



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Highways and Roads - Historical Notes

Dear Reader:

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

1. Private Acts of 1826, Chapter 173, authorized John Brown and Robert Burke, as owners of the Cumberland Turnpike Road, to build and keep a gate on said road. The act authorized them to collect a road toll for each person using it. The owners had the duties of repairing the road and had the authority to change the direction of the road out of the counties of Fentress and Morgan.
2. Acts of 1843-44, Chapter 194, allowed the proprietor of Scott's Turnpike road to keep one gate in Fentress County.
3. Acts of 1845-46, Chapter 160, repealed Acts of 1843-44, Chapter 194, above, by making it unlawful for the proprietor to keep a gate upon Scott's Turnpike road.
4. Acts of 1849-50, Chapter 154, appointed William R. Campbell, David Hall, Sr. and Mitchell H. Frogge Commissioners of the Montgomery Turnpike Road.
5. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 in population. The County Court in each county would select a Road Commissioner at its January meeting for each road district. The road districts would be coextensive with the County Civil Districts. The act detailed the duties of the Road Commissioners and the road section overseers to be appointed by the Commissioners. Male residents of the County were subject to road work but could commute the duty by paying a fee. Prisoners of the County were also subject to road work. A tax levy was authorized not to exceed twenty cents per \$100 valuation.
6. Private Acts of 1913, Chapter 260, was the first road law for Fentress County enacted by private act. This act created a three member Board of Public Road Commissioners who were to have general supervision of the County's roads and bridges and also created the office of Superintendent of Public Roads who was to have personal, everyday supervision of the county road system. All of these officers were to be elected by the County Court. This was repealed by Private Acts of 1917, Chapter 193.
7. Private Acts of 1917, Chapter 291, was the first special road law for Fentress County. The County Court was authorized to select a Road Commissioner from each of the Civil Districts to serve two-year terms but those Commissioners then in office would continue until their terms expired. The Commissioners would be sworn and bonded, would lay off his district into road sections, classify the roads, appoint overseers and road hands to perform the work. A road tax was authorized from fifteen to thirty cents per \$100 valuation to be collected by the Trustee. All males between twenty-one and forty-five years of age would work not less than 5 nor more than 8 days to each man for road service at 9 hours per day.
8. Private Acts of 1919, Chapter 188, repealed Private Acts of 1917, Chapter 291, above. In addition, the act authorized the Quarterly County Court of Fentress County to select a Road Commissioner for each Civil District to serve a one-year term but those Commissioners then in office would continue until their terms expired. The Commissioners were required to be sworn and bonded before entering their duties. Each Commissioner had the duty to appoint overseers in the districts, who would serve a one-year term. A road tax was authorized from fifteen to forty cents per \$100 valuation to be collected by the Trustee. All males between twenty-one and forty-five years of age, could work between 3 to 8 days at 9 hours per day.
9. Private Acts of 1929, Chapter 173, returned to a form of county-wide supervision of the road system. This act created a County Highway Commission, to consist of the County Judge, the County Trustee and the County Court Clerk, with the County Judge acting as Chairman of the Commission. All authority that had been vested in County or District Road Commissioners or Bridge Commissioners was given to the County Highway Commission. The County Highway Commission was authorized by this act to employ a Superintendent of Roads whose duties would be those previously performed by the District Road Supervisors.
10. Private Acts of 1937, Chapter 212, amended Private Acts of 1929, Chapter 173, above, by allowing the people to elect and fix the term of service, the qualification, bond and oath of members of the Commission.
11. Private Acts of 1943, Chapter 287, repealed Private Acts of 1929, Chapter 173, as amended by Private Acts of 1937, Chapter 212, both above.
12. Private Acts of 1943, Chapter 317, created the office of County Road Supervisor for Fentress

County and placed supervision and control of the county roads in this office. The County Road Supervisor was to be elected by the Quarterly County Court for a one year term and no member of the County Court could serve as Road Supervisor. The County Road Supervisor had the authority to oversee construction, operation, maintenance and repair of the roads and were vested with the power of eminent domain. The County Road Supervisor was required to execute a bond. Compensation for the Supervisor was \$100 per month.

13. Private Acts of 1945, Chapter 526, created a County Highway Commission, composed of five members, one to be elected from each of the five Civil Districts by the voters of that District. The Commissioners were to select a Superintendent of Highways who would have day-to-day supervision of the county road system, under their general control. This act was amended by Private Acts of 1949, Chapter 291, to limit the per diem and expenses paid the members of the commission to not more than \$50 in any one calendar month, and to raise the salary of the superintendent to \$2400 annually. This 1949 amendatory act was itself amended by Private Acts of 1957, Chapter 110, to increase the salary of the Superintendent of Highways in Fentress County to \$3600 annually.
14. Private Acts of 1945, Chapter 527, repealed Private Acts of 1943, Chapter 317, above.
15. Private Acts of 1965, Chapter 233, repealed Private Acts of 1945, Chapter 526, above.

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