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## Chapter IX - Highways and Roads

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## Chapter IX - Highways and Roads

### Highway Commissioner

#### Private Acts of 1951 Chapter 565

**SECTION 1.** In order to more effectively maintain public roads and highways, there is hereby created the office of Highway Commissioner in Counties of this State having a population of not less than 10,900, nor more than 10,950, by the Federal Census of 1940, or any subsequent Federal Census. His term of office shall be for a period of four (4) years from September 1, next following his election and until his successor shall be elected and qualified. At the August election, 1970, and every four (4) years thereafter, there shall be elected by the qualified voters of counties to which this Act applies, such highway Commissioner. His compensation shall be \$9,500 per annum payable in equal monthly installments out of the County Highway Funds and in addition thereto, he shall have the use of a county vehicle in his official capacity. Such Highway Commissioner may appoint an assistant who shall hold office at the pleasure of such Highway Commissioner and shall perform such duties as may be required of him by such Commissioner. Such assistant shall act as secretary to the Commissioner and have complete charge of the books and records of the commissioner. Such assistant shall be paid such sum, not to exceed \$6,000 per annum, as may be agreed upon between him and the Commissioner, which sum likewise shall be payable out of the County Highway Funds. Both the Commissioner and his assistant shall devote their full time to the duties of their office.

As amended by:

Private Acts of 1969, Chapter 28  
Private Acts of 1970, Chapter 262  
Private Acts of 1973, Chapter 146

**SECTION 2.** That the Commissioner shall have the following duties:

- (a) To have general supervision over the construction, repair and maintenance of all roads, bridges, gravel pits and other like structures which form a part of the county highway system.
- (b) To employ such labor as he may deem necessary for the efficient construction and maintenance of the highway system of such counties.
- (c) To act upon all applications to open and close roads and to take such action thereon as he may deem to the best interest of the county system. To this end the Commissioner is hereby vested with the power of eminent domain which shall be exercised in the manner provided by the general laws of the State therefor. Any damages assessed by reason of the exercise of the power of eminent domain shall be paid from the general funds of such county which general county fund shall be reimbursed therefor from the highway funds.
- (d) To have charge of all county highway equipment and to at least once a year make an inventory thereof which shall be filed in the office of the County Court Clerk and open to the inspection of any interested part.
- (e) To make all purchases of material and equipment necessary in the maintenance and repair of such highway system; but all purchases shall be made upon competitive bids except in case of an emergency when with the approval of the County Judge, the Commissioner may make purchases of material or equipment not in excess of \$500. The assent of the County Judge for such emergency purchase shall be in writing and filed with the records of the Commissioner.
- (f) To keep a full and accurate account of all disbursements made from highway funds. Disbursements from highway funds shall be made only upon the warrant of the Commissioner, and drawn on the County Trustee.
- (g) To store all equipment belonging to the County Highway Department when not in use and to prohibit the use of any part thereof on business other than that of the highway system.
- (h) To make to the County Judge a monthly report showing all employees (sic) of such highway system, the rate of pay of each, the number of hours worked by each during such month and all equipment and supplies purchased from highway funds during such month.
- (i) To make and file in the office of the County Court Clerk at least 5 days prior to each regular session of the Quarterly County Court a report, itemized in form, all expenditures made from highway funds during such quarter and where equipment be purchased, such report should show the nature of the equipment, the person from whom purchased and the price paid therefor.

Likewise, the Commissioner and/or his assistant shall furnish to each justice of the peace of the County a

copy of the above mentioned report.

As amended by: Private Acts of 1953, Chapter 205

**SECTION 3.** That before entering upon the duties of his office, the Commissioner herein and any assistants whom he may appoint shall execute bond with sureties to be approved by the County Judge, in the sum of \$5000 conditioned upon the faithful performance of the duties of his office and to account for all county property and funds which may come into his hands by reason of such office; and it is hereby declared to be the legislative intent that both the Commissioner and his assistant shall execute such bonds conditioned as above mentioned. The present road authorities shall retain their office until September 1, 1952, and no appointment shall be made to fill the vacancy herein created.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 12, 1951.

## Superintendent of Roads

### Private Acts of 1947 Chapter 871

**COMPILER'S NOTE:** The provisions of this act establishing the office of superintendent of roads and providing for the duties, salary, etc., of the office have apparently been superseded by Private Acts of 1951, Chapter 565, as amended which establishes the office of Highway Commissioner. Private Acts of 1947, Chapter 871, as amended is reproduced here in full, however, as the remainder of the act is presumably still in force. It has not been specifically repealed or superseded. Private Acts of 1951, Chapter 565, as amended is published herein following this act.

**SECTION 1.** That this act shall apply to all Counties in the State of Tennessee having a population of not less than 10,895, nor more than 10,925, according to the Federal Census of 1940, or any subsequent Federal Census.

**SECTION 2.** That there is hereby created a Superintendent of Roads for each County to which this Act applies, who shall be executive head of the County Highway Commission, who shall possess the qualifications, be elected in the manner and for the term, charged with the duties, subject to the restrictions, and entitles to the compensation hereinafter set out and provided for.

**SECTION 3.** That at the regular August election in 1948, and each two years thereafter, a Superintendent of Roads shall be elected by the qualified voters of the county or counties to which this Act applies. That said Superintendent of Roads shall be a person at least 25 years of age and shall be skilled in the art of road and bridge construction and shall have had at least five years experience in said work. He shall be a resident and citizen of the county and of good moral character. Said Superintendent shall take office on the first day of September following his election and shall hold office for a term of two years and until his successor is elected and qualified.

As amended by: Private Acts of 1949, Chapter 40

**SECTION 4.** That said Superintendent of Roads shall, before entering upon the duties of his office, take and subscribe to an oath that he will support the Constitution of the United States and of the State of Tennessee, and that he will faithfully, impartially, diligently, honestly, and to the best of his skill and ability, perform all duties required as such Superintendent, and shall count for all monies and property coming into his hands as such Superintendent. He shall also execute and file in the office of the County Court Clerk a good and sufficient bond, with approved personal security, or with some incorporated bonding company authorized to do business in this State, as surety thereon. Said bond shall be in the penal sum of Five Thousand (\$5000.00) Dollars, payable to the State of Tennessee, conditioned upon the faithful performance of his duties, and the faithful accounting of all monies and properties belonging to the County which may come into his hands as such official. In the event said bond is executed by some corporate bonding company, then and in that event the premium of said bond shall be paid out of the Road Fund of said County as other disbursements are made.

That the salary of said Superintendent of Roads shall be Three Thousand (\$3,000.00) Dollars per annum, payable at the rate of Two Hundred Fifty (\$250.00) Dollars per month. Said disbursement to be made by warrant issued and signed by the Superintendent of Roads, and shall be paid from the Road and/or Bridge Funds of said county.

As amended by: Private Acts of 1949, Chapter 40

**SECTION 5.** That said Superintendent of Roads shall be vested with the following power and authority, charged with the following duties and responsibilities, and shall be subject to the following penalties:

(1) He shall be Chairman and executive head of the County Highway Commission and vested with the sole and exclusive authority to convene said Commission at such times as he deems to be to the interest

of the county: provided, however, that said Superintendent of Roads shall give to each member of said Commission a three days' notice of the time and place of said meeting. Said Superintendent shall not vote on any question coming before said Commission.

(2) It shall be the duty of the Superintendent of Roads to provide an efficient system of laying out, building, constructing, reconstructing, repairing and maintaining all county public roads and bridges and of constructing, operating and repairing and maintaining all public ferries in said county, and to accomplish this end said Superintendent shall have general, complete and exclusive control over the construction, repair and maintenance of public roads and bridges and ferries.

(3) The Superintendent of Roads shall have the sole, exclusive and complete authority of the disbursement and paying out of all road and bridge funds received from any source whatsoever. All disbursements made from said road and/or bridge funds shall be by warrant signed by said Superintendent of Roads.

Any and all funds received by the County Trustee of the County or Counties to which this Act applies from the United States of America or any agency thereof, due by virtue of the taking appropriation or destruction of any public road, or as an allowance or allowances for the construction, repair or maintenance of any public road, bridge or ferry occasioned or brought about by the construction by said United States of America or any agency or department thereof in the County or Counties to which this Act applies of any dam or other internal improvement, shall be deposited to the Road or Bridge Funds of said County or Counties, and shall be expended solely and only by the Superintendent of Roads, It being the intent and meaning of this section to prohibit the use of said sum, or any part thereof, for any purpose except the construction repair and maintenance of public roads, or the operation or maintenance of public ferries, and the costs, fees and expenses incident to the acquiring or securing of said fund from the United States of America or any agency or Court thereof.

(4) In the event any lawful indebtedness or obligation shall have been incurred by former highway officials of said county, said Superintendent of Roads shall have authority, and it shall be his duty, to pay and satisfy said indebtedness.

(5) The Superintendent of Roads shall have the sole and exclusive power and authority to employ all persons including members of the County Highway Commission to do work in the laying out, constructing and repairing of all public roads, bridges and ferries in said county and to fix the wages to be paid each employee. He shall likewise have the sole and exclusive power and authority to employ such clerical and legal assistance as he deems meet and proper and to fix the salary or fee to be paid such persons. Provided, however, that no wage, salary or fee shall be paid in excess of the average wage, salary or fee prevailing in said county for similar services.

(6) He shall have the sole and exclusive power and authority to discharge, lay off and fire any employee or person, now working or that may hereafter be employed. It being the intent of this Act to vest in said Superintendent the sole and exclusive right to employ and discharge any employee at any time he desires.

(7) The superintendent of Roads shall have the sole and exclusive right to contract and enter into agreements with any State or Federal Agency by which the road and/or bridge funds of the county may be supplemented or augmented, or by which additional employees may be secured for the construction or repair of roads and bridges, or by which additional employees may be secured for the construction or repair of roads and bridges, or by which additional roads may be constructed, reconstructed, repaired and maintained in said county.

(8) The Superintendent of Roads shall have the care and custody of all road tools, machinery and equipment, and all office supplies, books, records and office equipment. It shall be his duty to see that all tools, machinery and equipment are kept in good repair and preservation. He is expressly forbidden to use any of said tools, machinery or equipment for private, social or personal use, or to permit any employee or other person to use the same. Said tools, machinery and equipment are to be used solely and exclusively for the building and maintaining of a public road system for said county. The violation of this provision is declared to be a misdemeanor in office, punishable by a fine of not less than Ten (\$10.00) Dollars, nor more than Two Hundred Fifty (\$250.00) Dollars, and by removal from office.

(9) When the estimated cost of supplies, materials, equipment or repairs to equipment, required for essential functions of the county road system is less than One Thousand Five Hundred (\$1,500.00) Dollars, the Superintendent of Roads is authorized and directed to purchase said supplies, materials and equipment, and to have any equipment repaired, without the necessity of advertising for bids, but in making such purchases said Superintendent shall be diligent in securing the lowest possible price, and in no event shall any purchase be made in excess of the prevailing market price for such supplies, materials or equipment.

When the estimated cost of supplies, materials and equipment shall exceed the sum of One Thousand Five Hundred (\$1,500.00) Dollars, but shall be less than Three Thousand (\$3,000.00) Dollars, the Superintendent of Roads shall only purchase the same after making the advertisement, by posters posted for 7 days in the county, or one publication in some newspaper published in the county, which advertisement shall set forth a description of the article or articles sought to be purchased, and the time within which written and sealed bids for the same shall be received. Contracts for the purchase of such supplies and equipment shall in all cases be awarded to the lowest bidder, except where the Superintendent shall reject all bids, in which event said proposed purchase shall be readvertised as above provided. The violation of this section is hereby declared to be official misconduct and misdemeanor in office, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars, and by removal from office.

(10) That when it becomes necessary in order to carry out efficiently the construction of a highway system for said county, the Superintendent of Roads shall have the authority and is hereby directed and made his duty to institute condemnation proceedings for the purpose of condemning land for road purposes, chert beds, rock quarries, gravel beds or other road building materials, or rights of way. Provided, however, that no such condemnation proceedings shall be instituted involving expenditures in excess of revenues for the current year. Said condemnation proceedings shall be instituted in the manner provided by law for condemnation of land for public purposes under the laws of eminent domain. The damages assessed in favor of the property owner shall, in all such cases, be paid out of the road and/or bridge funds of the county, and as all other expenditures, shall be by warrant signed by the Superintendent of Roads.

As amended by: Private Acts of 1949, Chapter 40

As amended by: Private Acts of 1949, Chapter 872

**SECTION 6.** That in order to provide a more efficient road system in the County to which this Act applies, there is hereby created, in addition to the Superintendent of Roads, a County Highway Commission, to consist of five members, who shall be residents of the Civil District from which they are elected, and who shall be persons of known integrity and of good moral character.

**SECTION 7.** That at the Regular August election in 1948, in the county to which this Act applies, said County Highway Commission shall be elected by the qualified voters as follows:

One member shall be elected by the qualified voters of the First Civil District.

One member shall be elected by the qualified voters of the Second Civil District.

Two members shall be elected by the qualified voters of the Fourth Civil District.

The members thus elected shall qualify on the first day of September following their election by taking an oath of office and by filing a bond, with approved security, conditioned for the faithful performance of their duty in the sum of Two Hundred Fifty (\$250.00) Dollars. Which bond shall be approved by the County Judge and filed in the office of the County Court Clerk.

Provided further that every two years thereafter at the regular election One (sic) member of said Highway Commission shall be elected by the qualified voters of the First Civil District; One member shall be elected by the qualified voters of the Second Civil District; Two members shall be elected by the qualified voters of the Third Civil District, and, One member shall be elected by the qualified voters of the Fourth Civil District. Said Commissioners thus elected shall qualify on the first day of September following their election, as above provided, and shall hold office for a term of two years and until their successors are elected and qualified.

**SECTION 8.** That each member of the County Highway Commission shall receive Six (\$6.00) Dollars per day for attending each meeting of said commission, when called in meeting or session by the Superintendent of Roads as above provided. Provided, however, that no member shall receive pay for more than twelve days in any twelve (12) months period.

As amended by: Private Acts of 1949, Chapter 40.

**SECTION 9.** That said County Highway Commission shall be vested with the following power and authority, charged with the following duties, and shall be subject to the following penalties:

(1) To purchase all road machinery and equipment when the estimated purchase price for such machinery or equipment exceed the sum of Three Thousand (\$3,000.00) Dollars. Provided, however, that all such purchases in excess of Three Thousand (\$3,000.00) Dollars shall only be made after the Superintendent of Roads has certified in writing to said commission the need for such equipment, and only after due advertisement of same shall have been made by written or printed poster posted at the Courthouse door for seven days or published in some newspaper of general circulation for one week. Said advertisement shall set forth a description of the machinery or equipment sought to be purchased and the time within which written and sealed bids for same shall be received. Said machinery or equipment shall

in all cases be purchased from the person or firm submitting the lowest bid, except where the commission shall reject all bids, in which event said proposed purchase shall be re-advertised as above provided. It shall be unlawful for any member of said commission to evade the intent and purpose of this section by any scheme or subterfuge, and any violation shall be a misdemeanor, punishable by a fine of not less than Ten (\$10.00) Dollars and not more than Two Hundred Fifty (\$250.00) Dollars, and by removal from office.

Said County Highway Commission shall have no further or other authority or powers, except as set forth in this section, all other powers and authority being vested in the Superintendent of Roads.

(2) To contract with any State or Federal Agency by which the Road Funds of the county may be supplemented or augmented, or by which additional employees may be employed on road construction or repairs or whereby additional repairs and maintenance may become available. Provided, that such contract shall not incur any liability to the county above the current revenues for the current year.

(3) To employ a suitable person as Clerk of said Highway Commission, whose duties shall be as hereinafter set forth.

(4) To purchase all supplies, materials and equipment and repairs to equipment and machinery, needed for the construction and repair and maintenance of the public roads where the purchase price for such supplies, materials, equipment and repairs exceeds the sum of Two Hundred (\$200.00) Dollars. Provided that all purchases aggregating Two Hundred (\$200.00) Dollars or more shall only be made after due advertisement of same shall have been made at least one time in some newspaper of general circulation, published in the county and, setting forth the amount, quality, and description of such materials, supplies and equipment desired, and the time within which written and sealed bids for same shall be received. Such contracts shall in all cases be awarded the lowest bidder, except where the Commission shall reject all bids, in which said proposed purchase shall be readvertised as above provided. It shall be unlawful for said Commission to break down anticipated purchases of Two Hundred (\$200.00) Dollars or more for the purpose of evading this provision, or to evade the intent and purpose of this provision by any scheme or subterfuge whatsoever. The violation of this Section is hereby declared to be official misconduct and a misdemeanor in office, punishable by a fine of not less than Ten (\$10.00) Dollars, nor more than Two Hundred Fifty (\$250.00) Dollars, and by removal from office as provided by Section 1877 et seq. Code of Tennessee.

(5) That when it becomes necessary to do so, in order to carry out efficiently the work on the public roads as provided by this Act, the Highway Commission may institute condemnation proceedings for the purpose of condemning land for road purposes, chert beds, rock quarries, gravel beds or other road building material or rights-of-way necessary for the construction and maintenance of the public roads of said county. Provided, however, that no such condemnation proceedings shall be instituted involving expenditures in excess of revenues for the current year. Said condemnation proceedings shall be instituted in the manner provided by law for condemnation of land for public purposes under the laws of eminent domain. The damages assessed in favor of the property owner shall, in all such cases, be paid out of the Road Funds of the County upon warrant of the Clerk of the Commission, countersigned by the Superintendent of Roads, as hereinabove provided.

(6) That the County Highway Commissioners, by and through its Clerk, shall make a report to the Quarterly County Court of the County at each regular term of such Quarterly County Court, showing the expenditures for the preceding year, the number, kind and condition of the road machinery. The report herein provided for is mandatory, and the failure to file said report shall be a misdemeanor in office, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars, for each member of said Commission, and removal from office.

As amended by: Private Acts of 1949, Chapter 40  
Private Acts of 1951, Chapter 564

**SECTION 10.** That the Superintendent of Roads is expressly prohibited and enjoined from expending and from drawing warrants against said road fund in a greater amount than the amount of the road and bridge funds available for the year in which said warrants were drawn. Said Superintendent is likewise expressly forbidden from incurring any obligation in excess of the road funds for the current year, and any such obligation shall be illegal, non-enforceable and shall not be paid. Any violation of this section is declared to be a misdemeanor, punishable by a fine of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, and by removal from office.

As amended by: Private Acts of 1949, Chapter 40

**SECTION 11.** That the Superintendent of Roads shall, on the first day of September of each year, make a report to the County Judge of the county to which this Act applies. Said report shall show the source and amount of all road and/or bridge funds received, a summary of funds on hand as of that date. Said report shall also set forth all machinery, tools and equipment and its condition. A copy of said report shall be published in some newspaper of general circulation in said county.

Said Superintendent shall also keep in a well bound book a list of all warrants issued by him, together with the amount of road and bridge funds received. He shall also file and keep all invoices, payroll accounts and bids submitted by persons or firm for supplies and equipment purchased; same to be preserved for a period of two years. All of said records shall constitute and be public records open to the inspection of any citizen of the county at all reasonable times.

As amended by: Private Acts of 1949, Chapter 40

**SECTION 12.** That neither the Superintendent of Roads, Highway Commission, or Clerk nor any assistant or employee working under the directions of said officials shall be financially interested in, or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, material or equipment for said department of roads nor in any firm, corporation, partnership, association or individual furnishing such supplies, materials or equipment. Nor shall the Superintendent of Roads, Highway Commission or Clerk accept or receive, directly or indirectly, from any person, firm, corporation, partnership, or association to whom any contract may be awarded, by rebate, gift or otherwise, in money or other things of value whatsoever, or any promise, obligation or contract for future reward or compensation. The violation of this Act is hereby declared to be official misconduct and a misdemeanor in office, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars and removal from office, as provided by Code Section 1877 et seq.

**SECTION 13.** That the method of opening, closing or changing the location of any public road in said County as provided in Sections 2731-2741 of the Code of Tennessee shall not be changed or abridged by this Act, but shall remain in full force and effect in said county.

**SECTION 14.** That at any time a vacancy occurs in the office of said Superintendent of Roads and/or County Highway Commission the Quarterly County Court at its next regular meeting shall fill said vacancy by electing a person or persons who shall possess all the qualifications set forth in this Act. The person and/or persons elected as member or members of the County Highway Commission shall serve until the next regular election and until their successors in office are elected and qualified.

**SECTION 15.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, sub-sections, sentences, clauses, phrases, or words be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

**SECTION 16.** That this Act shall take effect from and after the first day of September, 1948, and not until then, except that at the regular August election of 1948, there shall be elected the Superintendent of Roads and County Highway Commissioners, as herein set out; to take office on the first day of September, 1948; the Public Welfare requiring it.

Passed: March 14, 1947.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Clay 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, applied to all counties under 70,000 population, census of 1900, or subsequent, and probably formed the pattern of the great mass of road laws to come. The County Court would elect one Road Commissioner from each road district, same to be co-extensive with civil districts who would have general supervision over all roads, bridges, and overseers in his district. The duties of all the officials specified in the act of the courts, of those who were subject to compulsory road work, including prisoners from the workhouse, were written in detail in the act. A road tax was allowed to be levied and specifications for new roads to be built or old ones to be repaired were also included. The power to contract was granted and among the records to be kept were the inventory and classification of the roads in the county. See Carroll v. Griffin (1906), 117 Tenn. 500, 97 SW 66.
2. Private Acts of 1905, Chapter 478, amended the general road law of the state as it was stated by the 1901 Act above. The amendments provided that the County Trustee would prosecute suits and handle the money, the procedures for handling those petitions to open, change, or close roads were changed, and the County Court was given appellate jurisdiction over all those discretionary individual responsibilities.
3. Private Acts of 1929, Chapter 889, established a County Highway Commission for Clay County consisting of five members, one from each of four civil districts and two from the Third Civil



District. W. A. Marcom was named as Chairman of the Board, R. L. Donaldson as Secretary, and Estus Cherry, J. M. Brown and C. E. Clark as members, all to serve until their successors were elected and qualified in September, 1930. Quarterly County Court would fill vacancies until the next general election. The Commission could employ a Superintendent of County Roads whose salary would be between \$100 and \$150 per month and whose duties would include all those vested by law in the District Road Commissioners. The County Court would fix the salary of the Commissioners who would also have all their expenses reimbursed out of county highway funds. The commission was enabled to contract work out and to keep records on that and other programs. A periodic report of the conditions and programs for roads would be made to the County Court. This Act was specifically repealed by Chapter 698, Private Acts of 1937.

4. Private Acts of 1935, Chapter 207, amended Chapter 889, Private Acts of 1929, by striking all of Section 8 and providing that the members of the Highway Commission shall each be paid \$150 annually in equal monthly installments out of road funds and the Secretary of the Commission would receive \$300 a year in the same way.
5. Public Acts of 1937, Chapter 195, amended Section 3275, of William's Code of 1932 so as to change the classification of the toll bridge over the Cumberland at Celina from Class B to Class A and institute a schedule of toll charges accordingly.
6. Private Acts of 1937, Chapter 698, repealed Chapter 889, Private Acts of 1929, Item 3 above, the former Road Law for Clay County and enacted a new one. Four Road Districts, co-extensive with the Civil Districts were created from which one commissioner would be elected and an extra commissioner would be elected in the Third District. The duties, powers, qualifications, terms of office, and compensation of the County Highway Commission were specified. A compensation of \$4.00 daily for attendance at all regular and called meetings of the commission was limited to six days per month. The Commission would meet regularly on the first Monday of each month at the courthouse in Celina and the meeting would be open to the public. The Commission would be in charge of all highway work, would employ a Superintendent of Roads at a maximum \$1,200 annual salary. Purchasing procedures were prescribed which were to be observed by the Commission. All employees and laborers, civilian and prisoners, were placed under their supervision, and they would also operate and maintain the County Poor Farm. J. H. Durnette, Jr., of Moss, Tennessee, Jesse Rich, of Hermitage Springs, Fred Maxey and Frank Brown, of Celina, and, B. C. Ledbetter, of Willow Grove, were named to be members of the first Road Commission under this act, to serve until their successors were elected. This Act was repealed by Chapter 296, Private Acts of 1941.
7. Private Acts of 1941, Chapter 296, repealed the above act in Item 6, and passed a new Road Law. This act retains the composition of the Board of Highway Commissioners and names W. A. Marcom as Chairman, Lester Brown as Secretary, and C. E. Clark, Frank Brown, and Dewey Birdwell as members to serve until September, 1944 when their successors would be elected for two year terms. Their compensation was \$24 a month, their expenses in line of duty would be paid, and, if they worked for the county in any other capacity, they would be paid what the county court deemed reasonable. They would employ a Road Superintendent and set his salary at a reasonable figure. They would report to the county court on the conditions of the roads and keep accurate records of the disbursement of funds. Public ferries were likewise under their supervision. This act was also repealed by Chapter 52, Private Acts of 1943.
8. Private Acts of 1941, Chapter 370, released all the citizens of Clay County from their obligation of performing compulsory road work or paying a commutation fee.
9. Private Acts of 1943, Chapter 52, specifically repeals Chapter 296, Private Acts of 1941, which constituted the then existing Road Law, in its entirety.
10. Private Acts of 1943, Chapter 54, expressly repealed Chapter 698, Private Acts of 1937, which had already been repealed by Chapter 296, Private Acts of 1941. The title of the repealed act is copied into the caption of this act. This act and four others were the basis of the suit styled Kyle v. Marcom, (1944), and Brown v. Kyle, a companion suit heard with the former, 181 Tenn. 58, 178 S.W.2d 618 (1944).
11. Private Acts of 1943, Chapter 219, became the new Road Law after Chapter 54, above, had repealed the old one. This act names the same people to the Board of Highway Commissioners as Chapter 296, Private Acts of 1941, and seems to be substantially the same as that former act except the compensation for the Commissioners is fixed at \$25 a month, and \$4.00 per day for all time spent in road supervision. The act has a general repealing clause only and is construed along with the other 1943 acts mentioned in the case cited in the above Item 10. Chapter 219, Acts of 1943, was repealed by Chapter 872, Private Acts of 1947.

12. Private Acts of 1947, Chapter 872, repealed expressly and entirely Chapter 219, Private Acts of 1943.

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