



November 26, 2024

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

1. Acts of 1835-36, Chapter 5, incorporated Epps Moody, Eastin Morris, Robert Cotton, John T. Foster, Thomas Boothe, George Anderson, John Anderson, James F. Gaines, Henry Kirk, John Brown, Jared Hotchkiss, Robert A. Parker, and James Gray, all of Fayette County, ten more named persons from Shelby County, and six more individuals from Hardeman County, collectively, as the Trustees of the Lagrange and Memphis Railroad Company.
2. Acts of 1837-38, Chapter 108, declared that the provisions of the law of the present General Assembly authorizing the Governor to subscribe to one-half of the stock in the works of internal improvement is construed to apply also to macadamized roads and to the Lagrange, Somerville, and Memphis Railroad Company.
3. Acts of 1837-38, Chapter 208, appointed fourteen people from Shelby County, and John H. Ball, John C. Cooper, Matthew Rhea, William A. Jones, A. J. Henry, William D. Wilkinson, Peter Culp, and John Blackwell, all from Fayette County, as Commissioners to open books for stock subscriptions to the Memphis, Somerville, and Bolivar Turnpike Company, which was to be a road at least twenty-five feet wide, well-drained, and graded from the center to the sides. Other rules and requirements of its operation and management were set out in the Act including a partial schedule of toll rates which were allowed to be charged.
4. Acts of 1837-38, Chapter 224, incorporated a Turnpike Company with a capital of \$60,000 to construct a graded turnpike from Jackson in Madison County to Somerville in Fayette County by way of Denmark. The act had the names of the persons from Madison County, five from Haywood County, and James Smith, _____ Griffin, Thomas Dodson, and Willie Shane, all from Fayette County, who would be Commissioners to open books and sell stock in the said Turnpike Company. The remainder of the organizational details were left up almost entirely to the Commissioners.
5. Acts of 1837-38, Chapter 229, was the legislative authority for the Governor to increase the amount of stock, which the State had bought through the Internal Improvement Program, in the Memphis and Lagrange Railroads, provided the President of the said Railroad make application for the same.
6. Acts of 1837-38, Chapter 271, appointed Edmund S. Tappan, John C. Cooper, Asbury Crenshaw, Henry G. Smith, John C. Spence, Hiram Faine, Edwin Watkins, John H. Bull, Andrew J. Henry, John Cobbs, Durant Hatch, Albert G. Hunter, Henderson Owen, James F. Ruffin, Simon H. Walker, Josiah Higgason, William Reeves, Edwin Whitmore, and Joseph B. Littlejohn, all residents of Fayette County, as Commissioners to open books and raise stock up to \$25,000 to build a sanded, or graded, road and turnpike from Belmont to Somerville in Fayette County. The road could be continued to Randolph in Tipton County by way of Concordia. When one-third of the road was completed, a toll gate could be opened at an appropriate spot.
7. Acts of 1837-38, Chapter 309, permitted the Memphis and Lagrange Railroad, previously incorporated in the 1837-38 session of the General Assembly, to raise the amount of their authorized capital stock to \$425,000 in order to continue the construction of the lateral branch of the Railroad from Somerville to Jackson, or to some other point to connect with the Central Railroad from Jackson to the Mississippi River. The entire proposition would be subject to and governed by all the existing laws relative to railroads.
8. Acts of 1839-40, Chapter 101, was the authority for the President and the Directors of the Lagrange and Memphis Railroad Company to increase its capital stock to Two Million Dollars to enable the Company to complete the main road from Memphis to Lagrange, the branch line from Somerville to Moscow, and the extension of the branch from Somerville to Jackson in Madison County, and for any other incorporated work in the Counties of Shelby, Fayette, Hardeman, Hardin, and McNairy. Regulations were promulgated in the Act to accomplish the objectives.
9. Acts of 1841-42, Chapter 18, allowed the further time of two years to the Lagrange and Memphis Railroad, starting January 1, 1842, to complete their main line between Memphis and Lagrange and the branch from Moscow to Somerville. (Note: There were other railroads being built which involved Fayette County but the Memphis to Lagrange Railroad seemed typical of the plight and the struggles of railroads which proliferated in Tennessee before and subsequent to the Civil War.)

10. Acts of 1843-44, Chapter 21, incorporated John Ingraham and Andrew Turner, as the "Jackson, Somerville, and Memphis Turnpike Company" which was obligated to open and construct a turnpike and ferry across the Hatchie River near Atwood on the road leading from Jackson to Denmark to Somerville and Memphis. Three years were allowed as the time in which the road must be completed. When the road was completed, inspected and accepted, the company could charge tolls for the use of the road and ferry which must always have a suitable and safe boat available for use.
11. Acts of 1843-44, Chapter 62, authorized the County Courts of the Counties of Shelby, Fayette, and Hardeman, through which the stage road must run, to order that the first class roads in their respective counties be opened to the width of forty-five feet, or less, as the Courts might consider to be practical and proper.
12. Acts of 1843-44, Chapter 67, named William Jones, John H. Ball, John C. Cooper, B. Douglass, L. P. Williamson, H. B. S. Williams, L. J. Coe, and James Ruffin, of Fayette County, plus eleven more who were from Shelby County, as Commissioners, to open books and sell stock to build a turnpike road from Memphis to Somerville. The statute also named J. I. Potts, E. T. Collins, E. W. Harris, J. W. Burton, W. B. Hamblin, and Thomas Winston, of Fayette County, and eight additional people from Shelby County, as Commissioners for a turnpike road from Memphis to Lagrange by way of Germantown, with rules and guidelines included in the Act.
13. Acts of 1843-44, Chapter 73, allowed the Memphis and Lagrange Railroad Company the further time of four years from and after January 1, 1844, to complete the main road from Memphis to Lagrange and the branch line from Moscow to Somerville and, in the future, five Directors of the Railroad would constitute a quorum to do business.
14. Acts of 1845-46, Chapter 114, listed eight people from Shelby County and L. H. Coe, J. C. Cooper, Burchett Douglas, H. J. Cannon, John Cobb, Calvin Jones, and William Ruffin, of Fayette County, as Commissioners to open books and sell stock up to \$100,000 in \$25 shares to make and build a turnpike road from Memphis to Somerville with the authority to extend the same to Bolivar and the Commissioners would have and enjoy all the rights and privileges of other turnpike companies.
15. Acts of 1849-50, Chapter 249, Section 3, made it the duty of the Governor to appoint three Commissioners, who were not stockholders in any railroad company, who owned no real estate south of the Hatchie River, and who resided west of the Tennessee River and north of the Hatchie River, to assess the value of the State's interest in the Memphis and Lagrange Railroad and to report the same to the Governor who would then convey the interest to the Memphis and Charleston Railroad Company with all the attendant rights, privileges, and liens.
16. Acts of 1851-52, Chapter 280, Section 11, amended the Charter of the Memphis and Somerville Road so that whenever five miles of the said road were completed, the County Court of Shelby County would appoint three Commissioners to examine the same, and, if that portion had been completed according to the Charter, a toll gate may be opened. Another amendment required the Company to open their road to a width of thirty feet including ditches and with a plank track at least ten feet wide within that width.
17. Acts of 1853-54, Chapter 225, repealed that part of the Charter of the Memphis and Somerville Turnpike Company which required the Company to build their road to the Fayette County line. The width of the road would be eighteen feet of which at least nine feet would be built of wood or some other equally substantial material.
18. Acts of 1865-66, Chapter 14, granted the Memphis and Somerville Plank Road Company additional time until January, 1868, to build bridges and parallel roads in accordance with the provisions of their Charter, but no toll would be collected until the Company had put the road in good and usable condition. However, non-compliance with the provisions of their charter would not work a forfeiture of it.
19. Acts of 1901, Chapter 136, was a general road law applying to all counties under 70,000 in population according to the 1900 Census. The County Court of each County would elect one Road Commissioner from each road district which would be co-extensive with the civil districts of the County, who would have general supervision over the roads and bridges in that district, who would be sworn and bonded, procure tools, materials, and equipment and be paid \$1.00 per day up to ten days a year. The County Court would assign the road hands to work, and set the number of days to be worked at no less than five nor more than eight, and fix the price to be paid for a team and wagon. The Court would levy a special road tax of two cents per \$100.00 for each day of work set to be done by the road hands, two-thirds of which could be worked out. The Commissioners would name the overseers in the district to be in immediate supervision of the

- road hands, who would be male citizens, outside cities, between the ages of 21 and 45 years. Roads were to be indexed and classified according to width and surfacing material type, and in case of construction, specifications were set up to be met. Procedures were established for the filing, hearing, and disposition of petitions to open, close, or change roads. In addition, County Courts were obligated to levy a road tax of not less than twenty cents per \$100.00 property valuation. This act was part of the litigation in the case of Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).
20. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the procedures for the disposition of the petitions to open, close, or change a road especially when the power of eminent domain had to be invoked.
 21. Private Acts of 1917, Chapter 596, required the Quarterly County Court of Fayette County to levy a road tax of \$4 each year on every male resident between the ages of 21 and 50, provided each should have the privilege of working eight hour days on the county roads instead of paying the \$4. If the tax is not paid to the Trustee by February 1 of each year, those failing to pay must work eight days of eight hours each on the roads as directed by those legally authorized to supervise them. In addition, they could be subjected to fines from \$10 to \$50 and to confinement in the county workhouse for a period of not less than 30 days. All funds collected under this Act would be expended on the roads in the District from which they came.
 22. Private Acts of 1919, Chapter 223, was probably the first comprehensive Road Law for Fayette County, by population designation, although the margin relates the law as being applicable to Fentress County. The Act provided for the Quarterly Court of Fayette County to elect three members to a Highway Commission for one, two, and three year terms, and the Court could also remove them from office. The Commissioners would be sworn and bonded, elect one of their members as Chairman for one year, and another as Secretary to serve for two years. The members would be paid \$100 annually, and the Secretary \$300 annually as compensation for their services. The Commission would have the general supervision, control, and management of roads and the District Road Commissioner would be the immediate supervisor of the roads in his District. Good records were required to be kept of all the transactions taking place. The Commission had the authority to employ a Road Superintendent at a salary no greater than \$150 a month, who would be in immediate charge of the department, and whose duties were generally specified in this law. The Commission would designate the roads to be worked, would buy tools, equipment, and materials, and could be fined for willful neglect of their duty. The Quarterly Court would assign road hands to the roads to be worked. They would work from 8 to 12 days, decided by the Quarterly Court who would further levy a special road tax from 20 cents to 70 cents per \$100 property valuation each year. All males between the ages of 21 and 50 must work the required number of days or pay fifty cents for each one missed. This act specifically repealed Private Acts of 1917, Chapter 596.
 23. Private Acts of 1919, Chapter 738, amended Private Acts of 1919, Chapter 223, above, by inserting a new Section 11-a into the Act which set up a registration fee schedule from \$1.25 for a two-horse wagon to \$5.00 for log wagons which must be paid before the owner could lawfully operate those vehicles in Fayette County. Upon the payment of the fee, the County Court Clerk would issue a certificate of compliance and would pay over the fees collected thereunder to the County Trustee each quarter. Any person failing to register their vehicle and obtain the certificate was subject to a fine from \$5 to \$20.
 24. Private Acts of 1921, Chapter 17, expressly repealed Private Acts of 1919, Chapter 738, above.
 25. Private Acts of 1921, Chapter 75, amended Private Acts of 1919, Chapter 223, above, by striking out of Section 12 of the Act the words and figures "fifty cents" and inserting in their place the words and figures "one dollar," which would increase the commutation rate for road hands to that amount for each day of required service missed on the roads.
 26. Private Acts of 1927, Chapter 109, expressly repealed Private Acts of 1921, Chapter 75, above, in its entirety, and was in turn repealed by Private Acts of 1974, Chapter 234.
 27. Private Acts of 1929, Chapter 271, amended Private Acts of 1919, Chapter 223, above, in Section One by increasing the annual salary of the Commissioners from \$100 to \$500; in Section 9 by inserting a new Section which allowed the Commissioners to employ one, or more, District Supervisors for each civil district who would make a list of all road hands in the civil district and the wagon teams available for road work, and complete the same by the first Tuesday in January of each year. District Supervisors must work the required number of days worked over that number. Section 12 was amended to require the Quarterly Court to assess a tax of 50 cents per day on all males between 21 and 50 years of age living outside of cities which could be worked

- out on the roads. Section 13 was changed to read that any person liable therefor who did not appear for work would be deemed to commute and the full amount of taxes would become due and payable and, if not paid in 30 days, the tax would be delinquent and subject to the processes used to collect delinquent taxes. Section 15 was amended to set up the procedures for filing, hearing, and disposing of petitions to open, close, or change county roads and Section 23 and 25 made it the duty of the County Road Supervisor to report the names of all the road hands to the Trustee.
28. Private Acts of 1931, Chapter 234, amended Private Acts of 1929, Chapter 505, Section 2, which is listed as applicable to Fayette County but Private Acts of 1929, Chapter 505, applies to Memphis, Tennessee and is obviously a wrong citation. In all probability Private Acts of 1929, Chapter 271, above, was intended. The amendment changed the date on which the District Road Supervisors must report the names of road hands and owners of wagons and teams from the first Tuesday in January of each year to the first Tuesday in April of each year. This Act was repealed by Private Acts of 1974 Chapter 234.
 29. Private Acts of 1941, Chapter 454, was the next road law for Fayette County containing only a general repealing clause, however. The Act created a five member Board of Roads and Bridges who would be elected by the people for two year terms and who could not hold any other county office. The County Election Commission would hold an election within 60 days after passage of the Act to elect the Board members who would serve until September 1, 1942. Members would choose a Chairman and a Secretary from their number, the Secretary being remunerated at the rate of \$360 a year and the other members at \$120 a year. They would employ a Road Superintendent at \$175 a month, or less, to serve at their pleasure and direction. The Board would be in general charge of all the activities of the road work in Fayette County including the making of all contracts and the disbursement of funds. The Board would keep an office open at the county seat, employing the necessary clerical help for keeping records and would meet regularly once each month to consider the business of the Board and attend called meetings when essential. Regulations and restrictions were imposed upon some activities, as the issuance of payment vouchers, certain records were required, and an annual audit of accounts would be necessary. The Board might employ one, or more, District Superintendents in each civil district, to serve under them and the County Superintendent, and they would report on the number of road hands and teams in their Districts. All must work the number of days set by the County Court between 8 and 12, and then be paid for days worked over that number. The Quarterly Court must levy a road tax of fifty cents for each day of compulsory labor on all males between 21 and 50, except those living in incorporated towns but this amount can be worked out on the roads. Anyone failing to appear for work would be deemed to have elected to commute and the full amount of tax would be due and payable with a penalty if not paid within 30 days, and would further be guilty of a misdemeanor. Provisions were made for the filing and disposition by prescribed procedures of petitions to open, close, or change roads, and for the payment of damages if eminent domain were involved. No one could obstruct a bridge or a road without penalty. This Act was repealed by Private Acts of 1974, Chapter 234.
 30. Private Acts of 1949, Chapter 143, amended Private Acts of 1941, Chapter 454, the Fayette County Road Law, by increasing the annual compensation of the Secretary of the Board of Roads and Bridges from \$360 to \$600 each year, of the members of the Board from \$120 to \$360 a year, and the ceiling on the monthly salary of the Road Superintendent was raised from \$175 to \$200. This Act was repealed by Private Acts of 1974, Chapter 234.
 31. Private Acts of 1955, Chapter 46, amended Private Acts of 1941, Chapter 454, Section 1, by increasing the upper limit on the monthly salary of the Road Superintendent from \$200 to \$300. This Act was repealed by Private Acts of 1974, Chapter 234.
 32. Private Acts of 1955, Chapter 227, amended Private Acts of 1941, Chapter 454, the Fayette County Road Law, by rewriting Sections 7, 8, 9, 10, and 11 of that Act. Section 7 provided for one, or more, District Superintendents for each civil district who could not hold any other county office, and who must count and report no later than the third Monday in January the number of road hands and teams in his district. Section 8 stated that the Board would assign the road hands to their positions and the Quarterly Court would fix the number of days to be worked at no less than 8 nor more than 12 and set the value of a day's work for a wagon and team. Section 9 repeated the road tax levy of 50 cents for each day's compulsory labor with the same provisions for non-payment but changed the notice procedures a little. Section 10 was rewritten virtually as it was prior to the amending statute and Section 11 made the failure to appear for road work a misdemeanor, also, and provided for fines from \$5 to \$20 for violators. This Act was repealed by Private Acts of 1974, Chapter 234.

33. Private Acts of 1961, Chapter 154, amended Private Acts of 1941, Chapter 454, so that members of the Board of Roads and Bridges would be elected for two year terms by the Quarterly Court starting them on September 1, 1962, and would be chosen in the July term in the even years thereafter. The compensation for the members of the Board was increased to \$600 a year and that of the Secretary to the Board was raised to \$840 a year, and the monthly salary of the Road Superintendent was set at \$450. All the remainder of Private Acts of 1941, Chapter 454, would remain in full force and effect. This Act was repealed by Private Acts of 1974, Chapter 234.
34. Private Acts of 1968, Chapter 480, amended Private Acts of 1961, Chapter 154, above, by increasing the annual pay of members of the Board of Roads and Bridges from \$600 to \$900 the annual compensation of the Secretary from \$840 to \$1,200, and the monthly salary of the Road Superintendent from \$450 to \$500. This Act was repealed by Private Acts of 1974, Chapter 234.
35. Private Acts of 1970, Chapter 331, amended Private Acts of 1961, Chapter 154, Section 4, as amended, by increasing the monthly salary of the Road Superintendent set therein from \$500 to \$600. This Act was repealed by Private Acts of 1974, Chapter 234.
36. Private Acts of 1973, Chapter 76, did not amend any Act but established the salary of the members of the Board of Roads and Bridges at \$125 a month, of the Chairman of the Board at \$150 a month, of the Secretary of the Board at \$175 a month, and of the Road Superintendent at \$800 per month. This Act was repealed by Private Acts of 1974, Chapter 234.

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