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Highways and Roads - Historical Notes

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Sincerely,

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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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