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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 Trousdale 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 1909, Chapter 386, created a five member Board of Public Road Commissioners in Trousdale County who would be chosen for two year terms by the County Court which would also fill all vacancies. No State, County, or City official was eligible to serve on the Board. They would organize by selecting a Chairman and Secretary from their membership. The Board would receive such compensation as fixed by the County Court. The Board would manage and control the roads and bridges in the county exercising such powers as were expressed in the Act and necessarily implied, which included the employment of a civil engineer or surveyor to assist them. The Board would assign road hands to work areas, including the prisoners in the county workhouse. The County Court would levy a special road tax of five to twenty-five cents per \$100 property valuation, and fix the number of days to be worked between five and fifteen for all males between the ages of 21 and 65. The Board may select as many Road Overseers as necessary who would be paid \$1.25 a day. The rate of pay for commutation was 75 cents for labor and \$2.50 for a wagon and team. The Board would handle in a proper manner all requests to open, close, or change roads.
2. Private Acts of 1911, Chapter 439, was a road law for both Trousdale and Macon counties. A five member Board of Public Road Commissioners was created whose members would be elected by the Quarterly Court to two year terms. No State, County or City official could serve on the Board, nor could any member have any personal interest in any contract or transaction. The members would be compensated as the Quarterly Court directed. The Board would be in charge of all roads, bridges, road hands, and county prisoners, could employ a civil engineer or surveyor to aid them, and must make such records, maps, plats, and street guides as necessary to classify and index all the public roads. The Quarterly Court must levy a special road tax from ten to thirty cents per \$100 property valuation. All males between ages of 21 and 50 must work the number of days between four and six decided by the Court or commute at the rate of 75 cents for labor and \$2.50 per wagon and team. The Commissioners could appoint as many Overseers as needed to be in immediate charge of the sections of road who would be paid \$1 per day. The Board would have the power to open, close, or change roads.
3. Private Acts of 1919, Chapter 208, was a Road Law applicable only to Trousdale County and was substantially a repetition of prior laws creating the five member Board of Public Road Commissioners insofar as their powers and duties were concerned. The limits on the special road tax to be levied by the Quarterly Court was from 15 to 40 cents per \$100 property valuation, and the Act made males from 21 to 50 subject to road duty of between five and ten days per year. Two dollars was allowed for a day's labor and \$5 for the use of a double team, wagon, and driver. Provisions for opening, closing, or changing roads were essentially the same as in previous Acts.
4. Private Acts of 1921, Chapter 113, created a three member Board of Public Road Commissioners who would be elected by the Quarterly Court to two year terms. The powers of the Board were similar to those granted in previous Acts. The special road tax levy was to be fixed between 20 cents and 50 cents, and the number of days for road work between five and ten, as set by the Court. Road overseers would be paid \$1.50 a day. A road hand could commute by paying \$1 for each day not worked, and those with teams and wagons had to pay \$3 to commute for one day. This Act was repealed by Private Acts of 1935, Chapter 27.
5. Private Acts of 1921, Chapter 594, amended Private Acts of 1921, Chapter 113, by reducing the minimum amount of the road tax specified in that Act from twenty cents to five cents. This Act was repealed by Private Acts of 1935, Chapter 27.
6. Private Acts of 1921, Chapter 801, recited in the preamble that certain counties have purchased from private enterprise turnpikes and ferries at a great cost to the taxpayers, which turnpikes are now falling into a state of disrepair because of a lack of funds to be spent for that purpose, but they need to be kept up, therefore, this Act allows the Quarterly Courts of the counties to reopen the toll gates on the turnpikes to produce revenue as they may direct, charging such tolls as they may deem proper, and to designate the Road Commissioners as Turnpike Commissioners to supervise the roads. All funds derived from the reopening of the toll gates shall be used exclusively to repair the said roads. When other funds became available, these roads would become free public roads. This Act was repealed by Private Acts of 1935, Chapter 27.
7. Private Acts of 1925, Chapter 600, provided that in Trousdale County one Road Commissioner

shall be elected by the people for a two year term, the first election to be at the regular August election in 1926, the term of office to be immediately after the election. The duties of the member would be as prescribed by law, and his compensation would be \$3.50 per day for each day actually worked.

8. Private Acts of 1927, Chapter 498, provided for a County Road Commissioner who would be elected at the regular August election in 1928 for a term of four years, taking office on September 1, following. The salary would be \$100 a month with the Commissioner furnishing his own transportation, but, if his work carries him out of the county, the county would pay his expenses. He would control and manage all the roads, bridges, workhouse and jail, road hands and laborers on the county roads. He may employ a civil engineer or surveyor to assist him. The Commissioner would supervise all materials, machinery and tools, assign the same to areas where needed, conduct the annual settlements with overseers, and keep sufficient records of all receipts and disbursements. The special road tax limitations were fixed at 20 to 50 cents per \$100, and the days to be worked would be fixed by the Court between five and ten. Overseers would be paid \$2 a day. Road hands could commute at the rate of \$1.50 per day. The County Road Commissioner would handle applications to open, close or change roads. This Act was repealed by Private Acts of 1935, Chapter 27.
9. Private Acts of 1931, Chapter 106, provided for a County Road Commissioner in Trousdale County who would be elected for a four year term at the regular August election in 1932, and take office on the first Monday in September following. The Road Commissioner would receive a salary of \$150 per month but must furnish his own transportation. He could use gas and oil from the county tanks while performing his duties. The Commissioner would have control and management of roads, bridges, the workhouse and jail, and the laborers on the roads. He could employ a civil engineer or surveyor to assist in laying out roads, making maps, plats, and surveys, and assist in other ways as the best interests of the county might dictate for which he would fix the compensation. He may erect a suitable building for a garage or warehouse. The special road tax levied by the County Court would run from 20 to 75 cents per \$100, and the males subject to road work in the county must work from six to twelve days as the Court should decide. If the tax did not produce sufficient revenue, additional taxes could be levied. Commutation fees were set at \$5 per year for laborers. This Act was repealed by Private Acts of 1935, Chapter 27.
10. Private Acts of 1931, Chapter 109, amended Private Acts of 1927, Chapter 498, by increasing the salary of the County Road Commissioner from \$100 to \$150 per month. This Act was repealed by Private Acts of 1935, Chapter 27.
11. Private Acts of 1935, Chapter 31, established a three member Board of Highway Commissioners composed of the Chairman of the County Court, the County Superintendent of Roads, and one resident citizen who would be appointed by the Quarterly Court to a two year term. The Act named Jack B. Carey to serve on the Board as the citizen member until the first Monday in January, 1937. Compensation, except for the Superintendent of Roads, would be \$3 per day up to \$100 a year. The Superintendent of Roads, whose salary was set at \$100 per month, would be elected by popular vote for four year terms, and must furnish his own transportation for which he would be given gasoline and oil. Walter J. Beasley would serve as Road Superintendent until his successor was elected. The Commissioners, who would be in charge and control of all the aspects of the county road system, the road funds, the materials and supplies, the machinery and equipment, and all the personnel, were required to meet at least once every thirty days. Purchases of over \$500 had to be done through solicitation of bids. The special road tax could not exceed 75 cents per \$100. Males between the ages of 21 and 50, must labor on the roads the number of days between six and twelve which was fixed by the Quarterly Court, or pay \$1 for each day missed. Overseers must work six days but would be paid \$2 for every day over that. Applications to open, close or change roads would be made to the Commission.
12. Private Acts of 1935, Chapter 525, amended Private Acts of 1935, Chapter 31, by rewriting the section concerning the office of County Superintendent of Roads. This new section appointed Walter J. Beasley as the first County Superintendent of Roads who would hold office until the regular August election of 1938.
13. Private Acts of 1935 (Ex. Sess.), Chapter 92, was a virtual duplicate of Private Acts of 1935, Chapter 525, except for the addition of an additional qualification for the office of County Superintendent of Roads. This qualification would render ineligible any person who had served as County Road Commissioner for as long as four years in the eight year period preceding the August, 1936 election. This provision of the Act was declared unconstitutional in the case of *Beasley v. Cunningham*, 171 Tenn. 334, 103 S.W.2d 18 (1937), because it unreasonably deprived the defendant of a constitutional privilege.

14. Private Acts of 1943, Chapter 217, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by removing the restriction of serving only two consecutive terms from the County Superintendent of Roads. The people of Trousdale County were also specifically given the right to elect whomsoever they chose to the office of County Superintendent of Roads.
15. Private Acts of 1945, Chapter 64, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by increasing the monthly salary of the County Superintendent of Roads from \$100 to \$150 per month, and by removing the requisite that purchases over \$500 must be advertised and bids taken under the procedures established in that Act.
16. Private Acts of 1949, Chapter 95, amended Private Acts of 1945, Chapter 64, by raising the monthly salary of the County Superintendent of Roads from \$150 to \$200.
17. Private Acts of 1953, Chapter 575, was a road law for Sequatchie County but which used population figures from the 1950 Federal Census which would also make the law applicable to Trousdale County. The Act provided for a full time Road Supervisor to be popularly elected to a term of two years.
18. Private Acts of 1955, Chapter 359, would have given Trousdale County a new Road Law, repealing Private Acts of 1935 (Ex. Sess.), Chapter 92, but this Act was not approved in a referendum election and never became effective. This Act created the office of Superintendent of Roads who would be the executive head of the Department of Roads at a \$3,000 annual salary. He would have general and immediate supervision over all the facets of the road program in Trousdale County. He would be elected to a four year term by popular vote beginning in 1956.
19. Private Acts of 1957, Chapter 233, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by adding a new Section to that Act which provided for the Superintendent of Roads to be reimbursed for all necessary and legitimate expenses incurred by him in the execution of the duties of his office but not to exceed \$100 per month. The amount of his approved expenses would be added to the warrant paying him his salary each month, after he had filed a sworn, itemized statement of the same, which would be approved by the County Judge. This Act was repealed by Private Acts of 1972, Chapter 217.
20. Private Acts of 1957, Chapter 234, recited in its preamble that Private Acts of 1935 (Ex. Sess.), Chapter 92, as amended, was enacted to provide a county road system for Trousdale County, and that Private Acts of 1953, Chapter 575, was intended to provide a county road system for Sequatchie County but had unintentionally included Trousdale County within its provisions, therefore this Act declared Private Acts of 1935 (Ex. Sess.), Chapter 92, as amended, to be in full force and effect in Trousdale County.
21. Private Acts of 1967-68, Chapter 380, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the monthly salary of the County Superintendent of Roads from \$200 to \$350.
22. Private Acts of 1967-68, Chapter 381, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by raising the compensation of the members of the Board of Highway Commissioners from \$3 per day spent in service to \$300 a year, payable quarterly.
23. Private Acts of 1972, Chapter 217, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the monthly salary of the County Superintendent of Roads from \$350 to \$500 in an Act which was properly ratified by the Quarterly Court.
24. Private Acts of 1974, Chapter 253, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the salary of the County Superintendent of Roads from \$500 per month to \$10,000 a year.
25. Private Acts of 1974, Chapter 254, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to raise the compensation of the members of the Board of County Highway Commissioners from \$300 to \$600 a year, payable quarterly.
26. Private Acts of 1979, Chapter 8, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to revise the salary of the members of the Board of Highway Commissioners from \$10,000 to \$14,122.88 annually, and to further provide that the Superintendent of Roads would draw the same salary as that of the Property Assessor, the Sheriff and the Trustee of Trousdale County.

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