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# Private Acts of 1929 Chapter 421

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Sincerely,

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# Private Acts of 1929 Chapter 421

**COMPILER'S NOTE:** This Act was not repealed although the Board of Commissioners was abolished and their duties were vested in the Supervisor of Roads by Chapter 465, Private Acts of 1945.

**SECTION 1.** That in each County of the State of Tennessee having a population of not less than twenty-nine thousand, nine hundred and fifty, and not more than thirty thousand, according to the Federal Census of 1920, or any subsequent Federal Census, there is hereby created a County Board of Highway Commissioners, to be composed of three members, and a County Road Supervisor, the said Commission and said Supervisor to have general supervision and control over all County roads, bridges and levees in each of said Counties, and over all road, highway, bridge and levee funds raised or that may be hereafter raised, under the provisions of this Act, or otherwise.

**SECTION 2.** That the following are hereby named as the members of the said County Board of Highway Commissioners to wit: P. A. Gwaltney and(sic) J. K. White,(sic) R. Rawles who shall serve as said County Board of Highway Commissioners until the next regular election by the qualified voters of the County to hold the said office for two years and until their successors are elected and qualified.

In the event that a vacancy shall occur on said Board by reason of the death of a member or otherwise, it shall be the duty of the two remaining members of the Board to fill said vacancy and the person so appointed shall fill out the unexpired term of the former Commissioner, or until his successor can be elected and qualified under the terms and provisions of this Act.

**SECTION 3.** That a person must be a resident of the County and a free holder to be eligible to be elected as a member of the County Board of Highway Commissioners, and if a Commissioner shall cease to be a resident of the County, his office shall thereby be vacated.

**SECTION 4.** That each Commissioner, within ten days after his appointment and within ten days after his election, shall qualify by subscribing to an oath to faithfully and impartially perform the duties of his office, and he shall give a good and solvent bond payable to the State of Tennessee, in the sum of Five Thousand Dollars, for the faithful accounting of any and all funds which come into his custody, care or control, or in the care, custody and control of the said Commission, and the cost and expenses of said bonds, if any, shall be paid out of the Highway Funds of the County.

**SECTION 5.** That the said County Board of Highway Commissioners shall promptly organize by electing one of their members as Chairman and another Vice Chairman and the other as Secretary, each of whom shall serve until December 31 of the year of such organization, and thereafter their successors shall likewise be chosen and shall serve until Dec. 31, of the year of their election, or until their successors shall be chosen and qualified. It shall be the duty of the Commission to see that the minutes of all proceedings are properly kept and to sign the same; to carefully inspect all accounts and all vouchers in order to determine their correctness, and to sign in ink all orders or vouchers on the County Trustee for the payment of funds, each and all such orders and vouchers to be signed by the Chairman and Secretary of the board in ink before the same shall be honored by the County Trustee; the chairman shall attend to and dispose of all matters needing the attention while said board is not actually in session, in conformity to and under the authority of such general orders and policies as may be adopted by said Board. In the absence of the Chairman or in case of his refusal or inability to act his duty shall be performed by the Vice Chairman. The Secretary shall keep an accurate minute of all of the proceedings of the Board in a well bound book, provided for that purpose, and shall do and perform all other duties usually and customarily performed by a Secretary and shall perform any and all other such duties as may be imposed upon him by said bond.

**SECTION 6.** That said board, until they shall deem it necessary and proper, shall have the authority to employ a Clerk who shall serve at the pleasure of said Board and shall do and perform such work and services, as may be prescribed by the board, and who shall receive a reasonable compensation therefor, to be fixed by the board and paid by them out of the County road fund.

**SECTION 7.** That as compensation for his services each member of the said Board of Highway Commissioners shall receive the sum of Ten Dollars per day for each meeting of the said Board attended by him, and shall also be allowed a compensation of Ten Dollars per day for each day spent in the inspection of roads, bridges and levees or any other necessary work connected with levees or any other necessary work connected with the proper and reasonable performance and discharge of the duties of his office not to exceed \$60.00 per month. The Chairman shall have the same compensation as the other two commissioners.

**SECTION 8.** That in each County coming within the provisions of this Act and (sic) is hereby created the office of County Road Supervisor and he shall be employed by the Board of Highway Commissioners, and

shall serve for such length of time as to them shall be deemed proper and necessary, and as long as his services shall be satisfactory to them; but said Board of Highway Commissioners are required hereby to select such County Road Supervisor immediately after their organization, and shall at all times, keep in and employ and have available the services of a County Road Supervisor.

It shall be the duty of said County Road Supervisor to have the direct supervision and control of any and all work and labor done upon any of the roads, highways, bridges and levees of the County, and the same shall be done according to survey plans and specifications, blue prints, etc., prepared by him and under his supervision and control, and it shall be his duty to make repeated and continual inspections of all the roads, highways, bridges, and levees of the County, and to keep the same in a good state of repair, and safe for the use and travel of the public over and upon the same, and he shall be directly responsible to the County Highway Commission for the condition of all roads, highways, bridges and levees in said County.

It is expressly provided, however, That neither said County Road Supervisor nor any of said County Highway Commissioners shall at any time be interested, either directly or indirectly, financially or otherwise, in the acceptance of any contract or the doing or performing of any work or labor or in the sale of any material or the purchase of any tools, machinery or repairing of any of the roads, highways, bridges and levees of the said County.

The compensation or salary of the said County Road Supervisor shall not exceed the sum of \$300.00 per month which shall be paid to him monthly by the County Trustee out of the road funds of the County upon an order for the same drawn and signed by the Chairman of the Commission, countersigned by the Secretary thereof.

In going over the County attending to the various duties of his office, the said County Road Supervisor shall furnish his own conveyance and shall travel at his own expense, his total compensation being the salary herein above provided.

He shall be subjected to the orders and direction of the County Highway Commission, and shall promptly and faithfully do and perform any and all such duties as may be imposed upon him by said commission.

**SECTION 9.** That the County Highway Commission shall have the right to employ one or more superintendents or foremen and the County Road Supervisor shall have the direct supervision and control of all road, bridge, and levee work, and shall have the right to employ all labor and it shall be his duty to make proper and timely requisition on the Highway Commissioners to buy material, and shall supervise the work to be done on any and all roads, bridges or levees, and shall have supervision of any work that may be done by prisoners and by and all persons subject to road labor in said Counties; but said County Road Supervisor is subject to the authority, orders, directions and instructions of the said County Highway Commission and is responsible to them for the full performance of his duties. The said Supervisor shall warn in all persons subject to road duty, according to the provisions hereinafter set out in this Act and he shall have the control, management and custody of all road tools and machinery and materials and shall do and perform any and all such other duties as the said Commission may prescribe.

In buying of material, or in the construction or repairing or doing of any work on said highways, roads, bridges, or levees, whenever the Board of Commissioners shall deem it proper, it may advertise for bids and purchase such material and let such contract as it may at any time deem proper or necessary in order to secure the most economical and advantageous results.

**SECTION 10.** That the said Board of Highway Commissioners shall keep and maintain a public office which said office shall be kept open on every business day within reasonable hours and where the records, papers and documents connected, with the administration of the roads, highways, bridges and levees of the County shall be kept open to the public and for the free inspection of the public.

The said Board of Highway Commissioners are hereby given and clothed with the following and are hereby charged with the proper execution and administration of the following duties, to wit:

1. To hold a regular meeting of the said Board on the first Monday of each and every month at the said office of the Board above provided for, but they shall meet oftener if necessary, the Chairman or any two members of the Board, or the Road Supervisor together with any one member of the Board, having the right and authority to call a special meeting thereof. Two members of the Board, shall constitute a quorum for the transaction of the business.
2. To have general charge and control of all roads, highways, bridges and levees in the County and to have the charge and control of an exclusive right to make any and all expenditures of the highway, road and bridges and levee funds of said County, unless said expenditures of such funds shall be hereafter otherwise expressly provided for by a legislative Act of the General Assembly of the State of Tennessee, and they shall have the right, power and authority to make any necessary and proper orders for and to do and perform any and all construction, reconstruction, grading,

ditching, repairing and otherwise maintaining any and all roads, highways, bridges and levees in said County.

3. To lay out and classify all the public roads of the County, to divide the same into such sections or divisions as may be necessary for their proper and efficient construction and maintenance; to make an efficient construction and maintenance; to make or have made a map or maps of all said roads and to keep full and complete records of all roads, bridges and levees of the county in well bound books, suitable for the purpose, provided, however, that nothing shall be done under the provisions of this Section which will interfere in any way with the performance of their duties by any special highway Commission which may be hereafter passed by the General Assembly of the State of Tennessee, to locate, contract, build and maintain any special highway, road, bridge or levees in any of said Counties.

4. To co-operate as far as possible with the State Highway Department of Tennessee and with the Federal Government of the United States to secure and maintain a uniform, co-ordinate and efficient system of highways and of accounting, in conformity with existing or future legislation that may be had touching all such matters.

5. To work County and State prisoners on the roads and to make any and all proper regulations concerning the same.

6. To purchase all necessary implements, machinery, and tools and materials and to provide for the proper storing and safe keeping of the same.

7. To make a detailed written report to the Quarterly County Court of the County on the first Monday in January of each year which shall be a complete statement of all work done, and of all funds received and expended, and they shall also include in said report a complete inventory showing all implements, machinery, tools and material then on hand and the approximate value of the same.

8. To open, close, change, restore or widen any of the public roads of the County and to procure right of way for such roads, either by purchase, gift or by the exercise of the right of eminent domain. In case any right of way is procured by purchase, or gift, a deed shall be taken to the same in the name of the County and shall be duly recorded in the County where the land lies. If such right of way can not be secured by negotiation and agreement, the same may be secured by condemnation and the Board of Highway Commissioners are hereby given the right of eminent domain, and in case where condemnation is proper or necessary, the method of procedure shall be that as now prescribed by the General Law of the State of Tennessee.

And action brought for the condemnation of such right of way, or other lands necessary for roads, highway, bridge or levee purposes, shall be brought under the general laws of the State concerning and governing condemnation, and shall be brought in the name of the County Board of Highway Commissioners for the use and benefit of the County. And the said Board of Highway Commissioners is hereby authorized and empowered to employ the services of an attorney or attorneys, and pay a reasonable compensation therefor, in any and all such cases; and in any other instance whenever they deem it proper and necessary. And any judgment which may be rendered in favor of and land owner, or other person interested in the lands taken, in any such condemnation proceedings instituted by the Board of Highway Commissioners under the general law of the land, as aforesaid whether such judgment be for the value, of the land taken, or the value of the land and damages incident to the taking thereof, together with all the costs of the proceedings, shall be paid to such land owner, or other interested party, out of the general road fund of the County.

**SECTION 11.** That it shall be the duty of the Quarterly County Court of each County, coming within the provisions of this Act, at the next meeting following the passage of this Act, to levy a tax on all taxable property in the County of not more than Fifty Cents, on each \$100.00 worth of taxable property for highway, bridge and levee purposes; and shall also levy a privilege and merchants ad valorem tax not in excess of the State Tax for highway, bridge and levee purposes, the taxes to be imposed on the value of said property, according to the valuation thereof, as the same is ascertained by assessment for State taxation. And the County Court at the same time each year that other County taxes are levied, shall continue to annually levy said taxes; and all the funds thus derived shall be used in the construction and maintenance of the highways, roads, bridges and levees of the County and the other proper and necessary expenditures as provided herein; but nothing in this Act shall prevent any County from issuing bonds and levying additional taxes to pay the principal and interest on same for roads, bridges, and levee purposes, either under authority already given by law or under authority that may be hereinafter given and granted by law.

The taxes above provided for shall be collected by the County Trustee as other taxes are now collected

and the privilege taxes above provided for shall be collected by the County Court Clerk as other privileges are now collected, provided, however, that the above taxes, when so levied, shall be in lieu of all other taxes on such property for highway and bridge and levee purposes.

**SECTION 12.** That all male inhabitants of the County, between the ages of 21 and 50 years, except those living within the limits of any incorporated town, or such as have been released by the County Court from road duty, as the law provides, shall work on the public roads of the County, not less than six days, of ten hours each, each year, after having received three days notice, either verbal or written, from the County Highway Commission or its representative, the County Road Supervisor, which notice shall state the time and place that said labor shall be performed; provided, however, that every person subject to road duty shall be exempt from road duty for the year by paying to the County Trustee on or before May 1st, of each year the sum of \$3.00 which sum shall be placed by the County Trustee to the credit of the road funds of the County. Any hand or hands may be warned in one notice by giving three days warning either verbal or written to work 6 days consecutively or as many days as stated in the notice.

As amended by:

Private Acts of 1937, Chapter 391

**SECTION 13.** That it shall be a misdemeanor for any person, firm, or corporation to block traffic on any of the roads of said County by loading wagons or other vehicles while said wagon or vehicles in standing on the pavement or roadway; or by blocking the traffic on any of the said roads by stopping on the pavement of any of the paved roads to repair or fix any vehicle of any kind or character. And it will be unlawful for any person, firm or corporation, to pile any material, of any kind or character, on the right of way of any of the highways of the County. And the County highway or any of the highways of the County. And the County Highway Commission shall have the right to police the roads of said County so as to see the law of the road is strictly complied with in every particular.

**SECTION 14.** That any person subject to road duty as aforesaid, who shall refuse or neglect to perform such labor after having received warning thereof as above provided, and shall fail to commute as above provided, shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Dollar for each day that he is notified to work and fails to work as aforesaid, and the said fine, when collected, shall be paid into the hands of the County Trustee and credited to the road fund of the County.

**SECTION 15.** That it shall be the duty of the County Road Supervisor to prepare each year and file with the County Highway Commission a list of all persons in the County subject to road duty, which list may be supplemented at any time so as to include any and all persons thereafter subject to road duty, and the County Highway Commission shall give to each and every such person an opportunity to commute and pay as aforesaid, and after May 1st of each year the Trustee shall furnish to the Highway Commission a list of all persons who have paid or commuted as herein provided.

**SECTION 16.** That it shall be optional with the Commission as to whether or not any commutation from labor by payment of the money as aforesaid shall be allowed after the first day of May, and they are authorized to prescribe reasonable terms and regulations governing such cases; however, it is hereby made the duty of the said Commission to see that the County Road Supervisor warns in every person subject to road duty, and it is the duty of the Highway Commission to either have the labor required of each person subject to road duty fully and completely performed by him or to collect his commutation money, or to cause his arrest, and cite him for trial, under the provisions of this Act.

**SECTION 17.** That any and all moneys, taxes, privileges, fees, fines and forfeitures from whatever source derived, belonging to either the highway, road or bridge and levee funds of the County shall be paid into the hands of the County Trustee, and shall be accounted for by him and shall be kept separate and apart from all other funds; but the County Trustee is hereby especially relieved of the necessity of keeping any of such funds, collected from any Civil District of any County separate and apart and to itself; and on the contrary said County Trustee shall throw all of such funds into one general fund and keep and maintain it as one general fund to be known as the Road Fund of the County.

The County Trustee shall under no circumstances at any time expend any of such funds except upon the order or warrant drawn upon him in ink by the County Highway Commission, said order or warrant setting out the amount thereof, both in words and in figures, and signed by the Chairman of said Commission, countersigned by Secretary thereof.

**SECTION 18.** That in each and all of the Counties coming within the provisions of this Act, the office or position of Bridge and Levee Commissioner and that of District Road Commissioners, are hereby abolished.

**SECTION 19.** That in the event any section or sections or any portion of a section or sections of this Act shall be by any of the Courts of the State having proper jurisdiction thereof declared to be invalid, such holding of the Court shall not in any way render ineffective or invalidate any of the remaining portions or sections of this Act.

**SECTION 20.** That all laws or parts of laws in conflict with any of the terms and provisions of this Act, be and the same are hereby in all things repealed.

**SECTION 21.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 29, 1929.

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