



May 02, 2024

Chapter IX - Highways and Roads

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Chapter IX - Highways and Roads	3
Highways and Roads - Historical Notes	3

Chapter IX - Highways and Roads

Highways and Roads - Historical Notes

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

1. Acts of 1827, Chapter 44, authorized and named seven Commissioners to make a survey from Dresden, in Weakley County, to the State line in the direction of Mills Point on the Mississippi River. A plan for the construction of the road would be made when the survey was completed. The Commissioners would contract with a proprietor to build and operate said turnpike road. A bond must be made before construction could be started which bond could be lawfully filed in either Weakley or Obion County, into which the road would run.
2. Acts of 1829, Chapter 12, Section 7, named Rice Williams, John C. Wilson, William M. Wilson, and John Hutchinson, all of Obion County, plus two other citizens from Gibson County, as a commission to select a site for a bridge and causeway between Trenton and Troy.
3. Acts of 1831, Chapter 201, amended Acts of 1829, Chapter 12, to permit the Quarterly Courts of Gibson County and Obion County, a majority of the Justices being present, to set the compensation of those Commissioners appointed to select the site for the bridge. The Commissioners were further authorized to let out the bridge and set the toll rates.
4. Acts of 1831, Chapter 206, was the authority for the Commissioner appointed under Acts of 1827, Chapter 44, to rescind a contract for construction of the Turnpike from Dresden in Weakley County towards Mills Point on the Mississippi River and to readvertise the portion of the Road which was to have been built under the abrogated contract. Albert G. Bondurant was appointed a Commissioner in Robert Powel's place and the spelling the Jacob Yocham's name was corrected.
5. Acts of 1835-36, Chapter 24, was the authority for the Obion Turnpike Company to build a road, a bridge, and a causeway across the Obion River from Trenton in Gibson County to Troy in Obion County. Thomas J. Caruthers, Hugh D. Nelson, Thomas Fite, Benjamin P. Tyson, Thomas Spite, William U. Watson, Jubilee M. Bedford, John Parr, Joel S. Enloe, Alfred Lomax, and Joseph Wilson, were all appointed Commissioners under this Act to effectuate its purposes and intentions.
6. Acts of 1837-38, Chapter 250, was the enabling legislation for Thomas Fite, Moses Woodfin, Joshua D. Hill, Benjamin Tysell, John W. Needham, John C. Kuykendall, and James C. Read, all of Gibson County, and George W. L. Marr, George W. Gibbs, Lysander Adams, Thomas Polk, Seth Bedford, James Davis, John C. Wilson and Daniel St. John, all citizens of Obion County to open books and subscribe stock up to \$50,000 to incorporate the Trenton and Troy Turnpike Co. The Company would build a mud or sanded turnpike road from Trenton in Gibson County, through Troy in Obion County, to the Kentucky line in the direction of Mill's Point.
7. Acts of 1849-50, Chapter 263, authorized Burton L. Stovall, William Taylor, John T. Abington, William Crittenden, Wilson R. Hogan, Lysander Adams, and Moses D. Harper, as the Commissioners to open books and sell stock for a turnpike road across the North Fork of the Obion River from a point near Dresden to the town of Troy in Obion County. The company would be styled the North Fork of Obion Turnpike Company. Section 18 appointed Henry J. P. Westbrook, David Bright, G. W. L. Marr, William C. Miles and R. G. Estridge of Obion County along with five representatives of Gibson County as commissioners to sell stock in the Obion River Turnpike Company. The company would build a road from Troy in Obion County to Trenton in Gibson County. Section 23 of the same Act appointed Joseph A. Fowlkes, Sam A. Warner, Isaac Larmon, Henry M. Darnall, G. W. L. Reeves, Charles Bailey, John L. Moultrie, William R. McAllister, Robert H. Harrison, and S. W. Cochran, as Commissioners to sell stock to raise the funds to construct a turnpike road, and a bridge across Reelfoot Lake, at or near Goose Island. The company would be styled the Reelfoot Lake Turnpike and Bridge Company.
8. Acts of 1851-52, Chapter 237, Section 11, incorporated Joseph Garwood, Baptist Boyett, and their associates as the Trenton and Troy Turnpike Company which would build a turnpike, the necessary bridges, and the causeway from Trenton in Gibson County to Troy in Obion County.
9. Acts of 1853-54, Chapter 256, authorized William Carter, and all those associated with him to build a turnpike road across the North Fork of the Obion River in Obion County along the route mentioned in the Act. A schedule of the tolls to be charged when the road was completed and in operation was prescribed therein.

10. Acts of 1853-54, Chapter 323, Section 9, allowed the Counties of Henry, Weakley, and Obion to take stock in the Nashville and Northwestern Railroad, or in any other Railroad they chose, and the Counties of Tipton, Dyer, Stewart, and Obion could also take and subscribe stock in the Great Central North and South Railroad.
11. Acts of 1855-56, Chapter 199, was the authority for William H. Guy, and all those associated with him, to build a turnpike, or a plank road, across the North Fork of the Obion River and across the bottoms to the old Mills Point Road in Obion County, which road would cross the River at or near where the road from Troy to Dresden now crosses. The group would have and exercise all the powers and privileges incidental to corporations.
12. Acts of 1859-60, Chapter 46, Section 75, incorporated S. W. Cochran, Willis Jones, and C. M. Peacock, and all those associated with them, as the Reelfoot Lake Turnpike Company which was endowed with the customary corporate powers and duties, whose purpose was to build a turnpike beginning at the highlands east of Reelfoot Lake westerly to Nall's Ferry on the Mississippi River.
13. Acts of 1859-60, Chapter 114, made it an obligation of the County Courts of Henry, Carter, Johnson, Greene, Obion, Robertson, Meigs, McMinn, Monroe, Polk, Cheatham, Washington, and Cannon Counties to classify the public roads into three classes and to assess the polls and property tax to be applied in order to maintain the public roads. The taxing in this instance would be subject to a referendum approval. The County Courts could appoint a road commissioner to assist in classifying the roads. Provisions were stated which would permit taxpayers to work out the road tax at a rate of \$1 for each eight hour day worked. Guidelines were provided to the County Court Clerk and Trustee for collecting the taxes and for administering this law.
14. Acts of 1901, Chapter 136, was a general road law applicable to all counties in Tennessee under 70,000 in population according to the 1900 Census. Road Districts were made co-extensive with Civil Districts and the County Court was required to select one Road Commissioner from each of the Road Districts who would serve two years. The Road Commissioner must be sworn, bonded, and then would be in charge of all roads, bridges, hands, tools, and materials used in his district. He was to be compensated at the rate of \$1 per day for each day devoted to his duties hereunder, but not to exceed ten days per year. The County Court would fix the number of days the road hands were required to work at no less than five, nor more than eight, and fix the price a road hand must pay in order to commute. The County Court was empowered to levy a road tax of two cents per \$100 property valuation for each day road hands were required to work. The Road Commissioners were to name and supervise the Road Overseers in their Districts, who would be in immediate charge of a section of road, who must work the same number of compulsory days as anyone else but after that would be paid up to \$6 per year for extra work. All males between the ages of 21 and 45 were compelled to work on the roads. Road Commissioners could receive, hear, and dispose of petitions to open, close, or change roads in their Districts; they must classify and index all the public roads in their areas, and must see that the public roads met the specifications set up in this Act. This statute was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).
15. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but primarily in changing the procedures for opening, closing, or changing roads especially when the process involved the exercise of the power of eminent domain.
16. Acts of 1907, Chapter 175, stated that the Quarterly County Court of Obion County would elect two County Road Commissioners to serve terms of two years under a \$3,000 Bond. If the Road Commissioners failed to qualify, then the County Judge could make the appointment. The Commissioners were obligated to lay out and classify all the public roads in the County into classes of forty feet width, thirty feet width, and twenty feet width. The Commissioners were to be in charge of the public roads and all the bridges and culverts less than 25 feet in length. The Commissioners were to keep accurate records on all the roads and would receive and dispose of petitions to open, close, and change the same. They were empowered to condemn property for public purposes and to assess its value. All appeals from their decisions must be addressed to the County Court. All males, outside cities, between the ages of 21 and 50 must work at least six days on the public roads or pay a commutation fee of fifty cents for each day not worked. All roads were to be worked between April 1st and October 15th, and a road tax of 20 cents per \$100 property valuation and a privilege tax of five cents could both be levied for road maintenance purposes. A working day could be no less than eight hours nor more than ten hours. Road Commissioners' compensation was fixed at \$800 annually to be paid from the road funds.
17. Private Acts of 1911, Chapter 84, made it the duty of the County Judge to call a special session of the Quarterly Court to elect Road Commissioners. A Road Commissioner would be selected from each Civil District to serve two years. These Commissioners, after making \$500 Bond, would be in

charge of all roads, and also bridges and culverts shorter than twenty-five feet. Road classification standards included widths of 30 feet, 20 feet, and 16 feet, plus the drainage ditches. The Commissioners were directed to prepare a list of all eligible road hands in their area. The District Road Commissioner would every two years let out bids and employ the lowest bidder to work the public roads. All males between the ages of 21 and 50 would work for five days unless they paid a commutation fee of fifty cents for each day missed, which commutation funds were to be turned over to the Trustee. Road work was scheduled between March 1 and November 1. A road tax from 15 cents to 25 cents could be levied for road purposes. The Road Commissioners must supervise and inspect all the work, had the power to contract work out on bid, and were given some latitude in their operations in case of an emergency. Each Commissioner was obligated to make an annual settlement with the County Judge and would be paid \$2 for each day devoted to his duties up to 50 days in one year.

18. Private Acts of 1913, Chapter 62, amended Private Acts of 1911, Chapter 84, in several particulars, (1) by making the contracts negotiated by the Road Commissioners subject to the approval of the District Justice of the Peace, (2) any contractor not beginning his work in five days would forfeit his contract (3) if both the Commissioner and the contractor should fail to do their duty, the County Judge was directed to investigate and, where warranted, suspend the parties, and (4) any road hand who did not work, or pay the commutation fee was guilty of a misdemeanor and could be fined from \$5 to \$25 and committed to the county workhouse.
19. Private Acts of 1919, Chapter 535, provided that all money collected from the annual registration and licensing of automobiles in Obion County, over and above collection expenses, and the ten percent set aside for the State Highway Department, was to be expended under the direction of the County Highway Commission for the maintenance of public roads. The funds would be apportioned to each civil district in relation to collections.
20. Private Acts of 1919, Chapter 592, stated that Road Districts would be coextensive with Civil Districts and one Road Commissioner would be selected by the Quarterly County Court from each of the Districts, each one serving for two years. If a Commissioner failed to qualify, the County Judge would fill that vacancy. After making \$500 bonds, Commissioners were responsible for the classification of the public roads in their Districts according to their width. The Commissioners were obligated to oversee all the roads, bridges and the culverts less than 16 feet in length, lay out the bounds and right of way of each of their roads, and assign the road hands to their respective duties, on the road on which the road hand lives. All males between the ages of 21 and 50, outside of Cities and physically able, were required to work five days on the roads or pay \$1 as a commutation fee for each day missed. A list of all qualifying road hands was to be compiled by the Commissioners of the District and reported to the County Judge. The Road Commissioners had the authority to contract road work out under certain conditions, collect the commutation fees, receive petitions to open, close, or change the roads and make recommendations thereon to the Quarterly County Court. In order to generate the revenue for roads, the Quarterly Court was empowered to levy a road tax between 15 cents and 35 cents per \$100 property valuation and on merchants an ad valorem tax of five cents on the \$100 of his average stock. This Act was repealed by Private Acts of 1921, Chapter 93.
21. Private Acts of 1919, Chapter 767, amended Private Acts of 1919, Chapter 592, by adding a provision at the end of Section 7 to the effect that the Road Commissioner with the approval of the Justice of the Peace in that same District could require all persons who were subject to working on the roads and who, having been properly notified to report for road work, failed to do so, to pay more than the stipulated \$1 per day commutation fee, but the amount imposed under these circumstances could not exceed \$1.50 per day. This Act was repealed by Private Acts of 1921, Chapter 93.
22. Private Acts of 1919, Chapter 786, authorized and directed the Quarterly County Court of Obion County to elect a County Highway Bridge and Levee Commission who would expend all the funds accruing to Obion County under Private Acts of 1919, Chapter 535, Page 1562. The Commission would be composed of five members serving five year terms, after the initial staggered terms. Members of the Commission would report on the condition of the bridges and levees, would receive such per diem compensation as might be set by the Court. Commissioners had the authority to employ a supervisor who was directed to perform the duties designated by the Commission. The Quarterly Court by a two-thirds vote could remove the Commissioners from office without notice or cause.
23. Public Acts of 1920 (Ex. Sess.), Chapter 22, established a formula for computing the tax rate for counties and special school districts. In section 4, the tax rate set by Private Acts of 1919, Chapter 592 was specifically exempted from the provisions of this Act.

24. Private Acts of 1920 (Ex. Sess.), Chapter 43, amended Section 13 of Private Acts of 1919, Chapter 592, by reducing the minimum level of the tax rate authorized to be levied for roads from fifteen cents to five cents and the ad valorem tax was lowered from five cents to three cents.
25. Private Acts of 1921, Chapter 93, provided that the public road system of Obion County would be under the supervision of a five member Board of Highway Commissioners from different Civil Districts, one of whom would come from the Civil District containing the County Seat who would also be Chairman. The County Judge would be an exofficio member voting only in case of a tie vote. Hugh Smith of the 13th Civil District; J. D. Peeples of the 16th Civil District; T. P. Finch of the 11th Civil District; Walter Via of the 9th Civil District, and Albert Caldwell of the 3rd Civil District, were named in the Act as the first members of the Board. Successors would be appointed by the County Judge to two year terms. These members must be sworn into office, execute a \$1,000 bond, and could be removed from office for negligence or inefficiency under certain specified conditions by a majority vote of the County Court. The Board was to meet once monthly in regular session at \$5 per day for each regular meeting plus railroad fare. The Secretary, working extra, would be paid the same rate but not over two days each month. The Secretary was responsible for keeping the minutes of each meeting and accurate records of each transaction. The powers and the authority of the Board were enumerated in Section 10, under which the Commission was designated as the Purchasing Agent for road materials but could not exceed the yearly appropriations except in the purchase of large machinery on a time payment plan. The Commissioners were empowered to employ a County Road Supervisor for two year terms who must meet certain qualifications, whose salary could not exceed \$3,400 annually, and whose duties were likewise listed in the Act. The Supervisor could appoint Road Overseers in each District to assist him at \$4 per day, but if they were subject to regular road work he would not be compensated for those days. The Supervisor could contract work out with the approval of the Commission. The Commission was directed to classify the public roads, and would receive petitions to open, close, or change roads which they would endorse, favorably or unfavorably, and forward to the Quarterly Court for disposition. The Commission could also on its own initiative petition the County Court for changes. Physically qualified males, outside cities, and between the ages of 21 and 50 must work five, eight hour days on the roads or pay a commutation fee of \$5. The taxing power was limited to some figure between five and thirty cents per \$100 property evaluation and the ad valorem tax on merchants for road maintenance could not be less than five cents. This Act was repealed by Private Acts of 1925, Chapter 53.
26. Private Acts of 1923, Chapter 83, amended Private Acts of 1921, Chapter 93, in Section 13, by prohibiting any contracts between the Road Supervisor or the Board of Commissioners and their relatives to the fourth degree of consanguinity, and all Sections dealing with compulsory road work were repealed. The new Sections on the road work affected all males, outside cities, between the ages of 21 and 50 who were mandated to work five, eight hour days, or two days when wagons and teams were furnished, or pay a commutation fee of \$5 in the alternative. Road hands were not to work outside their Districts and must work at the places and times indicated by the Road Supervisor, who must give the hands a three day notice of the same. If the commutation fee was not paid by September 1, a penalty charge of \$1 was added. The Road Supervisor had the duty of compiling a list of the eligible road hands in County and furnishing a copy of it to the County Trustee. The Grand Jury would also be given a copy, and a failure to work as required could result in an indictment. Growth on the roads was to be cleared out as nearly as possible in July and August. This Act was repealed by Private Acts of 1925, Chapter 53.
27. Private Acts of 1925, Chapter 124, constituted the next Road Law for Obion County. The public road system would be under the general supervision of the Board of Highway Commissioners whose membership was composed of seven members who must live in the Districts specified in the Act, who would serve two years after being sworn and making a \$1,000 performance bond. The members would be elected by the Quarterly County Court, meet at least once each month, select one of their members as a Chairman and a Secretary, who was required to keep the minutes of their meetings and a record of all transactions conducted by the Board. No conflicts of interest between the Board members and others was to be permitted and the power and authority of the Board was generally expressed in eleven paragraphs of the Act. The Board was designated the Purchasing Agent being directed to solicit bids for all items over \$500. The Commissioners could employ a County Highway Supervisor at a salary not to exceed \$2500 annually and the Supervisor could appoint an Assistant to serve in each Road District which were co-extensive with the Civil Districts. All males, outside cities, between 21 and 50 years of age, must work four days of nine hours each, upon notice of one day being given, or pay a commutation fee of \$1.50 per day. The road tax must be set between the limits of ten cents and thirty cents per \$100 property valuation and the merchants ad valorem tax rate was fixed at ten cents.

28. Private Acts of 1927, Chapter 750, amended Private Acts of 1925, Chapter 124, by setting the annual compensation of the Chairman of the Board of Highway Commissioners at \$100 and that of the members at \$80, and the Commission would determine the Secretary's salary. Sections 9, 16, 17, and 38 of the prior act was repealed. Section 13 was changed to increase the County Highway Supervisor's salary to \$3,000. Eminent domain could be used by the County Judge to secure essential gravel pits. Minor amendments were made in Sections 25, 30, and 37, and Section 39 was altered to raise the permissible limits of the road tax to twenty cents and fifty cents and by allowing arrangements to be made with the Workhouse Commission for workhouse prisoners to work on the roads. This Act was part of the litigation in Nashville, Chattanooga and St. Louis Railroads v. Obion County, 162 Tenn. 604, 39 S.W.2d 747 (1931).
29. Private Acts of 1937, Chapter 444, created a seven member Highway Commission and gave the Highway Commission authority to elect a superintendent for a term of four years. The act divided the county into seven road districts or zones. One road commissioner was to be elected by the Quarterly County Court from each zone, for staggered terms. Successors to the first road commissioners elected under the act were to serve for terms of seven years. This act, as amended, provided the basic road law for Obion County until repealed by Chapter 444 of the Private Acts of 1984.
30. Private Acts of 1953, Chapter 12, amended Section 8 of Chapter 444 of the Private Acts of 1937 to increase the maximum annual compensation of the Road Superintendent from \$3,000 to \$5,000.
31. Private Acts of 1957, Chapter 375, amended Chapter 12 of the Private Acts of 1953, to increase the maximum annual compensation of the Road Superintendent from \$5,000 to \$6,500.
32. Private Acts of 1977, Chapter 47, amended Section 3 of Chapter 444 of the Private Acts of 1937, by increasing the annual compensation of the chairman and other members of the County Highway Commission from \$100 and \$80 to \$450 and \$360, respectively.
33. Private Acts of 1979, Chapter 29, amended Section 1 of Chapter 444 of the Private Acts of 1937, by reapportioning the road districts or zones from which road commissioners were to be elected.
34. Private Acts of 1979, Chapter 83, amended Chapter 444 of the Private Acts of 1937, to require the Board of Highway Commissioners to present a plan for the maintenance of roads, bridges, and ferries to the Board of County Commissioners each April. The act also amended Section 8 of the aforementioned act to increase the salary of the Road Superintendent to an amount equal to the salary of the county clerk (to conform the private act in this regard with the County Uniform Highway Law). The act also deleted provisions of Chapter 444, Private Acts of 1937, that dealt with reporting of expenditures, the drawing of warrants by the Road Superintendent and purchasing by the Highway Commission.
35. Private Acts of 1979, Chapter 84, amended Chapter 444 of the Private Acts of 1937 to change the term of office of highway commissioners from seven to four years.
36. Private Acts of 1984, Chapter 202, which created and established the board of highway commissioners of Obion County, was repealed by Private Acts of 2023, Chapter 25.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-ix-highways-and-roads-58>