



County Technical Assistance Service  
INSTITUTE for PUBLIC SERVICE

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# Highways and Roads - Historical Notes

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# Highways and Roads - Historical Notes

## **Highways - Roads**

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

1. Acts of 1859-60, Chapter 114, stated that after the passage of this Act the County Courts of the Counties hereinafter named shall classify the public roads into First, Second, and Third Classes, and to assess the tax on property and polls of said Counties which tax will be applied to keeping up the said roads according to class. All the above was subject to the successful outcome of a referendum conducted in the counties. The tax will be collected in the normal manner and given to the Trustee. Under certain conditions the County Court could contract this work out rather than attempt it with the road departments. This Act was applicable to Henry, Carter, Johnson, Greene, Obion, Robertson, Meigs, McMinn, Monroe, Polk, Cheatham, Washington, and Cannon Counties.
2. Acts of 1859-60, Chapter 137, Section 2, provided that Section 1434 of the Code of Tennessee shall not apply to the Murfreesboro and Woodbury Turnpike, or to any other road in Cannon County.
3. Acts of 1901, Chapter 136, was a statewide road law applying to every county in the State under 70,000 in population. The County Court would appoint a Road Commissioner for each Road District in the County which were declared co-extensive with the Civil Districts, for two year terms, who would be in immediate charge of roads in that District, who could buy tools, supplies, and expend funds with the approval of the County Chairman, or Judge and who would be paid \$1 per day for each day actually worked, not to exceed ten days per year. A special road tax of two cents per \$100 for each days work ordered for road hands could be levied by the Court. The Commissioners would appoint overseers for roads, as needed, at one dollar a day, not to exceed \$6 per year, who would serve only one year at a time. All males outside of cities between the ages of 21 and 45 shall work on roads as many days as the Quarterly Court directed. Some specifications were set up for roads, and they would also be classified. Prisoners were to be worked under certain conditions, and the Quarterly County Court could designate the roads on which to seek repair and improvement. The mechanics were set up by which petitions to open, close, and change roads could be received and disposed of. Compensation for Commissioners was established so they could receive the same as Justices of the Peace. This Act was the subject of litigation in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
4. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the methods for handling the petitions to open, close, and change roads, especially where the exercise of eminent domain was necessary.
5. Private Acts of 1917, Chapter 730, created a three member Board of Public Road Commissioners, one of whom would be designated as the Road Superintendent and another to be designated as the Assistant Road Superintendent. The members would be selected by the Cannon County Quarterly Court and no member of the Court would be eligible to serve. The Board would be in charge of all the public roads and bridges in the county and could open, close, or change roads, as desired. The Road Superintendent would be paid \$800 per year, and the Assistant would get \$2 per day for each day worked, not to exceed \$100 a year, and the associate member would get \$2 up to \$50 per year. The Superintendent must devote full time to the job but could hire some reliable person to work and drag the road sections. The Superintendent must lay out all the roads on a map and file the same with the County Court Clerk. The County Court was empowered to lay a tax on properties outside of cities for the upkeep of the roads. The Court would classify the roads according to width and surfacing material. Eminent domain was granted to open, close, or change roads and the power to remove, or have removed, all obstructions was conferred. Males, outside of cities between the ages of 21 and 45 must pay a tax of \$3, or work six days on the road.
6. Private Acts of 1919, Chapter 183, amended Private Acts of 1917, Chapter 730, which was a road law applicable to counties between 10,090 and 11,000 in population, which figures would include Cannon County, so as to make the Act inapplicable to Cannon County. (An Act concerning Circuit Court Clerks was similar to this one but was not amended. That Act was intended to apply to Decatur County.)
7. Private Acts of 1919, Chapter 567, formed a Board of Road Supervisors for the whole of Cannon County to be appointed by the Circuit Judge for two and four year terms and then for four year

terms. The County Court would appoint a District Road Commissioner for each Civil District who would be sworn and bonded and in charge of all the road work in the District. The District Commissioners would report to the County Judge, or Chairman. Overseers who could be fined for refusing to serve as such, were liable to work the same number of days as road hands were expected to work, but would be paid \$1.50 per day for every extra day devoted to their jobs. Males between ages of 18 and 50 must work from 6 to 10 days, as decided by the Quarterly Court, or one could commute at \$1.50 per day. All roads were to be relocated in two years which eminent domain could be used, if necessary. Road Supervisors could open, close, or change roads, award damages, and would try to settle disputes. They would turn in to the Quarterly Court a list of delinquent roads as were reported to them by the District Commissioners. This Act was repealed by Private Acts of 1925, Chapter 806.

8. Private Acts of 1925, Chapter 679, seemed to be the next road law for Cannon County which provided that the County Court would elect a Road Commissioner from each Civil District of the county to serve two years and to have the general supervision of the roads in the District. They would appoint overseers for the roads, as needed, and supervise their work. The pay was \$2.00 per day and one could be fined for not serving. The Commissioner shall not contract for nor create a debt beyond the amount of funds available in the District he serves, and he shall have no personal interest in any of the affairs of the District. Many details on how the funds should be handled are stipulated in the Act. All people failing to work, as required, were to be reported to the Grand Jury. Overseers would serve one year, get \$1.50 for each day worked over their required number and would discharge those duties specified in the Act. All males from 18 to 50 would work from 6 to 10 days on the roads, and anyone owning a wagon and team must furnish them for duty. Commutation rates were \$1.50 for laborers and \$2.50 for teams. An inventory of all road tools in the district was to be kept current at all times. The Quarterly Court could levy the special road tax and decide the number of days each male would work on the roads.
9. Private Acts of 1925, Chapter 806, expressly repealed Private Acts of 1919, Chapter 567, a previous road law for Cannon County, in its entirety.
10. Private Acts of 1927, Chapter 381, amended Private Acts of 1925, Chapter 679, Item 8, above, by inserting a new Section 5 requiring all male citizens between ages of 21 and 50 years to work from 4 to 8 days on the county roads, the number to be fixed by the Court, and all people owning one and two horse teams and wagons or plows shall furnish them as an overseer might need. Commutation fees were set \$1.50 per day and \$2.50 a day for wagons and teams. A new Section 6 required those who were furnishing wagons and teams who were not driving them themselves to furnish drivers.
11. Private Acts of 1929, Chapter 809, had a general repealer only but was the next road law for Cannon County. The County Court shall elect a Road Commissioner for each Civil District of the County to serve for two years, to have general supervision of the roads and bridges in the District, to be sworn and bonded, and to be paid \$2 per day for each day actually spent in the service of this task. The Commissioners could not contract for or spend more than the funds available in the District, and must keep record in accordance with the details specified in the Act for the handling and disposition of funds. Overseers must work the hands assigned to them on the roads assigned to them, reporting all who do not show up to work. Overseers would be paid \$1.50 per day. All males between 21 and 50 years of age must work from 5 to 10 ten-hour days on the roads, as determined by the Quarterly Court, and those who have wagon and teams must furnish them or both pay the commutation fees provided. Incorporated towns were expressly exempted and many of the other details in this Act were similar to those previously reported above.
12. Private Acts of 1931 (Ex. Sess.), Chapter 88, amended Private Acts of 1929, Chapter 809, above, by changing the wording of Section 5 so as to put a maximum of five days to be worked on the roads instead of ten, and by deleting the requirement in Section 6 that owners of automobiles must furnish them for use on the roads.
13. Private Acts of 1937, Chapter 571, amended Private Acts of 1929, Chapter 809, above, by striking all of Section 5 and adding a new Section to the effect that no person shall be subject to road duty within Cannon County under the provisions of this Act, or under the provisions of any other Act, notwithstanding conflicting provisions contained in this statute.
14. Private Acts of 1937, Chapter 621, provided that hereafter no person 50 years, or older, would be required in Cannon County to furnish a team and wagon, or a team and plow, as is now required under the law.
15. Private Acts of 1947, Chapter 851, amended Private acts of 1933, Chapter 788, the current Cannon County Road law, in Section 11, by raising the monthly salary of the Road Supervisor

from \$125 to \$175.

16. Private Acts of 1955, Chapter 127, amended Section 5, Private Acts of 1933, Chapter 788, by increasing the compensation of the members of the Highway Commission to \$300 per year from \$50 per year, and of the Chairman from \$300 per year to \$600 per year, and by amending Section 11 so that the Road Supervisor was limited to \$3,600 per year. The latter restriction was removed by Private Acts of 1967, Chapter 242.
17. Private Acts of 1969, Chapter 124, amended Private Acts of 1933, Chapter 788, by abolishing the three offices of County Road Commissioner and the three Road Districts as provided under the law and established the position of County Road Supervisor in lieu thereof. The Road Supervisor under this Act would be elected by the county at large for four years beginning in August, 1970, and he would take office starting in September 1, 1970. All the other positions were abolished effective on that date. The Supervisor's annual salary was fixed at \$6,000 per year, and he would be sworn and bonded, as the law required. The Quarterly Court would fill any vacancy until the next general election. This act was rejected by the Quarterly Court of Cannon County and therefore did not become an effective law under the Home Rule Amendment to the State Constitution.

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