



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

May 18, 2024

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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Highways and Roads - Historical Notes

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

1. Acts of 1837-38, Chapter 251, incorporated the Ripley and Covington Turnpike Company to build a causeway and bridge across the Hatchie River and bottom from Ripley to Covington, and appointed Reason T. Byrn, Guy Smith, Griffy L. Rutherford, Joseph Wardlaw, Samuel V. Gilliland, Dabney Philips, F. R. Smith, William C. Hazen, James N. Smith, Joseph Collier and Samuel Holmes as Commissioners.
2. Private Acts of 1857-58, Chapter 131, authorized the Quarterly County Court of Lauderdale County to classify the county roads and to assess property and poll taxes to be applied to keeping up and repairing the county roads. The Quarterly Court was directed to appoint one or more county road supervisors who would be paid \$1.50 per day for their services. The first nine sections of this Act, which were all that applied to Lauderdale County, were repealed by Private Acts of 1859-60, Chapter 180.
3. Public Acts of 1899, Chapter 368, was a road law applying to all counties under 110,000 in population. The county courts in every county in the state were directed to elect one Road Commissioner every two years to be responsible for all of the roads and bridges in the county. The Road Commissioner was to be paid \$2 per day for his services up to a maximum amount which depended upon the population of the county. Road labor was to be performed only during May, June, July, August and September. Each county was directed to levy a road tax of not less than 5¢ nor more than 40¢ per \$100 property value. The position of road overseer was abolished and all road work was to be done by contract, with each contractor having the benefit of the road hands assigned to his section of the road. All males between 18 and 50 were required to perform road labor and pay poll tax.
4. Acts of 1901, Chapter 136, was a road law applying to all counties under 70,000 in population. The County Courts were directed to elect a Road Commissioner for each road district (co-extensive with civil districts), to hold office for two years and to receive for his services \$1 per day, not to exceed \$10 per year. The Road Commissioners were directed to appoint an overseer for each section of public road, to be responsible for the road work on his section of road. Males between the ages of 21 and 45 were required to perform road labor. The County Courts were directed to levy a road tax not exceeding 20¢ per \$100 property value on all taxable property outside cities and towns.
5. Acts of 1905, Chapter 146, was a road law applying only to Lauderdale County. The Quarterly County Court was given general supervision of the public roads and bridges, and was directed to classify the roads into four classes: (1) 30 to 60 feet wide; (2) 25 to 40 feet wide; (3) 18 to 25 feet wide; and (4) 14 to 20 feet wide. Petitions to open, close or change roads were to be heard by the County Judge or Chairman. Road Districts and Road Commissioners were abolished. The County Court was directed to appoint road overseers for each section of road. All males between 21 and 50 years old were required to work six days on the road or pay a commutation fee of \$6.
6. Acts of 1905, Chapter 478, amended the general road law contained in Acts of 1901, Chapter 136, to change the method for opening, closing and changing roads.
7. Acts of 1907, Chapter 9, was a road law applying only to Lauderdale County. The County Court was directed to appoint a road commissioner in each civil district to serve a two year term. The road commissioners were to appoint and supervise the road overseers. Repairs and ditching could be done at any time, but plowing and grading could only be done between May 15 and October 1. All males between 21 and 50 years old were required to work the number of days established by the County Court or send an able-bodied substitute, or pay \$1 per day. The district road commissioners were authorized to have the road work in their district performed by contract if they so desired, with the district commissioner to supervise the work in conjunction with the magistrates in the district.
8. Acts of 1907, Chapter 268, amended Acts of 1907, Chapter 9, to require that all petitions to open, close or change roads be in writing and filed with the County Judge or Chairman, and to change the procedure for determining damages. The age at which males were required to begin road labor was lowered from 21 to 18.
9. Acts of 1909, Chapter 198, amended Acts of 1907, Chapter 268, to change the minimum age for road labor back to 21.

10. Private Acts of 1911, Chapter 460, was a new road law for Lauderdale County. The County Court was directed to appoint three road commissioners for the county. The road commissioners were to appoint a district commissioner for each civil district. The road commissioners and district commissioners were to serve three-year terms. The district commissioners were to take charge of and supervise the overseers. All males between the ages of 21 and 50 were required to perform road labor or send an able-bodied substitute, or pay 50¢ per day not worked if paid before April 1 or \$1 per day if paid after April 1. Districts were permitted to have their road work done by contract, to be supervised by the District Commissioner in conjunction with the Justice of the Peace in the district. The district commissioner was given broad discretion with regard to widening of roads. Applications to open, close or change roads were to be made by written petition to the County Judge or Chairman. The County Court was authorized to levy a road tax between 15¢ and 25¢ per \$100 property valuation. This act was repealed by Private Acts of 1919, Chapter 216.
11. Private Acts of 1915, Chapter 67, amended Private Acts of 1911, Chapter 460, to permit the road commissioner to live within or outside the corporate limits of any town and residence within the limits of a city or town would not disqualify him from office, and to require those who were excused from road duty because of a physical disability to show they were also released from poll taxes at the same time.
12. Private Acts of 1915, Chapter 414, amended Private Acts of 1911, Chapter 460, to abolish the system of three road commissioners and create the office of County Superintendent of Public Roads, who would assume and discharge all the duties of the commissioners and serve a three-year term. The superintendent was required to be a civil engineer but was not required to be a resident of the county. The superintendent was given charge of all roads and road projects in Lauderdale County. This act was repealed by Private Acts of 1919, Chapter 215.
13. Private Acts of 1917, Chapter 37, amended Private Acts of 1915, Chapter 414, to remove the requirement that the road superintendent be a civil engineer.
14. Private Acts of 1919, Chapter 215, repealed Private Acts of 1915, Chapter 414, abolishing the office of County Superintendent of Public Roads.
15. Private Acts of 1919, Chapter 216, repealed Private Acts of 1911, Chapter 460.
16. Private Acts of 1919, Chapter 368, was a road law applicable only to Lauderdale County. The County Court was directed to appoint a road commissioner for each civil district for two year terms, who would take charge of and supervise the road work in their districts, including the road overseers and all assigned road hands. The Commissioner would be paid 35¢ per hour for all time in excess of the required road work days if he filed a sworn statement with the County Judge. All males between the ages of 21 and 50 were required to work the number of 8-hour days specified by the County Court or furnish an able-bodied substitute, or pay a fine of at least \$5 but not more than \$25 per offense. Districts were permitted to have their road work performed by contract. Petitions to open, close, widen or change a road were to be heard by the County Judge. The county court was directed to appoint committees for the building of bridges and levees, and a three-member committee to have charge of all heavy road equipment.
17. Private Acts of 1923, Chapter 553, was a road law which applied only to Lauderdale County. The act provided for a County Road Supervisor, to be appointed by the Quarterly County Court each January. The supervisor was to be in charge of all roads and bridges, tools, vehicles and equipment, and purchase supplies as needed with the approval of the County Judge. The salary of the supervisor was \$1,200 per year, which could be supplemented by the Quarterly County Court. Districts would continue to have commissioners and overseers. All males between the ages of 21 and 50 were required to work the number of days specified by the County Court or furnish an able-bodied substitute, or pay \$6 per day not worked. Districts were permitted to have their road work performed by contract. Petitions to open, close, widen or change a road were to be heard by the County Judge or Chairman. This act was repealed by Private Acts of 1925, Chapter 72.

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