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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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The following is a listing of acts which once had some effect upon the county road system in Decatur County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1901, Chapter 136, was a statewide road law applicable to all counties under 70,000 in population. The Quarterly Court would select a Road Commissioner from each Road District which were co-extensive with the Civil Districts of the county, who would have supervision over the roads, culverts and bridges in that District. They would be sworn, bonded, and serve for two years. The court would further assign road hands to the area, decide upon the number of work days for the hands to work which could be no less than five nor more than eight days per year, and would also decide the amount to be allowed for one day's work for a wagon and team. The Quarterly Court would also levy a tax of two cents per \$100.00 property valuation for each day of work they placed upon the road hands. The Road Commissioners would name the Road Overseers for their district who would work out the required number of days as everyone between 21 and 45 would, and then be paid \$1.00 per day, not to exceed \$6.00 in one year. Prisoners could be worked on the roads under certain conditions, and all males outside of cities between 21 and 45 years of age. Some road specifications were included and the roads had to be classified according to their width, use by the public, and paving materials. Petitions to open, close, or change roads were to be received, heard, and disposed of by the Commission which was given the power of eminent domain to be used, when necessary, to effectuate the intents and purposes of this act. This act was among those considered by the court in the case of Carroll v. Griffith (1906), 117 Tenn. 500, 97 S.W. 66.
2. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but primarily in the procedures to be followed in condemnation proceedings.
3. Private Acts of 1917, Chapter 730, was a Road Law for Decatur, Hancock, Cheatham, and Cannon Counties. The act provided for a three member Board of Public Road Commissioners, one of whom would be the Road Superintendent, and one of whom would be the Assistant Road Superintendent, all of whom would be elected for two year terms by the Quarterly County Court. The Superintendent would be paid \$800.00 per year, and the assistant would get \$2.00 per day, up to \$100.00 per year, and the third member would be paid \$2.00 a day up to \$50.00 per year. The Superintendent was required to devote full time to his office. Laborers on the road would be paid, or credited, with \$1.25 per day, and teams and wagons furnished would get \$2.50 per day. The Board would lay off, classify, and map the regular roads of the county. All males, outside of cities between the ages of 21 and 45 must work six, 8 hour days on the roads or pay \$3.00 as a commutation fee. The Quarterly Court would also levy a special road tax on the residents of the county. The Board would hear and dispose of petitions to open, close, or change a road, and, if eminent domain proceedings were necessary, to adhere strictly to the provisions of both local and State law regarding the same.
4. Private Acts of 1919, Chapter 426, created a three member Highway Commission in Decatur County, naming J. H. Stout, as Chairman, and H. J. Fry and W. R. Dennison, as members, of the same to serve until others were elected for two year terms in the next general August election. Members would be paid \$3.00 per day spent on the Commission's business up to \$125.00 per year, and the member selected as Secretary would receive up to \$240.00 a year. The commission could hire an engineer at \$125.00 per month whose duties were enumerated in the act. Accurate records were required to be kept concerning the cost and use of materials and machinery. The commission could also employ Road Supervisors from each District who would inventory all the roads in the District and make a roster of all road hands. Overseers would be paid after working out the allotted time. The Commission would further handle all the petitions to open, close, or change, roads, following the procedures outlined in the act very closely. The court would levy a minimum road tax of 40 cents per \$100.00 to finance the programs and all males outside of cities between the ages of 21 and 50 would work seven days on the roads or pay \$6.00. Penalties were provided for anyone failing to comply with the dictates of this act. It was declared unlawful for an auto to cross a bridge at a speed greater than 4 miles per hour.
5. Private Acts of 1935, Chapter 529, stated that the Department of Highways and Public Works of the State of Tennessee shall have and exercise full control, direction, and supervision of the expenditure of all funds received by Decatur County for road purposes from the State and from all sources whatever. The said funds shall be expended upon the roads of the said county and a report submitted to the County Judge, or Chairman, of all receipts and expenditures in connection

therewith.

6. Private Acts of 1957, Chapter 325, created two Road Districts in Decatur County which were composed of whole Civil Districts. Commissioners would be elected in each District for two year terms, vacancies to be filled by the Quarterly Court. The salary of the Commissioners was set at \$2,400 per year and they would serve as foreman and timekeeper for their area. A Clerk for the Commissioners would be selected by the Quarterly Court at an annual salary between \$1,800 and \$3,000. All road funds would be divided equally between the two Districts. The Clerk, who would be bonded for \$10,000, would keep all the records. This act was rejected, and therefore, nullified, by the Quarterly County Court of Decatur County.
7. Private Acts of 1961, Chapter 196, amended Private Acts of 1945, Chapter 587, in Section One, by increasing the salary of the Secretary-Bookkeeper from \$1,200 to \$1,800 per year, and in Section 2 by limiting the authority of the Road Supervisor to make purchases to amounts of \$100, or less, all others to be made by the purchasing agent of the county. This act was not approved by the Quarterly Court of Decatur County, and therefore never became effective because of the provisions of the Home Rule Amendment to the State Constitution.

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