



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 27, 2024

Highways and Roads - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Highways and Roads - Historical Notes	3
--	----------

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Clay 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 1901, Chapter 136, applied to all counties under 70,000 population, census of 1900, or subsequent, and probably formed the pattern of the great mass of road laws to come. The County Court would elect one Road Commissioner from each road district, same to be co-extensive with civil districts who would have general supervision over all roads, bridges, and overseers in his district. The duties of all the officials specified in the act of the courts, of those who were subject to compulsory road work, including prisoners from the workhouse, were written in detail in the act. A road tax was allowed to be levied and specifications for new roads to be built or old ones to be repaired were also included. The power to contract was granted and among the records to be kept were the inventory and classification of the roads in the county. See Carroll v. Griffin (1906), 117 Tenn. 500, 97 SW 66.
2. Private Acts of 1905, Chapter 478, amended the general road law of the state as it was stated by the 1901 Act above. The amendments provided that the County Trustee would prosecute suits and handle the money, the procedures for handling those petitions to open, change, or close roads were changed, and the County Court was given appellate jurisdiction over all those discretionary individual responsibilities.
3. Private Acts of 1929, Chapter 889, established a County Highway Commission for Clay County consisting of five members, one from each of four civil districts and two from the Third Civil District. W. A. Marcom was named as Chairman of the Board, R. L. Donaldson as Secretary, and Estus Cherry, J. M. Brown and C. E. Clark as members, all to serve until their successors were elected and qualified in September, 1930. Quarterly County Court would fill vacancies until the next general election. The Commission could employ a Superintendent of County Roads whose salary would be between \$100 and \$150 per month and whose duties would include all those vested by law in the District Road Commissioners. The County Court would fix the salary of the Commissioners who would also have all their expenses reimbursed out of county highway funds. The commission was enabled to contract work out and to keep records on that and other programs. A periodic report of the conditions and programs for roads would be made to the County Court. This Act was specifically repealed by Chapter 698, Private Acts of 1937.
4. Private Acts of 1935, Chapter 207, amended Chapter 889, Private Acts of 1929, by striking all of Section 8 and providing that the members of the Highway Commission shall each be paid \$150 annually in equal monthly installments out of road funds and the Secretary of the Commission would receive \$300 a year in the same way.
5. Public Acts of 1937, Chapter 195, amended Section 3275, of William's Code of 1932 so as to change the classification of the toll bridge over the Cumberland at Celina from Class B to Class A and institute a schedule of toll charges accordingly.
6. Private Acts of 1937, Chapter 698, repealed Chapter 889, Private Acts of 1929, Item 3 above, the former Road Law for Clay County and enacted a new one. Four Road Districts, co-extensive with the Civil Districts were created from which one commissioner would be elected and an extra commissioner would be elected in the Third District. The duties, powers, qualifications, terms of office, and compensation of the County Highway Commission were specified. A compensation of \$4.00 daily for attendance at all regular and called meetings of the commission was limited to six days per month. The Commission would meet regularly on the first Monday of each month at the courthouse in Celina and the meeting would be open to the public. The Commission would be in charge of all highway work, would employ a Superintendent of Roads at a maximum \$1,200 annual salary. Purchasing procedures were prescribed which were to be observed by the Commission. All employees and laborers, civilian and prisoners, were placed under their supervision, and they would also operate and maintain the County Poor Farm. J. H. Durnette, Jr., of Moss, Tennessee, Jesse Rich, of Hermitage Springs, Fred Maxey and Frank Brown, of Celina, and, B. C. Ledbetter, of Willow Grove, were named to be members of the first Road Commission under this act, to serve until their successors were elected. This Act was repealed by Chapter 296, Private Acts of 1941.
7. Private Acts of 1941, Chapter 296, repealed the above act in Item 6, and passed a new Road Law. This act retains the composition of the Board of Highway Commissioners and names W. A. Marcom as Chairman, Lester Brown as Secretary, and C. E. Clark, Frank Brown, and Dewey Birdwell as members to serve until September, 1944 when their successors would be elected for

two year terms. Their compensation was \$24 a month, their expenses in line of duty would be paid, and, if they worked for the county in any other capacity, they would be paid what the county court deemed reasonable. They would employ a Road Superintendent and set his salary at a reasonable figure. They would report to the county court on the conditions of the roads and keep accurate records of the disbursement of funds. Public ferries were likewise under their supervision. This act was also repealed by Chapter 52, Private Acts of 1943.

8. Private Acts of 1941, Chapter 370, released all the citizens of Clay County from their obligation of performing compulsory road work or paying a commutation fee.
9. Private Acts of 1943, Chapter 52, specifically repeals Chapter 296, Private Acts of 1941, which constituted the then existing Road Law, in its entirety.
10. Private Acts of 1943, Chapter 54, expressly repealed Chapter 698, Private Acts of 1937, which had already been repealed by Chapter 296, Private Acts of 1941. The title of the repealed act is copied into the caption of this act. This act and four others were the basis of the suit styled Kyle v. Marcom, (1944), and Brown v. Kyle, a companion suit heard with the former, 181 Tenn. 58, 178 S.W.2d 618 (1944).
11. Private Acts of 1943, Chapter 219, became the new Road Law after Chapter 54, above, had repealed the old one. This act names the same people to the Board of Highway Commissioners as Chapter 296, Private Acts of 1941, and seems to be substantially the same as that former act except the compensation for the Commissioners is fixed at \$25 a month, and \$4.00 per day for all time spent in road supervision. The act has a general repealing clause only and is construed along with the other 1943 acts mentioned in the case cited in the above Item 10. Chapter 219, Acts of 1943, was repealed by Chapter 872, Private Acts of 1947.
12. Private Acts of 1947, Chapter 872, repealed expressly and entirely Chapter 219, Private Acts of 1943.

Source URL: <https://www.ctas.tennessee.edu/private-acts/highways-and-roads-historical-notes-11>