



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

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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.

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Chapter IX - Highways and Roads

Road Law

Private Acts of 1947 Chapter 38

SECTION 1. That in all counties in this State having a population of not less than 14,860 nor more than 14,873, according to the Federal Census of 1940 or any subsequent Federal Census, there is hereby created a County Board of Highway Commissioners, to be composed of five members; and a County Road Superintendent, the said County Board of Highway Commissioners and the said County Road Superintendent to have general supervision and control over all the county roads, bridges and culverts, except such roads, bridges and culverts, and highways as are kept up and maintained by the State or Federal Government, and over all roads, highways, bridges and culvert funds and revenues raised and on hand, or that may be hereafter raised or received from any source for use according to the provisions of this Act. The County Board of Highway Commissioners as herein provided for shall be known and styled the "Hickman County Board of Highway Commissioners."

SECTION 2. For the purposes of this act, Hickman County is divided into seven (7) highway zones which shall be coextensive with the county legislative body districts established by resolution of the Hickman County legislative body from time to time. Beginning with the regular August elections in 2002, one (1) member of the Hickman County Board of Highway Commissioners shall be elected by the qualified voters in each highway zone. Board members shall be elected to four (4) year terms. Terms shall begin on the first day of September following the election and shall continue until a successor has been elected and qualified.

Vacancies on the Board of Highway Commissioners or in the office of road superintendent shall be filled in accordance with general law. In the event of a vacancy in the office of road superintendent, the Board of Highway Commissioners may appoint a temporary successor to perform the duties of road superintendent until the vacancy has been filled in accordance with general law.

As amended by: Private Acts of 1969, Chapter 81
Private Acts of 1985, Chapter 49
Private Acts of 2002, Chapter 85

SECTION 3. That the county board of highway commissioners shall, within ten days after taking office, meet and organize by electing one of its members as chairman and one as secretary, and the compensation and mileage allowances of the commission members shall be the same as those provided for members of the Hickman County legislative body.

As amended by: Private Acts of 1949, Chapter 133
Private Acts of 1969, Chapter 81
Private Acts of 1977, Chapter 26
Private Acts of 1985, Chapter 49

SECTION 4. That each of said Commissioners shall, before entering upon the discharge of his duties, take and subscribe to an oath that he will perform the duties of the office faithfully, impartially and without prejudice against or bias favor to any section of the county or individual, and shall execute to the State of Tennessee a good and solvent bond, in the amount of Twentyfive Hundred Dollars (\$2,500.00), which bond is to be approved by the Judge or Chairman of the County Court. The County Road Superintendent shall execute a similar bond in like amount.

As amended by: Private Acts of 1953, Chapter 259

SECTION 5. That Walter V. Atkinson is hereby appointed County Road Superintendent to serve as such until September 1, 1948. At the regular August election to be held in 1948 a County Road Superintendent shall be elected for two years, and biennially thereafter, by the qualified voters of said county. The salary of said County Road Superintendent shall be \$5,400.00 per annum, payable monthly in equal installments, and shall be paid by the County Trustee out of the General Road Funds of the county on warrants signed by the Chairman of the County Board of Highway Commissioners, and approved by the County Judge or Chairman of the County Court. Said County Road Superintendent shall be required to furnish, at his own expense, an automobile to be used in the conduct of his official duties and to pay all repairs and upkeep thereon, provided, however, that the necessary gasoline and oil used by him in said automobile in the conduct of his official duties shall be furnished him by the County Board of Highway Commissioners and paid for out of the General Road Funds of the County, and the County Board of Highway Commissioners shall further furnish such Superintendent with a pickup truck belonging to the county for his official duties.

Said County Road Superintendent during the tenure of his office shall have charge and supervision of all

the public roads, bridges and culverts of the County, and shall have charge and supervision of all road machinery, tools and implements used and to be used on said roads, bridges and culverts, and shall have the right to employ labor and hands to work on said roads, bridges and culverts and in quarries, gravel and chert pits or banks, and such labor and hands, when so employed, shall be under his control and he shall fix their compensation. The Superintendent shall not stop work in county unless authorized by the County Board of Highway Commissioners.

As amended by: Private Acts of 1949, Chapter 133
Private Acts of 1953, Chapter 259
Private Acts of 1957, Chapter 15
Private Acts of 1957, Chapter 329
Private Acts of 1963, Chapter 219
Private Acts of 1971, Chapter 59

SECTION 6. That said County Board of Highway Commissioners shall maintain an office in the county seat of the county from which they are elected. The Board shall meet regularly on the first Monday of every month, and the Chairman may call one special meeting per month in addition to the regular meeting. A majority of the Commissioners shall constitute a quorum for the transaction of business. They shall keep a well bound book or books, which book or books shall be open at all reasonable times and hours to the inspection of any citizen or taxpayer of the County, in which shall be recorded in detail their transactions showing the amount of work done on each of said roads, bridges and culverts, the character thereof, and all disbursements therefor. They shall make a written report to each Quarterly County Court of the County, covering the preceding quarter, showing the amount of work done on each of said roads, bridges and culverts, the character thereof, and the amount of money expended therefor.

Said report to be signed and sworn to by all of said Commissioners, and by the County Road Superintendent, and to be published in some newspaper published at the county seat, the expense of the publication to be paid out of the road funds as other expenditures are paid.

As amended by: Private Acts of 1949, Chapter 133/td>
Private Acts of 1953, Chapter 259

SECTION 7. That said County Board of Highway Commissioners shall have the following powers and authority, among others set out in this Act, and under the limitations and conditions thereof, to-wit:

1. To lay out and classify all public roads of the County, to divide them into sections or divisions as may be necessary or convenient for the proper and convenient construction, repair, maintenance and upkeep to the same except State and Federal aid roads.
2. To open, close, change, restore and widen any of the public roads of the County, and to procure rights-of-way for such either by purchase, gift or by the exercise of eminent domain.
3. To employ the services of an attorney or attorneys whenever deemed advisable by them.
4. To work inmates of the county work house on the public roads, bridges and culverts of the County, and to enter into all proper arrangements with the Workhouse Commissioners, or other authorized party or parties to so work said inmates.
5. The Board shall have control of all rural road funds and shall spend the same as equally as possible among the five zones.
6. The Board shall have authority to employ and fix the compensation of a Clerk to check all invoices coming to the County Highway Garage and keep an accurate record of the same.

As amended by: Private Acts of 1949, Chapter 133/td>
Private Acts of 1953, Chapter 259

SECTION 8. That it shall be the duty of the County Road Superintendent:

1. To make regular inspections of all the public roads, bridges, and culverts of the County, except such as are maintained and kept up by the State and Federal Government; and to make a report to the County Board of Highway Commissioners at their regular meetings, showing the condition of all such roads, bridges, and culverts in the County.
2. To purchase all tractors, graders, plows, slips and any and all other road equipment and tools, and repair for same, as may be necessary for the proper construction, repairs, maintenance and upkeep of said roads, bridges and culverts, subject, however, to the approval of the County Board of Highway Commissioners.
3. He shall have the right and authority to appoint or employ as many overseers or foremen to aid and assist him in carrying out the purposes of this Act, as deemed advisable by him, who shall, at all times, be subject to his orders and be under his control.
4. To designate the location of all telephone or other poles so that said poles may not be placed

where they will obstruct the flow of water or interfere with the working of said roads, or the travel thereon.

5. To have the exclusive right and power to expend all funds and revenue now on hand or that may be hereafter raised under this Act and any and all other funds and revenues available for such purposes for the proper maintenance, repair, construction and upkeep of said public roads, bridges, culverts, quarries, gravel and chert pits or beds, subject, however, to the limitation that any purchase by the Superintendent in excess of Three Hundred (\$300.00) Dollars shall be first approved by the Commission.
6. He shall have the right and authority when deemed best by him, to cooperate with the State Highway Department of Tennessee in all matters of interest to the county. Said Superintendent is given the exclusive authority to lay out and designate all farm to market roads in said county, recommend to and cooperate with the Highway Department of the State of Tennessee on all matters in connection with said Highway Program as the same as now set up and designated and on all matters and projects to be hereafter set up and designated.
7. To employ road hands not to exceed forty in number unless more are authorized by the County Board of Highway Commissioners. All road hands employed shall be bona fide residents of the county.

As amended by: Private Acts of 1949, Chapter 133/td>
Private Acts of 1953, Chapter 259
Private Acts of 1953, Chapter 490

SECTION 9. That it shall be the duty of the County Road Superintendent to dismiss from service upon the roads any hand who shall fail to do good and efficient work, or who shall hinder other hands, or who shall fail to obey any reasonable orders of said County Road Superintendent, overseer or foreman in charge.

SECTION 10. That it shall be the duty of said County Board of Highway Commissioners to require any abutting property owner who, by ditch, embankment, fence or otherwise, obstructs or changes the natural flow of water so as to obstruct the drainage of any road in said County, to remove said obstruction, and in case said property owner fails or refuses to remove same within ten days after having been notified to do so, said County Board of Highway Commissions is hereby authorized and empowered to enter upon the lands of such person, firm or corporation, and remove such obstruction, construct such ditches and embankments as may be necessary to restore the natural flow of water and protect the drainage of the road, charge the expense thereof to the land owner, and such charges shall be a lien upon the lands, and the Chancery Court of the County where the land is situated is hereby vested with full power and jurisdiction to enforce such lien or liens upon petition filed in Court by said County Board of Highway Commissioners for that purpose, and said County Board of Highway Commissioners are hereby authorized to institute such proceedings.

SECTION 11. [Deleted by Private Acts of 1997, Chapter 46]

SECTION 12. That it shall be a misdemeanor for any person or persons, firm or corporation to tie or swing water gaps or gates or in any way tie or fasten the same to any part of any bridge or bridges or culverts of the County, or abutments or posts thereof, and on conviction therefor shall be fined not less than Ten nor more than Twenty-five Dollars for each and every offense. Each day said water gaps or gates remains so tied or swung or fastened to any bridge, culvert, or any abutment or posts thereof, of the County, shall be and constitute a separate and distinct offense.

SECTION 13. That said County Board of Highway Commissioners shall have the right, power and authority to condemn, in their own names for the use of the Counties from which they are elected, under the laws of eminent domain any and all lands necessary for the locating of public roads, bridges and culverts, rock quarries, gravel or chert beds and other material necessary for the building, repairing, maintenance and upkeep of same, in the manner provided for the taking of private property by public corporations, and shall have the right to condemn private property for roads of ingress and egress to rock quarries, rock crushers, chert and gravel beds, setting machinery, road camps, etc., and in case of suit or other proceedings to delay or prevent the exercise of these powers, the County Board of Highway Commissioners may, on behalf of the County, give a satisfactory indemnity bond in a sum not more than double the amount of the estimated damages, and proceed with the work.

All expenses arising on account of the procuring of rights-of-way, land, rock quarries, gravel and chert beds, setting machinery, road camps, etc., whether by purchase, gift, exercise of eminent domain, or otherwise, including damages, shall be paid by the Trustee of the County, out of the general road funds of the County, upon orders signed by the Chairman of the County Board of Highway Commissioners, countersigned by the County Road Superintendent, and approved by the County Judge or Chairman.

SECTION 14. That all applications to open, change, close, and restore to the public use any and all public

roads in Counties in this State coming under the provisions of this Act shall be made by written petition to the County Board of Highway Commissioners for said Counties. The said County Board of Highway Commissioners within ten days after the application has been filed with them, shall notify the person first named on the petition of the date at which they will be present at the beginning point mentioned in the petition to act on the application. The petitioners shall give five days written notice of the time and beginning point to all land owners to be affected by the proposed change. If an [sic] land owner affected by the proposed change is a non-resident, then ten days written notice to his agent or attorney residing in the County shall be a legal notice.

The said County Board of Highway Commissioners shall attend at the appointed time and place, and if the proper notices have been given, shall act upon the application, assess the damages against the County, if any, and report their action to the County Judge or Chairman, and with their report file the original petition, notices to the land owners, and the names of the material witnesses. In assessing damages, said County Board of Highway Commissioners shall take into consideration the incidental benefits to the landowners which may arise from the construction of the said road, and offset the same against incidental damages. They may adjourn the hearing from day to day, summon witnesses, and administer oaths to witnesses. The Judge or Chairman of the County Court shall consider the whole matter and make such orders opening, changing and closing and restoring to the public the proposed road as he may deem best for the interest of the public, and shall set aside a sufficient amount of any County funds available therefor to pay all damages to the landowners affected by said change. Any interested party may appeal to the next term of the Circuit Court; as to the amount of damages only; provided he shall perfect his appeal within ten days from the decision of the County Judge or Chairman. Said County Board of Highway Commissioners may of their own motion and by their own initiative, open, change, abandon, close or restore to the public use any road or roads in said Counties, without petition, by observing all the essential requirements as set out above in cases in petitions.

When any lands shall be condemned for road purposes the same may be taken at once, as in case of railroads and other common carriers, and the owners shall have recourse on the County for the damages only, and the said County Board of Highway Commissioners may issue a writ of possession directed to the Sheriff of the County, commanding him to put the said road right-ofway into the possession of the County Board of Highway Commissioners.

SECTION 15. That said County Board of Highway Commissioners shall have the power and authority to, whenever they deem it to the advantage and interest of the County in matters pertaining to public roads, etc., of the County, employ the services of an attorney or attorneys, and pay a reasonable fee therefor, which fee shall be paid by the County Trustee, out of the general road funds of the County, or the gas maintenance fund as a road expense on an order signed by the Chairman of the said County Board of Highway Commissioners, countersigned by the County Road Superintendent and approved by the County Judge or Chairman.

SECTION 16. That it shall be the duty of the County Road Superintendent to work all able-bodied workhouse prisoners on the public roads, or in the quarries, and at the crushers, on the bridges and on the culverts in said Counties, until such prisoners have worked out their sentences, fines and costs.

The Highway Commission shall have the exclusive power to appoint any guard or guards necessary for the working of prisoners upon the public roads of the County. Provided, however [sic], that no guard or guards shall be appointed by the Highway Commission unless and until their appointment is approved by the Sheriff of the County.

Any guard or guards appointed and employed by the Highway Commission to supervise the working of prisoners upon the public roads of the County shall be capable of performing the duties of foreman and overseer on behalf of the Highway Department and shall be men of sound judgment, approved by the Sheriff as capable of just and humane treatment of prisoners and the efficient working of such prisoners.

The compensation of any guard or guards so employed by the Highway Commission and approved by the Sheriff shall be fixed by the Highway Commission and paid by them in like manner as other employees of the Highway Commission.

The purpose of this Act in regard to the County convicts is only to provide a method for working them on the County roads, bridges, culverts and in the quarries, and in all other respects the general law in regard to County convicts is not to be affected, and nothing in this Act is to be construed as altering it other than hereinabove stated.

SECTION 17. That all road taxes levied by the Quarterly County Court in said Counties, other than the Highway Maintenance Tax, upon real estate and personal property in said Counties shall be collected by the Trustee like other taxes and credited by him to the road funds of the various districts so that each district may have its own road funds which shall be expended on its roads by the County Board of

Highway Commissioners. The Trustee shall pay out the said district funds only on orders drawn on the particular district funds, signed by the Chairman of the County Board of Highway Commissioners, countersigned by the County Road Superintendent and approved by the County Judge or Chairman.

SECTION 18. That all of said funds and taxes, including fines, provided for in this Act, and including all funds due the County from the State as highway funds, shall be paid into the hands of the Trustee of the County in which collected, except where otherwise provided, and shall be by him credited to the general road funds of the County, except where otherwise provided, and shall be paid out by said Trustee only on orders signed by the Chairman of the County Board of Highway Commissioners, countersigned by the County Road Superintendent and approved by the County Judge or Chairman.

SECTION 19. That the County Road Superintendent shall not contract with himself or any other County official in any manner, either directly or indirectly, for any material or labor or in any manner pertaining to the construction, maintenance and repair or bridges and roads, nor with anyone related to him by affinity or consanguinity within the third degree according to the civil law.

SECTION 20. That it shall be unlawful for any of the officials, designated herein, having charge of and the right to expend and disburse funds as provided in this Act, to issue a warrant or warrants against said fund, when there is no sufficient amount of such funds on hand to pay off and redeem the amount of such warrants thus issued.

SECTION 21. That any official, connected with said department as designated herein that they shall violate any provision of this Act, shall be deemed guilty of a misdemeanor in office, and upon conviction of same shall be subject to removal from office.

SECTION 22. That each section hereof shall be and constitute a separate act, and that if any part hereof shall be declared unconstitutional the remainder which is constitutional shall remain in full force and effect.

SECTION 23. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 24. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 21, 1947.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Hickman 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 133, appointed Alexander Gray and Garret Lane of Hickman County, and Robert Hill, William Cathey and William Stocklard of Maury County as commissioners of the Duck River navigation, from Gordon's Ferry to the mouth thereof. The duties of the commissioners were described in addition to a tax which was to be levied by the Hickman County Court to raise \$110 for the commissioners.
2. Acts of 1843-44, Chapter 117, Section 3, named Samuel B. Moore, Robert Shegog, and Boling Gordon, of Hickman County, plus several others from Maury County, as commissioners to sell stock up to \$20,000 for the purpose of navigating the Duck River with steamboats. The private estate of the stockholders were declared to be liable for the debts of the company which remained unpaid.
3. Private Acts of 1859-60, Chapter 3, Section 8, appointed Pleasant Walker, Horatio Clagett, P. M. Hornback, George W. Stanfill, T. P. Bateman, William Grigsby, H. A. Shoule, J. P. Baird, S. J. George, James D. Easley, Stephen Worley, George Kennedy, and such others as they might select, as commissioners to open books and sell stock to build a turnpike road from Centerville to Columbia in Maury County when a sufficient amount of stock was sold the commissioners could then form a corporation under the terms and conditions best suited for their enterprise.
4. Private Acts of 1859-60, Chapter 127, Section 37, named William G. Clagett, S. J. George, G. W. Stanfield, J. R. Eason, L. P. Lotty, J. M. Baird, Z. Hassell, G. W. Brutton, N. C. Weems, W. Walker, B. Gordon, V. F. Bibb, J. G. Farkington, John Reeves, and G. Mayberry, as commissioners to open books and sell stock for building a turnpike road from Centerville in Hickman County to Nashville in Davidson County along such route as the commissioners considered the most practical. The commissioners were granted permission to incorporate with all the incidental rights and privileges thereto at whatever time in the course of these events which they considered expedient.

5. Public 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 of each county would select one road commissioner to serve two years from each road district in the county, the road districts being co-extensive with the civil districts. The road commissioner would be sworn, bonded, and be in charge of all the roads, bridges, road hands, tools, equipment, and materials used in or assigned to his area. He would be paid at the rate of \$1.00 per day but for no more than 10 days each year. The county court would fix the number of days the road hands would work at no less than five, nor more than eight, and set the price of one day's labor. The county court had the authority to levy a general road tax of two cents per \$100 for each day of work required by the road hands. The road commissioners would name the road overseers in their area and assign them to particular sections of road for which they would be responsible. Overseers would work the same number of days on the road as everyone else but would be paid for all over that number up to \$6.00 per year. All males, outside of cities, between the ages of 21 and 45 were subject to compulsory road work. The commissioners were to dispose of petitions to open, close, or change roads, would classify and index the roads in their districts, and would see to it that roads met the specifications stipulated in the act. This act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
6. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, Item 5, above, in several minor particulars but principally in the methods of acquiring rights-of-way and easements for roads especially when it became necessary to invoke the powers of condemnation.
7. Private Acts of 1917, Chapter 661, amended Public Acts of 1901, Chapter 136, Section 5 (Item 5, above), by adding a provision which allowed a road hand subject to compulsory labor on the county roads to commute by paying \$1.50 for each day missed instead of the seventy-five cents per day stipulated in that statewide act. This particular amendment applied only to Hickman County.
8. Private Acts of 1919, Chapter 415, stated that any person in Hickman County (identified by the 1910 Federal Census figures) who owned or had control over a wagon and team were required to furnish the wagon and team for no less than four days of labor upon the county roads, or they could commute by paying \$3.00 per day for each wagon or team they owned. The owner could drive the team himself, or designate another person to do so, or the owner could hire a driver, if desired. If he failed to do either, the overseer could appoint someone to drive the team, and the owner could be fined from \$10 to \$25 and be assessed \$2.50 for each day of noncompliance.
9. Private Acts of 1921, Chapter 979, gave the right to any person, firm, or corporation, present or future, who was then, or might at any time thereafter, operating a turnpike or toll road to demand and collect the tolls, as set forth in the act, for the public use of the road. The tolls ranged from five cents for a one-passenger motorcycle to \$1.25 for a five-ton truck.
10. Private Acts of 1923, Chapter 383, created a three-member Pike Commission in Hickman County who would supervise the public pikes built and constructed under various bond issues, and were to be elected by the quarterly court to serve three-year terms. The commission was given the exclusive power to expend the maintenance funds set up for these roads. They were to be sworn and bonded upon entering office and should employ a Pike Superintendent (at a salary of no less than \$1,500 and no more than \$2,000 annually), who was to serve at their pleasure and under their direction. The superintendent was authorized to hire foremen to operate the machinery; to supervise the activities of the road hands; and, supervise the use of the tools, materials, and equipment. The commission was to keep detailed records of transactions and disbursements and make monthly reports of same to the quarterly county court. This act was repealed by the one following.
11. Private Acts of 1927, Chapter 196, expressly repealed Private Acts of 1923, Chapter 383, in its entirety. The act established a three-member county board of highway commissioners and a county road superintendent to jointly have the general supervision over the county roads, bridges, and culverts. The act named the first board members, who were to serve staggered terms until their successors were elected for three-year terms. The board of highway commissioners were to meet within ten days after their election to organize; they would be paid as the quarterly court directed and could hire a clerk, or bookkeeper, and set the salary for the same. The commissioners were required to be sworn into office and execute performance bonds. The board was to employ a road superintendent (at a salary of no less than \$1,500 and no more than \$3,000 annually) who was to serve at the board's pleasure and under its direction. The board, which was in immediate charge of the road program, was to meet on the first Monday in each month and at such called meetings as might be necessary; it was to keep books on all the business transactions; and, was authorized to exercise the powers specifically set forth in Section

12. The duties of the superintendent were enumerated in Section 8. All male residents between the ages of 21 and 45 were subject to compulsory road work and would be fined if the same was not observed. Owners of horses and wagons were also subject to road work under the conditions specified, or were to pay \$2.00 as a commutation fee for each day missed. Prisoners were to be worked on the road under certain specified conditions and under the supervision of the superintendent. The owner of every vehicle in the county using the county roads was required to first buy a permit from the county court clerk. Said permits were paid for by fees which were determined according to the weight and type of motor vehicle drive. Fines could be levied on those so disposed to violate the provisions of this act and every effort was to be made to spend the tax money in the area from which it was raised.
13. Private Acts of 1929, Chapter 66, repealed Private Acts of 1927, Chapter 196, Section 23, which imposed a tax on every motor vehicle in Hickman County. Section 25 was rewritten to provide that justices of the peace would have jurisdiction in any and all cases relative to violations of the provisions of the law concerning road duty, and he was to have all the same powers vested in him as were provided by law in misdemeanor cases.
14. Public Acts of 1929, Chapter 145, and Private Acts of 1929, Chapter 274, provided for the reimbursement to Hickman County (as designated by the 1920 Federal Census figure) of all funds which may have been expended upon any road or roads which were previously or subsequently designated as part of the state highway system. The county was required to submit claims for reimbursement, along with proof of the expenditures, to the commissioner of the department of highways and public works of the State of Tennessee, who would then certify the claims to the Tennessee Highway Reimbursement Board. The amount to be reimbursed could not exceed \$103,167.30, and the methods of payments to be followed were to be the same as those generally prescribed by law.
15. Private Acts of 1929, Chapter 413, amended Private Acts of 1927, Chapter 196, Section 1, by increasing the membership of the board from three to five members; by revising Section 2 to describe the five road districts, or zones, into which the county was divided, and by naming the first commissioners under the expanded board; Section 3 fixed the commissioners' salaries at \$5.00 per day; Section 4 specified the amount of bond to be \$2,500; Section 5 fixed the county road superintendent's salary at \$1,800; and, Sections 6, 7, 8, 9, 11, 13, 21 and 28 were also revised to clarify the act.
16. Private Acts of 1929, Chapter 891, also amended Private Acts of 1927, Chapter 196, by rearranging Zones 4 and 5, set up in that act, as to the civil districts which comprised those zones. Section 2 was amended by naming L. W. Parker to the board from Zone 5 instead of Tom M. Mayberry; and, the county court was given the authority to fill any vacancy on the board no matter how it might have occurred.
17. Private Acts of 1931, Chapter 764, which was applicable only to Hickman County, gave the board of highway commissioners the authority to expend on such roads and in such manner as they might decide the funds derived from and allocated to the county from the state gasoline tax.
18. Private Acts of 1933, Chapter 243, which applied to Hickman County by virtue of the 1930 Federal Census figure, was the authority and power for the commissioner of highways and public works of Tennessee to give to farmers in the county lime-dust, debris or refuse accumulated at the lime crusher sites at no cost to the farmers and to provide ways and means for the distribution of same. An advisory board to be appointed by the governor was to supervise the distribution of said lime-dust.
19. Private Acts of 1933, Chapter 754, amended Private Acts of 1929, Chapter 413, by reducing the amount to be paid to each board of highway commissioner from \$5.00 to \$4.00 for each meeting attended in the course of his duties.
20. Private Acts of 1939, Chapter 169, amended Private Acts of 1927, Chapter 196, Section 5, by inserting almost an entirely new section naming Carl Peery as the county road superintendent who would serve until his successor was elected for a two-year term in the August, 1940, general election. The salary was \$1,800 per year, payable in equal monthly installments out of the county road funds. The superintendent was to furnish a car at his own expense and pay for all maintenance and repair, but gas and oil would be furnished by the county. Private Acts of 1929, Chapter 413, Section 5 (Item 14, above), was expressly repealed.
21. Private Acts of 1939, Chapter 610, stated that in Hickman County (identified by the use of the 1930 Federal Census figure) the highway commission was to have the exclusive power to appoint any guards necessary for the working of prisoners upon the public roads of the county, but no guards were to be appointed by the commission unless and until their appointment was approved

- by the sheriff. Those guards appointed to serve were to be capable of performing as a foreman and overseer on behalf of the highway department. Compensation was to be fixed by the highway commission. See *Horner v. Atkinson*, 177 Tenn. 660, 152 S.W.2d 620 (1941), a case involving the Hickman County Road Law.
22. Private Acts of 1945, Chapter 388, expressly repealed Private Acts of 1927, Chapter 196, the Hickman County Road Law, as the same was amended by Private Acts of 1929, Chapter 413, and Private Acts of 1939, Chapter 169.
 23. Private Acts of 1945, Chapter 390, was the next road law for Hickman County which required that the roads in the county be classified and the road superintendent keep in his office a chart of all the roads and report to the quarterly county court at each session on the conditions of the roads and the funds expended for the preceding quarter. The county road superintendent was to be elected and serve for two-year terms. He was to be skilled in road work of all kinds, of good moral character, and was to execute a performance bond upon assuming office. The superintendent was to be paid \$1,800 annually, in equal monthly installments, but furnish a car at his expense, with the county supplying him with gas and oil. He was to file an itemized statement of expenditures with the county court clerk. The superintendent was to have supervision and control of the road department, but was not to purchase any materials or equipment in an amount over \$50 without approval of the county judge or chairman, who was also designated to countersign all the warrants issued by the road superintendent. He was forbidden to lend any hand, equipment, or materials for private purposes unless paid in full by the property owner. The sheriff, who was in charge of the workhouse, was to deliver prisoners to work on the roads and the road superintendent was to employ the necessary guards. The superintendent was to have no interest in any contract or road work, and could employ a secretary or a bookkeeper, at \$80 per month. All violations of this act were misdemeanors and were punishable as fixed therein. This act was repealed by the one following.
 24. Private Acts of 1947, Chapter 34, specifically repealed Private Acts of 1945, Chapter 390, in its entirety.
 25. Private Acts of 1955, Chapter 97, set the compensation of the members of the board of highway commissioners of Hickman County at \$10 per day and provided for mileage payments at the rate of 5 cents per mile. However, this act was rejected by the Hickman County Quarterly Court and never became effective law.
 26. Private Acts of 1959, Chapter 30, would have amended Private Acts of 1947, Chapter 38, Section 3, by increasing the compensation of the board of highway commissioners from \$5.00 to \$10.00 per meeting; however, the act was rejected by the local authorities and never became law.
 27. Private Acts of 1961, Chapter 173, would have amended Private Acts of 1947, Chapter 38, by providing for the election of a county road superintendent by the qualified voters of Hickman County, to serve for a term of four years. However, this act was rejected by the local authorities and never became law.
 28. Private Acts of 1961, Chapter 340, provided that the rights-of-way of roads or highways under construction at the time of the act or thereafter, constructed with financial aid from the federal or state government, were to be fenced as was provided in this act. The board of highway commissioners was to furnish the owner of land adjacent to the highway under construction with enough materials for the construction of a fence along the entire right-of-way. The board was to decide the type, grade, and quality of fence and furnish materials accordingly. The owner was required to see that the fence was built from the materials furnished. If the fencing was supplied by the state or federal government, this act would not apply. The quarterly county court rejected this act, thus rendering it of no effect.
 29. Private Acts of 1963, Chapter 221, would have amended Private Acts of 1947, Chapter 38 by calling for the election of a county road superintendent by the qualified voters of the county at the 1964 August election. Furthermore, the county road superintendent was to be elected for four years, however, this act was rejected by the local authorities of Hickman County and never became law.
 30. Private Acts of 1963, Chapter 278, would have amended Private Acts of 1947, Chapter 38, by adding a new paragraph to section 7 to said act which would authorized the county board of highway commissioners to pay a gratuity to the surviving widow of any employee whose death resulted from an accident arising out of and in the course of his employment with the county highway department, from the gasoline tax funds in an amount not to exceed \$2,500.
 31. Private Acts of 1970, Chapter 302, recited in the preamble the necessity to increase the compensation of the road superintendent in order to bring his salary in line with those of other

- county officials, and in essence, was to amend Private Acts of 1947, Chapter 38, by raising the salary to \$8,500 per year. However, this act was rejected and never became law.
32. Private Acts of 1971, Chapter 59, attempted to do the same thing as Private Acts of 1970, Chapter 302, above, by increasing the annual salary of the road superintendent from \$5,400 to \$8,500 but our information is that this act was never acted on by the Hickman County Quarterly Court.
 33. Private Acts of 1981, Chapter 80, was to amend Private Acts of 1947, Chapter 38, in subsection 2 of Section 8 by removing the requirement of pre-approval by the county highway commission of certain purchases and placing a limitation of \$2,000 on purchases without approval. Subsection 5 of Section 8 was to be amended in the same way and Section 19 was to be deleted entirely. However, this act was disapproved on April 18, 1981
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