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Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions of all the counties in the State to index and classify the public roads into three district classes. The primary basis for the classification of the roads was width and use. The roads would be maintained according to the requirements of the particular class to which they may have been assigned. The three classes ranged from stage roads to a road wide enough to permit the passage of a horse and rider. The Court would assign a competent number of hands to maintain the roads.
2. Acts of 1841-42, Chapter 11, incorporated Thomas Lanier as the sole owner of a turnpike road beginning on the Alabama line and running through the corner of Wayne County to the Hardin County line. The road would be at least 20 feet wide, and bridges and causeways would be built and maintained wherever they were needed on the road. The Act appointed John McFalls, George Cook, Andrew South, James McFalls, and William McFalls, as Commissioners to inspect and examine this road and, if properly done, to issue a license for a toll gate. Inspections would then be made every six months thereafter, and, if the road was not kept in good repair, the authorized toll gates would be shut down. The tolls to be charged were rated according to vehicle type and must conform to those specified in the Act.
3. Acts of 1847-48, Chapter 44, incorporated the Indian Creek Turnpike Company, naming J. J. Gibson, John Kervin, Martin Cook, A. Montague, George F. Benton, John Hardin, J. L. Smith, John S. Broyles and Thompson Hurst, as Commissioners, whose duty it was to open books and take stock subscriptions up to \$75,000. The corporation would build a macadamized road from Waynesboro to Savannah in Hardin County, according to some other general specification in the Act. This road must be started within 18 months from the passage of this Act and be completed within 6 years.
4. Acts of 1901, Chapter 136, was a general road law which applied to every county in Tennessee under 70,000 in population. The County Court of each county under this Act would select a Road Commissioner from each Road District, which were coextensive with the Civil Districts, who would serve two year terms, who would be sworn and bonded, and who would be paid \$1 per day for each days service actually rendered up to ten days per year. The Court would also fix the number of days between five and eight which a road hand would work and assign the hands to a section of the roads to be worked. The County Court would levy a special road tax of 2 cents per \$100 property valuation for each day decided upon for road hands to work, which would be collected as other taxes, except that two-thirds of this tax could be worked out by the taxpayer on the public roads. District Commissioners would name the Overseers who would be in immediate supervision of different sections of the roads in that District. The Commissioners shall furnish a certified list to the County Judge of the prospective road hands in their Districts. All male residents of the county between the ages of 21 and 45 were subject to labor on the roads, or pay the commutative fee of seventy-five cents a day. Prisoners could be worked on the roads. Some general specifications for roads were contained in the Act. The Road Commissioner of the District would receive, hear, and make recommendations to the County Court on all petitions to open, close, or change a road under the guidelines specified in the Act. The County Court was empowered to contract road work out under special provisions. The County Courts could levy a general road tax of up to twenty cents per \$100. The legality of the Act was the subject of the suit in *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66 (1906).
5. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but principally in the procedures for handling and disposing of petitions to open, close, and change roads, especially where the exercise of the power of eminent domain was necessary.
6. Private Acts of 1913 (Ex. Sess.), Chapter 41, created a three member Board of Road Supervisors, who must be at least 21 years of age, male and who would be appointed by the County Judge, or Chairman, for a period of two years. Those appointed must appear within 20 days of their appointment to be sworn into office, and to select a Chairman, and a Secretary, from among their own members. The Board would be in full and complete charge of all public roads and bridges and dispense all funds for roads which were collected by taxes, or otherwise. The Chairman of the Board would serve as the Superintendent of Roads at a salary of \$600 to \$750 per year, the Secretary would be paid from \$150 to \$300 per year, and the other member of the Board would be paid \$2 for each meeting attended. The Board would meet at least once each month. The

Superintendent of Roads would devote full time to the duties imposed by this Act. "Section Foremen" could be hired at \$1.50 per day and laborers, as needed, at \$1.25 per day, all of whom would work 10 hours each day. A road tax was authorized between 15 and 30 cents per \$100 property valuation, and all males between the ages of 21 and 50 who lived outside of cities, must pay from \$5.00 to \$7.50 per year, as the County Court may decide or work the stipulated amount out at \$1 per 10 hour day. In addition, a vehicle tax of \$5 per year was imposed upon some specified vehicles. The Board would receive and dispose of, under the regulations provided in the Act, all petitions to open, close, or change roads, and was empowered to use condemnation proceeding. A report of all activities must be rendered periodically to the County Judge, or Chairman. This Act was repealed by Private Acts of 1915, Chapter 690.

7. Private Acts of 1915, Chapter 606, provided for a three member Board of Road Supervisors, 21 years of age, or older, who would be elected by the County Court for two year terms but could not be a member of the Court. Vacancies would be filled by the Chairman of the said board for the unexpired term. The Board would meet promptly, select one of their number to be Chairman, and a Secretary, and be sworn into office. The Board would be in charge of the roads and bridges of the county and would disburse all road funds from whatever source. The Chairman would be paid \$2.50 per day up to \$450 per year, and the other members would receive \$2 per day up to \$100 a year. The Superintendent of Roads, who was also the Chairman, would devote full time to the position, and the Board would meet at least once each month. The Superintendent and the Board would visit and inspect each road in the county, would classify and index them for which they could employ an engineer to assist them, and could appoint "Section Foremen" at \$1.50 a day wages up to \$12 a year, and laborers, who would be paid \$1.00 a day. The County Court would be responsible to make proper budget appropriations. Work on roads would be done principally during the period from April to November. The provisions for the compulsory road work for males between 21 and 50 years of age remained as they were in the 1913 Act. A road tax of from 15 to 30 cents per \$100 property valuation was mandated. No new roads would be laid off, or built except they have a right-of-way twenty feet wide, and a road bed fourteen feet wide. The Board would entertain and dispose of all petitions to open, close, or change roads, exercising the right of eminent domain whenever necessary and proper.
8. Private Acts of 1917, Chapter 539, amended Private Acts of 1915, Chapter 606, by deleting Section One and adding a new Section One which provided for a three member Board of Road Supervisors, one of whom shall be appointed as Chairman and Superintendent of Roads by the County Judge, and the Chairman would then appoint the other two members, one of whom would be designated as the Secretary. Terms were for two years, and vacancies would be filled in the same manner in which the original appointments were made. The salary of the Superintendent would be set by the County Judge, while the Secretary would be paid \$150 a year, and the other member of the Board \$2 per day. The total amount of money to be spent by the Board of Supervisors could not exceed the amount of taxes to be collected from all sources for that purpose.
9. Private Acts of 1919, Chapter 451, stated that the Quarterly County Court would appoint a Road Supervisor in each Civil District for two year terms who would have charge of the roads in the District. He must be a resident of the District and be sworn and bonded when appointed. The Road Supervisor must keep accurate records of all expenditures for labor, materials, use of tools and equipment, etc., and the accounts must be approved by the County Judge. The Supervisor would be paid \$2.50 a day up to 20 days a year. The tax assessor would assess all those subject to labor on the roads the sum of \$7.50 which could be worked out by the hands at the rate of \$1.50 per day. The Supervisors would appoint overseers for each Section of the roads in their District who would first work the number of days assigned to road hands without compensation then be paid \$2 per day for all in excess of that number up to \$10.00 per year. The Quarterly Court was authorized to levy a special road tax of 20 cents per \$100. This Act was repealed by Private Acts of 1939, Chapter 571.
10. Private Acts of 1921, Chapter 690, amended Private Acts of 1919, Chapter 451, by correcting the population figures so as to make the 1919 Act apply to Wayne County. The Act also amended details as to road hands and owners of wagons and teams. This Act was repealed by Private Acts of 1939, Chapter 571.
11. Private Acts of 1921, Chapter 717, provided that any person, firm, or corporation operating a turnpike, or toll road, in Wayne County is authorized to charge the amount of tolls scheduled in this Act for the vehicles using the road or turnpike. The schedule ranged from five cents for a one-passenger motorcycle to \$1.25 for a five ton truck, and the amount specified was the maximum amount which could be lawfully charged.

12. Private Acts of 1929, Chapter 211, was the authority for the Quarterly Court of Wayne County to transfer from the Sinking Fund created for the purpose of retiring bonds issued by the County for highway purposes under the authority of Public Acts of 1913 (Ex. Sess.), Chapter 26, as amended, an amount not to exceed \$10,000, to such other account or accounts as the County may deem to be in the best interests of the County.
13. Private Acts of 1931, Chapter 697, stated that the State Highway Department shall have and exercise full control, direction and supervision over the expenditure of all funds received by Wayne County for road purposes from the State from all sources, whether they arose from auto registration fees, or gasoline taxes. The Wayne County Highway Commission shall select the bridges to be built, or repaired, plus the roads to be worked on, and the State Highway Department shall spend the funds on the bridges and roads thus selected by the Commission. This Act was repealed by the Private Acts of 1935, Chapter 333.
14. Private Acts of 1935, Chapter 333, gave the Tennessee Department of Highways and Public Works full control, direction, and supervision over the expenditure of all funds payable to Wayne County from all sources for road and highway purposes. The Commissioner of the Department of Highways and Public Works would designate someone in Wayne County to be the County Highway Supervisor who would be in immediate charge of the programs in that county and who must be experienced in that line of endeavor. The County Supervisor was required to keep the State District Engineer advised fully of plans in Wayne County and would fully cooperate with him at all times. The State would remit to the County Trustee all the funds of this nature to be dispensed on the voucher of the Supervisor who would also make monthly reports to the Commissioner. The Supervisor would serve two years and be paid \$1,500 per year. This Act was declared unconstitutional by the Supreme Court in *Hassell v. Walters*, 170 Tenn. 206, 93 S.W.2d 1268 (1936). The court stated that this act deprived the county of control over its revenues which was contrary to the general law and it violates the constitutional provision requiring county offices created by the legislature to be filled by the people or the county court.

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