



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,

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

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

1. Private Acts of 1831, Chapter 117, allowed William Simpson of Hardeman County to open and establish a toll bridge across the Hatchie River and to build a turnpike road at the place where he then operated a ferry. The bridge must be similar to the bridge then at Bolivar and was required to be kept in good repair or the right to collect tolls would be suspended. William L. Duncan, John Prassan, and Benjamin Ingram were named Commissioners to supervise and inspect the work. Simpson could collect tolls for the sixty years following completion of the road and bridge if they were kept in good condition and not allowed to fall into disrepair. Citizens of Hardeman County could pass over the bridge free of toll if they were traveling for such purposes as going to church, voting, or taking goods to market.
2. Acts of 1837-38, Chapter 251, allowed Richmond Baker, Austin Miller, William Ramsey, David Fentress, and R. P. Neely, all of Hardeman County; William S. Wisdom, W. B. Terry, Martin Cross, Thomas Bell, and J. P. Young, all of McNairy County; and Christopher H. McGinnis, James Irwin, David Robinson, Richard Davie, and Samuel Perkins, all of Hardin County, to open books to subscribe stock up to \$100,000 to build a turnpike from the bank of the Tennessee River opposite Savannah in Hardin County to Purdy in McNairy County, and on to Bolivar in Hardeman County under the same rules and restrictions applying to other turnpikes then under construction.
3. Acts of 1843-44, Chapter 62, allowed the County Courts of Fayette, Shelby, and Hardeman Counties, through which a stage road might run, to order that the first class roads in their respective Counties be opened to a width of forty-five feet or less.
4. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 in population. The County Court in each county would select a Road Commissioner at its January meeting for each road district. The road districts would be coextensive with the County civil districts. The act detailed the duties of the Road Commissioners and the road section overseers to be appointed by the Commissioners. Male residents of the County were subject to road work but could commute the duty by paying a fee. Prisoners of the County were also subject to road work. A tax levy was authorized not to exceed twenty cents per \$100 valuation.
5. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several details but most importantly in the manner in which the Road Commissioner would receive and dispose of petitions to open, close, or change the roads.
6. Private Acts of 1915, Chapter 345, was the first special road law for Hardeman County. The Quarterly Court would select a Road Commissioner from each of the Civil Districts to serve two-year terms but those Commissioners then in office would continue until their terms expired. The Commissioners would be sworn and bonded, would supervise the public roads and the bridges in their Districts and supervise bridge repairs on bridges which were ten feet or less in length unless the repairs cost in excess of \$25. They would classify the roads into three groups ranging in width from twelve feet to fifty feet. They were to handle and dispose of all petitions to open, close, and change roads. The act set forth the method of assessing damages in cases of eminent domain. All males between twenty-one and fifty years of age would work ten days per year on the roads or pay \$40 as a commutation fee. Work would be accomplished between February 1 and October 1 each year, when possible. The work day would be from 8 to 10 hours. A road tax was authorized from sixteen to fifty cents per \$100 valuation to be collected by the Trustee. Contracts for road work would be let using uniform contracts, but if no bids were received for work, the jobs would be performed by road hands and overseers.
7. Private Acts of 1917, Chapter 403, amended Private Acts of 1915, Chapter 345, above, by increasing the commutation fee from \$4 to \$6; by inserting a new Section which required the Road Commissioners to refrain from paying any account due unless it was itemized and verified by the payee and contained specific information as outlined in the act and any failure to observe this rule would subject the Commissioner to a \$25 fine. Each District Road Commissioner would buy at the County's expense a book in which he would keep the names of all the road hands subject to road work. The book would be revised annually to include those coming of age and exclude those exceeding the age limit. An extra credit would be given to those road hands who furnished teams of horses, wagons, or tools. All contractors were required to submit detailed reports.

8. Private Acts of 1921, Chapter 207, amended Private Acts of 1915, Chapter 345, above, by increasing the number of days to be worked on the roads from ten to twelve and the fines for failure to work from \$25 to \$50. The commutation fee was raised from \$6 to \$10 and the fine for noncompliance from \$50 and \$100. This act authorized the Road Commissioners to prosecute the overseers who were delinquent in their duties. The overseers would pay over to the Commissioners all money received by them and provide a record of all work hands who worked or failed to work their quota. The money paid for commutation would be spent, if possible, in the District where it was collected.
9. Private Acts of 1921, Chapter 555, amended Private Acts of 1921, Chapter 207, above, by reducing the number of days to be worked on the roads from 10 to 8 and repeating the increase in fines from \$25 to \$50.
10. Private Acts of 1923, Chapter 126, appointed J. H. Shearin as Supervisor of Roads in Hardeman County to serve until January, 1925, when his successor would be appointed by the County Court. He would be sworn and bonded, would classify roads into three groups ranging in width from thirty to fifty feet and generally would supervise all roads, levees, bridges and culverts in the County. He was required to inspect the roads and report their condition to the County Court quarterly. He could open, close, and change roads as he deemed best for the County and was granted the power of eminent domain to obtain dirt, sand, gravel, or other road building materials. Males from twenty-one to fifty years of age, residing outside corporate town limits, were required to work eight, eight hour days, or pay \$4 for commutation. The Supervisor could appoint foremen who would be paid provided the roads for which they were responsible were kept in good condition. A special road tax of ten to fifty cents per \$100 valuation, plus a privilege tax were permitted. The Supervisor would purchase tools and equipment with the assistance and approval of the County Judge and he could work prisoners on the roads under certain conditions. He would be paid a salary of \$150 per month.
11. Private Acts of 1927, Chapter 662, created a County Road Commission and named C. C. Hillman, G. H. Mitchell, L. M. Yopp, Ras Black and the County Judge as members to serve until January 1928, when their successors would be named by the County Court. All the Commissioners would be sworn and bonded. The County Judge would be the Chairman of the Commission but would not be compensated as such. The Commission was vested with all the powers and duties of the Workhouse Commission and would take charge of the Workhouse and the prisoners. The Commissioners would meet at least one day a month at the Courthouse, would be paid \$5 per day and the Commission Secretary would get \$4 per day for extra days of required work. A limit of sixty days pay was imposed per year. The Commission would be the purchasing agency for the road department, would classify the roads, and collect data as specified concerning total miles of roads, road repairs, and other information. Each Civil District was a Road District in which all males between twenty-one and fifty years of age would work five days or pay \$1 for each day not worked. A special road tax could be levied of between ten and twenty cents per \$100 valuation. The tax proceeds were to be spent in the district where they were collected, if possible.
12. Private Acts of 1931, Chapter 759, provided that funds available from the State on account of reimbursement acts would be paid to the Hardeman County Trustee who would make them available to be spent anywhere in the County necessary to complete the system of hard surfaced roads which was under construction at the time of the act funded by bond issues. Because of bank failures the bond issue proceeds had been frozen and were unavailable.
13. Private Acts of 1931, Chapter 761, provided that the State Highway Department would have full control, direction, and supervision over the expenditure of all funds received by Hardeman County for road purposes from the State collected from any source including auto registration and gasoline tax. The Department could receive funds directly from the state and expend them on the roads in the County, giving the County Judge a report of the activity, or it could allow the County road authorities to spend the funds under supervision.
14. Private Acts of 1931 (2nd Ex. Sess.), Chapter 13, amended Private Acts of 1931, Chapter 759, above, by authorizing the County Trustee to receive state road funds and pay the funds over to the County Road Commission for disbursement. The Trustee would receive a fee for handling the funds.
15. Private Acts of 1931 (2nd Ex. Sess.), Chapter 14, specifically repealed Private Acts of 1931, Chapter 761, above, which permitted the State Highway Department to supervise the expenditure of road funds in Hardeman County.
16. Private Acts of 1931 (2nd Ex. Sess.), Chapter 36, amended Private Acts of 1927, Chapter 662, above, by changing the census figures and making the act applicable to Hardeman County. The

- act also named J. M. Nuckolls as ex officio chairman of the Road Commission and granted him full control of all expenditures of the Commission including disbursement of funds received by the County from the state gasoline tax. He was to be compensated by a salary of \$100 per month.
17. Private Acts of 1933, Chapter 220, required all male residents of Hardeman County, outside incorporated towns, between the ages of twenty-one and fifty years to do five days labor upon the County roads. Any person could commute the requirement by paying a fee. The County Highway Commissioners were empowered to enforce the measure.
 18. Private Acts of 1933, Chapter 253, authorized the Hardeman County Trustee to expend one-half the funds received from the Department of Highways and Public Works to pay the general obligations of the County related to issued and outstanding road bonds.
 19. Private Acts of 1937, Chapter 833, amended Private Acts of 1927, Chapter 662, by authorizing the popular election of the Road Commissioners. The County Judge would remain the ex officio Chairman of the Commission.
 20. Private Acts of 1939, Chapter 544, organized Hardeman County into six Road Districts and arranged for the shifting of funds, budgeting changes, and election of Road Commissioners to provide for the reduced number of Districts.
 21. Private Acts of 1941, Chapter 313, provided for the election of the Road Commissioner of Hardeman County by the qualified voters of the various road districts. The act arranged for the redistribution of funds and debts to allow for the change in road districts and detailed the rights and duties of the Road Commissioners. By the census figures provided in the act, it did not apply to Hardeman County but a subsequent amendment corrected the deficiency.
 22. Private Acts of 1943, Chapter 79, amended Private Acts of 1941, Chapter 313, above, by correcting the population figures cited to make the law applicable to Hardeman County.
 23. Private Acts of 1945, Chapter 539, was the road law for Hardeman County until 1983. The act created the County Highway Commission and the office of County Road Supervisor. The Commission appointed the Supervisor whose duties were to implement the policies and decisions of the Commission. The Commission had charge of all roads and bridges, all new construction, repair, and designation of County roads and control of road funds.
 24. Private Acts of 1949, Chapter 378, amended Private Acts of 1945, Chapter 539, above, the County road law, by abolishing the office of Supervisor and making the County Road Commission solely responsible for County roads and road funds. The Commissioners were required to be age twenty-one or older and at least a five-year resident of the County. No Commissioner could be paid for more than twenty days per month.
 25. Private Acts of 1959, Chapter 246, amended Private Acts of 1945, Chapter 539, Section 10, by increasing the per diem pay of the Highway Commissioners from \$7.50 to \$10.
 26. Private Acts of 1961, Chapter 229, amended Private Acts of 1945, Chapter 539, above, by increasing the term of the Highway Commissioners from two years to four years, subject to the approval of the voters in a referendum to be held in August, 1962.
 27. Private Acts of 1963, Chapter 33, amended Private Acts of 1945, Chapter 539, above, by raising the per diem compensation of the Highway Commissioners from \$10 to \$12.50 and the maximum salary of the Secretary of the Commission from \$50 to \$150.
 28. Private Acts of 1967-68, Chapter 41, amended Private Acts of 1949, Chapter 378, above, by increasing the maximum dollar amount of supplies which could be purchased or contracted for by the Highway Commission from \$50 to \$500.
 29. Private Acts of 1970, Chapter 265, increased the per diem rate to be paid to the Highway Commissioners from \$12.50 to \$17.50 per day.
 30. Private Acts of 1970, Chapter 266, raised the maximum salary of the Secretary of the Highway Commission from \$150 to \$200 per month.
 31. Private Acts of 1975, Chapter 20, amended Section 10 of the Road Law by increasing the monthly salary of the Secretary of the Commission from \$200 to \$400 per month and the per diem compensation of the Commissioners from \$17.50 to \$25.
 32. Private Acts of 1979, Chapter 10, raised the per diem of the Highway Commissioners to \$40 and the salary of the Secretary to \$700 per month.
 33. Private Acts of 1981, Chapter 179, was a major road law for Hardeman County that was not approved by local authorities and did not become effective. The act provided for a County Highway Department under the control of a highway superintendent and a board of highway

commissioners.

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