



March 31, 2025

Highways and Roads - Historical Notes

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Sincerely,

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

1. Public Acts of 1821, Chapter 6, required the county courts of all the counties to index and classify the public roads in the county. The classifications were three in number and were based upon use, width, and surfacing material. Widths ranged from a stage road down to one which was wide enough to permit the passage of two horses and riders moving in opposite directions on the way to mill or market. This is the earliest act found which started the state on its way to a good overall transportation system bringing into reality the index and classification of roads which are the foundation of transportation networks. Obstructions were prohibited and fines could be levied against anyone violating or not complying with any of the provisions of this act.
2. Private Acts of 1822, Chapter 184, authorized Alexander Brightwell to keep his ferry on the Tennessee River where he now has it, two miles below the mouth of Sandy River, and he may receive such fees as have been established by the county court to be charged by other ferry operators. It is the duty of the said Brightwell to appear before the county court of Stewart County, at its next meeting and enter into such bond and security as the court may require of him.
3. Private Acts of 1823, Chapter 299, was the legislative permission for the quarterly court of Stewart County, a majority being present at the time, to appoint an overseer, and allow him to employ a suitable number of road hands who were to keep the streets and roads in the town of Dover in good repair and service, all of whom would be subject to the general laws of the state governing overseers, road hands, and city streets.
4. Acts of 1853-54, Chapter 180, granted to Stewart County, and to ten other named counties, the same authority and right to take out stock in railroads, and to issue the bonds of the respective counties to pay for the stock, subject to the same restrictions as were previously set up for Lawrence, Maury, Williamson, Davidson and others, passed in an act on February 28, 1852.
5. Acts of 1853-54, Chapter 323, was the Act enabling the counties of Tipton, Dyer, Stewart, and Obion, to subscribe to the stock of, and to issue bonds to pay for it, the Great Central North and South Railroad, or to any other railroad company bringing themselves within the requirements of this act.
6. Acts of 1855-56, Chapter 204, allowed the county court of Stewart County to order an election at any time to ascertain the wishes of the people relative to the subscription of stock in the Louisville, Memphis, and Ohio Railroad, and, if and when approved, the county court may purchase the amount of stock previously agreed upon and approved.
7. Private Acts of 1859-60, Chapter 214, named James E. Price, James Lee, Jr., Christopher Dudley, Nathan Brandon, James M. Scarborough, F. P. Gray, E. S. Winn, Clay Roberts, A. B. Ross, Dr. J. W. Smith, Wesley Brandon, Joseph Satterfield, John H. Lesanby, Samuel P. Gentry, E. T. Bayard, and John L. Evans, as commissioners to open books on the stock subscriptions to the Dover and Lafayette Turnpike Company which was chartered to build and macadamize a road from Dover in Stewart County, to Lafayette in Christiana County, Kentucky.
8. Public Acts of 1889, Chapter 89, granted to the U.S. Government a right of way over the public highways leading from the steamboat landing in the city of Dover in Stewart County to the Fort Donelson National Cemetery nearby with the power and the authority to construct and maintain a gravel, or a macadamized road, plus sidewalks, over the above right of way, provided further, however, that the said road shall be traveled free of charge by all persons, and the state and county courts would retain jurisdiction over any and all offenses which might be committed thereon at any time.
9. Public Acts of 1901, Chapter 136, was a statewide road law which applied to all counties under 70,000 in population according to the 1900 Federal Census. The county court of each county in the state, shall elect one road commissioner for each road district, which shall be coextensive with the civil districts of the county, who shall have general supervision over all roads, bridges, overseers, and road hands in that district. The duties of the commissioner are itemized in the act, his compensation is set at \$1.00 per day not to exceed ten days each year, and his term is fixed at two years. The county court shall fix the number of days of compulsory labor on the county roads at between five and eight for all males outside cities between the ages of 21 and 45. The court shall also levy a tax especially for road purposes not to exceed two cents per \$100 property

valuation for each day set for hands to work. The commissioners must name the overseers in their districts who will supervise the road hands and the prisoners who are slated to work on that section of road. The commissioner would also hear and dispose of petitions filed with them by the citizens to open, close, or change roads. Another road tax, not to exceed twenty cents per \$100 property valuation, on all property outside of incorporated cities and taxing districts. This act was cited and discussed by the court in the case of Carroll v. Griffith, 177 Tenn. 500, 97 S.W. 66 (1906).

10. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, in several minor particulars but substantially changed, or established additional features, in the method of acquiring rights of way for the county road system, especially when the power of eminent domain had to be exercised.
11. Acts of 1907, Chapter 452, was the first road law for Stewart County. This law allowed the quarterly court to elect at its January term a road commissioner to serve for one year, who would be sworn and bonded, and exercise the entire supervision over all roads, bridges, and culverts in the county. The commissioner must index and classify all the roads in the county and he would decide and dispose of all petitions to open, close, or change roads. Guidelines were provided for soliciting bids, awarding contracts, etc. All males between the ages of 21 and 50, outside of cities, were required to work six days on the roads or pay sixty cents a day as a commutation rate. The trustee would settle with the road commissioner on all moneys and revenues, and the commissioner was allowed to bring suit before any justice of the peace against any person who had not worked on the roads or paid his commutation fees. The commissioner would furnish the county court clerk with a full description of the county roads, would inspect the roads periodically and report their condition to the quarterly court, and would be paid \$500 per year. Penalties were set up for those who violated the provisions of this law.
12. Acts of 1909, Chapter 292, made it the obligation and duty of the quarterly court of Stewart County to elect a road commissioner for one year who shall be a freeholder, sworn and bonded, and who would have supervision over the county roads, bridges, and culverts. The commissioner shall lay out, inventory, and classify roads according to width, use, and surfacing materials, assign work hands to work details, decide on petitions to open, close, or change the roads which were filed by citizens, and could employ the use of the power of eminent domain but must follow the law in that regard very closely. The commissioner could solicit bids and award contracts but again must strictly observe the requirements of the law in these respects. The commissioner must make inspections of the roads at intervals and advise the quarterly court of their condition, keeping adequate records of all phases of these works. All males, outside cities, between the ages of 21 and 50, must work six days on the roads, consisting of nine hours of work, each year or pay a penalty of fifty cents for each day before the first day of June, and sixty cents per day afterwards. In addition, the quarterly court could levy a road tax of not less than 25 cents per \$100 property valuation on all taxable property in the county. Penalties were prescribed for violations. This act had only a general repealer but it is presumed that Acts of 1907, Chapter 452 was repealed.
13. Private Acts of 1911, Chapter 383, contained a general repealing clause and seemed only to be repetitious of prior road laws in 1907 and 1909. The quarterly court must elect a road commissioner for one year to have the supervision of all county roads, bridges, and culverts, who would lay out, index, and classify all roads according to width, use, and surface, who would decide and dispose of petitions to open, close, or change roads, who was permitted to resort to the use of eminent domain when necessary, who could solicit bids and award contracts, who would settle all accounts with the trustee at least once each year, who was required to prosecute all violations of this act before any justice of the peace in the county, and keep proper records of all roads to be improved. The commissioner would further appoint overseers to assist him on each section of road, keep an inventory of all tools, equipment, and materials, and who would draw a salary of \$500 annually. The quarterly court must levy a road tax of 25 cents, or more, to be collected by the trustee. All males between the ages of 21 and 50, living outside of cities, must work six, nine-hour days, on the roads or pay fifty cents for every day missed.
14. Private Acts of 1913, Chapter 166, was the next road law for Stewart County. The act required the quarterly court to appoint an overseer for road sections, not to exceed five miles in length, to supervise and keep the same in repair, to be in charge of all tools and road hands, to be paid \$1.00 per day, and to serve for one year. All males, outside cities, between the ages of 21 and 50, must work from 4 to 8 days, as determined by the county court, or pay from \$1.00 to \$1.50 per day. Also determined by the court, for each day missed, but may furnish an able bodied substitute, or a wagon and team if the road hand had tools, materials, and equipment, and the overseers would schedule the work but could call the road hands out at any time in an

- emergency. The quarterly court shall levy a road tax of not less than 25 cents per \$100 property valuation to finance the payment of these funds and to keep the roads in repair, and the court would henceforth decide on the petitions to open, close, or change roads, and prescribe how the work was to be accomplished. The highway commission shall build roads according to standards specified and certify the amounts due to laborers and contractors. All violations, or failures to comply, could be punished by the imposition of fines in any justice's court. This act repealed all conflicting acts enacted prior.
15. Private Acts of 1913 (Ex. Sess.), Chapter 29, amended Private Acts of 1913, Chapter 166, in Section 2, by repealing it and inserting a new section to provide that anyone eligible as a road hand shall also be eligible to serve as an overseer and be compensated as any other overseer, but must first be approved by a justice of the peace. Anyone refusing to serve could be fined for not doing so. Section 6 was amended so that petitions to open, close, or change roads would be entertained and disposed of by the highway commission, who, also, by amendment to Section 13, would be paid \$1.50 per day for each day devoted to that responsibility.
 16. Private Acts of 1917, Chapter 298, had a general repealing clause and provided that the quarterly court of Stewart County would elect a road commissioner at its January term who would serve for two years, and if the one elected failed to qualify, the county chairman had the authority to appoint one. The county chairman and the road commissioner were directed to appoint overseers in each civil district who would be in immediate charge of the road work and the road hands, who would be paid \$1.00 to \$1.50 as the court might decide. The road commissioner would also procure all necessary tools and machinery, make contracts under \$100 and could not pay any overseers before they settled up all accounts with him. Mile posts were to be installed, the roads inspected, and reports made to the quarterly court. The county court would fix the number of days for road hands to work which were not to be less than four, and set the price to be paid for not working. The commissioner would be paid from \$500 to \$600 a year, and road hands who did not work must pay \$1.00 for each day missed.
 17. Private Acts of 1919, Chapter 58, amended Private Acts of 1917, Chapter 298, in Section 3 so as to allow for more than one overseer in the district and raised the daily pay to \$1.50 to \$2.00 for the overseer. A paragraph was added to Section 12 which required the owners of wagons and teams to work on the roads from two to four days or pay \$3.00 for each day missed by each team and wagon. The overseer shall furnish a list of all in his area who had a team and wagon. People would be assessed \$4.00 for each day due and not worked, and in addition, violators could be fined from \$10 to \$25.
 18. Private Acts of 1921, Chapter 225, made it the duty of the county judge of Stewart County to have and exercise all the jurisdiction over the public roads of the county, now or hereafter established, and the office of road commissioner is hereby abolished. The county judge shall appoint one, or more, overseers in each civil district in January of each year who shall supervise and work the road hands, making out and certifying a list of them and the days to be worked to the county judge. Compensation was at the rate of \$2.50 per day, or as it was fixed by the county court. The judge was given the jurisdiction over all roads, bridges, and culverts, which shall be laid out, indexed, and classified, keeping all proper records. The judge shall make an inventory of, and be in charge of, all tools, machinery, and equipment, and may remove overseers from their posts. The county court will fix the number of days between four and eight for the road hands to work, each day being a ten hour day. All males between 21 and 50, outside of cities, must comply or pay \$2.00 for each day missed. The quarterly court must levy a road tax of no less than 25 cents per \$100 property valuation which the county trustee shall pay over to the judge. The county judge may open, close, or change roads, and was required to take them out of creek beds wherever possible.
 19. Private Acts of 1925, Chapter 602, gave to the county highway commission, of Stewart County, the jurisdiction over the automobile road funds and all public roads. The present commission shall continue in office until the April, 1927, term of the county court, who will then appoint a five-member highway commission to serve for two years. The commission shall meet, elect a chairman, and a secretary, who shall lay out and assign roads to each commissioner. The commissioner will appoint one, or more, overseers in each civil district, or may serve as overseer himself, who would supervise and work the road hands, keep track of and records on all tools, equipment, materials, and road hands to do their work. Overseers must be bonded, and would be paid \$2.00 per day worked. The commission shall lay out, index, and classify, all the roads and provide each overseer with all the necessities for keeping the roads as directed. Road hands must work at least four ten hour days, and the people furnishing teams and wagons must work two days. All males between the ages of 21 and 50 were eligible, or they must pay \$1.50 for each day

- missed. A special road tax of not less than 25 cents per \$100 property valuation must be levied by the quarterly court and collected by the trustee. Commissioners would pass an applications to open, close, or change roads, and be paid \$100 per year.
20. Private Acts of 1927, Chapter 546, amended Private Acts of 1925, Chapter 602, above, to provide that the sheriff is hereby declared to be the ex-officio workhouse commissioner and the county jail is declared to be the workhouse. The sheriff and the jailor shall have the care and custody of all the county convicts committed to that institution, except when they are working on the county roads or going to and from the workhouse to their work. The county judge was directed to appoint a guard at \$1.50 a day when the number of prisoners justified it. This law is intended only to provide a method for working convicts on county roads and bridges, or in procuring the materials to go on them. In all other respects the general law of the state prevails.
 21. Private Acts of 1929, Chapter 231, stated that the county court of Stewart County was authorized, empowered, and directed to divert from the road bond sinking fund an amount sufficient to pay some debts still owing on some road projects. The act allocated \$5,000 to the Bumpus Mills Bridge, \$5,000 to the bridge across Standing Rock Creek at Parker's Ford, \$1,000 to Caldwell and Company for their debt on other bridges, \$250 for the bridge across Ginger Creek in the eighth civil district, and \$4,000 to retire some due and unpaid bonds in various banks. The steps to be followed in making these payments are detailed in the act.
 22. Private Acts of 1929, Chapter 931, was the next road law for Stewart County with only a general repealing clause. The act created a county highway commissioner, appointed by the quarterly court for a two-year term, who must be sworn and bonded, and who would have control over all county rural road funds which would be dispersed only on his orders. The county judge must keep a record of all the expenditures. The commissioner must appoint overseers in each civil district to work the road hands which overseers must work the time required by law and then would be paid \$2.00 a day for each day over that period. Overseers must be bonded, must furnish the commissioner the names of all the road hands in his district and of those who own wagons and teams. The commissioner must catalogue and classify the public roads, and be in charge of all the tools and equipment. A work day must be 8 hours long but no longer than ten. All males, 21 to 50 years of age, outside cities, must work 6 days, and wagons and teams must work two days, or pay \$2.50 per day or commutation for each wagon and team not worked. Road hands could commute by paying \$3.00 before June 1, and \$4.50 afterwards. The court must levy a road tax of no less than 25 cents per \$100.00 which the trustee would collect and which would be spent as the act specified. The commissioner would handle the applications to open, close, or change roads, exercise the power of eminent domain when needed, and see to it that all roads came out of creek beds whenever possible. The commissioner would report to the county judge and be paid \$800 a year, plus \$30 a month to employ clerical help in keeping the records.
 23. Private Acts of 1931, Chapter 3, only had a general repealer but was the next road law for Stewart County. This act established a county highway commissioner for each civil district, or road district, as afterwards designated, who would be appointed by the governor to serve until their successors could be elected in the general August election of 1932. The commissioners must be sworn and bonded. There would be two road districts in the county, the First to be made up of the first five civil districts, plus district 13, and the remainder to be second road district. The commissioners would have control of all the road funds in the county. The county judge must keep a well-bound book in which all the records must be entered. The commissioners would appoint all overseers in each district to work at a daily rate not to exceed \$2.00 after they had completed their obligatory days. The overseers would be in immediate charge of the road hands, and must be bonded likewise before assuming their duties which were specified in the act. All males, 21 to 50, must work four, 10 hour days a year, and those furnishing wagons and teams must work two days, or both pay \$4.00 to commute. The quarterly court must levy a road tax of at least 25 cents per \$100 property valuation which would be collected by the trustee and distributed as ordered by the court. The overseers could enforce all the terms of this act before any justice of the peace. Commissioners would dispose of petitions to open, close, or change roads and exercise eminent domain in accordance with the terms and conditions of the general law. The commissioners would be paid \$800 a year, and could be fined up to \$100 for neglect of duty. The county judge would be paid \$2.50 per day for every day devoted to the discharge of his responsibilities under this act. The commissioners were named as the county agency to deal with state authorities.
 24. Private Acts of 1933, Chapter 249, amended Private Acts of 1931, Chapter 3, by striking out Sections 23, 24, 25, 26, 27, 32, and 34 in their entirety. In the place of Section 34 a provision was inserted for two commissioners to be appointed by the county court for one year and whose

- pay shall be fixed and not changed during the term. Section 32 was changed to provide that no credit against the days he would be legally required to work. Section 23 stated that the commissioners were not authorized to make any future purchases of any kind but the same shall be done under the Purchasing Act by the purchasing commission.
25. Private Acts of 1935, Chapter 548, was a road law for Stewart County with a repealer of all conflicts. The act created a county highway commission composed of one member from each of the road districts hereinafter established, who would be elected by the people of the district. The current commissioners will hold their offices until their successors are elected in the general August election in 1936 and take office for two years after being sworn and bonded. The two road districts were made up of the 13 civil districts in the same way as reported in the acts above. The commissioner must be a resident of his district and will be in charge of all the roads and road funds in his district. The commissioner would appoint the overseers in the area who would be paid \$1.50 per day, worked up to \$52 a year, but the overseer must first work out his compulsory days as others did. The overseer must give the commissioner the names of all road hands in his area and make settlement once a year on all the tools and supplies. The commissioner is responsible for all the tools, supplies, and materials in his district. The same regulations for road hands were repeated in this act, and a special road tax of no less than 25 cents was required. No roads would be allowed to be in creek beds, and the overseers must enforce all the provisions of this law before the justices of the peace. The commissioners would be paid \$600 a year and devote all his time between March 1 and November 1 to the job, and as much as may be necessary otherwise, and they must inspect, examine, and correct all the deficiencies. These two commissioners and the county judge, or chairman, would compose the highway commission.
 26. Private Acts of 1937, Chapter 644, did not specifically repeal any prior law but was the next road law for Stewart County. The act provided for a county highway commissioner for each district created herein who would be elected by the people of the district in the August general election of 1938, and succeed the present commissioners in office on September 1, 1938, holding for a two year term, after being sworn and bonded according to law. The two road districts were composed of civil districts, as before. The commissioner would appoint overseers in each civil district who must first work their compulsory road time and then be paid \$1.50 per day up to \$50 a year, but must give bond for the tools and materials furnished during the year, and must furnish the commissioner with the names of the road hands in the area and supervise their work as they perform it. Overseers must also report the conditions in their area to the quarterly court each quarter. All males, ages 21 to 50, must work four days, and wagons and teams must work two days or pay \$4.00 and \$5.00 commutation fees respectively. The quarterly court was required to levy the 25 cents, or more, special road tax. The commission would dispose of all the applications for road changes, and be paid \$600 a year payable monthly, devoted their entire time to their positions between March 1 and November 1. The commission would disburse all state funds allotted to the district and be the agent for the county in its dealings with the state. The commissioner may appoint a general road supervisor who meets the qualifications set up in the act, who would hold office at the same time and receive a maximum salary of \$1,800 a year. No one could be exonerated from road duty. This act was repealed by the one following.
 27. Private Acts of 1945, Chapter 82, expressly repealed Private Acts of 1937, Chapter 644.
 28. Private Acts of 1945, Chapter 85, created the position of a general road superintendent in Stewart County, who would be appointed by the county judge, or chairman, to serve one year from the July term of court, provided the court confirmed the appointment. The superintendent must be sworn and bonded, keep his office open for the inspection of his records by the public, and be paid \$1,500 a year. Vacancies in the office must be filled in the same manner. The superintendent could employ help and pay them out of the general road funds. The county court must levy a road tax of no less than 25 cents per \$100 property valuation which would be collected by the trustee at a 2¼% commission. Roads must be classified by the court which will also dispose of applications to open, close, or change roads. The county judge, or chairman, must approve all expenditures from the gas tax fund. The superintendent would be in charge of all the road work, tools, equipment, and materials and could appoint overseers if they were needed.
 29. Private Acts of 1947, Chapter 1, amended Private Acts of 1945, Chapter 85, by striking Section 2, and inserting a new section which provided that the general road Supervisor would be elected by the quarterly court at its July term to serve for one year, and vacancies must be filled by the same method, or by appointment of the county judge, or chairman, until the July term. A majority of all the justices, not just those present, is required when the general road supervisor is being selected.
 30. Private Acts of 1951, Chapter 444, added the sentence at the end of Section 2 which required the

county engineer to execute bond in the sum of \$5,000, conditioned upon the faithful performance of his duties.

31. Private Acts of 1951, Chapter 170, specifically repealed Private Acts of 1945, Chapter 85, as it was amended, which was the road law of Stewart County. Chapter 171, Private Acts of 1951, followed this act and is the current road law for Stewart County with its amendments.
32. Private Acts of 1961, Chapter 191, increased the annual salary of the county road engineer from \$2400 to \$3,000 in Section 2 of the base act.
33. Private Acts of 1963, Chapter 110, deleted the second sentence in Paragraph 1, Section 1, which made the county judge, the county engineer, and the direct representative in the house of the general assembly all ex-officio members of the county road commission and substituted the provision in the act. The second sentence of the second paragraph was also deleted which provided the method of filling vacancies in the ex-officio membership of the county judge, the road engineer, and the third representative and substituted the provision written in the act. This act was properly ratified.
34. Private Act of 1965, Chapter 140, raised the term of the county road engineer from two years to four years and his annual salary from \$3,000 to \$4,500 by adding the last paragraph to Section 2. Section 3 was amended in the first power given to the commission by changing \$200 to \$300 as the same now appears.
35. Private Acts of 1974, Chapter 262, increased the salary of the road engineer to \$10,000 from \$4,500, and prohibited his working anywhere else by adding the last paragraph to Section 2. Section 5 was amended by inserting the paragraph found instead of the original which limited the salary of the secretary to \$140 a month. Section 7 was changed to include the paragraph following the first paragraph and before the third which was a new added segment.

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