



July 22, 2024

Private Acts of 1929 Chapter 477

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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Private Acts of 1929 Chapter 477

SECTION 1. That there is hereby created for all Counties of the state of Tennessee having a population of not less than 17,665 nor more than 17,685 according to the Federal Census of 1920 or any subsequent Federal Census, the office of Highway Commissioners for said Counties to consist of three members, no more than two of whom shall belong to the same political party, one of the Commissioners named in this Act to serve for a term of one year, one to serve for a term of two years, and one to serve for a term of three years, at the expiration of their terms their successors shall be elected by the County Commission of said County at its regular April term and to serve for a term of three years and until their successors are elected and qualified. And should any vacancy occur in said Commissioners by death, resignation, or removal, the County Court at any quarterly term shall fill said vacancy. Said Commissioners shall receive for their services the sum of \$150.00 per year, except the Chairman of said Commission who shall receive the sum of \$250.00 per year. They shall receive necessary traveling expenses when their duty calls them outside of the County, in the interest of the public roads of said County. The County Commission of said County may at its regular April term of any year raise or lower the salary of said Commissioners of any one of them.

It shall be the duty of said Commissioners to meet twice each month for the purpose of designating and laying out the work to be done on the public roads of said County and for the purpose of transacting any other business to come before the Commission. For the purpose of carrying out the provisions of this Act, A. H. Moore, Geo. C. Zirkle and J. W. Sams are hereby appointed and constituted Highway Commissioners for said County, and the said A. H. Moore shall serve for a term of one year, the said Geo. C. Zirkle shall serve for a term of two years, and the said J. W. Sams shall serve for a term of three years or until their successors are elected and qualified.

As amended by:

Private Acts of 1949, Chapter 518

Private Acts of 1981, Chapter 50

SECTION 2. That no person shall be eligible to a position on said Commission who is not a citizen and freeholder of said County, who is not of legal age, who does not sustain a good moral character and in all respects upright in his dealings. All of said Commissioners shall be men known to be of sound judgment and discretion, who are regarded as successful in their respective vocations of good business capacity and ability and one at least shall be a man skilled in the matters of finance. Before entering upon the discharge of their duties they shall take and subscribe to an oath of office in writing to be filed in the office of the County Court Clerk of said County, that they will faithfully and honestly discharge the duties of the office to the best of their skill and ability without partiality, fear or favor to persons or to the people of any section of said County. After qualifying said Commissioners shall organize by designating one of its members as Chairman, whose term as Chairman shall be for a term of one year and until his successor is elected and qualified.

SECTION 3. That it shall be the duty of said Highway Commissioners to take general oversight and management and control of all public roads, pikes or dirt roads within said County except those which are maintained by the State Highway Department, and should any of the roads now maintained by the State Highway Department be abandoned by the State Highway Department said road or roads shall come under the oversight and management of said Commission. Said Highway Commission shall have the right to maintain, construct or re-construct, macadamize, locate or re-locate any of said public roads. Said Highway Commission shall have charge of all bridges across any branch, creek or river except those under the care of the State Highway Department, for the purpose of maintaining and improving the same.

Said Commissioners shall be provided with an office room in the Court house of said County by the County Court of said County. Said Commissioners may make and adopt all such rules and regulations with reference to laying out, working, maintaining, constructing, reconstructing, all of said public roads, pike and dirt roads and bridges as indicated above in the County, by County convict labor, militia labor and by the use of County road funds as its judgment will best promote the interests of the County and carry out the object of this Act. And when so adopted shall be a part of the road building and maintenance program of said County. Said Commissioners are hereby empowered to buy all necessary supplies and equipment as may be necessary to carry out the provisions of this Act. And make any contracts with the State Highway Department relative to any road or road program of said County. Said Commission is hereby authorized and empowered to employ one road superintendent who may be discharged from duty by said Commissioners at any time for incompetency, neglect of duty or any other good and sufficient reason when in the judgment of the Commission the public services require it. Said road superintendent shall be a practical road builder with recognized ability in repairing and upkeep of pike or dirt roads, experienced in working and handling of men, shall have a fair common school education, write a legible hand, shall have experience as an office man, shall be of good moral character and a man of sound judgment, his salary shall be fixed by said Commission not to exceed Twelve Thousand Dollars per annum, to be paid monthly,

and in addition thereto shall be allowed his actual traveling expenses when traveling over the roads of said County or elsewhere under the direction of the Commission not to exceed Three Hundred and Sixty Dollars per annum.

The Commission is likewise authorized to employ a secretary-book-keeper whose annual compensation shall be fixed by the County Commission of such County at its April term of each year, at such an amount as they may deem fit and proper.

As amended by:

Private Acts of 1939, Chapter 507
Private Acts of 1947, Chapter 717
Private Acts of 1951, Chapter 194
Private Acts of 1955, Chapter 86
Private Acts of 1959, Chapter 8
Private Acts of 1961, Chapter 145
Private Acts of 1965, Chapter 38
Private Acts of 1967, Chapter 358
Private Acts of 1975, Chapter 77
Private Acts of 1981, Chapter 50

SECTION 4. That before said superintendent shall assume the discharge of his duties he shall first take and subscribe to an oath of office in writing to faithfully and impartially discharge the duties of his office without fear or favor to persons and shall enter into bond with some bonding Company authorized to do business in said County, to be approved by said commission, and in the sum of \$5,000.00 payable to the State of Tennessee for the use of said County, conditional upon the faithful discharge of all his duties and for the faithful accounting of all tools, machinery and implements and all other personal property belonging to said County that may be in his possession or under his control, the same to be paid by the Commission out of the road fund.

SECTION 5. That said road superintendent shall not be actively engaged in any other business than the business of his office, shall be required to devote his entire time to the roads of said County, to familiarize himself with the roads of said county and shall be charged with the duty of maintaining them and keeping them in good repair and laying out of such new pikes and roads as may be ordered, he shall regulate the working of all roads within the county by the county road hands, convicts or militia labor belonging to said roads whether dirt or pike roads, shall regulate the working of county convicts of said roads or in quarries, quarrying and crushing of stone for this or other purposes, he shall be empowered to employ such foremen, guards and other laborers and assistance as necessary said commission. Said superintendent shall act as the secretary to said Commission and shall keep its books, records, accounts, etc. Said road Superintendent shall have charge of and be responsible for all the road tools, implements, machinery, live stock and other personal property pertaining to said public roads now owned by the County or hereafter owned by the county wherever the same may be located or in whomsoever's hands it may be.

He shall as soon as possible assemble all of said property and make complete inventory of the same and file same with the Commission who shall charge to said superintendent the same and enter the same in a well bound book in which the minutes of all their proceedings shall be recorded. All such tools, implements, machinery, live stock or other personal property that may not be needed for use by said Commission shall be sold by said superintendent under the direction of the Commission and the proceeds paid into the hands of the County Trustee who will place the same with the other road funds provided for in this Act. Said Superintendent shall act as the secretary to said Commission and shall keep its books, records, accounts, etc.

As amended by:

Private Acts of 1939, Chapter 507

SECTION 6. That the County Jail of such counties is hereby declared to be a county workhouse, and the sheriff or jailor of such county shall have the care and custody of all county convicts committed to that institution except when they are at work on the roads and are being taken to or returned from such work during which time the superintendent or persons designated by him shall have care and custody of them and shall be responsible for their safety. The purpose of this Act in regard to County convicts being only to provide a method for working them on said public roads and bridges and in quarries, and in all other respects the general law in regard to county convicts is not effected but the same is hereby declared to be in full force and effect.

SECTION 7. That it shall be the duty of said superintendent to work all ablebodied convicts committed to the County Workhouse on said public roads of said county, or in quarries, quarrying and crushing stone for said public roads and road purposes. Taking them from the jail or workhouse in the morning and returning them at night, when it shall be deemed practical by said commission for him to do so.

SECTION 8. That the Board of County Commissioners shall have the authority to levy a public road tax on all the property taxable by law in the county. This tax when collected, shall be kept by the County Trustee

in a fund called the Public Road Fund, and all road maintenance funds now in the hands of the County Trustee or which may hereafter come into his hands shall be available for use under this act. All revenue from whatever source derived for the use of public roads and bridges shall be kept by the Trustee in said public road fund account.

As amended by:

Private Acts of 1981, Chapter 50

All taxes collected, under the act, or property within the limits of incorporated towns, where jurisdiction has been extended to such towns to open, close and repair its streets, roads and alleys, and is exercised by it, shall be paid over by the Trustee of the County to the recorder or other official of said incorporated towns, who is authorized to receive the same, to be used by said town in constructing and repairing its roads, street and alleys. The Trustee taking receipt from such official for which he shall have credit in his settlement with the County Judge or Chairman of the County Court. All revenue from whatever source derived for the use of public roads and bridges indicated above shall be kept by the Trustee in said public road fund account.

As amended by:

Private Acts of 1929, Chapter 909

Private Acts of 1935, Chapter 135

SECTION 9. That all machinery and tools of every description belonging to said county now in the hands of the Pike Maintenance Commission, or any of the District dirt road Commissioners of said County shall come into the hands of said Highway Commission for its care and use.

COMPILER'S NOTE: The original Section 9 was deleted by Private Acts of 1981, Chapter 50, which also renumbered the original sections accordingly upon Section 9's deletion.

SECTION 10. That all applications to open, change or close any road shall be made by written petition addressed to said superintendent, as is now required by general law to be made to the district road commissioner. The superintendent when he receives such petition shall within ten days thereafter fix the time and place of acting upon the same and shall notify the first person named on said petition. It shall then be the duty of said party to give notice, in writing to all interested persons, those deemed interested shall be the land owners and those having pecuniary interest, of the time and place when said superintendent will act upon said petition, and if proper notice has been given to all interested persons as designated above to be affected by said actions sought in said petition the superintendent shall proceed to view out said roads and report his actions to the Chairman of the County Court who shall hear the matter and determine what is the right of the parties and any party dissatisfied with the action of the Chairman as to said proposed change sought by said petition may within ten days appeal therefrom to the Circuit Court of said County upon making bond with solvent security as provided by law. All damages allowed by the superintendent or the Chairman trying said case or any damages allowed on appeal shall be paid out of the public road funds of said county, provided for in this Act. In all cases of opening and closing of roads the superintendent or in case a jury of view is summoned its report shall be confirmed, and any order confirming the same shall be entered on the minutes of said Court granting to the county an easement over the land the roads opened pass.

SECTION 11. That said county has the right of eminent domain to be exercised by it through its Highway Commission, for public road purposes to be exercised as required by general law in condemnation, except that the county shall not be required to make bond for damages.

SECTION 12. That all such public road fund shall be paid out by the County Trustee on the warrant of the superintendent when countersigned by the Chairman of said commission, showing for what purpose issued and to make quarterly reports covering the same to the County Court of said County.

SECTION 13. That said Superintendent shall make a quarterly report at each regular quarterly session of the County Court, to the County Court, which report shall be attested by said commission, showing the amount of work done on said public roads and bridges, the cost of the same; showing the amount of material purchased and for what it was used and the cost of the same; the amount of labor contributed by militia and the amount commuted; the work done by convicts and the cost of the same; the amount of work done by paid labor and the cost of the same; the amount of machinery and tools furnished and the cost of the same; the amount of all contracts if any let on said public roads and bridges; the cost of maintenance of teams, machinery, etc., salaries and all incidental expenses, and all other matters necessary to a completion of the operations and conditions of the county, which report shall be copied in a minute book by the County Court Clerk.

SECTION 14. That any person or persons who place, haul or otherwise cause to be placed or hauled on any public road or highway in said county any brush, briars or other material or thing that may obstruct or damage such public road or highway or render it inconvenient for further traveling, or who may encroach upon the same in constructing any fence, wall or like improvement shall be guilty of a misdemeanor and upon conviction be fined a sum of not less than Twenty-five nor more than Fifty Dollars for each offense.

SECTION 15. That a violation of this Act, or wilful neglect of duty whereby any public road or bridge on

same covered by this Act is allowed to become dangerously out of repair or become impassable, provided they have been notified and means are available shall be a misdemeanor on the part of said commission and superintendent, and upon conviction for which they may be adjudged severally to pay a fine of not less than Twenty nor more than Fifty Dollars and costs.

SECTION 16. That all laws or parts of laws in conflict with this Act or any provisions of the same, be and the same are hereby expressly repealed.

SECTION 17. That the provisions of this Act are severable, and if any of its provisions, sections, paragraphs, phrases, word or words shall be held unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the same shall not affect the remaining provisions, sections, paragraphs, clauses, phrases or other words of this Act.

It is hereby declared that it is the legislative intent that this Act, and each section, paragraph, clause, phrase or word thereof would have been enacted has such unconstitutional section, paragraph, clause, phrase or word not been included therein.

SECTION 18. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1929.

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