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

1. Acts of 1829-30, Chapter 280, authorized the citizens of the counties of Haywood and Tipton to erect a turnpike causeway across the overflowed lands and other places on both sides of the Hatchie river, and also a bridge across the river at a point to be designated by the company incorporated within the act, with the bridge to be erected between Brownsville and Covington. The company incorporated therein was called the "Big Hatchie Turnpike and Bridge Company". The capital of the company was not to exceed fifty thousand dollars, and subscriptions for shares in the company were opened for sale. The act set out the company's privileges, designated a meeting to be held to elect directors, set out the powers and authority of the directors, designated a commissioner to superintend said turnpike road and bridge, set the rates of toll, allowed for transfer of stock, and stated the term for which the act was to remain in force. This act was amended by Acts of 1847-48, Chapter 83, Sections 6-9, which allowed the company to have and keep a good ferry instead of a bridge, reduced the number of directors, allowed the company to erect cotton sheds and store houses on the side of the turnpike, and renamed the company as the Big Hatchee [sic] Turnpike Company.
2. Private Acts of 1831, Chapter 215, organized the "Big Hatchee [sic] Turnpike and Bridge Company", authorizing it to build roads, causeways and bridges across the Hatchee [sic] River between Brownsville (Haywood Co.) and Covington (Tipton Co.). The act set out the maximum amount of capital of the company; opening and closing of subscription for books; the powers, duties and obligations of the company; time of meeting of the stockholders for elections of directors and officers; powers and authority of the board of directors; rates of toll; penalties for passage without paying toll; provisions for transfer of stock; how the funds acquired from subscription were to be invested; and, designated the company to be forever exempt from payment of any tax. This act, too, was amended by Acts of 1847-48, Chapter 83, Sections 6-9, as stated above.
3. Acts of 1837-38, Chapter 122, Section 5, established and incorporated the Ripley and Covington turnpike company for the purpose of building and establishing a causeway and bridge across Hatchy [sic] river from Ripley (in Lauderdale Co.) to Covington (in Tipton Co.). This company was to be incorporated upon the same terms and have the same powers, rights and privileges as were given to the Big Hatchy [sic] turnpike company.
4. Acts of 1907, Chapter 323, was the first road law for Tipton County. This act provided that the quarterly county court would elect two members to the board of road commissioners, who would have general control and supervision of the construction and maintenance of county roads. The act set out provisions for opening and closing roads, road duty, authorization for the levy of a road tax, records to be kept, compensation for each commissioner, penalties for road obstructions and failure to perform duties. This act was first amended by Acts of 1909, Chapter 49, to require the county Judge to fill any vacancies in membership on the board of road commissioners, and to change the procedure for applying for a road to be opened or closed. Private Acts of 1911, Chapter 87, was an amendment which provided that the road commission could exempt any fourth class road from the general contract made for the working and maintenance of the public roads in the county. Private Acts of 1913, Chapter 294, was the next amendment to the 1907 road law, and provided that construction of new roads in Tipton County was to be done between March 1st and November 1st, while repair work was to be done between November 1st and March 1st. Private Acts of 1917, Chapter 408, again amended the original act to change the method for opening, closing or changing roads.
5. Private Acts of 1915, Chapter 174, was an act to establish road improvement districts in counties designated by a population range for the Federal Census of 1910. These road districts were to be created from the civil district wherein the county seat was situated. The act provided for the management, government and control of the roads, bridges and culverts of the district; provided for a road commission in the district and defined its powers, duties and responsibilities; provided for the opening, closing and changes to be made of roads in the district; provided for the levy of a tax for funds by which to administer the provisions of the act; and provided for labor on the roads to be performed by the inhabitants of such district. This act was amended by Private Acts of 1915, Chapter 370, to correct the population figures so that the original act would indeed be applicable to Tipton County.

6. Private Acts of 1919, Chapter 217, created a county board of highway commissioners, composed of five members to be elected from the five road districts designated therein for two-year terms. The act provided for a superintendent of roads; his salary, duties and responsibilities; powers of the commissioners; use classification of roads; and the levy of a road tax. This act was amended by Private Acts of 1919, Chapter 582, to change the procedures for building and repairing county bridges. The 1919 road law was further amended by Private Acts of 1920 (Ex. Sess.), Chapter 106, to reflect the change in the population figures according to the Federal Census of 1920. The final amendment to the original act was in Private Acts of 1921, Chapter 624, which amended those sections regarding the superintendent's salary, duties and responsibilities; meetings and compensation of the board of highway commissioners; and procedures for the purchasing of road material and equipment and paying for road rights-of-way.
7. Private Acts of 1923, Chapter 256, gave the road commission the authority to remove and use gravel and sand from the beds of navigable streams and to sell such products for funds to improve the county roads.
8. Private Acts of 1923, Chapter 350, as amended, created the five-member Tipton County board of highway commissioners, to be elected by the voters, one from each of the five road divisions, for two-year terms. This board would then appoint a superintendent of roads. The act set forth, inter alia, the powers, duties and responsibilities of the board of commissioners and the superintendent; procedures for opening, closing and changing roads; and, provided for the levy of a road tax. The original act and all amendatory acts were repealed by Private Acts of 1943, Chapter 120.
9. Private Acts of 1931, Chapter 334, validated the action of the quarterly county court in settling a suit between the court and the board of highway commissioners over the use of certain funds from a road bond issue.
10. Private Acts of 1933, Chapter 43, provided that no member of the quarterly county court nor any other county official was eligible for election to the board of highway commissioners. This act was repealed by Private Acts of 1943, Chapter 185.
11. Private Acts of 1937, Chapter 527, required the secretary of the county road commission to file, at least seven days prior to each quarterly county court meeting, a complete, itemized statement of the work authorized by the road commissioners and of all expenditures made by them.
12. Private Acts of 1943, Chapter 120, as amended, was a very extensive act, covering all phases of the management and control of the county highway department by a five-member board of road commissioners and their appointed road supervisor. This act was repealed by Private Acts of 1967-68, Chapter 230.
13. Private Acts of 1955, Chapter 35, provided that the superintendent of roads would be elected by popular vote rather than appointed by the board of road commissioners. This act was repealed by Private Acts of 1965, Chapter 75.
14. Private Acts of 1967-68, Chapter 232, was the next road law for Tipton County. Like other road laws before it, this act divided Tipton County into five districts, provided for the election of a member of the board of highway commissioners from each of those districts, set their salary and bond, and specified their powers. The superintendent of roads was to be appointed by the board of highway commissioners, with approval by the quarterly county court. This act was amended by the Private Acts of 1970, Chapter 220; Private Acts of 1971, Chapter 41; and, Private Acts of 1971, Chapter 63. The original act and its amendments were all repealed by Private Acts of 1973, Chapter, 114. There was also an attempted amendment to the 1967 road law by Private Acts of 1972, Chapter 307, but it failed to win local approval and never became an operative law.
15. Private Acts of 1973, Chapter 114, was an act to create a Tipton County Public Works Committee, which was to be vested with the powers and responsibilities set forth in the act, for the purpose of establishing, building and maintaining a system of public roads and highways in Tipton County. The act divided the county into seven road districts, which were comprised of designated legislative districts. The act provided for a superintendent of public works, defined his duties and powers, and fixed his compensation. It provided for the employment of personnel or labor necessary for the carrying out of the provisions of the act; and provided penalties for the violation of same. This act also served as a repealing act for Private Acts of 1967-68, Chapter 232, as amended. Private Acts of 1973, Chapter 114, as amended by Private Acts of 1974, Chapter 221; Private Acts of 1975, Chapter 116; Private Acts of 1979, Chapter 2; Private Acts of 1980, Chapter 261, Private Acts of 1983, Chapter 97, and Private Acts of 1996, Chapter 122, all of which were properly ratified and approved, locally, but it is unascertainable, either from the secretary of state's office or from the Tipton County Clerk, whether or not local action was ever taken upon the

original act.

16. Private Acts of 2002, Chapter 168, created a Department of Public Works for Tipton County. This act also repealed Private Acts of 1973, Chapter 114, as amended.

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