



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

Road Law

Private Acts of 1949 Chapter 403

COMPILER'S NOTE: The first nine sections of this act did not concern the road law of Meigs County. See the Purchasing and Finance Commission Act in the Administration chapter.

SECTION 10. That the office of Road Supervisor for Meigs County is hereby created and the present Road Supervisor is continued in office until September first 1950. The term of office thereafter shall be 2 years beginning September 1st in the even years and the Road Supervisor shall be elected by the qualified voters of the county in the August election in 1950 and biennially thereafter.

The compensation of the Road Supervisor shall be set by the commission payable monthly by warrant drawn on the County Trustee and payable out of county road funds, by the commission and countersigned by the County Chairman as for purchases.

SECTION 11. That the County Judge or County Chairman, the Supervisor of Roads and the members of the County Purchasing and Finance Commission are hereby constituted a County Highway Supervisory Committee. The County Judge or Chairman shall be its chairman. Said committee shall approve in writing a program of road maintenance and construction for each quarter of the budget year which shall be followed by the Supervisor of Roads in the expending of county road funds. This program shall set out what roads are to be constructed and/or improved and in what order. The above program shall provide a fair and equitable distribution of road construction, improvement and maintenance as between the Civil Districts and various communities of the county. Account shall be taken of such matters as population, road mileage, mail routes and work previously done in the several districts and communities and the current condition of the roads.

This committee shall have full authority to act for the county in making recommendations to the State Highway Department as to where and how State and/or Federal Highway funds available to the county shall be spent. The employment of personnel and their salaries shall be upon the recommendation of the Supervisor of Roads and subject to the approval of the commission. Also all machinery, tools and materials for use by the Highway Department shall be requisitioned by the Supervisor of Roads subject to the approval of the commission.

SECTION 12. That should any section or part of a section of this Act be declared unconstitutional, or for any reason invalid, shall not be held to impair or invalidate the constitutionality, validity, force or effect of any other section or part of this Act, it being expressly declared by the General Assembly that this Act and the remaining sections, or parts of sections, would have been approved or adopted without regard to the invalidity or unconstitutionality of any part of a section, unless it clearly appears that the remainder of the Act be necessarily dependent upon that part declared invalid or unconstitutional.

SECTION 13. That all laws and parts of laws in conflict with or inconsistent with the provisions of this Act, or any part thereof, are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 1, 1949.

Highways and Roads - Historical Notes

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

1. Acts of 1851-52, Chapter 288, authorized William L. Adams and T.B. McElwee to open a turnpike commencing at or near McElwee's factory and running along the nearest and most practical route to the Athen's Depot in McMinn County. The road would be twenty feet wide and properly drained. The method for assessing the amount of damages which might be done to the properties along the way was prescribed in the Bill. When five miles of the road was completed, a toll gate could be erected and tolls charged according to the schedule set out in the Act, and when the entire road was completed, another gate could be established. Any person not paying the toll could be fined up to \$5.00 for each violation.
2. Acts of 1859-60, Chapter 114, permitted and directed the County Courts to classify all county roads into three classes according to width, assess the property and polls along the roads and

collect the taxes to keep up the roads, all of which would be subject to a referendum vote by the people. The County Court may appoint a Road Commission to help classify the roads. The tax could be paid or worked out in 8 hour days at a \$1.00 a day rate. The Trustee would collect the tax but disburse it only upon the order of the County Court. This Act applied to 13 counties, including Meigs.

3. Acts of 1901, Chapter 136, was a general road law applying to all counties under 70,000 population. A Road Commission composed of one commissioner from each civil district who would have charge of all roads and bridges in the District, appoint overseers who would have immediate supervision over sections of roads, and the commissioners would serve for two years. The Commissioners would select a Chairman and Secretary whose duties are stipulated in the Bill. The County Court would levy a road tax of two cents per \$100.00 property valuation which would be collected and disbursed by the Trustee. All males between 21 and 45 years of age must work a specified amount of time on the roads or commute by paying out at the rate of seventy-five cents a day. The Commission would classify roads, write specifications for new roads, consider petitions to open, close, or change roads, and solicit bids and award contracts for road work which would be advisable to accomplish in that manner. The Commission was also allowed to employ an engineer if they wished. This Act and system was tested in the courts in the case of Carroll v. Griffith 117 Tenn. 500, 97 S.W. 66 (1906).
4. Acts of 1905, Chapter 478, amended Chapter 136, Acts of 1901, above, primarily in the method of filing and acting upon petitions to open, close, or change roads and in the way of handling damages which might be occasioned thereby.
5. Private Acts of 1919, Chapter 748, regulated the working, laying out and maintenance of the public roads, bridges and other structures, thereon, in all counties of Tennessee having a population of not less than 9,320 nor more than 9,340, according to the Federal Census of 1910, or any subsequent Federal Census. This Act also established the office of County and District Supervisor of Roads.
6. Private Acts of 1925, Chapter 542, seems to be the first Road Law for Meigs County. Road Commissioners, over 25 years of age, and competent road men, would be selected at the January term of the County Court, only one from each of four Civil Districts who would oversee the road programs by appointing also overseers for sections of road in their districts. The County Court would levy a tax of 20 cents per \$100.00 valuation of property and designate the roads upon which the money would be spent. All males, 21 to 45 years old, must work five days, ten hours each, on the roads or pay \$1.50 per day commutation fee. Commissioners would examine the roads in his district periodically making plans for their upkeep. The County Court would make rules regarding the use and purchase of tools and materials. The remainder of the Act concerns administrative practices which were patterned largely after the 1901 Act.
7. Private Acts of 1929, Chapter 335, amended Section 3, Chapter 42, Acts of 1925, by providing for the appointment of one Road Commissioner at the January meeting of the Quarterly County Court, for a term of two years and at a compensation to be set by the court. In Section 7 by providing that each male between 21 and 45 years old on January 10 would be required to work five 10 hour days of road work before September 1 of each year, or pay \$3.50 as a commutation fee. The Trustee shall collect the fee if it is not paid by September 1. A fine of \$10.00 would be exacted for violations. This Act repeals Section 11 of the 1925 Act which provided rates of commutation and days of work for teams and wagons.
8. Private Acts of 1939, Chapter 411, repealed Chapter 748 of the Private Acts 1919.
9. Private Acts of 1933, Chapter 513, stated that in Meigs County the County Road Commission shall expend all the money derived from the two cent gasoline tax which is distributed to counties. This Act was specifically repealed by Chapter 409, Private Acts of 1939.
10. Private Acts of 1939, Chapter 408, creates a Road System for Meigs County repealing everything in conflict with it. A five member Road Commission consisting of one member from each of four road districts and the County Court Clerk who would be the Secretary. The Road Districts corresponded to the civil districts with some special provisions for the Fourth. The Act named N. C. Cartwright to serve for the First Road District, J. H. Isom for the Second, W. J. Abel for the Third, J. A. Hagler for the Fourth and W. E. Breden, the present County Court Clerk. Compensation of the Commissioners would not exceed \$2.50 per day, and their mileage rate was the same as the Justices. The Commission could employ a Road Supervisor at the vote of a majority and set the salary. W. B. McKenzie was named Supervisor in the Act at \$150.00 per month to serve as long as satisfactory. The Road Supervisor would name as many road foremen as needed and be in immediate charge of the road work. There were some administrative

directions in the balance of the Act for the Road Supervisor and for his relation with the Road Commission. This Act was repealed by Chapter 12, Private Acts of 1941.

11. Private Acts of 1939, Chapter 409, expressly and entirely repeals Chapter 513, Private Acts of 1933, which had provisions for the expenditure of the two cent gas tax money, which was in turn repealed by Chapter 64, Private Acts of 1941.
12. Private Acts of 1941, Chapter 12, expressly repealed Chapter 408, Private Acts of 1939 which was the existing Road Law for Meigs County.
13. Private Acts of 1941, Chapter 64, also repealed Chapter 409, Private Acts of 1939.
14. Private Acts of 1941, Chapter 126, created the position of Road Supervisor whose qualifications and duties were enumerated. The Act appointed Willim B. McKenzie, of Decatur, to serve until the County Court elected someone at its next regular meeting. The Supervisor should have a four year term at \$1,800 annual salary. The Supervisor could work for the State so long as his duties were in Meigs County. He must execute a \$5,000 bond, and appoint overseers for the roads who would be in charge of the road hands. He was empowered to avail himself of any help from higher levels and could employ an engineer. E. W. Culvahouse was appointed as Secretary and the County Court would fill any vacancies which might occur. This Act was repealed specifically by Section 9, Chapter 403, Private Acts of 1949.

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