



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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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 Sequatchie 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 1901, Chapter 136, was a general road law applicable to all Tennessee counties under 70,000 in population according to the 1900 Federal Census. The county court could select one road commissioner who would serve two years, from each road district in the county, the road districts being co-extensive with the civil districts in the county. The road commissioner would be sworn, bonded, and supervise all roads, bridges, road hands, tools and materials in his district at a compensation of \$1.00 per day for each day worked but not to exceed \$10 in a year. The county court would fix the number of days, which were to be no less than five, nor more than eight, all of eight hours duration, which road hands were compelled to work, and to establish the price one days' labor was worth. All males, outside of cities, between the ages of 21 and 45, were subject to compulsory road work. The county court was required to levy a general road tax of two cents per \$100 property valuation for each day the road hands were forced to work. The Road Commissioner in the district must name the road overseers and assign them to a particular section of public road over which they would be in immediate charge, who would work the same number of compulsory days as anyone else, and then be paid for extra days up to \$6.00 for each year. Road Commissioners must hear and dispose of petitions to open, close, or change the roads in their area, must index and classify the roads, and see that the roads met all the basic specifications. (This Act was involved in the case of Carroll v Griffith, 117 Tenn. 500, 97 S.W. 66. (1906).
2. Acts of 1905, Chapter 478, amended Chapter 136, Public Acts of 1901, above, in several minor particulars but primarily rewrote the procedures to be followed by counties in the acquisition of rights of way especially when the exercise of the power of eminent domain was to take place.
3. Private Acts of 1929, Chapter 594, created a three member Board of County Highway Commissioners in Sequatchie County for staggered terms initially, and then for three year regular terms who were to be elected by the quarterly county court, sworn, bonded, and compensated as the quarterly court might direct but compensation was not to exceed \$100 annually. A secretary to the board would be paid up to \$150 per year for performing the duties specified in the act. The Quarterly Court could supplement the pay when unusual duties were performed. The Board was to be in general charge of all the roads, bridges, and accessories in the county. The Board could employ a road superintendent at \$5.00 for each day worked who was to be in immediate charge of the road department and discharge those duties stipulated in this act. The Superintendent would have an office in the court house, would periodically inspect all the roads in the county, classifying and indexing them, making reports to the Quarterly Court as needed, and exercising the power of eminent domain when necessary to acquire rights of way but always in conformity with this statute and the general law regulating the same. The Road Superintendent was required to appoint Road Overseers in all districts wherever possible to supervise maintenance on a particular road section. The Commissioners were to have the charge of the County Workhouse and could work prisoners on the roads. A general road tax levy could be made but could not exceed 25 cents per \$100. All males outside cities between the ages of 21 and 45 must work no less than 3 days nor more than 6 days, as determined by the Quarterly Court, or pay a commutation fee of 75 cents for each day missed. This Act was repealed by Chapter 151, Private Acts of 1939, below.
4. Private Acts of 1933, Chapter 381, amended Chapter 594, Private Acts of 1929, Item 3, above, by rewriting the first Section to provide that members of the county highway commission were to be elected by popular vote at the regular August election to serve two year terms, whereupon the three commissioners elected would assume office on the September 1 following the election. The three incumbents at the time of the passage of this act would remain in office until that time.
5. Private Acts of 1939, Chapter 36, closed the public road leading from east to west through the lands of Mrs. Lula McMahan Harris beginning at Brush Creek on the west side of the farm and running east to the intersection of the public road, all being located in the First Civil District of Sequatchie County. The act restored full control and possession of this section of road to the owner.
6. Private Acts of 1939, Chapter 150, was the next general road law for Sequatchie County (identified by the use of the 1930 Federal Census figures) which provided that a Road Supervisor would be elected for a two year term beginning at the August, 1940, election but no member of the quarterly county court would be eligible to hold the office. This act names B. R. Farmer to

serve as Road Supervisor until one could be elected and qualified in accordance with the above. The Supervisor must meet all qualifications, must be sworn and bonded, and all vacancies would be filled by the Quarterly Court until the next general election but, if the court was not in session the county judge would appoint a supervisor. The Road Supervisor must devote full time to the office, would be paid \$150 per month and would be furnished a pick-up truck to make trips at no expense to the Supervisor, all of which would come out of the road tax funds. The Supervisor would appoint a Road Overseer in each civil district who must work all compulsory days but would be paid for days over that amount at rate of \$2.50 per day not to exceed 75 days in one year. The Overseer would be responsible for all road work in the District and submit monthly reports on the same to the Supervisor on road conditions. All males between ages of 21 and 45 were required to work up to six days each year on the county roads, the exact number to be set by the Quarterly Court, or pay \$1.00 for each day not worked. Failure to do either was a misdemeanor. The Supervisor would be in general charge of the road department, make purchases in accordance with the procedures specified in this act, keep sufficient records, and submit reports, hire all employees and fix their wages. D. L. Griffith was named as Bookkeeper for 2 years at a salary of \$50 per month.

7. Private Acts of 1939, Chapter 151, expressly and entirely repealed Chapter 594, Private Acts of 1929, Item 3, above, and all the amendments to that act.
8. Private Acts of 1941, Chapter 220, repealed Chapter 150, Private Acts of 1939, Item 6, above, in its entirety. This Act created a three member county road commission who were to be elected by the people at large which commission would have general jurisdiction and authority over all county roads. The commission would meet at the courthouse on September 1 following the election and elect a chairman and a secretary. The Chairman would devote full time to the duties of the office supervising all the employees and the distribution of the highway funds for which he would be bonded. The Chairman would see to all record keeping and accounting and countersign all the warrants drawn on highway money. The Chairman would supervise the garage and machinery and make all essential reports to the secretary as he was required to attend all the meetings of the commission. The chairman would be paid \$150 per month, the secretary, \$75 per month, and the associate member would get \$3.00 per day for each day of attendance, all of which would be paid out of road funds. The Commission would meet at least every two weeks. All purchases over \$200 must be by competitive bid. The Act named E. Wiseman, as chairman, Lester Harwood, as secretary, and Willie Wells as associate. The Quarterly County Court must levy a general road tax of ten cents per \$100 to supplement other road funds. (This Act was declared unconstitutional in Farmer v. Wiseman, 177 Tenn. 578, 151 S.W. 1085 (1941).
9. Private Acts of 1943, Chapter 138, amended Section 6, Chapter 150, Private Acts of 1939, by striking the language which established an emergency fund of \$250 each month from which the Road Supervisor could buy materials when needed, and amended Section 9 in the sixteenth line by raising the salary of the bookkeeper from \$50 to \$75 per month.

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