with the Civil Districts. All males between ages of 21 and 45, outside of cities, must work five, eight hour days, or pay 75 cents per day for each day not worked, or a \$3.00 lump sum. The Chairman would be paid \$1,500 per year at the rate of \$125 a month and the members would get \$3.50 a day. All the other provisions of this act were similar to those preceding it. This act was repealed by the following one.

11. Private Acts of 1931, Chapter 315, repealed Private Acts of 1931, Chapter 200, almost by the time it became effective which would probably restore Private Acts of 1929, Chapter 868, as the Benton County Road Law.
12. Private Acts of 1933, Chapter 314, repealed Private Acts of 1929, Chapter 868, which presumably was the road law for Benton County, in its entirety.
13. Private Acts of 1935, Chapter 710, provided that the Tennessee Department of Highways and Public Works shall have and exercise full control, direction, and supervision of all funds received by Benton County for road purposes from the State of Tennessee whether the funds come from auto registration fees, gasoline taxes, or any other source. The Department shall receive these funds directly from the State and expend them upon the roads of the County, rendering a monthly statement to the County Judge, or Chairman, for all receipts and disbursements. This Act was held unconstitutional by the Supreme Court in Benton County v. Plunk, 170 Tenn. 253, 94 S.W.2d 389 (1936), because it was considered to be class legislation.
14. Private Acts of 1949, Chapter 259, amended Chapter 250, Private Acts of 1943, Section One, by increasing the annual salary of the Road Supervisor from \$1,800 to \$2,400 and, further, by raising the annual salary of the Secretary-Bookkeeper, authorized in the same Section, from \$900 to \$1,200.
15. Private Acts of 1959, Chapter 129, would have amended Private Acts of 1943, Chapter 250, Section 3, by adding a paragraph which directed the Road Supervisor to use State Aid Funds for the acquisition of rights-of-way for county roads and bridges for the purposes of maintaining county roads and bridges as referred to the Section 54-401, Tennessee Code Annotated. This Act was rejected and disapproved by the Quarterly County Court of Benton County and, consequently, never became an effective law under the Home Rule Amendment to the State Constitution.
16. Private Acts of 1959, Chapter 130, amended Private Acts of 1943, Chapter 250, Section One, by raising the salary of the Road Supervisor from \$2,400 to \$3,600 per year, and by increasing the amount of his bond from \$5,000 to \$10,000 with the proviso that the bond be made by some corporate surety authorized to do business in the State of Tennessee, and provided further, that the county pay the premium. Section 2 was amended by striking one sentence which prohibited the Road Supervisor from purchasing machinery, or materials, over \$500 unless such purchases were first approved by the County Court and inserting the provisions on purchasing which appear in the published act.
17. Private Acts of 1961, Chapter 245, amended Private Acts of 1943, Chapter 250, Section One, by adding a provision which would pay the Road Supervisor, in addition to his annual salary of \$3,600, \$50 per month to cover all his personal expenses incident to his official duties. This amendment is incorporated into the published act.
18. Private Acts of 1963, Chapter 250, amended Private Acts of 1943, Chapter 250, Section One, by increasing the salary of the Secretary- Bookkeeper as provided for in that Section, from \$1,200 to \$1,800, as shown in the act, this law being properly ratified by the Benton County Quarterly County Court.
19. Private Acts of 1967-68, Chapter 312, would have amended Private Acts of 1943, Chapter 250, Section One, by increasing the term for which the Road Supervisor would be elected from two years to four years but this act was rejected and disapproved at the local level which nullified its effectiveness.
20. Private Acts of 1967-68, Chapter 313, also amended Private Acts of 1943, Chapter 250, Section One, by increasing the salary of the Road Supervisor from \$3,600 to \$7,200 annually. This act was also rejected by the Benton County Quarterly Court and never did become a law.
21. Private Acts of 1973, Chapter 8, amended Private Acts of 1943, Chapter 250, Section One, by raising the annual salary of the Road Supervisor from \$3,600 to \$6,000.
22. Private Acts of 1973, Chapter 26, would have amended Private Acts of 1943, Chapter 250, Section One, by deleting the last sentence and inserting in its place a provision which would permit the Road Supervisor to employ a Secretary-Bookkeeper and to set a suitable salary for such person himself which salary would be paid to the employed person out of the county highway funds, and by amending Section Two by increasing the limitation placed on purchases without approval from the County Court from \$500 to \$1,000. This act was rejected and disapproved by the Benton County Quarterly Court, thus being nullified and made void.
23. Private Acts of 1974, Chapter 177, would have amended Private Acts of 1943, Chapter 250, Section One, by increasing the term of the Road Supervisor from two years to four years, by increasing the Road Supervisor's annual salary from \$6,000 to \$11,000, and his bond from

\$10,000 to \$100,000. The provision for the employment of a Secretary-Bookkeeper was changed by removing the \$1,800 limitation on the yearly salary and by requiring that the Secretary-Bookkeeper be paid an amount at least equal to minimum hourly wage being paid to truck drivers and the salary of this position would be increased when the truck drivers salary was elevated in the same amount and at the same time. This act was rejected and rendered null and void by the Quarterly County Court of Benton County.

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