



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter IX - Highways and Roads

County Highway Supervisor

Private Acts of 1951 Chapter 284

SECTION 1. That there shall be created in Montgomery County, Tennessee, and in all counties thereof, having a population of not less than 33,340, nor more than 33,350 inhabitants, according to the Federal Census of 1940, or any subsequent Federal Census, the office of County Highway Supervisor, whose duties shall hereinafter be set out, and as prescribed for the "Supervisor" in Chapter 312, of the Private Acts of 1923, and amendments thereto.

SECTION 2. That the County Judge, or County Chairman, of such counties shall appoint such County Highway Supervisor, on the first Monday in April 1951, and submit such appointment to the Quarterly County Court, for ratification, and upon ratification, he shall serve under such appointment until the first day of September, 1952, or, until his successor is elected and qualified. Such County Highway Supervisor shall be elected by the qualified voters of such counties, at the August General Election in 1952, for a term of four years, thereafter. His term shall begin on September first, following his election.

SECTION 3. That in order to protect the road systems in such counties, and the public in general, against incompetency and inefficiency in the construction and maintenance of their roads, said Supervisor shall be a well qualified road man, and shall be either: a graduate Civil Engineer from an accredited Engineering School, with at least five years experience in building and maintaining public roads, and bridges, in a Supervisory capacity; or, he shall have had at least ten years of experience in building and maintaining public roads and bridges, in a Supervisory capacity. Without such qualifications, or more, no person shall be eligible to hold said office.

SECTION 4. That it shall be the duty of such Supervisor to keep the County Judge, and Board of Road Commissioners advised, as to the work being carried on, the expenditures being made, the general condition of the roads, and the progress being made on all road work in general, and in addition to this, he will perform all the duties prescribed for the "Supervisor" in Chapter 312, of the Private Acts of the General Assembly, 1923, and amendments thereto. It being an Act to create a Board of Highway Commissioners, for Montgomery County. (sic) Such duties, responsibilities, and provisions, as therein set out, with reference to the "Supervisor" are hereby imposed upon the County Highway Supervisor, whose office is created by this Act.

SECTION 5. That the Supervisor shall devote his entire time to the duties of his office, and that the counties shall furnish said Supervisor, suitable transportation while in the performance of his duties, and said Supervisor, shall receive for his services the sum of Fortyeight Hundred Dollars, (\$4,80.00) (sic) per annum, payable monthly, or bi-monthly, from the General Road Fund of the county, by vouchers signed by the County Judge, or Chairman.

As amended by: Private Acts of 1955, Chapter 263

SECTION 6. That in the event of a vacancy in said office, caused by death, resignation or otherwise, the County Judge, or Chairman, shall appoint a Supervisor, with the approval of the County Quarterly Court, who shall serve until the next General Election, or until his successor is duly elected and qualified.

SECTION 7. 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: February 27, 1951.

Private Acts of 1955 Chapter 399

SECTION 1. That there shall be created in Montgomery County, Tennessee, and in all counties of the State of Tennessee having a population of not less than 44,180 inhabitants nor more than 44,190 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census, the office of County Highway Supervisor, whose duties shall be hereinafter set out and defined.

SECTION 2. That at the regular election in 1964 a County Highway Supervisor shall be elected by a vote of the people for a term of four years commencing on September 1 next following such election. In the event of a vacancy in the office of County Highway Supervisor between the effective date of this enactment and September 1, 1964, a County Highway Supervisor shall be elected by the Quarterly County Court to serve until the next general election. At such general election a successor shall be elected by a vote of the people and the person receiving the highest number of votes at such election shall assume the

office of County Highway Supervisor on September 1 following such election, and the person elected at such election shall serve until September 1, 1964.

As amended by: Private Acts of 1961, Chapter 304

SECTION 3. That said County Highway Supervisor shall be twenty-one (21) years of age and be a resident of Montgomery County, Tennessee.

As amended by: Private Acts of 1961, Chapter 304

SECTION 4. That it shall be the duty of such Supervisor to keep the County Judge, and Board of Road Commissioners advised as to the work being carried on, the general condition of the roads, and the progress being made on the road work in general, and in addition to this, he will perform all the duties prescribed for the "Supervisor" in Chapter 312, Private Acts of Tennessee, 1923, the same being an Act to create a Board of Highway Commissioners for Montgomery County. Such duties, responsibilities, and provisions, as therein set out, with reference to the "Supervisor" are hereby imposed upon the County Highway Supervisor, whose office is created by this Act.

SECTION 5. That the Supervisor shall devote his entire time to the duties of this office, and that the counties shall furnish said Supervisor suitable transportation while in the performance of his duties, and said Supervisor shall receive for his services the sum of Eight Thousand Five Hundred Dollars (\$8,500.00), per annum, payable monthly, or bi-monthly, from the General Road Fund of the County, by vouchers signed by the County Judge or Chairman.

As amended by: Private Acts of 1965, Chapter 108

SECTION 6. 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, upon its ratification by a two-thirds majority vote of the members of the Quarterly County Court of Montgomery County, Tennessee, on or before the regular meeting of said Court, which shall occur more than thirty days from and after the passage of this Act, the public welfare requiring it.

Passed: March 18, 1955.

Private Acts of 1967-68 Chapter 149

SECTION 1. That Chapter 399 of the Private Acts of 1955 of the State of Tennessee, the title to which is set forth in the title to this Act, and all acts amendatory thereto, be and the same is hereby amended so as to provide that the qualifications of the County Highway Supervisor of Montgomery County, Tennessee, shall be as follows:

Said County Highway Supervisor shall be a well qualified road man, and shall either (1) be a graduate Civil Engineer from an accredited Engineering School, or (2) have had at least five years of experience in building and maintaining public roads in a supervisory capacity. Without such qualifications, or more, no person shall be eligible to hold said office.

SECTION 2. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act not take effect unless and (sic) until approved by at least a two-thirds vote of the members of the Quarterly Court of Montgomery County, the public welfare requiring it. Its approval or non-approval shall be proclaimed by the presiding officer of the said Quarterly Court, and shall be certified by him to the Secretary of State.

Passed: May 9, 1967.

Hot Mix Asphalt Plant

Private Acts of 1982 Chapter 334

SECTION 1. Montgomery County is hereby authorized to own and operate plants or facilities as it deems necessary for the manufacture or production of hot mix asphalt and crushed rock. Any such facilities shall be operated by the Montgomery County Highway Commission. Such hot mix asphalt and crushed rock shall be used for governmental purposes only. The County Highway Commission is hereby authorized to sell, trade, barter, loan or give away hot mix asphalt and crushed rock to other governmental entities such as municipalities and public school systems.

SECTION 2. If any clause or sentence or any part of this Act shall be held or declared unconstitutional, it shall not affect the remainder of this Act, notwithstanding any part held invalid, and to that end, the provisions of this Act are declared to be severable.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county

legislative body of Montgomery county before May 15, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Montgomery County and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: April 8, 1982.

Road Law

Private Acts of 1923 Chapter 312

SECTION 1. That there shall be created in Montgomery County, Tennessee, and in all counties thereof having a population of not less than 32,265 inhabitants nor more than 32,280 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, a Board of Road Commissioners which shall be known as the "County Board of Highway Commissioners," to be composed as hereinafter stated, and whose duties and the manner whose election shall be as is hereinafter defined and provided for.

SECTION 2. That said County Board of Highway Commissioners shall consist of three members, who shall be taxpayers and freeholders of the county, of lawful age and of good business qualifications, but no one of whom shall be a member of the County Court; provided, that the Judge or Chairman of the County Court shall be an ex officio member of said Board; one of whom shall be selected as Supervisor and the other two as Associate Members of the Board and with whom the Judge or Chairman of the County Court shall serve in an advisory capacity. One of said Commissioners shall be chosen from that section of the county lying south of the Cumberland River and the other two from that section lying north of said river, one from the eastern and the other from the western portion thereof, so that no two shall be selected from and reside in any one portion of the county.

SECTION 3. That the Supervisor of Roads shall be elected by the people, and the Associate members of the Board of Highway Commissioners shall be elected by the County Court. The term of office of the Associate members shall be for four (4) years and shall correspond with the term of office for which the Supervisor is elected. The County Court shall elect the Associate members at the next regular term of the County Court following the date on which the Supervisor takes office.

In case of a vacancy on the Board occasioned by the death, resignation or removal of any Associate member, the County Court shall elect his successor for the remainder of the term of office.

As amended by: Private Acts of 1969, Chapter 190

SECTION 4. That each of the Commissioners shall qualify by subscribing to an oath to perform his duty faithfully, impartially, without prejudice for or against any section of the County, or any individual, and for the best interests of said County, and shall give a good and solvent bond with sufficient security in such sum as may be fixed by the County Court, not in excess of Two Thousand (\$2,000.00) Dollars, for the faithful performance of the duties of his office and for accounting for all funds coming into his hands or under his control as a member of said Board, the cost of which shall be paid by warrant on the general road fund of said County as other road expenses are paid. The Commissioners shall each subscribe to the oath and make the prescribed bond as soon as practicable after the date of their election or appointment as the case may be. The Board shall thereupon organize with the Supervisor as ex officio Chairman thereof. The Board may designate some person as Secretary. The Board shall have its office in such convenient building in Clarksville, Tennessee, the County seat, as the Board may designate, where all official meetings will usually be held and all the general business of the Board shall usually be conducted, and where all the official records and documents pertaining to the affairs and business of the Board shall be kept.

The Supervisor shall receive as compensation for his services the sum of Eight Thousand Five Hundred (\$8,500.00) Dollars annually during the remainder of the present term of office for which he has been elected, and thereafter he shall receive as compensation for his services annually an amount equal to the maximum amount allowed by law to be received by other elected County fee officials of Montgomery County.

Each associate member of the Board shall receive as compensation for his services the sum of One Thousand Eight Hundred Dollars (\$1,800) annually. The Judge or Chairman of the County Court shall receive no compensation for his services as an ex officio member of the Board.

For purposes of representation on the Board, Montgomery County is divided into three areas, one of which shall be comprised of all that portion of the County located south of the Cumberland River, one of which

shall be comprised of all that portion of the county located north of the Cumberland River and north of the Red River, and one of which shall be comprised of all that portion of the county located north of the Cumberland River and south of the Red River. The associate members of the Board shall reside in the two areas in which the elected Supervisor does not reside.

The Supervisor shall have authority, in his discretion, to employ such clerical help as may be necessary for the proper maintenance of records and accounts of the Highway Department. The Board shall have authority in its discretion to employ legal counsel as needed and considered desirable, and the cost of such clerical help and legal counsel shall be paid out of the general road fund of the county as part of other road expenses on proper certification. An associate member of the Board may be removed from office for malfeasance, misfeasance, nonfeasance or incompetency by the County Court in regular session, upon proper and competent evidence of same.

As amended by: Private Acts of 1955, Chapter 237
Private Acts of 1969, Chapter 190
Private Acts of 1992, Chapter 185
Private Acts of 2008, Chapter 81

SECTION 5. That said Board of Commissioners shall designate and fix the day and hour of the month at which time the regular meetings of the Board shall be held, which said meetings shall not be oftener than once in every two weeks; provided, that the Supervisor or Chairman of the Board, and in his absence the Vice-Chairman, may call special meetings thereof when in his judgment the public interest requires it; and it shall be the duty of each member of the Board to attend all meetings. Two members of said Board, however, shall constitute a quorum to transact business.

It shall be the duty of the Chairman to preside at all meetings of the Board, and in the absence of the Chairman, the Vice-Chairman shall preside and shall perform all the duties usual to such position. He shall inspect all vouchers presented to him to determine their correctness, and shall officially certify the same to the Judge or Chairman of the County Court for payment as is now provided by law. It shall also be the duty of the Chairman as Supervisor to prepare and present on behalf of said Board a report to each regular meeting of the Quarterly Court, which report shall show in detail the amount and sources of all funds which may have come into the hands or custody of said Board, the date when received and on what account, all the work done and costs of same, and all expenditures in detail, and any facts and figures which are deemed pertinent to the general condition of roads, ferries and bridges in said county and the working, maintenance, repairing and building thereof by said Board.

The Board shall keep and safely preserve in a well-bound book a record of all proceedings of the Board in session, and shall preserve all vouchers, stubs, accounts, etc., and these records shall be open at all times for the inspection of the public; and also shall keep a legible account of all funds and expenditures thereof on account of the roads, ferries and bridges of the county in the matter of running expenses, labor, material and equipment bought and sold.

SECTION 6. That the said County Board of Highway Commissioners shall take and have full charge and control of the public roads, ferries and bridges of the County, including but not limited to the repair, construction, improvement, maintenance and operation thereof, including the power to open and close roads, ferries and bridges, to condemn rights-of-way in the name of the County for road purposes, quarries, gravel pits, and dirt for the purpose of obtaining (sic) therefrom material for the construction and maintenance of said roads, ferries and bridges by eminent domain proceedings; to purchase on the credit of the County such machinery, equipment, materials and supplies as may be necessary for the proper construction, maintenance and repair of said roads, ferries and bridges; provided that the disbursing of the public road and bridge fund and the payment of all vouchers for road purposes shall be made by warrant of the Judge or Chairmen (sic) of the County Court drawn upon such funds as is by law provided, and all such machinery, equipment, materials and supplies shall be under the control of and subject to the orders of the Board.

It shall be the duty of the Board to adopt all matters of policy and rules and regulations necessary for the proper conduct of the business affairs of the Board in the operation and maintenance of the public road system of the County.

It shall be the duty of the Supervisor to (1) devote the whole of his time to the supervision of the public road system of the County, (2) direct and look after the proper construction, improvement and maintenance of the public roads, ferries and bridges of the County, (3) have personal supervision and charge of all personnel and employees of the Board in the operation of the public road system of the County, including specifically the authority to employ and discharge all such personnel and employees, and (4) in general implement and carry out all matters of policy, rules and regulations adopted by the Board for the operation of the public road system of the County.

It shall also be the duty of the associate members of the Board to visit and examine all such roads, ferries

and bridges in the County at such times and as often as may be agreed upon and as may be necessary for them to familiarize themselves with the needs of the various communities and the condition of such roads, ferries and bridges.

As amended by: Private Acts of 1969, Chapter 190

SECTION 7. That if for any reason any section or part of this Act shall be held unconstitutional or invalid, then that fact shall not invalidate any other part of this Act, but the same shall be enforced without reference to the part so held to be invalid.

SECTION 8. 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: March 15, 1923.

Private Acts of 1927 Chapter 520

SECTION 1. That hereafter in Montgomery County, and all other counties of the State of Tennessee having a population of not less than 32,265 inhabitants nor more than 32,280 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, the County Board of Highway Commissioners provided for by Chapter 312, of the Private Acts of 1923, shall have, and is hereby given, in addition to the powers conferred upon it by said Chapter 312, of the Private Acts of 1923, the right and power to locate, open, change, close or restore any public roads, ferries or bridges, either upon its own initiative or upon application of any five freeholders of the County by written petition, where the public welfare requires, in the manner and form as is herein provided.

SECTION 2. That all petitions provided for in Section 1 of this Act shall be filed with said Board of Commissioners within the time and upon the conditions provided by existing laws applicable to said county with relation to the filing of such petitions with the Quarterly Court. The said Board of Commissioners, upon due consideration thereof, approve or reject, for good cause shown, any such petitions. If approved, the said Board of Commissioners shall forthwith enter upon negotiations with the landowners affected by such petitions with the view of settling with them directly the questions of rights of way and incidental damages. And in the event settlement cannot be effected with any such landowners, the said Board of Commissioners may direct the Sheriff to summon three impartial free-holders as a jury of view who, after five days notice to the landowners, if they be residents, or ten days written or printed notice posted at the door of the County Court House if they be non-residents, shall go upon the premises described in the petitions and assess the damages and make due report thereof of said Board of Commissioners and the landowners so affected, either of whom may appeal from said verdict within ten days after its rendition to the next term of the Circuit Court, said proceeding to be in the name of the County or in the name of the said Board of Commissioners in the behalf and for the benefit of the County. In case of appeal by either or both parties, the said Board of Commissioners may proceed with the road work or other improvement sought to be done notwithstanding the pending litigation; provided, it execute to the land owners a bond in double the amount of the verdict of the jury of view, conditioned to pay any judgment and costs that may be rendered against the county by said Circuit Court. But said Board of Commissioners, upon its failure to make settlement with any landowners so affected, may proceed, in its discretion and without regard to the foregoing provisions, to a condemnation of the lands and interests in lands so involved under the laws of eminent domain as hereinafter provided.

SECTION 3. That said Board of Commissioners is hereby vested with the right of eminent domain and authorized and empowered, upon its own initiative and in all cases where the public welfare requires it, to take and appropriate lands and interest in lands situated within said County necessary for rights of way in the opening, changing or restoring any and all public roads, ferries and bridges therein and for quarries, gravel-pits and borrow-pits and rights of way thereto for use in the construction, maintenance and repair of said public roads, ferries and bridges; provided, however, that the owners of lands and interests in lands so sought to be taken and appropriated shall be paid just compensation therefor as provided in Section 4 of this Act. Said condemnation proceedings shall be commenced by petition filed in the Circuit Court in the name of the County, or in the name of said Board of Commissioners in the behalf and for the benefit of said County, and shall be prosecuted in the manner provided in Sections 1326 to 1348, inclusive, of the Code of Tennessee.

SECTION 4. That the County Judge or the Chairman of the County Court, within thirty days after the termination of any of the proceedings provided for by this Act, the full amount of damage or damages and costs having been ascertained and fixed, shall pay to those entitled the full amount of their respective claims, such payments to be made in manner and form as is provided by Section 6 of said Chapter 312, Private Acts of 1923. And the said Board of Commissioners shall take deeds and, in proper cases, certified copies of decrees in the Circuit Court, duly authenticated, conveying to the county title to the properties

so taken.

SECTION 5. That said Board of Commissioners shall keep full and complete minutes of all its Acts and doings and make detailed reports thereof to each Quarterly Court, filing with its reports and as a part thereof plats and full descriptions of all such lands and interest in lands taken over by the County under the provisions of this Act within the periods covered by the respective reports, which said reports shall be entered on the minutes of said court.

SECTION 6. That it is not intended by this Act to limit, abridge or repeal any existing law or laws relating to State Aid Roads or State and Federal Aid Roads, as now laid out or hereafter to be laid out in said County after same shall have been taken over and so designated, and the provisions of this Act shall apply to no such roads except by the consent, with the cooperation and under the jurisdiction of the State Department of Highways and Public Works.

SECTION 7. That if for any reason any section or part of this Act shall be held unconstitutional or invalid, then that fact shall not invalidate any other part of this Act; but the same shall be enforced without reference to the part so held to be invalid.

SECTION 8. 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 20, 1927.

Private Acts of 1972 Chapter 347

SECTION 1. That Chapter 312 of the Private Acts of 1923, and all Acts heretofore passed amendatory thereto, be and hereby amended as provided herein.

SECTION 2. Any person, firm, partnership, or corporation desiring to engage in or do any work which requires or necessitates any change, alteration or damage to any of the public roads or highways of the County which are operated and maintained by Montgomery County and its Highway Commission, including the macadam of such roads and highways and the shoulders, ditches, drains, and foundations thereof, and also including the placing of side drains culverts along the sides thereof, shall, before any such work is done, apply for and obtain from the County Road Supervisor, or his duly appointed representative, in the manner and form as may be required by the County Road Supervisor, a permit granting such person, firm, partnership, or corporation, the right and privilege to perform such work. The County Road Supervisor may require the applicant to show the location, nature and extent of the work to be performed.

SECTION 3. The County Road Supervisor of Montgomery County shall have authority to require any such person, firm, partnership, or corporation applying for such permit to enter into a reasonable and proper bond, approved by the Supervisor, in such amount as the Supervisor may consider sufficient and proper, conditioned to insure that any damage occasioned to such public roads and highways by such work will be required and the said roads and highways restored to as good condition as they are in before such work is done.

SECTION 4. No person, firm, partnership or corporation shall do any work upon, under, across, along, or beside any of said public roads or highways of the County which will result in any change, alteration or damage thereto, without securing a permit and executing a bond, if required, as herein provided. Any person, firm, partnership, or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for each violation. Each day such permit is not obtained and such bond, if required, is not executed, after such work is begun shall constitute a separate offense and violation.

SECTION 5. The County Road Supervisor shall have the authority to designate the maximum tonnage or weight of automobiles, trucks, and other vehicles that are permitted to travel over and upon such public roads, highways, and bridges which are maintained by the Montgomery County Highway Commission and Montgomery County; and in case of a violation of the regulations prescribed in such instances, the person, firm, partnership, or corporation violating the same shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for each violation.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly Court of Montgomery County at or before the next regular meeting of the Court occurring more than thirty (30) days after its passage. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This Act shall take effect from and after its passage and approval, the public welfare requiring it.

Passed: March 29, 1972.

Highways and Roads - Historical Notes

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

1. Acts of 1813, Chapter 45, authorized Samuel Smith of Montgomery County to erect a toll bridge across the Red River at a point near his ferry provided he did not obstruct the navigation on the river. The rate of toll could not exceed the ferriage set by the County Court.
2. Private Acts of 1829, Chapter 273, incorporated the Mouth of the Red River Bridge Company and authorized it to build a toll bridge in Clarksville. The toll charge could not exceed the rate of ferriage set by the County court.
3. Private Acts of 1832, Chapter 58, authorized Joseph B. Thomas and James H. Reynolds to construct a bridge across the Red River where the road leading from Clarksville to Russellville crosses the river. The act required the men to obtain the consent of H. P. Marr, the builder of the then existing bridge, and further, to accept responsibility for the payment of all the debts Marr and his company might owe. The County Court would appoint an acceptance committee of three freeholders to examine the bridge, when completed. The act set forth a schedule of tolls to be collected by the builders. A period of five years was allowed for completion of the bridge.
4. Private Acts of 1835-36, Chapter 55, granted an additional one year to James B. Reynolds to complete the bridge across the Red River on the road from Clarksville to Russellville.
5. Acts of 1847-48, Chapter 193, incorporated the Port Royal Turnpike Company for the purpose of building a turnpike road from Clarksville along the south side of Red River to Port Royal, then to the Nashville and Springfield Road. The turnpike was to be thirty feet wide with at least eighteen feet substantially graveled or macadamized. A tollgate could be erected every five miles. The act also incorporated the Clarksville and Hopkinsville Turnpike Company to build a turnpike from Clarksville to the Tennessee and Kentucky state line in the direction of Hopkinsville.
6. Acts of 1851-52, Chapter 266, authorized the building of a road from the intersection of the corporate limit of Clarksville and the Charlotte Road to a point near Rook's Ferry, a distance of two or three miles. The road could have one toll gate which charged one-half the lawful toll. In addition, the act created the Clarksville and Kentucky Turnpike Company to build a macadamized road from the main street in Clarksville to the Kentucky line.
7. Public Acts of 1881, Chapter 38, was a general road law for the State. Each County Court was required to divide its county into road districts and elect three commissioners for each district. All male inhabitants, over eighteen and under fifty years of age, in each county were required to work as road hands for not less than three nor more than six days per year. The act fixed the rate of property tax for road purposes, and set forth procedures for a detailed system of operating county roads.
8. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court would select one Road Commissioner for a two year term from each Civil District which were called Road Districts for the purposes of this Act. The Commissioner would be in charge of all roads, bridges, road hands, tools, and materials used in his area, and would be compensated at the rate of \$1.00 per day but for no more than ten days each year. The County Court would fix the price on one day's labor. The County Court could also levy a road tax of two cents per \$100 for each day of labor for the road hands. Road Commissioners would name and supervise the Road Overseers in their Districts who would be the immediate supervisors of their section of road, would work the same number of compulsory days and be paid up to \$6.00 per year for the days worked over that number. All males outside of the cities between the ages of twenty-one and forty-five were required to work on the roads. The Commissioners would hear and dispose of the petitions to open, close, or change a road, would classify and index the roads in their Districts and would see to it that the roads in their districts met the basic specifications established in the act. This act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906)
9. Acts of 1903, Chapter 64, abolished the road districts and the position of road commissioner in Montgomery County. The County Court was required to divide the County into road sections and appoint an overseer for each. The overseer had charge of all the road hands and the operation of

- the road system within their respective sections. The County Court was authorized to arrange for the County to purchase turnpikes and construct bridges, and to decide whether to collect tolls or to operate them as tax supported public roads and bridges. A total of 125 miles of dirt roads could be improved by paving and were then to be called County Highways. The improvements could be funded by promissory notes of the County and were to be decided upon by a committee of five members of the County Court referred to as the Committee on Improved Highways.
10. Acts of 1905, Chapter 17, amended Acts of 1903, Chapter 64, by requiring persons subject to road duty to perform the work required unless they commuted by May 10 of each year. The act also required the committee on Improved Highways to hire an engineer to supervise road repairs. The sum of \$62,500 was authorized to be expended by the committee for selected road improvements. All road work would be under the supervision of a foreman selected by the committee. No more than one foreman would be selected for any one Civil District. All persons subject to road duty would be supervised by the foreman in their respective Civil Districts.
 11. Acts of 1907, Chapter 369, amended Acts of 1903, Chapter 64, and Private Acts of 1905, Chapter 17, by abolishing the position of Road Overseer and assigning the overseers' duties and responsibilities to the foremen of the several districts.
 12. Acts of 1909, Chapter 137, amended Acts of 1903, Chapter 64, above, and Acts of 1905, Chapter 17, above, by requiring the selection of a foreman for each road section of Montgomery County, rather than each Civil District. The foreman would be under the supervision of the Highway Committee and would notice and assemble the road hands for work and maintain the roads of the respective sections. The deadline for commutation was changed to July 1, after which date no person could substitute payment for work. An additional ad valorem tax for road purposes was allowed in the County. In addition, the act required all persons traveling the highways with engines or machines weighing more than two and one-half tons to carry with them four planks, each a minimum of two x twelve x ten, for the purpose of bridge crossing. The planks were to be laid in front of the machine during the crossing. Violation of this requirement was a misdemeanor carrying a penalty of a five to twenty-five dollar fine.
 13. Private Acts of 1911, Chapter 308, amended Acts of 1903, Chapter 64; Acts of 1905, Chapter 17; Acts of 1907, Chapter 369, and Acts of 1909, Chapter 137, by adjusting the population figures used in the acts following the 1910 Federal Census.
 14. Private Acts of 1915, Chapter 393, amended Private Acts of 1909, Chapter 137, by raising the commutation rate to seventy-five cents per day, payable to the County Trustee on or before May 1 of each year.
 15. Private Acts of 1917, Chapter 243, required each wagon owner in Montgomery County to place his wagon in the service of the County, together with a team and driver, for five days of each year. The commutation was fixed at \$3.00 per day.
 16. Private Acts of 1919, Chapter 203, was a comprehensive and lengthy road law for Montgomery County. The act empowered the Quarterly Court with general authority over the public roads and bridges. The County Judge or Chairman would direct all road work and was empowered to appoint overseers for each road section. The boundaries of the sections were to be determined every two years with each Civil District containing no less than three nor more than seven. All males residing outside incorporated towns were made subject to road duty of five days per year if between the ages of eighteen and fifty years. Commutation was available at seventy-five cents per day payable on or before June 1 of each year. Obstructing a road, bridge or ferry, driving a vehicle with a locked wheel on a bridge, and failing to use planks in crossing a bridge with heavy machinery were each declared to be a misdemeanor. A road tax of from ten to fifty cents on each \$100 of value of taxable property could be assessed by the County Court to pay for the roads and emergency borrowing was authorized. Under the direction of the County Judge, workhouse prisoners could be worked on the roads or could be provided for labor under contract with the proceeds going to the general road fund. The County Judge was given the power of eminent domain to condemn lands necessary for locating highways, bridges, rock quarries, and gravel beds.
 17. Private Acts of 1921, Chapter 108, amended Private Acts of 1919, Chapter 203, by increasing the rate of commutation payable by persons under a duty to perform road work to \$1.00 per day and by increasing the fine for failure to perform road work to \$5.00 per day.
 18. Private Acts of 1923, Chapter 22, required all owners of wagons and teams not residing within an incorporated town and those within an incorporated town who used the public roads for hauling for profit to furnish the wagons and teams with harness to work on the County roads.
 19. Private Acts of 1927, Chapter 245, authorized the Board of Highway Commissioners to make

assignments for all persons liable for road duty either as road hands or as owners of horses and wagons. They would be assigned to work the sections of roads nearest their homes if possible. The County Tax Assessor would return to the Commission a list of names of all the people subject to road work from which the actual work details would be made.

20. Private Acts of 1931, Chapter 127, repealed Private Acts of 1923, Chapter 22 in its entirety.
21. Private Acts of 1931, Chapter 405, amended Private Acts of 1921, Chapter 108, by decreasing the commutation fees to sixty cents per day.
22. Private Acts of 1933, Chapter 18, amended Private Acts of 1919, Chapter 203, and its amendatory acts, by raising the minimum age for persons who where required to work on County roads from eighteen years to twenty one years.
23. Private Acts of 1935, Chapter 468, repealed the following: Private Acts of 1919, Chapter 203, Sections 10, 11, 12, 13, and 14, as amended by Private Acts of 1921, Chapter 108; Private Acts of 1931, Chapter 403; Private Acts of 1933, Chapter 18. The act stated that it intended to exempt all males in Montgomery County from compulsory public road duty and the payment of commutation fees in lieu of the road duty. Private Acts of 1931, Chapter 403, applied to Civil District boundary lines in Hardin County, but was repealed by this act also.
24. Private Acts of 1949, Chapter 212, required the Election Commissioners of Montgomery County upon proper petition to hold an election to determine the will of the voters on the question of whether a County Road Supervisor should be popularly elected.
25. Private Acts of 1976, Chapter 282, amended Private Acts of 1923, Chapter 312, reprinted above, by changing the system of compensation for associate members of the County Board of Highway Commissioners so that the members received a per diem allowance equivalent to that received by members of the Quarterly County Court. This act was not approved locally and did not become effective.
26. Private Acts of 1976, Chapter 287, amended Private Acts of 1923, Chapter 312, by increasing the compensation of the associate members of the County Board of Highway Commissioners from \$500 to \$1,000. This act was not approved locally and did not become effective.
27. Private Acts of 1979, Chapter 72, created the County Board of Highway Commissioners composed of three members. Two members would be appointed by the Board of County Commissioners and one member would be elected at large and would also serve as the Director of Public Works. The new Board would have authority over the repair, construction, improvement, maintenance and operation of the roads, bridges and ferries in the County with the power of eminent domain and the power to open and close roads, bridges, and ferries. The Board would designate maximum tonnage of vehicles traveling the roads, bridges, and highways of the County. The act was not approved locally and did not become effective.

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