



December 20, 2024

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# Road Law

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Sincerely,

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# Road Law

## Private Acts of 1933 Chapter 788

**SECTION 1.** That there is hereby created in all of the counties of this State having a population of not less than 8,933 nor more than 8,938, according to the Federal Census of 1930, or any subsequent Federal Census, a county road commission, which shall be composed of three members, to be appointed and elected as hereinafter provided, one of whom shall reside in each of the three road districts hereinafter provided and established, and one of whom shall be chairman of the said commission elected by the members thereof.

**SECTION 2.** The for the purposes of this Act there is hereby created and established three road districts as follows:

The 1st Road District shall be composed of the 1st, 2nd, 6th, and 8th Civil Districts.

The 2nd Road District shall be composed of the 3rd, 4th, 5th, 12th, and 13th Civil Districts.

The 3rd Road District shall be composed of the 7th, 9th, 10th, 11th, 14th and 15th Civil Districts.

**SECTION 3.** That for the purposes of this Act there is hereby appointed the following members of the county road commission for the ----

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|-------------------|-----------------|
| 1st Road District | C. G. McBroom   |
| 2nd Road District | James A. Todd   |
| 3rd Road District | Reece Patterson |

The members of the commission hereinabove named and appointed shall serve and hold office until September 1, 1934, and their successors shall be elected by the qualified voters of the County at the regular August election, 1934, and every two years thereafter, and the commissioners thus elected at the August election, 1934, and each two years thereafter, shall take their office on the first day of September following, as other civil officers.

**SECTION 4.** That the members of said county road commission shall each take and subscribe to an oath for the faithful performance of their duties and each shall execute and file with the clerk of the county court a good and solvent bond in the penal sum of \$2,000.00 to be approved by the county court chairman for the faithful performance of their duties and to faithfully account for and turn over all funds and road property of all kinds coming into their hands.

**SECTION 5.** That said county road commission is hereby required to hold monthly meetings at the court house, and they are hereby required to keep and maintain an office at the county seat. Said Commission is hereby required to fix and give notice by publication in a newspaper published in said counties of the day and hour of such monthly meeting so that all interested persons may attend.

The compensation of the commissioners other than the Chairman of the Commission is hereby fixed at \$50.00 per annum and the compensation of the Chairman is fixed at \$300.00 per annum, to be paid out of the road funds of the county; provided, however, that the commission may hold special or called meetings without additional compensation, upon request of a majority of the commission or the call of the Chairman.

Provided, however, that beginning as of March 1, 1955, the compensation of the Chairman of said Commission is fixed at \$600.00 per annum and the compensation of the other members of said commission is fixed at \$300.00 per annum.

As amended by: Private Acts of 1945, Chapter 226

**SECTION 6.** That the Commission named hereunder shall meet and organize on the Second Monday in May, 1933.

**SECTION 7.** That any vacancy occurring on the County Road Commission from any cause shall be filled by the remaining members of the Commission, and the person selected to fill such vacancy shall hold office until the next regular election.

**SECTION 8.** That no member of said Commission shall be a member of the County Court or hold any other State or County office and they are hereby forbidden to have either directly or indirectly any interest in any contract pertaining to the county road system.

**SECTION 9.** That said county road commission is hereby granted and given full power, jurisdiction and control over the entire county road system of said counties, including the right of eminent domain, the right to change or relocate roads, the right and power to improve and maintain all the county roads of said counties as their judgment and discretion may dictate, including county bridges; and the right to lay out and construct new roads and full jurisdiction over all county road labor, duty and service and full control over the expenditure of all road moneys of every kind and character, including the State aid gasoline

moneys, and any and all road taxes, labor and service levied and/or fixed by the county court.

**SECTION 10.** That said road commission is hereby required to keep full and accurate minutes of each and every transaction, especially the expenditure of any funds, and to make quarterly reports under oath to the quarterly county court of said counties, showing in detail the work and doings of said commission, which reports shall be spread upon the records of the county court and open to the inspection of the public.

**SECTION 10a.** There is hereby created an Audit Committee composed of the Chairman or Judge of the County Court, the Clerk of the County court, the Clerk of the Circuit Court, the Clerk of the Chancery court (sic) and the Sheriff of said County, or Counties, with the power, authority and duty to audit and investigate the books, accounts, transactions and affairs of said Commission annually and make report thereof and recommendations thereon, in writing, to the Quarterly County Court of said Counties for any and all of which said Committee may employ such clerical and other help and assistance, including auditors, acountants (sic) and investigators as it deems necessary for true, fair and full audits, investigations and reports herein provided. The costs and expense of all such audits, investigations and reports to be paid out of funds in the hands of or for the account of said Commission on order of said Committee. The members of said Commitete (sic) shall not be allowed compensation for their personal services rendered hereunder out of said Commission funds but may be compensated therefor by the Quarterly County Court out of other County funds by proper resolution, and said Committee shall take care to practice economy in the proper performance of its duties hereunder.

As amended by: Private Acts of 1943, Chapter 211

**SECTION 11.** That said county road commission is hereby empowered and required as soon as the organization is perfected, to employ by a majority vote of said commission a capable county road supervisor, who shall be capable of overseeing and looking after road construction and maintenance, and who shall also be of sufficient education to keep and make written reports to the commission from time to time, as may be required of him. The County Road Supervisor shall hold his office at the will of the County Road Commission and his compensation shall be fixed by the County Road Commission in an amount not to exceed six hundred dollars (\$600) a month. Said road supervisor shall be required to give his entire time and attention to the duties of his position, and he shall perform his duties under the supervision and direction of the county road commission, and to do any and all things necessary to construct and maintain the best possible system of county roads, and particularly to supervise and overlook the foremen and road employees hereinafter provided for.

As amended by: Private Acts of 1947, Chapter 851  
 Private Acts of 1955, Chapter 127  
 Private Acts of 1967, Chapter 242  
 Private Acts of 1973, Chapter 100

**SECTION 12.** That the county road supervisor herein provided for shall have the power and it shall be his duty to name and appoint as many road foremen as may be necessary and also to employ road hands or employees; provided, however, that these duties shall be performed with the approval of the county road commission. The salary or wages of the foremen and road hands or employees shall from time to time be fixed by the county road commission, provided always that such wages and salaries shall not exceed the prevailing prices obtaining in said counties for similar work or services.

**SECTION 12A.** That the Chairman and other members of the County Road Commission as in this Act provided may, in addition to their services and compensation as such Chairman or other member of said County Road Commission, be selected for and employed, and may serve as either Supervisor of Roads, or other employee, as provided for in this Act, and for any such additional service may receive compensation in addition to that authorized for their services as either Chairman or member of said Commission. Provided, however, that the qualifications, character of service and compensation for any such additional service shall conform to and be measured by the same standards, requirements and scale of wages and compensation as other employees of said Commission prevailing at the time.

As amended by: Private Acts of 1945, Chapter 226

**SECTION 13.** That said county road commission is hereby authorized and empowered to purchase any and all necessary road machinery, equipment, tools, materials, and supplies as their judgement and discretion may dictate, and they are further empowered to lease or rent such road machinery, equipment and/or tools deemed to the best interests of the county, the purchase, lease or rental price of any and all of which to be paid out of said County Road Funds.

**SECTION 14.** That any and all costs and damages for rights of way or other property condemned or taken under this Act shall be a charge against the general funds of the counties, but shall be repaid to the counties out of the said county road funds to the general county funds.

**SECTION 15.** That all county road funds of every kind and character shall be kept by the country trustee in a separate funds designated for the purpose, and all warrants drawn on said funds shall be signed by

the Chairman of the county road commission and countersigned by the county road supervisor, and no warrant thus drawn shall be issued until same has been approved by the county road commission, except warrants for weekly payrolls for road labor, but these must be signed by the Chairman and countersigned by the supervisor, and no warrant shall be issued to overdraw such funds and no contract or obligation made in excess of the reasonably anticipated funds to be available for any calendar year, except that road machinery and equipment may be purchased on installment plans in anticipation of funds.

**SECTION 16.** That said County Road Commission is hereby invested with full and complete power and authority to acquire by gift, purchase or condemnation proceedings all lands, rights of way, borrow pits, sand, gravel and chert beds, rock quarries and rights of way to and from the same necessary for the opening, constructing, building, changing and/or re-locating public roads and bridges and to pay for the same out of the County Road Fund, in the manner in this Act provided. It shall be the duty of the said County Road Commission to keep definite and sufficient records of all such rights of way or lands so acquired showing the County's title thereto and rights therein.

The said County Road Commission is hereby given the power and authority in all matters of condemnation to institute and prosecute condemnation suits in which suits the county shall be made a party plaintiff and it shall not be necessary or required for the county or the said county road commission to execute any cost or indemnity bond or any other bond in such proceedings, and immediately upon the filing of or institution of any suit for condemnation under the provisions of this Act, the Commissioner, its agents, servants, and employees shall have full power and authority to proceed to take the necessary lands or property sought to be condemned and no appeal or other dilatory plea shall delay the opening, changing, construction, or working of such condemned rights of way or the taking of any such property. All costs and damages and compensation for rights of way or other property condemned or taken under this Act shall be a charge against the general funds of the County, but any and all such sums paid out of the general County Fund shall be repaid to the counties out of the County Road Fund described in this Act.

**SECTION 17.** That said County Road Commission is authorized and empowered to employ such engineers or skilled workmen as it may deem necessary from time to time and to employ such clerical and other help as may be necessary for the proper and efficient performance of the duties herein required.

**SECTION 18.** That the said County Road Commission is hereby authorized and empowered to designate the location of all telephone, telegraph, or other poles permitted by law to be placed along the public road and to require them to be placed where they will not obstruct the roads, side ditches, flow of water, or the working and maintaining of the road, and the said Commission is hereby given the power and authority to move or have moved from the road, or rights of way, any such poles or other obstructions as may cause or, in the judgment and discretion of said Commission, may be calculated to cause any such interference.

**SECTION 19.** That all male citizens residing within the counties at the time of notice to work is served, of the age of twenty-one (21) to fifty (50) years inclusive, shall be subject to road duty under the provisions of this act, and shall give not less than three nor more than six (6) days per annum service on said roads, the number of days to be fixed each year by the County Court. That each individual or family living together, either male or female, owning a two-horse wagon and team or two horses and a plow shall furnish the team and wagon or the team and plow, whichever may be required by said Road Supervisor, the same number of days fixed for road laborers by the County Court. Provided, that each person who is required under this Act to work on the road and/or furnish a wagon and team or a plow and team may commute for the same by paying into the said County Road Fund through said Road Commission an amount fixed by the County Court which amount shall be uniform throughout the County, provided, however, that any person subject to road duty may furnish an able-bodied substitute acceptable to said Road Supervisor.

That all persons subject to road duty or who are required to furnish a wagon and team or a plow and team, as herein provided, who shall fail or refuse to comply with the provisions of this Act with respect thereto shall be guilty of a misdemeanor.

**COMPILER'S NOTE:** Private Acts of 1937, Chapter 571, contained a provision that "no person shall be subject to road duty" within Cannon County. The act was amending Private Acts of 1929, Chapter 809, which was the previous road law for Cannon County. The 1937 amendment occurred after this act (Private Acts of 1933, Chapter 788), the current road law for Cannon County, was passed. It is noted here because the subject matter of the 1937 amending act is the same as the above section.

**SECTION 20.** That it shall be the duty of said Road Supervisor either in person or by and through a foreman or overseer to warn in all hands or persons subject to road duty on the roads and to notify all persons whose duty it is made by this Act to furnish wagons and teams or plows and teams for road service to report for such road duty or service at a time and place fixed.

That it shall be the duty of said Road Supervisor either in person or by and through a foreman or overseer

to give to each person subject to road duty a verbal or written notice three (3) days before the time, stating the time and place where the work shall begin. Like notice shall be given persons whose duty it is to furnish teams and wagons or plows. It shall be a sufficient compliance with the requirements hereof with respect to said notice or warning to leave the same in writing at the usual place of residence of such persons subject to road duty or whose duty it is to furnish such teams and wagons or plows.

**SECTION 21.** That it shall be the duty of said Road Supervisor to report to the foreman of the Grand Jury and to the District Attorney-General all persons failing to work the road and/or failing to commute therefor or failing to furnish teams and wagons or plows or failing to commute therefor as provided in this Act, at the next term of the Circuit Court succeeding such delinquency.

**SECTION 22.** That all persons seeking to be exempt from road service shall make application for such exemption to said County Road Commission at any regular monthly meeting, such application to be accompanied by a certificate from the County Health Officer or Physician, or any other reputable practicing physician of the County, and if any such applicant shall be dissatisfied with the action of said Road Commission, he shall have the right to enter an exception to said Action of the said Commission and shall have the right to appeal from said action or decision of said Commission to the next meeting of the Quarterly County Court who shall have the right and whose duty it shall be to pass de nova on the rights and merits of said applicant for exemption.

**SECTION 23.** That no person shall be required to perform road duty or labor or to furnish teams and wagons or plows, as in this Act required, outside of the Civil District in which such person resides and they shall be assigned to perform such service or labor and furnish teams and wagons or plows on the particular road on which they reside unless in the judgment and discretion of the Supervisor of Roads it is impracticable or inadvisable that such service or labor or the furnishing of such teams and wagons or plows be assigned to the road on which such persons reside, in which event said Supervisor may designate the road in the Civil District on which such service or labor or the furnishing of such teams and wagons or plows shall be rendered or furnished.

**SECTION 24.** That no exemption shall be allowed for more than one year except where it satisfactorily appears to said Road Commission and/or County Court that the disability of the applicant is of a nature rendering the applicant permanently disabled.

**SECTION 25.** That all persons subject to road duty or whose duty it is to furnish teams and wagons or plows, as herein provided, who live within the limits of any incorporated town shall be exempted from such road duty for the County outside of such town, but shall perform such road service, and furnish such team and wagon or plows within such town in the manner and to the extent herein provided for the county; provided, however, that any person subject to road duty or labor residing within the limits of any incorporated town and owning and keeping such teams and wagons or plows within the County outside of such incorporated town shall perform such road duty or labor within the incorporated town of his residence and furnish such teams and wagons or plows outside of such incorporated towns.

**SECTION 26.** That the County Road Taxes levied upon the property situated within the corporate limits of any town shall be expended upon the public streets, highways, ditches, bridges, culverts and sidewalks within said town.

**SECTION 27.** That the said County Road Commission is hereby invested with full and complete power and authority to contract with the State and Federal Governments and with any incorporated town within said counties for the constructing, working, and/or maintaining any public road, highway and/or street and the application and expenditure of funds for such purposes within said counties and/or municipalities.

**SECTION 28.** That said County Road Commission is hereby authorized to work County and Municipal workhouse prisoners and to keep them in custody under contract and arrangements with proper County and Municipal authorities. The working of such prisoners to be always within the purposes of this Act.

**SECTION 29.** That said County Road Commission is hereby given all powers and authority necessarily or reasonably implied to secure the purposes of this Act and the specified powers, rights and duties herein enumerated and set out shall not be construed to restrict but rather to amplify the general powers and authority given in this Act.

**SECTION 30.** That all persons, firms and corporations, private and public, having and/or holding any property of any kind, real, personal and/or mixed which is of the road system of said counties or contemplated to be used in the system hereunder provided shall promptly turn same over to said County Road Commission.

Said County Road Commission shall promptly make and always keep a full, accurate and detailed inventory or record of all machinery, equipment, tools, materials, supplies and other property coming into its hands.

**SECTION 31.** That all laws and parts of laws in conflict with this Act, in letter or spirit, be and the same are hereby repealed.

**SECTION 32.** That the several sections of this Act are hereby declared to be independent in whole and in part and the declaring of any one or more of said sections or parts thereof to be unconstitutional or void shall in no wise affect the remaining sections or parts thereof.

**SECTION 33.** That this Act take effect from and after noon May 8, 1933, the public welfare requiring it.

Passed: April 20, 1933.

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