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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,

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The following is a listing of acts which once had some effect upon the county road system in Franklin County, but which are no longer operative.

1. Public Acts of 1821, Chapter 6, required the County Courts of all counties to index and classify the roads within their respective boundaries according to their width and surfacing materials. Penalties were provided for those persons who obstructed roads and for those persons who failed to abide by the terms of the act.
2. Private Acts of 1823, Chapter 292, authorized William Matlock to open a turnpike road starting at James Cox's place on the main stage road leading from McMinnville to Huntsville, Alabama, to be 18 feet wide wherever topography would permit, cleared of all stumps and causewayed when needed. He could charge a toll when the road was completed and accepted by the Commissioners appointed for that purpose. The act exempted from paying the toll all citizens of Franklin and Lincoln Counties, any mail carriers, and any person going to or coming from a mill, a blacksmith shop, muster, or preaching.
3. Private Acts of 1829, Chapter 36, authorized James Dorin and William Gibson to open a turnpike from Caldwell's bridge in Franklin County crossing Cumberland Mountain via these two men's properties to intersect the stage road leading from Jasper, Tennessee, to Bellfont, Alabama, which turnpike had to be 18 feet wide wherever possible. Tolls could be collected when the turnpike was completed, but any mail carrier was to be exempt.
4. Private Acts of 1829, Chapter 96, declared the road running from Colonel Benjamin Hollingsworth's place to Jasper to be a free road and required Franklin and Marion Counties to keep it in good repair.
5. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court would select one Road Commissioner for a two year term from each Civil District which were called Road Districts for the purposes of this Act. The Commissioner would be in charge of all roads, bridges, road hands, tools, and materials used in his area, and would be compensated at the rate of \$1.00 per day but for no more than ten days each year. The County Court would fix the number of days road hands would be compelled to work and fix the price on one day's labor. The County Court could also levy a road tax of two cents per \$100.00 for each day of labor for the road hands. Road Commissioners would name and supervise the Road Overseers in their Districts who would be the immediate supervisors of their section of road, would work the same number of compulsory days and be paid up to \$6.00 per year for the days worked over that number. All males outside of the cities between the ages of twenty-one and forty-five were required to work on the roads. The Commissioners would hear and dispose of the petitions to open, close, or change a road, would classify and index the roads in their Districts, and would see to it that the roads in their Districts met the basic specifications established in the Act. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
6. Acts of 1903, Chapter 242, amended Acts of 1901, Chapter 136, Section 3, above, by inserting a provision that one-half of the labor and one-half of the money paid in commutation of labor, and one-half of the road funds raised by taxation may be devoted to the repair, construction, and upkeep of the roads in the District from whence it all came.
7. Acts of 1903, Chapter 249, amended Acts of 1901, Chapter 136, above, in Section 1, by giving the Grand Juries in the Counties the inquisitorial powers to investigate certain offenses defined in the Act. Section 4 was amended by requiring that presentments be made against any Road Overseer who failed to perform as required by the Act, and Section 12 was changed to make any contractor failing to perform his contract, or failing to do his duty in the road programs guilty of a misdemeanor and subject to prosecution and fines.
8. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, by adding a provision that any person living in a Civil District who refused to serve as a Road Commissioner was guilty of a misdemeanor, and that the Commissioners would be paid for their services, the amount to be set by the County Court, not to exceed \$40 for each Civil District. All suits filed would be prosecuted in the name of the County Trustee and all money collected would be paid over to the Trustee.
9. Private Acts of 1915, Chapter 134, allowed the County Court of Franklin County to levy a tax of not less than fifty cents per one hundred dollar valuation of property subject to tax, to improve, macadamize, construct, lay-out, grade, drain, pave, pike, and maintain roads in the County. The

County Court would elect three members to a Board of Commissioners with the County Judge and County Court Clerk as ex officio members. The Board would have full control of the building and maintenance of the roads and the expenditure of funds from the tax levy which would be kept as a separate fund. The members could not be interested personally in any contract let by the Board and each was to post a \$3,000 bond. The Board would settle or compromise damage claims and suits, fix the amount of privilege tax for the use of roads so long as such tax did not apply to farmers hauling products from farm to market, and work prisoners on the roads. The act was applicable to certain named roads.

10. Private Acts of 1915, Chapter 595, amended Private Acts of 1915, Chapter 134, above, by adding four additional roads covering 43 miles to the list of roads affected by the earlier act. The four roads were to be regarded as a single project, to be paid for, worked on, and completed as provided in the earlier act for the roads on the original list.
11. Private Acts of 1927, Chapter 531, amended Acts of 1901, Chapter 136, above, by limiting the tax levy to two cents per \$100 valuation of property for each day assessed to labor on the public roads. The act required all non-exempt male residents of Franklin County between ages 21 and 60 to work on the public roads for a period to be set that would not be less than 6 days nor more than 10 days per year. Owners of teams and wagons were required to commit them to work on the roads for the same period. Anyone could make payments to the County in lieu of work.
12. Private Acts of 1929, Chapter 125, required the State of Tennessee to repay Franklin County all funds expended by the County on any roads which had been designated by the State Department of Highways and Public Works as a part of the state highway system, but the amount reimbursed was not to exceed \$40,000. The content of this statute was enacted into law again as Public Acts of 1929, Chapter 146.
13. Private Acts of 1929, Chapter 430, created the office of Superintendent of Roads. The official would be a citizen of the County and experienced in road building and maintenance. The position would be filled by the County Highway Commissioners for two-year terms. The Superintendent would execute a \$5,000 bond, and would be subject to removal by a majority of the commissioners for certain offenses. He would have general charge and supervision of all road work. The Quarterly Court would elect District Road Commissioners who would be assigned duties in their districts by the Superintendent and would make reports concerning their work to the Court. All males between 21 and 50 years of age were subject to road work but could commute at \$1 per day; owners of wagons and teams, subject to 3 days annual duty, could commute for \$2 per day. Workhouse prisoners could be used on the roads under the supervision and control of the Superintendent and the Commissioners.

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