



May 17, 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
Road Law 3
Private Acts of 1921 Chapter 750 3
Highways and Roads - Historical Notes 9

Chapter IX - Highways and Roads

Road Law

Private Acts of 1921 Chapter 750

SECTION 1. That it shall be the duty of each and every County in Tennessee having a population of not less than Thirteen Thousand Four Hundred and not more than Thirteen Thousand Four Hundred and Twenty according to the Federal Census of 1920, or any subsequent Federal Census, to locate or lay out, construct, repair, work and maintain a system of pike, macadam, dirt, earth and other public roads.

SECTION 2. That the opening, closing, changing, working and maintaining the public roads in said Counties shall be in charge and control of and under the supervision of a County Road Commission, composed of a Superintendent of Roads for the County at large, and one Road Commissioner for each Civil District of the County. The Superintendent of Roads shall be elected for a term of four years by the qualified voters of each County at the regular election on the first Thursday in August, 1930, and every four years thereafter for a term of four years beginning on the first day of September, 1930, provided, that George W. Rector, the present Superintendent of Roads of Scott County, by virtue of the election of the qualified voters, and said County being one of the Counties to which this Act applies, is hereby appointed Superintendent of Roads of said Scott County to discharge the duties of said office as required by said Act and the general Road Laws of the State, until said regular election in August, 1930, and until his successor is elected and qualified for the succeeding term from September first, and upon his qualifying as required by said Act, is hereby appointed Superintendent of Roads for said County to discharge the duties thereof until the first regular election and his successor, is elected and qualified, upon his giving bond and taking oath as required by this Act. The Superintendent of Roads is authorized to supervise and control the expenditure of all county road funds which may be derived from the gasoline tax and allocated to the county by the State, including the employment of a qualified Road Supervisor at a salary not to exceed \$5,000.00 per annum, and all necessary assistants and labor for said purposes, it being intended by this provision to confer upon the Superintendent of Roads authority to extend such County Aid without limiting such expenditure to the control and direction of the County Road Commission. Provided, further, that in the purchase of equipment the County Judge shall be required to approve said expenditure, it being the intention of this provision to limit the purchasing powers of the Road Superintendent. The Superintendent of Roads shall be the agent of the county in dealing with the State Highway Department in connection with road matters pertaining to the county.

The Superintendent of Roads shall be at least twenty-five years of age, a freeholder and householder and citizen of the County and skilled in road construction and maintenance and have a practical knowledge of road engineering and qualifications to make the records and reports required by this Act, and no person not so qualified shall be eligible. The Superintendent before entering upon his duties shall enter into a good and solvent bond payable to the State in the sum of Five Thousand Dollars conditioned to faithfully and honestly perform the duties of the office, and to properly expend and use and account for all road funds and labor and machinery, tools and materials and to make reports and records of roads, road funds, road labor and road conditions, which bond shall be acknowledged before the County Court Clerk and approved by the County Judge and filed in said Court, and take and subscribe to an oath before the County Court Clerk that he will honestly, faithfully and impartially perform the duties of his office, and that he will not directly or indirectly become pecuniarily interested in any contract for road labor, funds, materials, machinery, tools, or other road transactions and contracts. When so qualified the minutes of the County Court shall show he was inducted into office and entered upon his duties. The Superintendent shall be paid for his services Seven Thousand Five Hundred Dollars per annum out of the road funds in quarterly payments on the first Mondays in July, October, January and April. The Road Commissioner for each district shall be elected by the qualified voters of their District, at the regular August election, 1924, and every two years thereafter; provided, that the present District Commissioners hold their office until the regular August election, 1924, or until their successors are elected and qualified.

The Road Commissioner for each district shall be a freeholder or householder and citizen of the district from which elected and more than twenty-one years of age and skilled in road work and capable and qualified to make the records and reports required by this Act, and persons not so qualified are not eligible. Before entering upon their duties Road Commissioners shall enter into a good and solvent bond in the sum of One Thousand Dollars to be conditioned, and payable, and acknowledged, approved and filed as required of the Superintendent, and shall also take and subscribe to an oath of office as required of the Superintendent and thereupon be inducted into office by the County Court. The compensation of the District Road Commissioners shall be One Hundred Twenty Dollars per annum and payable out of the road

funds quarterly on the first Mondays in July, October, January and April. The Quarterly County Court may remove any Superintendent of Roads or Commissioners for neglect of duty and shall remove any of said officials for wilful neglect of duty or corrupt acts, amounting to nonfeasance or malfeasance in office, when written charges thereof are made and satisfactorily proven, provided that such official shall have at least five days written notice of the charges before the hearing. In case of vacancy in the office of Superintendent or Commissioner the County Judge shall fill the same by appointment of some eligible person until the next Quarterly County Court, when the Quarterly Court shall elect such official to serve the remainder of the unexpired term and until the next regular election for such office. No Justice of the Peace or member of the County Court shall be eligible to the office of Superintendent of Roads or Road Commissioner, and shall not be Road Overseer or contractor or become interested in any contracts for labor, funds or money, materials, tools or machinery.

Notwithstanding the provisions of any act of the General Assembly enacted prior to January 1, 1973, the salary of the county superintendent of roads shall be seven thousand five hundred dollars (\$7,500) a year, payable in equal monthly installments out of the road funds of the county, and the salary of the road supervisor shall be five thousand dollars (\$5,000) a year, payable in equal monthly installments out of the road funds of the county.

As amended by:

Private Acts of 1923, Chapter 11
 Private Acts of 1929, Chapter 865
 Private Acts of 1945, Chapter 219
 Private Acts of 1949, Chapter 227
 Private Acts of 1951, Chapter 596
 Private Acts of 1951, Chapter 597
 Private Acts of 1963, Chapter 37
 Private Acts of 1969, Chapter 157
 Private Acts of 1970, Chapter 332
 Private Acts of 1973, Chapter 129

SECTION 3. That the duties of the Superintendent of the Roads shall be as follows:

1. To take charge of all public roads and bridges in the County and superintend and assist in public road construction, repair and maintain and to carefully and properly use and employ road labor and machinery, tools and materials, and expend road funds so as to avoid waste and graft, and so as to best accommodate the the (sic) travel and traffic and promote and secure the public welfare in the County.
2. To take charge of all road machinery, equipment, tools, and materials owned by the County, and make a complete inventory of same, and to buy and furnish for road work in the different road districts, all other road machinery, equipment, tools and materials, from time to time as the road funds permit or warrant and the public good demands, when the value of the property or amount of the contract is less than Two Hundred Dollars, and take a receipt from each of the sellers for each purchase showing the date and amount paid and what it was paid for.
3. To designate and furnish road machinery, tools and materials to the different districts and Commissioners thereof, a proportionate or equitable part of the time or a proper and equitable share of the machinery and tools for all the time so as to best supply the needs for improving the roads in all the districts, and upon delivery take the Commissioners receipt therefor.
4. To assist the District Road Commissioners in public road work and require that all reports of both Superintendent and Commissioners shall be submitted to the County Judge for his examination and approval before issuing his warrant for the salary of the Superintendent and Commissioners. Upon the failure of the Superintendent or any Commissioner to make the reports required by this Act at the time specified, then the Quarterly County Court shall declare such office vacant and shall proceed to elect or appoint his successor as this Act directs.
5. To draw his order on the County Judge or Chairman to obtain his road warrant on the County Trustee for the purchase of road machinery tools, materials and for labor or road work and all other necessary and legal expenditures of road funds, provided that in each case or item of expenditure he must have on file in his office the written receipt of any seller of machinery or tools or materials or supplies given to him by the seller and the affidavit of the Road Overseer for the payment of road labor or the affidavit of the person who performed the labor on the public road under contract, and his order to the Judge shall specify for what it is drawn. In no case shall the Superintendent draw his order in excess of the funds due or become due and available for the year.
6. To provide suitable record books and make and keep a complete record of all roads, road work and road expenditures. Among other things his record shall show the number, name and describe

the beginning, the route or course and the termination of each road or road section in each district on which public labor is performed or money expended, the name of the overseer of each road the names of the farms or lands and homes from which labor is assigned to each road, names of all men subject to road labor on each road, the number of days each man was warned by the overseer to work and the number of days each man worked in accordance with the warning, the names of the men who failed to work when warned but paid commutation to the County Trustee instead of working and the amount so paid by each, names of the men who failed or refused to work the road when warned and who did not pay commutation to the Trustee, and names of hands who were prosecuted for violation of the law and the amount of the fine assessed in each case and whether collected or paid over to the Trustee for the benefit of the road section to which the offender belonged, and also the names of those subject to road labor and assigned to the road who were not warned to work and the reasons therefor.

It shall also show the dates, items and amounts of public funds used or expended on each road section, the purpose for which paid out and the name of the person to whom paid, the machinery, tools and materials bought with the dates, items or article bought, the names of the sellers and the price paid for all machinery, tools and materials and all other items of expenditures as paid out and disbursed from time to time and the total disbursements for all purposes, for each calendar year said record, books and papers shall be public records and subject to inspection at all reasonable times.

7. To consider and act upon petitions or applications to open, close or change roads, and take necessary steps to acquire necessary rights of way at the least possible cost and trouble by making contracts with land owners and otherwise but contracts for road ways or rights of way shall be subject to the approval of the County Judge.
8. To make a full and complete report to the Quarterly County Court at its January, April, July, and October terms of said court each year the number, names and description of each road section designated and reported as a public road together with the name of the overseer of each road and the names of hands assigned thereto for labor, and the number of days worked by each man and the number of days each man failed to work but paid commutation, and the names of the men who failed to work or pay when warned, and the names of hands not warned and the reasons therefor and the results of all prosecutions for all violations of this Act. He shall report all items and expenditures for public road work on each road section, and for road materials, machinery, tools and for all other expenditures, giving the dates, name of the person to whom paid, the purpose for which paid and amount of each item and the total amount of expenditures on all accounts. He may also report other conditions of the roads and road work and other facts that may be beneficial or interesting to the public and make such recommendations as he may see fit.
9. To call meetings of the County Road Commission when necessary or required and preside over the meetings and keep accurate and proper records of the transactions and actions of the Commission.

As amended by: Private Acts of 1923, Chapter 11
Private Acts of 1959, Chapter 190
Private Acts of 1970, Chapter 332

SECTION 4. That the duties of the District Commissioners shall be as follows:

1. To take charge under the supervision of the Superintendent of all public roads in his district and to improve, work and keep same in repair and to receive and receipt for all road machinery, tools and materials assigned to and delivered to him by the Superintendent for his
2. To properly sectionize and designate the roads of his district upon which labor is to be performed or money expended by numbering and naming each road or road section and fixing or describing its beginning, its route or course and determination, in April, 1921, and on the first Monday of January each and every year thereafter, and at the same time appoint in writing for the year a competent and reliable overseer, skilled in road work, for each road or road section so designated, and assign road hands or labor on farms or lands and in homes contiguous or adjacent to each road. Each overseer must belong to the road where appointed. A record of such designation, appointments and assignments shall be made and kept by him and report thereof made to the Superintendent of Roads.

The Commissioners are empowered to remove overseers at will for neglect of duty and appoint others. When designated for public labor and funds no road shall be closed, changed or opened in the district during the year except upon application to the Superintendent and his order therefor.

3. To require overseers of his district to warn all men subject to road labor to work on the roads to which assigned in due time, and to report to him the names of all men subject to road labor on their respective sections, the names of those warned, and the number of days for which warned,

and the number of days worked by each, the names of those who failed to work, and number of days each is delinquent, and the names of those not warned and the reason therefor. Reports relative thereto shall be made on the first Mondays of July, October and April of each year.

4. To have the road funds derived from all sources for his district worked out on the roads or road sections therein and as nearly as practical on each section in proportion to the amount collected or derived therefrom, giving preference to the road hands and tax payers assigned to or contiguous to the road if satisfactory labor is available. The number of hours customary in the locality shall constitute a days (sic) labor and the customary wages for such may be paid for labor of men and teams.
5. To make and keep a record of the names of all persons employed to work for wages on the roads and numbers of days work performed by each and the wages paid per day and the amounts paid out on each road section to each man and make report of same to the Superintendent on first Mondays in July, October, January and April of each year and oftener if required.
6. To prosecute in name of State all persons subject to road labor who fail to work or pay when warned and to summon the Overseer and Trustee and other witnesses to convict the guilty and see that all fines assessed are collected and paid over to the Trustee to the credit of the district and road to which it is due or belongs.
7. To require reports from overseers of his district and make final settlement with them for each year not later than the 20th day of December and in turn to make report to and settlement with the Superintendent of Roads not later than December 31st each year. No order or warrant shall be drawn to pay Commissioners until the reports due from them are made as required.
8. To meet with the Superintendent and the other Road Commissioners of the County when called or notified or as required and as a member of the Commission to take such action relating to roads and road funds as is necessary or best.

COMPILER'S NOTE: Private Acts of 1935 (Ex. Sess.), Chapter 14, abolished district commissioners.

SECTION 5. That Road Overseers shall take charge of their respective roads and improve and repair and maintain same, and properly preserve, use and account for all road machinery, tools and materials. Overseers shall give all hands subject to road labor at least three days notice or warning in person or by written letters or notice left at his residence or usual stopping place of the time and place of working. Any hand subject to road duty may furnish an able-bodied substitute not under eighteen years of age. Any hand or substitute may be dismissed by the overseer for failure to put in good time or to obey orders. Removal from one district to another will not excuse any road hand subject to road duty from labor in either district. Each overseer shall serve four days without compensation, and for each additional day he shall receive \$2.00 per day, but in no case to receive more than Ten Dollars in any one year; provided that if any road district has funds sufficient to hire hands to work on roads or in case of emergency where it is necessary to remove obstructions or make repairs the District Commissioner may allow pay to any overseer for such extra work, provided he first obtain authority to do the same. All hands assigned to each road and overseers shall be worked at the same time or warned to do so in so far as it is practical to best maintain the roads. Not later than December 20th and when required by the Commissioner of his district each overseer shall make a written report under oath to the Commissioner of his services and work, showing the number of days with the dates devoted by him to the discharge of his duties, and the names and number of days worked by each hand, the names of hands who failed to work but paid the Trustee, and the names of hands who failed to work or pay when warned and the number of days each is delinquent, and names of hands not warned and the reasons therefor.

SECTION 6. That all male residents of said Counties, except those residing in incorporated towns, between the age of twenty-one and forty-five years on January 10th of each year, except such as have been released by the County Court from payment of poll tax and from working the public roads, shall be subject to work four days on the public roads of the County and district where they reside on said date and four days of road work for each year are hereby assessed and levied against said male residents, and eight hours constitute a day's road work; provided that any man subject to road labor may commute same by paying in lieu of work Four Dollars to the County Trustee at any time before warned to work on or before the day or days warned to work or by paying to the Trustee at the rate of One Dollar per day for each day warned to work when less than four days and when warned to work them, provided further that commutation or pay in lieu of road work shall be payable to the Trustee at any time after January 10th of each year and separate and apart from other taxes assessed against any road hand. It shall be the duty of every such male citizen subject to road labor to work on the roads when warned or to pay one dollar per day in lieu thereof to the County Trustee and failure to so work or pay shall be a misdemeanor and punishable by a fine for each offense of not less than Ten Dollars.

SECTION 7. That in laying out, locating and working public roads, it shall be the duty of the Superintendent of roads and Commissioners to avoid heavy grades by cutting down sharp points or changing the location or direction of the roads, so as to make it as nearly level as practical, and in all cases the grades of ascent or descent on road shall be the least obtainable taking into consideration the topography and natural condition of the locality where it is necessary to locate and construct or maintain roads.

All roads shall be graded with earth, dirt, stone or other durable material so as to drain fully to the sides or with a fall of one inch to the foot from the center of the road to the ditches, and where practical shall be dragged or rolled and compacted. The leading roads or thoroughfares of the County shall be worked in the manner of pikes. For such pike work the roads most material and necessary and the greatest benefit, utility and convenience to the County and traveling public shall be designated by the Superintendent. In constructing pike roads the road beds shall be located and graded as hereinbefore provided and then a wearing surface raised with stone, graved (sic) or other durable material equally as good or better, of sufficient width and not less than nine feet wide, and not less than ten inches thick in the center and not less than six inches thick at the outer edges of such bed of stone, gravel or material, which shall be compacted together in such manner as to secure a firm, even, smooth and substantial pike or improved road. All roads shall be provided with all necessary side mains or ditches of sufficient depth to drain the road bed, and with under drainage and culverts to prevent overflowing or washing of the road by water, and where practical and the road funds are sufficient roads shall be provided with essential and substantial bridges and culverts at crossings of water courses. Suitable foot logs over streams shall be provided and placed for travelers on foot where bridges cannot be built.

All dangerous trees in reach of roads and limbs and bushes in the way of travel shall be cut down or removed.

First class roads shall not be less than twenty-four feet wide, second class not less than eighteen feet and third class not less than fourteen feet wide. All public roads shall be at least fourteen feet wide. For any Road Commissioner to fail to detach and under-drain the roads and to work and maintain the roads as herein provided when there is sufficient funds and labor to the credit of the road, when he has had sufficient time to do so shall be sufficient cause for removal.

SECTION 8. That all applications to open, change or close public roads, shall be by written petition filed with the Superintendent of roads, which shall designate the road to be opened, closed or changed and give the names of the owners of land over which it is to pass or be located from the beginning to the end. Upon receipt of such petition the Superintendent of Roads shall within five days fix or designate the time at which he will be present a (sic) the beginning point mentioned in the petition to hear the parties concerned and view the road and act on the petition and give to the petitioners and land owners affected at least five days notice thereof. If any land owner is not a resident or absent then five days written notice to his agent or attorney residing in the County or his tenant on the land affected shall be given legal notice.

At the time and place designated he will attend and view the road and premises and hear the petitioners and parties concerned and when land owners affected have been heard, shall act upon the application, and refuse it or allow it and if allowed assess the damages to any land owner against the County, and report his action to the Judge or Chairman of the County Court, and with his report file the original petition, notices to land owners and others and names of material witnesses. The County Judge shall examine the record and whole matter and if regular and proper shall approve the order of the Superintendent in opening or closing the road and draw warrant on the Superintendent's order on road funds to Trustee to pay all damages assessed to land owners.

Any land owner or petitioner dissatisfied with the action of the Superintendent, may appeal within ten days to the County Court where the whole matter will be heard by the County Judge thereof. On such appeal the Court will hear evidence and either approve or disapprove the action of the Superintendent, and may make such orders as he deems best for the interest of the public and when lands are appropriated shall pay such damages as the merits of the cause require upon proper order and warrant.

SECTION 9. That for the purpose of establishing and maintaining public roads and pikes as hereinbefore provided, the Quarterly County Court shall levy each year at the January term, or when other taxes are levied a road tax for road purposes of not less than fifteen nor more than twenty-five cents on each One Hundred Dollars valuation of taxable property in their respective Counties, outside of incorporated cities or towns and on all privileges assessed or taxed as such by the State for such year a rate or sum not in excess of three-fourths of that levied by the State for State purposes and a pike or highway tax not to exceed ten cents on each One Hundred Dollars valuation of taxable property and may levy a tax on privileges not exceeding one-fourth of that levied by the State for the purpose of maintaining pike roads, provided that any County which has issued and sold bonds for the purpose of building pikes may use the

taxes levied and collected for pike purposes to pay the accrued or current interest on the outstanding pike or road bonds, or for a sinking fund therefor.

The County Court shall when other taxes are levied also levy against the owner of each and every one horse drawn wagon or vehicle a tax of Two Dollars and Fifty Cents, two horse drawn wagon or vehicle Five Dollars, and a four horse drawn wagon or vehicle Ten Dollars, used in traffic or hauling merchandise or products whether for hire or otherwise, excepting owners of wagons and vehicles used exclusively to haul farm products raised or produced by the owner, which tax shall attach and become due and payable immediately upon the use of said wagon or vehicle upon the public road, and if not paid in thirty days thereafter shall be delinquent and subject the owner to distress proceedings to enforce payments. The said wagon or vehicle tax and all other privilege taxes herein provided for shall be collected by the County Court Clerk as now required by law. The Justices of the Peace shall report to the Clerk the names of all persons subject to privilege taxes or exercising any business so taxed. Persons subject to the wagon or vehicle tax may commute same by working out the amount of same under the direction of Superintendent of Roads on the public roads or road of the district or districts where used and the Superintendent's receipt shall be sufficient evidence thereof when filed with the Clerk. When the Clerk's fee for collection is worked out on road by any wagon tax payer same shall be paid by proper road order and warrant on road funds to the Clerk.

Said taxes shall be collected by the County Trustee excepting privilege taxes are to be collected and paid over to him by the County Court Clerk, and the common road funds and the pike road funds derived from the levies and all sources shall be kept separate and apart from each other and all other funds and paid out on the warrants of the County Judge upon order of the Superintendent of roads. The common road funds derived and collected from all sources shall be expended in the district from which derived or collected, or as nearly so as practical, excepting the funds derived from taxes on property of railroad companies and telegraph companies which shall be proportioned and expended in the several districts according to or on the basis of the valuation of property in each district as assessed and taxed for that year, not including railroads and telephones provided that the Superintendent of roads may buy road machinery (sic), tools, and material and pay for road rights of way and record books, papers and blanks by order of the County Judge out of the general road fund or funds available for the entire County, and the same shall be deducted from the entire County fund or equally from the funds of each district and the remainder apportioned among the districts or such remainder be expended in the district from which collected or paid. For such purposes the County Trustee shall keep an account with the County road fund and with each district. All road funds shall be disbursed by the Trustee on the warrant of the Judge or Chairman of the County Court, and the County Judge shall not draw any warrant in excess of any road funds due or to become due and available for that year.

SECTION 10. That the following acts are hereby made misdemeanors and punishable by fine of not less than Ten Dollars and not more than Fifty Dollars before any Justice of the Peace or other Court having the jurisdiction.

1. For any person to put upon the road or in the ditches of any public road any brush, briars or other obstructions;
2. For any hand subject to road duty to fail or refuse after notice as herein provided to work upon the road the number of days required by this Act or to make the payment in lieu thereof to the Trustee;
3. For any Road Commissioner or Overseer to wilfully fail to work, ditch and underdrain the public road or roads in his charge as herein required.
4. For any Road Superintendent, Commissioner or Overseer to receive or accept money from any road hand subject to road labor as a payment in lieu of labor or for a release from labor on the road or to assist in the avoidance of such labor due;
5. For any Road Commissioner or Overseer or any other person to use for private use any road machinery, tools, or material belonging to the County, or to give to any other person permission to use the same for private purposes;
6. For any Road Superintendent or Road Commissioner to be a contractor for labor or materials or to become directly or indirectly interested in any contract for working any road or furnish any supplies for roads or road work.
7. For any official or other person to wilfully and knowingly violate any provision or provisions of this Act. All fines for violation of this Act shall inure to the benefit of the district and road where the offense was committed and same shall be paid to the County Trustee and when collected by him shall be credited to the district as other funds. It shall be the duty of road officials to take out warrants before some Justice of the Peace against offenders against this Act and prosecute them

in the name of the State or indict them in the Circuit Court, and see that all material and necessary witnesses are summoned and records furnished to convict the guilty, and to see that all fines for violations are collected and properly credited to the road funds, provided that any citizen may prosecute offenders against any of the provisions of this Act as now provided by the general laws, provided further that nothing in this Act shall be construed to amend or modify the laws governing prosecution and punishments for bribery, perjury, fraudulent breach of trust, and like offenses against the general laws.

SECTION 11. That Superintendents of Roads and Road Commissioners shall be liable for any breach or breaches of official bonds, and their respective liabilities therefor shall be recoverable in a suit in the name of the State by the District Attorney General in the Chancery or Circuit Courts, or in a suit or suits in the name or names of any one or more taxpayers and citizens of the County in the Chancery or Circuit Courts.

SECTION 12. That it shall be the duty of said Road Commissioner to meet at the County seat of their Counties in July and January of each year on notice or call of the Superintendent, and oftener when necessary on call or notice and as a Board to buy all machinery, tools and materials, when the value or prices of the items or any item exceeds Two Hundred (sic) Dollars, and to do any and all other acts and business necessary or best for road construction and maintenance and to co-operate together as to leading roads passing through one or more districts, and as to the use of machinery, tools and materials, provided that nothing in this section shall modify or interfere with the specific powers and duties hereinbefore conferred on the members of the Commission.

SECTION 13. That it shall be the duty of the Superintendent of Roads and of the Road Commissioners under his direction to work the County prisoners or workhouse convicts on the public roads when the number is sufficient to justify the employment of a guard.

SECTION 14. That nothing in this Act shall be construed so as to prevent or interfere with any County Court under its general powers from building bridges and pike roads and the maintenance of the same, nor to interfere with the expenditure of any special pike, road, or bridge funds derived from the sale of bonds therefor or otherwise according to the purpose voted or levied and collected.

SECTION 15. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1921.

Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136, was a statewide road statute requiring the County Courts to appoint a Road Commissioner for each District, which would be coextensive with the Civil Districts, who would be in charge of the roads and bridges in his area. Their duties and the duty of the courts are specified in the act. A special road tax of two cents per \$100 of taxable property was authorized and required. Commissioners would name Road Overseers in their Districts who would immediately supervise the work. All males outside incorporated cities were eligible to work on roads for as many days as required and it was a misdemeanor to fail to do so. Some specifications for building and maintaining roads were set out and procedures were established for handling petitions to open, close, and change the public roads. The County Court could contract for construction and repair of roads if the conditions set up in the act were observed. This Act did not apply to counties over 70,000 in population, but became the model from which many counties later wrote their road laws. This act was further considered in the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66 (1906).
2. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the methods to be used for receiving, hearing, and disposing of the petitions to open, close, or change a road.
3. Private Acts of 1907, Chapter 515, was a road law for both Scott and Campbell Counties. The County Court would appoint three Commissioners for two year terms who must be skilled in road building and maintenance, who would take an oath and make bond, and who would have supervision over the roads, bridges, and culverts of the county, and over the contractors, supervisors, and road overseers. The County Court could remove a Commissioner for cause. The Commission would designate one or more County roads as turnpikes and treat them as such. An

engineer was authorized who would assist the Commission and the County Court. Roads would be classified according to width and paving material and must be at least fourteen feet wide, and meet other specifications in order to be declared county roads. No contract could be awarded which would exceed the funds available. All males, 21 to 45 years of age, must work a number of 8 hour days on the roads or pay \$1 per day commutation fee. A special road tax of ten to twenty-five cents could be levied, plus another two cent tax, two-thirds of which could be worked out. One-half of the money collected must be spent in the District from which it came.

4. Private Acts of 1911, Chapter 420, created a Board of Road Commissioners for Scott and Campbell Counties, consisting of the County Judge, as Chairman, a Road Superintendent, and a Secretary, both of whom would be elected by the County Court at its first meeting in 1912 and at every two years thereafter. W. M. Todd and Thomas Begley were named to these two positions for Scott County in the Act. The salary of the Road Superintendent could go up to \$750 a year, the Secretary to \$300 per year, and the County Judge, if not otherwise paid, up to \$300 a year. The Board would meet at least twice a month in the County Judge's office and at called meetings whenever necessary. The Board could employ a civil engineer to do those things specified in the Act. All county roads would be divided into sections and tools furnished for each section. Maximum rates to be paid for labor was \$1.25 per day. The court could levy a road tax from 10 to 25 cents per \$100 assessed property valuation which would go into the common road fund. All males, outside cities, would pay an extra \$3 or work three days on the roads. A privilege tax of \$5 was placed on wagons and other vehicles used commercially. Road must be classified and all specifications on drainage and grades be observed. Petitions would be filed to open, close, or change roads and the procedures were established for handling them.
5. Private Acts of 1919, Chapter 378, was an act which was indicated as being applicable to Scott County. The population figures quoted were 13,880 and no more than 13,890, of the 1910 Federal Census, which makes the act applicable to Grainger County instead of to Scott County.
6. Private Acts of 1919, Chapter 576, amended Section 4, of the Act creating a Board of Road Commissioners so as to empower the County Court at its next quarterly session to fix the price to be paid per day for road labor, and to allow the Board to contract for the construction and repair of roads under certain bid requirements which must be observed. All acts in conflict were repealed.
7. Private Acts of 1921, Chapter 750, is the current road law for Scott County and is published herein in full with the amendments.
8. Private Acts of 1923, Chapter 11, amended Private Acts of 1921, Chapter 750, Section 2, by providing that the District Road Commissioners shall be elected by the people for two year terms, starting in August, 1924, instead of being elected by the County Court, and by requiring that the warrants for the salary of the Road Superintendent be submitted to the County Judge for approval before being paid. These are incorporated into the Act.
9. Private Acts of 1929, Chapter 865, amended Private Acts of 1921, Chapter 750, Section 2, by increasing the term of the Road Superintendent from 2 years to 4 years, and appointed George W. Rector to this post until the election in August, 1930. The salary was increased from \$1,200 to \$1,800 per year, and the Road Superintendent was named as the contract officer and as Chairman of the County Highway Commission to cooperate with the State and Federal officials. These amendments are incorporated into the act.
10. Private Acts of 1933, Chapter 428, provided that the Superintendent of Roads in Scott County shall be paid \$1,800 a year salary, payable monthly as provided by law, until September 1, 1934, when his compensation shall be \$1,200 per year, payable monthly, thus reducing the salary of the Road Superintendent.
11. Private Acts of 1933, Chapter 458, amended Private Acts of 1921, Chapter 750, by changing the population figures in the caption and Section One of the act so as to bring it up to date; by prohibiting the Road Superintendent from employing as an overseer any Justice of the Peace, or to contract with any Justice of the Peace for anything, or to pay any Justice of the Peace any sum whatever from any road funds, any of which would constitute a misdemeanor and subject both to ouster proceedings. Also declared it to be a misdemeanor for the Road Superintendent to draw warrants, pay, or contract, for any labor materials, supplies, or machinery, for any purpose in any amount in excess of the road funds available. Fines from \$25 to \$50 were provided for violations. This act repeals all conflicts, especially Private Acts of 1929, Chapter 865, Section 2. It, in turn, was repealed by the act following below. 1
12. Private Acts of 1935, Chapter 157, amended Private Acts of 1921, Chapter 750, the existing road law of Scott County, by adding a new paragraph in Section 2 between paragraphs one and two

which authorized the Superintendent of Roads to supervise and control the expenditure of all county road funds which may be derived from the gasoline tax and allocated to the county by the State, with the right to employ all essential assistants to do so. The Superintendent would also be the agent of the county in all dealings with the State. This act was repealed by Private Acts of 1949, Chapter 218, below.

13. Private Acts of 1935, Chapter 562, expressly repealed Private Acts of 1933, Chapter 428, in its entirety.
14. Private Acts of 1935 (Ex. Sess.), Chapter 14, amended Private Acts of 1921, Chapter 750, by abolishing the office of District Road Commissioner and by transferring their duties to the Superintendent of Roads who would be selected under this Act. This Act would take effect on September 1, 1936.
15. Private Acts of 1935 (Ex. Sess.), Chapter 15, expressly repealed Private Acts of 1933, Chapter 458, which amended the road law as explained in Item 11, above, in its entirety.
16. Private Acts of 1937, Chapter 147, amended Private Acts of 1919, Chapter 378, which, according to our information, would not be applicable to Scott County, and has, therefore, been omitted from this work.
17. Private Acts of 1939, Chapter 19, authorized the Superintendent of Roads to employ such clerical help as he may deem proper to assist him in the performance of his clerical duties. The salary shall not exceed \$600 per year payable out of the general funds. This Act was specifically repealed in its entirety by Private Acts of 1971, Chapter 48.
18. Private Acts of 1939, Chapter 194, created a County Road Commission of five members, one from each of five Road Districts, composed of whole civil districts, as enumerated in the act. Willie Caplinger, Jess Oakley, W. D. White, John Thweatt, and Rex Hayes, Sr., were named as the first Commissioners who would serve until their successors were elected for a two year term in August, 1940. They would make a \$3,000 bond and be paid \$4 a day and 5 cents per mile for each regular monthly meeting but would get nothing for extra meetings. No Justice of the Peace could serve on the commission nor could any of them have an interest in any contract. They would have general supervision over all roads and the authority to do all things essential to maintaining the roads in good order, including the power of eminent domain. They were required to employ a County Road Supervisor at a salary of \$100 per month, who would serve at their will and pleasure, and who would employ all other help, including a bookkeeper whose salary would not exceed \$60 per month. The duties of the Road Supervisor, the hourly rates of pay for skilled and unskilled labor, and foremen, are specified. Five percent (5%) of the road funds would be designated as an emergency fund and be treated in that fashion, and 30% of the funds would be set aside to pay the debts of the department. This Act was repealed by Private Acts of 1945, Chapter 516.
19. Private Acts of 1939, Chapter 484, amended the caption of Private Acts of 1939, Chapter 194, above, by striking the figures and words of 14,000 and substituting the words and figures of 14,200, as they appear in the Title and in Section One.
20. Private Acts of 1945, Chapter 169, amended Private Acts of 1939, Chapter 19, by increasing the salary of the Clerk to the County Superintendent of Roads from \$600 to \$900 yearly. This Act was repealed by Private Acts of 1971, Chapter 48.
21. Private Acts of 1945, Chapter 219, provided that in Scott County, using the population figures of the 1940 Federal Census to denote the same, the County Superintendent of Roads would be elected by the Quarterly County Court at its April term and hold office for four years next following. His compensation shall be \$2,400 per annum, payable in equal monthly installments, and he shall also be reimbursed for gasoline, oil, and tires used by him in the discharge of his duties. This Act was repealed by Private Acts of 1949, Chapter 292.
22. Private Acts of 1945, Chapter 516, expressly repealed Private Acts of 1939, Chapter 194, in its entirety.
23. Private Acts of 1949, Chapter 218, specifically repeals Private Acts of 1935, Chapter 157, which was an amendment to the road law, listed as Item 12, herein.
24. Private Acts of 1949, Chapter 227, provided for the popular election of the County Superintendent of Roads in Scott County for a four year term. He would be elected at the next regular election in August, 1950, and every four years thereafter.
25. Private Acts of 1949, Chapter 292, repealed Private Acts of 1945, Chapter 219, in its entirety as it applied to Scott County, to be effective on September 1, 1950. The Superintendent of Roads would be elected by the people instead of by the Quarterly Court.

26. Private Acts of 1951, Chapter 595, amended Private Acts of 1945, Chapter 169, by increasing the salary of the Clerk for the Road Superintendent from \$900 to \$1,200 per year.
27. Private Acts of 1951, Chapter 596, amended Private Acts of 1945, Chapter 219, by increasing the salary of the Road Superintendent from \$2,400 to \$3,000 per year. Our records indicate that Private Acts of 1945, Chapter 219, was repealed by Private Acts of 1949, Chapter 292, Item 25, above. This act should have amended Private Acts of 1949, Chapter 227, instead.
28. Private Acts of 1959, Chapter 190, amended Private Acts of 1921, Chapter 750, by adding a paragraph at the end of Section 3 which gave the Superintendent of Roads exclusive control over the maintenance, management, and supervision of the rock quarry, or quarries, and he would have an additional \$1,800 per year as payment therefor. This act was properly ratified according to the demands of the Home Rule Amendment to the State Constitution but the whole paragraph, as inserted by this act, was deleted and removed by Private Acts of 1970, Chapter 332, which was also properly ratified.
29. Private Acts of 1963, Chapter 37, amended Private Acts of 1951, Chapter 597, by raising the salary of the Superintendent of Roads, as expressed therein, from \$3,000 to \$3,600 per year. This act was properly ratified by the Quarterly County Court.
30. Private Acts of 1963, Chapter 38, specified that the act was being passed at the request of the Quarterly County Court and County Judge of Scott County. This act amended Private Acts of 1951, Chapter 595, by increasing the salary of the Clerk to the Road Superintendent from \$1,200 to \$1,800 per year. This law was properly approved by the County Court, and was repealed by Private Acts of 1971, Chapter 48, published herein.
31. Private Acts of 1969, Chapter 157, amends Private Acts of 1963, Chapter 37, by increasing the salary of the Superintendent of Roads in Scott County from \$3,600 to \$5,000 per year. This act was properly approved.
32. Private Acts of 1969, Chapter 158, amended Private Acts of 1963, Chapter 38, by raising the salary of the Clerk to the Road Superintendent from \$1,800 to \$3,600. This Act was repealed by Private Acts of 1971, Chapter 48.
33. Private Acts of 1971, Chapter 5, authorized the Superintendent of Roads in Scott County to employ such Clerical help as he may deem proper to assist him in the performance of his duties, but the maximum amount which could be paid for such assistance was \$4,800 per year to the person named in the certificate. This act repealed several other acts as listed, the same ones mentioned in Private Acts of 1971, Chapter 48. This Act was rejected and disapproved by the Quarterly County Court and thus never became a law.
34. Private Acts of 1971, Chapter 48, authorized the superintendent of roads to employ clerical help with a salary of \$4,800 per year payable semi-monthly out of the motor vehicle fuel use tax fund. This act also repealed Private Acts of 1939, Chapter 19, Private Acts of 1945, Chapter 169, Private Acts of 1951, Chapter 595, Private Acts of 1963, Chapter 38, Private Acts of 1969, Chapter 158, and Private Acts of 1971, Chapter 5.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-ix-highways-and-roads-45>