



November 19, 2024

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

1. Acts of 1832, Chapter 84, named John Lynch, of Madison County, Thomas W. Pugh, of Haywood County, William W. Lea, of Gibson County, and John Kennerly, of Dyer County, as Commissioners to superintend and make a contract for the cutting of a canal from the Forked Deer River to the Mississippi River at or near the place where R. H. Dyer built a warehouse, under such terms and conditions as the Commissioners might deem expedient.
2. Acts of 1837-38, Chapter 257, appointed W. Patterson, Daniel E. Parker, Henderson Clark, John Branch, Jonothan Frost, Thomas H. Ham, and John B. Fizer, all of Dyer county, and seven more citizens of Gibson County, also named therein, as Commissioners to open books and receive stock subscriptions up to \$100,000 to make and construct a sanded turnpike, properly graded, from Trenton in Gibson County to the Mississippi River by way of Dyersburg, which would be called the Trenton, Dyersburg, and Mississippi Turnpike, under the same rules and regulations laid down for the Nashville-Lebanon Turnpike. The above authority would be void if work were not started in five years and completed in ten years.
3. Acts of 1851-52, Chapter 110, was the legal authority for Thomas J. Connell, James Fields, William P. Foulks, and Tomas Finley, all of Dyer County, to open books and receive subscriptions of stock up to \$60,000 to construct a plank road or a turnpike road from Dyersburg to the Mississippi River. When as much as \$5,000 in stock was subscribed the Company could be organized and proceed to construction. The Company would have the right to bridge, or to ferry, the Obion River where the road would cross the same.
4. Acts of 1853-54, Chapter 228, gave the Dyersburg and Mississippi Plank Road Company an additional three years in which their road could be completed.
5. Acts of 1855-56, Chapter 135, provided that Connell, Ferguson, and Isaac Sampson would have the privilege of erecting either a lock or mills on Green's Canal in Dyer County, or they could erect a brush dam in the middle fork of the Forked Deer River near the head of Green's Sluice, sufficiently high to raise the level of the River two feet at low water mark but the navigation of the stream must not be affected thereby.
6. Acts of 1865-66, Chapter 92, incorporated Isaac Brockin, Thomas H. Benton, G. B. Miller, E. P. Sugg, H. G. Pierce, W. B. Sawyer, R. S. Puryear, and their associates, as the "Forked Deer Improvement Company" to clean out and to keep open to navigation by small steamboats, barges, flats, rafts, etc.; the Forked Deer River, and its branches, from Chestnut Bluff on the south to Dyersburg on the north, for a period of 25 years. The County Court of Dyer County was granted the authority to set the tolls and charges for the facility for the freight and passengers which passed up and down this stretch of the River.
7. Acts of 1868-69, Chapter 47, was the enabling legislation to form a company by the name of the Brownsville and Dyer County Railroad Company so as to establish communication by railroad between Brownsville and Dyersburg by way of Chestnut Bluff, or at some convenient point of intersecting the Mississippi River Railroad Company's line in Dyer County. The authorized capital stock of the company was placed at \$500,000 and William C. Vail, J. M. Parker, G. W. Bettis, W. N. Beasley, J. H. Brooks, Dr. W. B. Gork, and Captain William Foster, were named to open books for stock subscriptions. Jesse Clark, Alf Stevens, Dr. R. H. McGaughy, J. L. Webb, C. C. Moss, and W. T. Poston would be allowed to do the same at Dyersburg.
8. Acts of 1869, Chapter 27, incorporated Isaac Bracken, and his associates, under the name of the "Forked Deer Improvement Company" which would clear out and keep open for navigation the Forked Deer River from Dyersburg to the mouth of the River where it empties into the Mississippi River. The schedule of some toll rates which were to be charged was included.
9. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population as established by the 1900 Census. The Act required the County Court to pick one Road Commissioner who would serve two years from each Road District in the County, the Road Districts being made co-extensive with the Civil Districts. The Commissioners must be sworn and bonded and would be in charge of all the roads, bridges, hands, tools, and materials used in their areas. They would be compensated at the rate of \$1.00 per day up to ten days in each year. The County Courts would decide the number of days of compulsory road labor to be worked which could be no less than five nor more than eight, and would fix the price for one day's

- labor. Authority was given to the County Courts to levy a special road tax of two cents per \$100 property valuation for each day the road hands were assigned to work. Road Commissioners would name the Road Overseers in their districts who would be in immediate charge of a section of road, who would work the same number of compulsory days as everyone else and then be paid for extra days not to exceed \$6.00 per year. All males outside of cities between the ages of 21 and 45 were subject to road labor. Commissioners would dispose of petitions to open, close, or change existing roadways, were obligated to classify and index roads in their districts, and must see to it that the roads in their districts met the basic specifications in the Act. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
10. Private Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the methods of acquiring property for rights of way and other public purposes especially when the power of eminent domain had to be invoked.
 11. Private Acts of 1909, Chapter 258, provided that the Quarterly Court of Dyer County would select three Road Commissioners to serve two years beginning January 1, 1909, at a compensation of \$300 a year. The Commissioners must be sworn and bonded, would have the supervision of roads and bridges, must observe the specifications for roads contained in the Act, and had the authority to employ an engineer at \$125 a month, or less, to do the professional design and supervision connected with the department. Applications to open, close or change roads must be addressed to the Commissioners who must dispose of them in conformity with the requirements of this law. Commissioners could let contracts within the bounds of the limitations expressed in the Act. All males, able bodied, between the ages of 21 and 50 must work eight days, or pay \$4.00 as a commutation fee for not working. The Quarterly Court was directed to levy a general road tax of no less than ten nor more than twenty-five cents per \$100 property valuation. Commissioners were duty bound to enforce the terms and conditions of this law. Penalties were prescribed for violations hereof and for failure to comply with the requirements. This Act was repealed in Item 14 below.
 12. Private Acts of 1911, Chapter 187, named each School Director as the Road Commissioner in their respective districts who must be sworn, execute bond, and dispose of petitions to open, close, or change any road in accordance with the standards established in the Act. The work could be contracted out by the Commissioners under certain circumstances, provided all the specifications were noted and met. All able bodies males outside the cities between the ages of 21 and 50 were ordered to work eight ten hour days on the public roads or to pay \$4.00 in place of it. Failure to do either could result in prosecution and fine. The limits on the general road tax which the Quarterly Court must levy was a minimum of ten cents and a maximum of twenty-five cents per \$100 property valuation. A schedule of penalties was provided for those responsible for infractions of this law. This Act was repealed by Private Acts of 1915, Chapter 145.
 13. Private Acts of 1911, Chapter 425, amended Private Acts of 1911, Chapter 187, above, in Section One by adding at the end of the Section a provision to issue warrants on the Trustee against the district road funds in payment for labor and material in their respective road districts in Dyer County.
 14. Private Acts of 1911, Chapter 561, expressly and entirely repealed Private Acts of 1909, Chapter 258, Item 11, above, and all the offices which were created under that law, including the office of the Road Commissioners, were fully abolished.
 15. Private Acts of 1915, Chapter 145, repealed Private Acts of 1911, Chapter 187, Item 12, above, in its entirety. The new road law provided that the County Judge, or Chairman, would appoint one Road Commissioner in each Civil District to serve for one year. The Commissioner's compensation would be 2% if the road work was contracted out and 10% if the Road Overseer system were used. Commissioners would work under the supervision of the County Judge, or Chairman, and could award contracts under the regulations expressed in the Act. Applications to open, close, and change roads would be filed with and disposed of by the Commissioners in that area. All males, able bodies and living outside of cities, no younger than 21 nor older than 50, were required to work eight 10 hour days on the roads, or pay a commutation fee of \$8.00. Failure to do either could result in their being fined. The Quarterly Court must levy a general road tax of no less than ten nor more than twenty-five cents per \$100 property valuation. Owners of hedges, or trees, which border roads must keep them trimmed so as not to obstruct the vision of anyone using the roads. Some measures to be used in the event of emergencies were provided. Commissioners appointed the Overseers who must work the compulsory days as everyone else free but would be paid \$3.00 per day for each day over that number. The Commissioners were obligated to meet at the call of the County Court at least once each year and submit status reports to the Court.

16. Private Acts of 1917, Chapter 743, did not contain a specific repealing clause but apparently succeeded Private Acts of 1915, Chapter 145, above, as the Road Law for Dyer County. The County Judge, or Chairman, would appoint Road Commissioners in each Civil District who would be compensated in the same rate and fashion as in the Act above, who would likewise be sworn and bonded, perform the duties specified in the Act and dispose of all area petitions to open, close, or change roads provided the procedural outlines in the Act were followed. Males between 21 and 50, living outside cities, were directed to work ten 10 hour days or pay \$5.00 as a commutation fee. The Commissioners would assign the road hands to their places. The general road tax must be levied at a ten cent per \$100 minimum but the ceiling on the tax was removed. Trees and underbrush must be kept cleared to avoid road hazards. Overseers would be appointed by the Commissioners at \$2.00 for a 10 hour day over and above the required ten days. The Chairman would call a meeting of the Commission at least annually for a status report. This act was repealed by Private Acts of 1925, Chapter 327.
17. Private Acts of 1921, Chapter 731, stated that it applied to Sumner County but the Road Supervisor was required to furnish his own transportation and could employ Superintendents and Foremen, as needed. The Supervisor must keep an office open for business in the Courthouse and perform the duties specifically outlined in the Act. Eminent Domain could be used to obtain rights of way provided all the restrictions mentioned were observed. The County Court could levy a general road tax of from five to fifteen cents per \$100 and collect the schedule of vehicle registration fees set up in this law. Males 21 and 50 must labor ten 10 hour days on the roads or pay \$5.00. Failure to comply with these demands subjected one to fines in addition. The Road Supervisors must compile a list of all road hands. This Act was repealed by Private Acts of 1929, Chapter 424.
18. Private Acts of 1925, Chapter 270, creates a Board of County Highway Commissioners and a County Road Supervisor; regulates laying out, construction, repair, and maintenance of roads, bridges, and levees; provides for election of the Board and Supervisor, fixes and defines their duties, power and compensation, terms of office; abolishes the office of County Bridge and Levee Commissioner and District Road Commissioner. This Act was repealed by Private Acts of 1929, Chapter 424.
19. Private Acts of 1927, Chapter 251, amended Private Acts of 1925, Chapter 270, above, in Section 8 by directing the County Attorney to do the legal work for the Road Department. Section 10 was amended to allow the office of the Road Superintendent to be located outside the Courthouse. Section 11 was changed to require the County Court to levy a general road tax of not less than five and no more than fifty cents per \$100, plus a privilege tax to be considered as a general road tax. The privilege tax on horses and wagons was eliminated. Road hands could work ten days or else pay fifty cents for each day not worked but the decision to do one or the other must be made when the hand is warned to go to work. The Act added a misdemeanor for anyone to block traffic or the roads by loading wagons or stopping on the pavement.
20. Private Acts of 1929, Chapter 422, required the owner of an automobile, motorcycle, truck, traction engines, or other vehicles of like character to register the same each year with the County Court Clerk and pay a registration fee according to the schedule by weight provided in the Act. The Clerk must give a receipt showing the registration was made. To operate vehicles on the public streets and highways without registering the same was made a misdemeanor. This Act was repealed in Item 23, below.
21. Private Acts of 1929, Chapter 424, specifically repealed Private Acts of 1925, Chapter 270, as the same was amended in its entirety.
22. Private Acts of 1931, Chapter 698, stated that upon receipt of gas tax money from the State of Tennessee in Dyer County, the Trustee would divide the same into two equal parts, one of which would be designated the Highway Liquidation Funds and the other part would be kept as part of the Highway and Road Fund of the County. The Highway Liquidation Fund would be used to pay off the bonded indebtedness incurred in the building of Federal Aid or State Aid roads, whether the bonds were due or not. All bonds paid must be recorded and canceled. This Act was repealed by the one following.
23. Private Acts of 1933, Chapter 450, expressly repealed Private Acts of 1931, Chapter 698, Item 21, above, in full.
24. Private Acts of 1933, Chapter 532, specifically repealed Private Acts of 1929, Chapter 422, Item 19, above, as the same was written.
25. Private Acts of 1939, Chapter 523, stated that the Chairman of the County Court and the Board of Workhouse Commissions could use and employ all prisoners who were physically able to work for

the purpose of maintaining drainage ditches within the boundaries of the County but nothing in this Act would interfere with the usual farm labors of the prisoners.

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