



May 19, 2024

Chapter IX - Highways and Roads

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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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Chapter IX - Highways and Roads

Road Law

Private Acts of 1933 Chapter 788

SECTION 1. That there is hereby created in all of the counties of this State having a population of not less than 8,933 nor more than 8,938, according to the Federal Census of 1930, or any subsequent Federal Census, a county road commission, which shall be composed of three members, to be appointed and elected as hereinafter provided, one of whom shall reside in each of the three road districts hereinafter provided and established, and one of whom shall be chairman of the said commission elected by the members thereof.

SECTION 2. The for the purposes of this Act there is hereby created and established three road districts as follows:

The 1st Road District shall be composed of the 1st, 2nd, 6th, and 8th Civil Districts.

The 2nd Road District shall be composed of the 3rd, 4th, 5th, 12th, and 13th Civil Districts.

The 3rd Road District shall be composed of the 7th, 9th, 10th, 11th, 14th and 15th Civil Districts.

SECTION 3. That for the purposes of this Act there is hereby appointed the following members of the county road commission for the ----

1st Road District

C. G. McBroom

2nd Road District

James A. Todd

3rd Road District

Reece Patterson

The members of the commission hereinabove named and appointed shall serve and hold office until September 1, 1934, and their successors shall be elected by the qualified voters of the County at the regular August election, 1934, and every two years thereafter, and the commissioners thus elected at the August election, 1934, and each two years thereafter, shall take their office on the first day of September following, as other civil officers.

SECTION 4. That the members of said county road commission shall each take and subscribe to an oath for the faithful performance of their duties and each shall execute and file with the clerk of the county court a good and solvent bond in the penal sum of \$2,000.00 to be approved by the county court chairman for the faithful performance of their duties and to faithfully account for and turn over all funds and road property of all kinds coming into their hands.

SECTION 5. That said county road commission is hereby required to hold monthly meetings at the court house, and they are hereby required to keep and maintain an office at the county seat. Said Commission is hereby required to fix and give notice by publication in a newspaper published in said counties of the day and hour of such monthly meeting so that all interested persons may attend.

The compensation of the commissioners other than the Chairman of the Commission is hereby fixed at \$50.00 per annum and the compensation of the Chairman is fixed at \$300.00 per annum, to be paid out of the road funds of the county; provided, however, that the commission may hold special or called meetings without additional compensation, upon request of a majority of the commission or the call of the Chairman.

Provided, however, that beginning as of March 1, 1955, the compensation of the Chairman of said Commission is fixed at \$600.00 per annum and the compensation of the other members of said commission is fixed at \$300.00 per annum.

As amended by: Private Acts of 1945, Chapter 226

SECTION 6. That the Commission named hereunder shall meet and organize on the Second Monday in May, 1933.

SECTION 7. That any vacancy occurring on the County Road Commission from any cause shall be filled by the remaining members of the Commission, and the person selected to fill such vacancy shall hold office until the next regular election.

SECTION 8. That no member of said Commission shall be a member of the County Court or hold any other State or County office and they are hereby forbidden to have either directly or indirectly any interest in any contract pertaining to the county road system.

SECTION 9. That said county road commission is hereby granted and given full power, jurisdiction and control over the entire county road system of said counties, including the right of eminent domain, the right to change or relocate roads, the right and power to improve and maintain all the county roads of said

counties as their judgment and discretion may dictate, including county bridges; and the right to lay out and construct new roads and full jurisdiction over all county road labor, duty and service and full control over the expenditure of all road moneys of every kind and character, including the State aid gasoline moneys, and any and all road taxes, labor and service levied and/or fixed by the county court.

SECTION 10. That said road commission is hereby required to keep full and accurate minutes of each and every transaction, especially the expenditure of any funds, and to make quarterly reports under oath to the quarterly county court of said counties, showing in detail the work and doings of said commission, which reports shall be spread upon the records of the county court and open to the inspection of the public.

SECTION 10a. There is hereby created an Audit Committee composed of the Chairman or Judge of the County Court, the Clerk of the County court, the Clerk of the Circuit Court, the Clerk of the Chancery court (sic) and the Sheriff of said County, or Counties, with the power, authority and duty to audit and investigate the books, accounts, transactions and affairs of said Commission annually and make report thereof and recommendations thereon, in writing, to the Quarterly County Court of said Counties for any and all of which said Committee may employ such clerical and other help and assistance, including auditors, accountants (sic) and investigators as it deems necessary for true, fair and full audits, investigations and reports herein provided. The costs and expense of all such audits, investigations and reports to be paid out of funds in the hands of or for the account of said Commission on order of said Committee. The members of said Committee (sic) shall not be allowed compensation for their personal services rendered hereunder out of said Commission funds but may be compensated therefor by the Quarterly County Court out of other County funds by proper resolution, and said Committee shall take care to practice economy in the proper performance of its duties hereunder.

As amended by: Private Acts of 1943, Chapter 211

SECTION 11. That said county road commission is hereby empowered and required as soon as the organization is perfected, to employ by a majority vote of said commission a capable county road supervisor, who shall be capable of overseeing and looking after road construction and maintenance, and who shall also be of sufficient education to keep and make written reports to the commission from time to time, as may be required of him. The County Road Supervisor shall hold his office at the will of the County Road Commission and his compensation shall be fixed by the County Road Commission in an amount not to exceed six hundred dollars (\$600) a month. Said road supervisor shall be required to give his entire time and attention to the duties of his position, and he shall perform his duties under the supervision and direction of the county road commission, and to do any and all things necessary to construct and maintain the best possible system of county roads, and particularly to supervise and overlook the foremen and road employees hereinafter provided for.

As amended by: Private Acts of 1947, Chapter 851

Private Acts of 1955, Chapter 127

Private Acts of 1967, Chapter 242

Private Acts of 1973, Chapter 100

SECTION 12. That the county road supervisor herein provided for shall have the power and it shall be his duty to name and appoint as many road foremen as may be necessary and also to employ road hands or employees; provided, however, that these duties shall be performed with the approval of the county road commission. The salary or wages of the foremen and road hands or employees shall from time to time be fixed by the county road commission, provided always that such wages and salaries shall not exceed the prevailing prices obtaining in said counties for similar work or services.

SECTION 12A. That the Chairman and other members of the County Road Commission as in this Act provided may, in addition to their services and compensation as such Chairman or other member of said County Road Commission, be selected for and employed, and may serve as either Supervisor of Roads, or other employee, as provided for in this Act, and for any such additional service may receive compensation in addition to that authorized for their services as either Chairman or member of said Commission. Provided, however, that the qualifications, character of service and compensation for any such additional service shall conform to and be measured by the same standards, requirements and scale of wages and compensation as other employees of said Commission prevailing at the time.

As amended by: Private Acts of 1945, Chapter 226

SECTION 13. That said county road commission is hereby authorized and empowered to purchase any and all necessary road machinery, equipment, tools, materials, and supplies as their judgment and discretion may dictate, and they are further empowered to lease or rent such road machinery, equipment and/or tools deemed to be in the best interests of the county, the purchase, lease or rental price of any and all of which to be paid out of said County Road Funds.

SECTION 14. That any and all costs and damages for rights of way or other property condemned or taken under this Act shall be a charge against the general funds of the counties, but shall be repaid to the

counties out of the said county road funds to the general county funds.

SECTION 15. That all county road funds of every kind and character shall be kept by the country trustee in a separate funds designated for the purpose, and all warrants drawn on said funds shall be signed by the Chairman of the county road commission and countersigned by the county road supervisor, and no warrant thus drawn shall be issued until same has been approved by the county road commission, except warrants for weekly payrolls for road labor, but these must be signed by the Chairman and countersigned by the supervisor, and no warrant shall be issued to overdraw such funds and no contract or obligation made in excess of the reasonably anticipated funds to be available for any calendar year, except that road machinery and equipment may be purchased on installment plans in anticipation of funds.

SECTION 16. That said County Road Commission is hereby invested with full and complete power and authority to acquire by gift, purchase or condemnation proceedings all lands, rights of way, borrow pits, sand, gravel and chert beds, rock quarries and rights of way to and from the same necessary for the opening, constructing, building, changing and/or re-locating public roads and bridges and to pay for the same out of the County Road Fund, in the manner in this Act provided. It shall be the duty of the said County Road Commission to keep definite and sufficient records of all such rights of way or lands so acquired showing the County's title thereto and rights therein.

The said County Road Commission is hereby given the power and authority in all matters of condemnation to institute and prosecute condemnation suits in which suits the county shall be made a party plaintiff and it shall not be necessary or required for the county or the said county road commission to execute any cost or indemnity bond or any other bond in such proceedings, and immediately upon the filing of or institution of any suit for condemnation under the provisions of this Act, the Commissioner, its agents, servants, and employees shall have full power and authority to proceed to take the necessary lands or property sought to be condemned and no appeal or other dilatory plea shall delay the opening, changing, construction, or working of such condemned rights of way or the taking of any such property. All costs and damages and compensation for rights of way or other property condemned or taken under this Act shall be a charge against the general funds of the County, but any and all such sums paid out of the general County Fund shall be repaid to the counties out of the County Road Fund described in this Act.

SECTION 17. That said County Road Commission is authorized and empowered to employ such engineers or skilled workmen as it may deem necessary from time to time and to employ such clerical and other help as may be necessary for the proper and efficient performance of the duties herein required.

SECTION 18. That the said County Road Commission is hereby authorized and empowered to designate the location of all telephone, telegraph, or other poles permitted by law to be placed along the public road and to require them to be placed where they will not obstruct the roads, side ditches, flow of water, or the working and maintaining of the road, and the said Commission is hereby given the power and authority to move or have moved from the road, or rights of way, any such poles or other obstructions as may cause or, in the judgment and discretion of said Commission, may be calculated to cause any such interference.

SECTION 19. That all male citizens residing within the counties at the time of notice to work is served, of the age of twenty-one (21) to fifty (50) years inclusive, shall be subject to road duty under the provisions of this act, and shall give not less than three nor more than six (6) days per annum service on said roads, the number of days to be fixed each year by the County Court. That each individual or family living together, either male or female, owning a two-horse wagon and team or two horses and a plow shall furnish the team and wagon or the team and plow, whichever may be required by said Road Supervisor, the same number of days fixed for road laborers by the County Court. Provided, that each person who is required under this Act to work on the road and/or furnish a wagon and team or a plow and team may commute for the same by paying into the said County Road Fund through said Road Commission an amount fixed by the County Court which amount shall be uniform throughout the County, provided, however, that any person subject to road duty may furnish an able-bodied substitute acceptable to said Road Supervisor.

That all persons subject to road duty or who are required to furnish a wagon and team or a plow and team, as herein provided, who shall fail or refuse to comply with the provisions of this Act with respect thereto shall be guilty of a misdemeanor.

COMPILER'S NOTE: Private Acts of 1937, Chapter 571, contained a provision that "no person shall be subject to road duty" within Cannon County. The act was amending Private Acts of 1929, Chapter 809, which was the previous road law for Cannon County. The 1937 amendment occurred after this act (Private Acts of 1933, Chapter 788), the current road law for Cannon County, was passed. It is noted here because the subject matter of the 1937 amending act is the same as the above section.

SECTION 20. That it shall be the duty of said Road Supervisor either in person or by and through a foreman or overseer to warn in all hands or persons subject to road duty on the roads and to notify all

persons whose duty it is made by this Act to furnish wagons and teams or plows and teams for road service to report for such road duty or service at a time and place fixed.

That it shall be the duty of said Road Supervisor either in person or by and through a foreman or overseer to give to each person subject to road duty a verbal or written notice three (3) days before the time, stating the time and place where the work shall begin. Like notice shall be given persons whose duty it is to furnish teams and wagons or plows. It shall be a sufficient compliance with the requirements hereof with respect to said notice or warning to leave the same in writing at the usual place of residence of such persons subject to road duty or whose duty it is to furnish such teams and wagons or plows.

SECTION 21. That it shall be the duty of said Road Supervisor to report to the foreman of the Grand Jury and to the District Attorney-General all persons failing to work the road and/or failing to commute therefor or failing to furnish teams and wagons or plows or failing to commute therefor as provided in this Act, at the next term of the Circuit Court succeeding such delinquency.

SECTION 22. That all persons seeking to be exempt from road service shall make application for such exemption to said County Road Commission at any regular monthly meeting, such application to be accompanied by a certificate from the County Health Officer or Physician, or any other reputable practicing physician of the County, and if any such applicant shall be dissatisfied with the action of said Road Commission, he shall have the right to enter an exception to said Action of the said Commission and shall have the right to appeal from said action or decision of said Commission to the next meeting of the Quarterly County Court who shall have the right and whose duty it shall be to pass de nova on the rights and merits of said applicant for exemption.

SECTION 23. That no person shall be required to perform road duty or labor or to furnish teams and wagons or plows, as in this Act required, outside of the Civil District in which such person resides and they shall be assigned to perform such service or labor and furnish teams and wagons or plows on the particular road on which they reside unless in the judgment and discretion of the Supervisor of Roads it is impracticable or inadvisable that such service or labor or the furnishing of such teams and wagons or plows be assigned to the road on which such persons reside, in which event said Supervisor may designate the road in the Civil District on which such service or labor or the furnishing of such teams and wagons or plows shall be rendered or furnished.

SECTION 24. That no exemption shall be allowed for more than one year except where it satisfactorily appears to said Road Commission and/or County Court that the disability of the applicant is of a nature rendering the applicant permanently disabled.

SECTION 25. That all persons subject to road duty or whose duty it is to furnish teams and wagons or plows, as herein provided, who live within the limits of any incorporated town shall be exempted from such road duty for the County outside of such town, but shall perform such road service, and furnish such team and wagon or plows within such town in the manner and to the extent herein provided for the county; provided, however, that any person subject to road duty or labor residing within the limits of any incorporated town and owning and keeping such teams and wagons or plows within the County outside of such incorporated town shall perform such road duty or labor within the incorporated town of his residence and furnish such teams and wagons or plows outside of such incorporated towns.

SECTION 26. That the County Road Taxes levied upon the property situated within the corporate limits of any town shall be expended upon the public streets, highways, ditches, bridges, culverts and sidewalks within said town.

SECTION 27. That the said County Road Commission is hereby invested with full and complete power and authority to contract with the State and Federal Governments and with any incorporated town within said counties for the constructing, working, and/or maintaining any public road, highway and/or street and the application and expenditure of funds for such purposes within said counties and/or municipalities.

SECTION 28. That said County Road Commission is hereby authorized to work County and Municipal workhouse prisoners and to keep them in custody under contract and arrangements with proper County and Municipal authorities. The working of such prisoners to be always within the purposes of this Act.

SECTION 29. That said County Road Commission is hereby given all powers and authority necessarily or reasonably implied to secure the purposes of this Act and the specified powers, rights and duties herein enumerated and set out shall not be construed to restrict but rather to amplify the general powers and authority given in this Act.

SECTION 30. That all persons, firms and corporations, private and public, having and/or holding any property of any kind, real, personal and/or mixed which is of the road system of said counties or contemplated to be used in the system hereunder provided shall promptly turn same over to said County Road Commission.

Said County Road Commission shall promptly make and always keep a full, accurate and detailed inventory or record of all machinery, equipment, tools, materials, supplies and other property coming into its hands.

SECTION 31. That all laws and parts of laws in conflict with this Act, in letter or spirit, be and the same are hereby repealed.

SECTION 32. That the several sections of this Act are hereby declared to be independent in whole and in part and the declaring of any one or more of said sections or parts thereof to be unconstitutional or void shall in no wise affect the remaining sections or parts thereof.

SECTION 33. That this Act take effect from and after noon May 8, 1933, the public welfare requiring it.

Passed: April 20, 1933.

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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