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Highways and Roads - Historical Notes

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Sincerely,

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Table of Contents

Highways and Roads - Historical Notes	3
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Highways and Roads - Historical Notes

Highways and Roads

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

1. Private Acts of 1827, Chapter 120, authorized the Carroll County Court to appoint commissioners to establish toll bridges and causeways, one across Sandy River on the mail route between Nashville and Jackson, one across Beaver Creek at or near Huntingdon, and one across Crooked Creek at or near Flemming's Mill on the road between Huntingdon and Paris. The County Court was authorized to apply the county's navigation tax to the building of bridges and causeways in the county.
2. Private Acts of 1835-36, Chapter 119, appointed David Green, Robert R. Moore and Stephen Eason as additional commissioners on behalf of the state to oversee the operation of the toll bridge and turnpike road across Sandy River and bottom in Carroll County which had been granted to Robert Jetton in 1830.
3. Acts of 1851-52, Chapter 311, authorized the Quarterly County Court in Carroll County to grant a charter to an individual or company to take charge of and keep in order the Huntingdon and Beaver Creek Turnpike Road, extending from the corporate line of Huntingdon one mile on the Jackson Road.
4. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 in population. At its January meeting, the County Court in each county would select one road commissioner for each road district in the county, which districts were coextensive with the county civil districts. The act detailed the duties of the road commissioners and the road section overseers, who would be appointed by the commissioners. Male residents of the county were subject to road work but could commute the duty by paying a fee. Prisoners of the county were required to work on the roads. A road tax was authorized not to exceed 20¢ on every \$100 of taxable property.
5. Acts of 1907, Chapter 426, applied to both Carroll and Hawkins Counties by population classification, and provided for the election of one road commissioner in each county to serve a two year term and have general supervision over all highways and bridges in his county. Compensation for the road commissioners was set at \$3.50 per day for each day of service, not to exceed one hundred days of service in any one year. A male county resident subject to road duty could be released from those duties by paying 75¢ for every day he was released from duty. The act authorized a tax levy of 10¢ - 20¢ on every \$100 of taxable property outside incorporated towns, for road purposes. This act abolished the office of Road Overseer and assigned the authority and power once held by the Road Overseer to the contractor for each section of highway. Roads were divided into four classes according to width.
6. Private Acts of 1911, Chapter 24, amended Acts of 1907, Chapter 426, to change the population classification to exclude Hawkins County, and to provide that all highways in Carroll County would be worked by contract. Sealed proposals to keep the roads in repair were to be submitted to the County Judge in February of each year. The contract would be awarded to the lowest responsible bidder for a term of one year.
7. Private Acts of 1915, Chapter 642, directed the Quarterly County Court in Carroll County at its July 1915 term to elect a road commissioner for each civil district in the county, to serve until January 1917. At the August 1916 election, the qualified voters in each road district were to elect a commissioner from their district to take office on January 1, 1917 and serve a term of two years. Each road commissioner was empowered to supervise the overseers and contractors and all public roads in his district. All males between the ages of 21 and 50 years of age, not falling within the exclusions set forth in the act, were subject to road duty of five days each year unless they provided a substitute or paid \$1 per day for each day not worked.
8. Private Acts of 1917, Chapter 428, directed the County Court to elect three road commissioners to have general supervision over all highways and bridges in Carroll County. The commissioners were to serve two-year terms and would be paid \$3 per day as compensation for services rendered, not to exceed 35 days of service in any one year. All males between 21 and 50 years of age and not otherwise exempt were subject to road duty for 8-12 days each year, but could be released from duty by paying 50¢ for each day not worked. The act also authorized an ad valorem tax for road purposes on all property in the county and outside the incorporated towns, in

an amount not less than 10¢ and not more than 20¢ on every \$100 worth of taxable property. All roads were to be worked by one-year contracts for which sealed bids were required. The act abolished the office of road overseer and assigned to the contractor the duties once held by the road overseer. Roads were divided into four classes according to width.

9. Private Acts of 1919, Chapter 703, directed the county court to elect one road contractor for each for each civil district in Carroll County. The road contractors would serve two-year terms. Roads were to be worked by contract, awarded to the lowest bidder either on sealed bids or by private contract. All males between the ages of 21 and 50 were required to perform road duty 6 days each year, but could be released by paying the Contractor \$2.50 per day. This act authorized a road tax on all property outside of the incorporated towns, in the amount of not less than 10¢ and not more than 20¢ on every \$100 of taxable property. Road commissioners elected under the prior act were allowed to serve until their terms expired.
10. Private Acts of 1921, Chapter 187, directed the county court to elect a road commissioner for each civil district in Carroll County. Each district road commissioner had charge of all the roads and bridges in his civil district. Roads were to be worked by contract, with the road commissioners to award contracts "in such way as they deem best". All males between 21 and 50 years of age were required to perform road duty 6 days each year, but could be released from duty by paying \$1 for each day not worked. No provision was made for a road tax.
11. Private Acts of 1923, Chapter 592, divided Carroll County into 12 road districts and created a 13-member County Highway Board. One member of the board would be elected from each road district and the County Judge would serve as the 13th member and chairman of the board. Board members were to receive \$3 per month as compensation for their services. Roads were to be classified as either county pikes or district roads. The act authorized a road tax not to exceed 5 mills on all taxable property, and levied a road tax of \$4 per person on all male citizens between the ages of 21 and 50. Workhouse prisoners were placed under the control of the board to perform road work. The board was given the power of condemnation for road purposes. The board was prohibited from spending more than the funds available from the current year's tax levy and any unexpended funds from prior years.
12. Private Acts of 1925, Chapter 524, divided Carroll County into 24 road districts and created a 25-member County Highway Board composed of one member from each of the 24 road districts and the County Judge, who would serve as chairman. Board members would receive \$3 for each meeting they attended or \$2 per day for services rendered not to exceed nine days or \$18. The County Court was authorized to levy a road tax not to exceed 5 mills upon all taxable property. A road tax of \$6 per capita was assessed on all males between the ages of 21 and 50. A tax of \$5-10 was levied on wagons. The board was given the power of condemnation for road purposes. Competitive bidding was required for road contracts. The board was prohibited from spending more than the funds available from the current year's tax levy and any unexpended funds from prior years. The board was authorized to regulate maximum weight for vehicles on the public roads.
13. Private Acts of 1927, Chapter 752, abolished the office of district road commissioner and created a "bridge, levee and road commission" composed of three popularly elected members. John Cawhorn, C. B. Kemp and R. L. Bryant were named to serve as commissioners until the next election. The salary of the commissioners was \$25 per month. The County Judge or Chairman was given final authority to over most functions of the commission. All males between 21 and 50 years of age were required to perform road duty for at least 8 days each year, or pay \$6 (75¢ per day not worked). A bridge and levee supervisor was to be elected by the commission upon recommendation of the County Judge or Chairman. The act authorized a road tax not exceeding 50¢ on every \$100 of taxable property. An annual tax was levied on cars (\$3), on trucks and buses (\$5), on wagons with 2 horses or mules (\$5), and on wagons with over 2 horses or mules (\$7).
14. Private Acts of 1929, Chapter 106, amended Private Acts of 1927, Chapter 752, to repeal the road tax levied on automobiles, buses and trucks.
15. Private Acts of 1931, Chapter 662, divided Carroll County into three road districts and created a three-member County Highway Commission, with one member to be popularly elected from each road district. The County Judge served as an ex officio member and chairman of the commission. Each commissioner was to receive \$10 per day as compensation for each meeting attended. The commission was authorized to employ a bridge and levee supervisor, to be paid up to \$125 per month. A bridge and levee tax was authorized in an amount up to 40¢ per \$100 property valuation. The commission was also authorized to employ a road supervisor to supervise all work on roads and bridges in the county. The supervisor was to serve a term not over four years with

- a salary not to exceed \$125 per month. One of the supervisor's essential job qualifications was that he possess a reputation for abstaining from the use of intoxicating liquor. This act was repealed by Private Acts of 1949, Chapter 70.
16. Private Acts of 1933, Chapter 579, divided Carroll County into two road districts and created a County Highway Commission composed of one member popularly elected from each district, and the County Judge serving as an ex officio member and chairman. Each commissioner was to receive 40¢ per hour as compensation, not to exceed 10 hours per day. The commission was authorized to employ no more than one road foreman for every two civil districts within a road district. The road foremen would be paid \$2 per day, and could employ laborers to be paid \$1.50 per day. All males between the ages of 21 and 50, living outside incorporated cities and towns, were required to work on the roads for three 8-hour days each year or pay \$4. The commission was authorized to employ a secretary at a salary of up to \$60. This act was held unconstitutional in Traywick v. Gilkey, 71 S.W.2d 676 (Tenn. 1934).
 17. Private Acts of 1937, Chapter 26, amended Private Acts of 1931, Chapter 662, to repeal the provisions which authorized the employment of a bridge and levee supervisor and which authorized the Carroll County Court to levy a tax for bridge and levee purposes.
 18. Private Acts of 1937, Chapter 459, amended Private Acts of 1931, Chapter 662, to increase the maximum salary of the road supervisor to \$150 per month and the maximum age for the position to 70.
 19. Private Acts of 1939, Chapter 595, amended Private Acts of 1931, Chapter 662, to require competitive bids, with the purchase to be made from the lowest bidder, for all purchases of \$50 or more. This act was repealed by Private Acts of 1947, Chapter 218.
 20. Private Acts of 1947, Chapter 268, amended Private Acts of 1931, Chapter 662, to increase the maximum salary of the road supervisor to \$175 per month and the maximum compensation of road laborers to 60¢ per hour.
 21. Private Acts of 1949, Chapter 70, repealed Private Acts of 1931, Chapter 662.
 22. Private Acts of 1949, Chapter 106, divided Carroll County into five road districts and created a County Highway Commission composed of six members serving two-year terms. One commissioner would be popularly elected from each road district and one commissioner, who would serve as chairman, would be elected by the county at large. Each commissioner was to receive \$10 per day for each meeting attended, not to exceed twenty days in any one year. The office of road supervisor was created, to be elected by the qualified voters in the county, and to be paid \$2,400 per year. Competitive bidding with sealed bids was required for purchases over \$100. This act was repealed by Private Acts of 1951, Chapter 5.
 23. Private Acts of 1951, Chapter 141, divided Carroll County into four road districts and created a County Highway Commission composed of four members, with one commissioner to be elected from each road district, and the County Judge to serve as chairman. Neal Traywick, James Otis Cawthan, Ben Smith and Edd Pritchard were named to serve as the first members of the commission. The commissioners were responsible for maintenance, building and repair of the road system within their respective districts and were paid \$200 per month as compensation for their services. Separate accounts were required to be maintained for each road district. The act authorized the commission to employ a bridge and levee supervisor to be paid \$1.10 per hour, not to exceed \$175 per month. The commissioners were required to work on the roads in their districts in the same manner as any other employee.
 24. Private Acts of 1951, Chapter 584, was nearly identical to Private Acts of 1951, Chapter 141, dividing the county into the same four road districts and naming the same persons to serve as commissioners, except that this act did not require that separate accounts be maintained for each road district. This act was repealed by Private Acts of 1986, Chapter 148.
 25. Private Acts of 1957, Chapter 323, amended Private Acts of 1951, Chapter 584, to eliminate the position of road supervisor. The act also required that vacancies on the County Highway Commission be filled by the Quarterly County Court, and that purchases over \$250 be made by sealed competitive bids. The commission was prohibited from incurring indebtedness in excess of \$40,000. The hourly compensation of manual laborers was raised to \$1.50 per hour. Gasoline tax revenues were required to be apportioned among the road districts so that no more than 30% and no less than 20% of those funds could be spent in any one district in any year. The Quarterly County Court was required to perform an investigation of the receipts and disbursements of the highway commission each year, and an audit was authorized every two years. This act was repealed by Private Acts of 1986, Chapter 148.

26. Private Acts of 1959, Chapter 133, would have repealed Private Acts of 1951, Chapter 584, divided the Carroll County into five road districts, and created a five-member County Highway Department with the County Judge as an ex officio member, but this act was rejected by the Quarterly County Court and never became effective law. Even though it was never effective, Section 10 of this act was repealed by Private Acts of 1975, Chapter 23.
27. Private Acts of 1967-68, Chapter 315, amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$300 per month, and the secretary/bookkeeper to \$250 per month. This act was repealed by Private Acts of 1986, Chapter 148.
28. Private Acts of 1969, Chapter 186, amended Private Acts of 1951, Chapter 584, to increase the compensation of the road laborers to \$1.75 per hour. This act was repealed by Private Acts of 1986, Chapter 148.
29. Private Acts of 1972, Chapter 258, amended Private Acts of 1951, Chapter 584, to increase the compensation of the road laborers to \$2 per hour, the members of the highway commission to \$400 per month, and the secretary/bookkeeper to \$350 per month. This act was repealed by Private Acts of 1986, Chapter 148.
30. Private Acts of 1974, Chapter 322, amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$450 per month and the secretary/bookkeeper to \$400 per month. This act also provided that janitors would be paid no more than \$1.50 per hour, truck operators and bridge crew helpers no more than \$2.25 per hour, bridge crew foremen no more than \$2.30 per hour, and machine operators and mechanics no more than \$2.50 per hour. This act was repealed by Private Acts of 1986, Chapter 148.
31. Private Acts of 1974, Chapter 351, would have authorized the Quarterly County Court of Carroll County to appoint a chief administrative officer or county road supervisor for Carroll County, to serve pursuant to the County Uniform Road Law of 1974, but the act failed to receive approval and never became effective law.
32. Private Acts of 1975, Chapter 175, amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$500 per month and the secretary/bookkeeper to \$450 per month, and to raise the hourly wages of truck operators and bridge crew helpers to \$2.50 per hour, bridge crew foremen to \$2.55, and mechanics and heavy equipment operators to \$2.75 per hour. Mechanic helpers and shop assistants would be paid no more than \$2.50 per hour. This act was repealed by Private Acts of 1986, Chapter 148.
33. Private Acts of 1977, Chapter 15, amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$600 per month, the secretary/bookkeeper to \$550 per month, janitors to \$2 per hour, truck operators and bridge crew helpers to \$3 per hour, bridge crew foremen to \$3.05 per hour, mechanics and heavy equipment operators to \$3.25 per hour, and mechanic helpers and shop assistants to \$3 per hour. This act was repealed by Private Acts of 1986, Chapter 148.
34. Private Acts of 1978, Chapter 243, amended Private Acts of 1951, Chapter 584, to lower the compensation of the road commissioners to \$550 per month and the secretary/bookkeeper to \$500 per month, and to increase the compensation of truck operators and bridge crew helpers to \$3.25 per hour, bridge crew foremen to \$3.30 per hour, mechanics and heavy equipment operators to \$3.50 per hour, and mechanic helpers and shop assistants to \$3.25 per hour. The reduction in salary for the commissioners and secretary/bookkeeper apparently was in error, because this act was repealed by Private Acts of 1978, Chapter 309, summarized below.
35. Private Acts of 1978, Chapter 309, repealed Private Acts of 1978, Chapter 243, and amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$650 per month, the secretary/bookkeeper to \$600 per month, truck operators and bridge crew helpers to \$3.25 per hour, bridge crew foremen to \$3.30 per hour, mechanics and heavy equipment operators to \$3.50 per hour, and mechanic helpers and shop assistants \$3.25 per hour. This act was repealed by Private Acts of 1986, Chapter 148.
36. Private Acts of 1979, Chapter 33, amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$700 per month, the secretary/bookkeeper to \$650 per month, truck operators and bridge crew helpers to \$3.50 per hour, bridge crew foremen to \$3.55 per hour, mechanics and heavy equipment operators to \$3.75 per hour, and mechanic helpers and shop assistants \$3.50 per hour. Shovel operators at the gravel pit would be paid no more than \$5 per hour. This act was repealed by Private Acts of 1986, Chapter 148.
37. Private Acts of 1980, Chapter 199, would have amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners, the secretary/bookkeeper, and the

various operators, crew members, foremen, mechanics and assistants, but this act was disapproved by the county legislative body and never became effective law. Even though it was never effective, this act was repealed by Private Acts of 1986, Chapter 148.

38. Private Acts of 1981, Chapter 42, amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$750 per month, the secretary/bookkeeper to \$700 per month, truck operators and bridge crew helpers to \$4 per hour, bridge crew foremen to \$4.05 per hour, mechanics and heavy equipment operators to \$4.25 per hour, shovel operators at the gravel pit to \$5.50 per hour, and mechanic helpers and shop assistants to \$4 per hour. This act was repealed by Private Acts of 1986, Chapter 148.
39. Private Acts of 1983, Chapter 83, amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$800 per month, the secretary/bookkeeper to \$750 per month, truck operators and bridge crew helpers to \$4.25 per hour, bridge crew foremen to \$4.30 per hour, mechanics and heavy equipment operators to \$4.50 per hour, shovel operators at the gravel pit to \$5.75 per hour, and mechanic helpers and shop assistants to \$4.25 per hour. This act was repealed by Private Acts of 1986, Chapter 148.
40. Private Acts of 1984, Chapter 199, amended Private Acts of 1951, Chapter 584, to increase the compensation of the highway commissioners to \$850 per month, the secretary/bookkeeper to \$800 per month, truck operators and bridge crew helpers to \$4.50 per hour, bridge crew foremen to \$4.55 per hour, mechanics and heavy equipment operators to \$4.75 per hour, shovel operators at the gravel pit to \$6 per hour, and mechanic helpers and shop assistants to \$4.50 per hour. This act was repealed by Private Acts of 1986, Chapter 148.

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