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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 Scott County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1901, Chapter 136, was a statewide road statute requiring the County Courts to appoint a Road Commissioner for each District, which would be coextensive with the Civil Districts, who would be in charge of the roads and bridges in his area. Their duties and the duty of the courts are specified in the act. A special road tax of two cents per \$100 of taxable property was authorized and required. Commissioners would name Road Overseers in their Districts who would immediately supervise the work. All males outside incorporated cities were eligible to work on roads for as many days as required and it was a misdemeanor to fail to do so. Some specifications for building and maintaining roads were set out and procedures were established for handling petitions to open, close, and change the public roads. The County Court could contract for construction and repair of roads if the conditions set up in the act were observed. This Act did not apply to counties over 70,000 in population, but became the model from which many counties later wrote their road laws. This act was further considered in the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66 (1906).
2. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the methods to be used for receiving, hearing, and disposing of the petitions to open, close, or change a road.
3. Private Acts of 1907, Chapter 515, was a road law for both Scott and Campbell Counties. The County Court would appoint three Commissioners for two year terms who must be skilled in road building and maintenance, who would take an oath and make bond, and who would have supervision over the roads, bridges, and culverts of the county, and over the contractors, supervisors, and road overseers. The County Court could remove a Commissioner for cause. The Commission would designate one or more County roads as turnpikes and treat them as such. An engineer was authorized who would assist the Commission and the County Court. Roads would be classified according to width and paving material and must be at least fourteen feet wide, and meet other specifications in order to be declared county roads. No contract could be awarded which would exceed the funds available. All males, 21 to 45 years of age, must work a number of 8 hour days on the roads or pay \$1 per day commutation fee. A special road tax of ten to twenty-five cents could be levied, plus another two cent tax, two-thirds of which could be worked out. One-half of the money collected must be spent in the District from which it came.
4. Private Acts of 1911, Chapter 420, created a Board of Road Commissioners for Scott and Campbell Counties, consisting of the County Judge, as Chairman, a Road Superintendent, and a Secretary, both of whom would be elected by the County Court at its first meeting in 1912 and at every two years thereafter. W. M. Todd and Thomas Begley were named to these two positions for Scott County in the Act. The salary of the Road Superintendent could go up to \$750 a year, the Secretary to \$300 per year, and the County Judge, if not otherwise paid, up to \$300 a year. The Board would meet at least twice a month in the County Judge's office and at called meetings whenever necessary. The Board could employ a civil engineer to do those things specified in the Act. All county roads would be divided into sections and tools furnished for each section. Maximum rates to be paid for labor was \$1.25 per day. The court could levy a road tax from 10 to 25 cents per \$100 assessed property valuation which would go into the common road fund. All males, outside cities, would pay an extra \$3 or work three days on the roads. A privilege tax of \$5 was placed on wagons and other vehicles used commercially. Road must be classified and all specifications on drainage and grades be observed. Petitions would be filed to open, close, or change roads and the procedures were established for handling them.
5. Private Acts of 1919, Chapter 378, was an act which was indicated as being applicable to Scott County. The population figures quoted were 13,880 and no more than 13,890, of the 1910 Federal Census, which makes the act applicable to Grainger County instead of to Scott County.
6. Private Acts of 1919, Chapter 576, amended Section 4, of the Act creating a Board of Road Commissioners so as to empower the County Court at its next quarterly session to fix the price to be paid per day for road labor, and to allow the Board to contract for the construction and repair of roads under certain bid requirements which must be observed. All acts in conflict were repealed.
7. Private Acts of 1921, Chapter 750, is the current road law for Scott County and is published herein in full with the amendments.

8. Private Acts of 1923, Chapter 11, amended Private Acts of 1921, Chapter 750, Section 2, by providing that the District Road Commissioners shall be elected by the people for two year terms, starting in August, 1924, instead of being elected by the County Court, and by requiring that the warrants for the salary of the Road Superintendent be submitted to the County Judge for approval before being paid. These are incorporated into the Act.
9. Private Acts of 1929, Chapter 865, amended Private Acts of 1921, Chapter 750, Section 2, by increasing the term of the Road Superintendent from 2 years to 4 years, and appointed George W. Rector to this post until the election in August, 1930. The salary was increased from \$1,200 to \$1,800 per year, and the Road Superintendent was named as the contract officer and as Chairman of the County Highway Commission to cooperate with the State and Federal officials. These amendments are incorporated into the act.
10. Private Acts of 1933, Chapter 428, provided that the Superintendent of Roads in Scott County shall be paid \$1,800 a year salary, payable monthly as provided by law, until September 1, 1934, when his compensation shall be \$1,200 per year, payable monthly, thus reducing the salary of the Road Superintendent.
11. Private Acts of 1933, Chapter 458, amended Private Acts of 1921, Chapter 750, by changing the population figures in the caption and Section One of the act so as to bring it up to date; by prohibiting the Road Superintendent from employing as an overseer any Justice of the Peace, or to contract with any Justice of the Peace for anything, or to pay any Justice of the Peace any sum whatever from any road funds, any of which would constitute a misdemeanor and subject both to ouster proceedings. Also declared it to be a misdemeanor for the Road Superintendent to draw warrants, pay, or contract, for any labor materials, supplies, or machinery, for any purpose in any amount in excess of the road funds available. Fines from \$25 to \$50 were provided for violations. This act repeals all conflicts, especially Private Acts of 1929, Chapter 865, Section 2. It, in turn, was repealed by the act following below. 1
12. Private Acts of 1935, Chapter 157, amended Private Acts of 1921, Chapter 750, the existing road law of Scott County, by adding a new paragraph in Section 2 between paragraphs one and two which authorized the Superintendent of Roads to supervise and control the expenditure of all county road funds which may be derived from the gasoline tax and allocated to the county by the State, with the right to employ all essential assistants to do so. The Superintendent would also be the agent of the county in all dealings with the State. This act was repealed by Private Acts of 1949, Chapter 218, below.
13. Private Acts of 1935, Chapter 562, expressly repealed Private Acts of 1933, Chapter 428, in its entirety.
14. Private Acts of 1935 (Ex. Sess.), Chapter 14, amended Private Acts of 1921, Chapter 750, by abolishing the office of District Road Commissioner and by transferring their duties to the Superintendent of Roads who would be selected under this Act. This Act would take effect on September 1, 1936.
15. Private Acts of 1935 (Ex. Sess.), Chapter 15, expressly repealed Private Acts of 1933, Chapter 458, which amended the road law as explained in Item 11, above, in its entirety.
16. Private Acts of 1937, Chapter 147, amended Private Acts of 1919, Chapter 378, which, according to our information, would not be applicable to Scott County, and has, therefore, been omitted from this work.
17. Private Acts of 1939, Chapter 19, authorized the Superintendent of Roads to employ such clerical help as he may deem proper to assist him in the performance of his clerical duties. The salary shall not exceed \$600 per year payable out of the general funds. This Act was specifically repealed in its entirety by Private Acts of 1971, Chapter 48.
18. Private Acts of 1939, Chapter 194, created a County Road Commission of five members, one from each of five Road Districts, composed of whole civil districts, as enumerated in the act. Willie Caplinger, Jess Oakley, W. D. White, John Thweatt, and Rex Hayes, Sr., were named as the first Commissioners who would serve until their successors were elected for a two year term in August, 1940. They would make a \$3,000 bond and be paid \$4 a day and 5 cents per mile for each regular monthly meeting but would get nothing for extra meetings. No Justice of the Peace could serve on the commission nor could any of them have an interest in any contract. They would have general supervision over all roads and the authority to do all things essential to maintaining the roads in good order, including the power of eminent domain. They were required to employ a County Road Supervisor at a salary of \$100 per month, who would serve at their will and pleasure, and who would employ all other help, including a bookkeeper whose salary would not exceed \$60 per month. The duties of the Road Supervisor, the hourly rates of pay for skilled and

- unskilled labor, and foremen, are specified. Five percent (5%) of the road funds would be designated as an emergency fund and be treated in that fashion, and 30% of the funds would be set aside to pay the debts of the department. This Act was repealed by Private Acts of 1945, Chapter 516.
19. Private Acts of 1939, Chapter 484, amended the caption of Private Acts of 1939, Chapter 194, above, by striking the figures and words of 14,000 and substituting the words and figures of 14,200, as they appear in the Title and in Section One.
 20. Private Acts of 1945, Chapter 169, amended Private Acts of 1939, Chapter 19, by increasing the salary of the Clerk to the County Superintendent of Roads from \$600 to \$900 yearly. This Act was repealed by Private Acts of 1971, Chapter 48.
 21. Private Acts of 1945, Chapter 219, provided that in Scott County, using the population figures of the 1940 Federal Census to denote the same, the County Superintendent of Roads would be elected by the Quarterly County Court at its April term and hold office for four years next following. His compensation shall be \$2,400 per annum, payable in equal monthly installments, and he shall also be reimbursed for gasoline, oil, and tires used by him in the discharge of his duties. This Act was repealed by Private Acts of 1949, Chapter 292.
 22. Private Acts of 1945, Chapter 516, expressly repealed Private Acts of 1939, Chapter 194, in its entirety.
 23. Private Acts of 1949, Chapter 218, specifically repeals Private Acts of 1935, Chapter 157, which was an amendment to the road law, listed as Item 12, herein.
 24. Private Acts of 1949, Chapter 227, provided for the popular election of the County Superintendent of Roads in Scott County for a four year term. He would be elected at the next regular election in August, 1950, and every four years thereafter.
 25. Private Acts of 1949, Chapter 292, repealed Private Acts of 1945, Chapter 219, in its entirety as it applied to Scott County, to be effective on September 1, 1950. The Superintendent of Roads would be elected by the people instead of by the Quarterly Court.
 26. Private Acts of 1951, Chapter 595, amended Private Acts of 1945, Chapter 169, by increasing the salary of the Clerk for the Road Superintendent from \$900 to \$1,200 per year.
 27. Private Acts of 1951, Chapter 596, amended Private Acts of 1945, Chapter 219, by increasing the salary of the Road Superintendent from \$2,400 to \$3,000 per year. Our records indicate that Private Acts of 1945, Chapter 219, was repealed by Private Acts of 1949, Chapter 292, Item 25, above. This act should have amended Private Acts of 1949, Chapter 227, instead.
 28. Private Acts of 1959, Chapter 190, amended Private Acts of 1921, Chapter 750, by adding a paragraph at the end of Section 3 which gave the Superintendent of Roads exclusive control over the maintenance, management, and supervision of the rock quarry, or quarries, and he would have an additional \$1,800 per year as payment therefor. This act was properly ratified according to the demands of the Home Rule Amendment to the State Constitution but the whole paragraph, as inserted by this act, was deleted and removed by Private Acts of 1970, Chapter 332, which was also properly ratified.
 29. Private Acts of 1963, Chapter 37, amended Private Acts of 1951, Chapter 597, by raising the salary of the Superintendent of Roads, as expressed therein, from \$3,000 to \$3,600 per year. This act was properly ratified by the Quarterly County Court.
 30. Private Acts of 1963, Chapter 38, specified that the act was being passed at the request of the Quarterly County Court and County Judge of Scott County. This act amended Private Acts of 1951, Chapter 595, by increasing the salary of the Clerk to the Road Superintendent from \$1,200 to \$1,800 per year. This law was properly approved by the County Court, and was repealed by Private Acts of 1971, Chapter 48, published herein.
 31. Private Acts of 1969, Chapter 157, amends Private Acts of 1963, Chapter 37, by increasing the salary of the Superintendent of Roads in Scott County from \$3,600 to \$5,000 per year. This act was properly approved.
 32. Private Acts of 1969, Chapter 158, amended Private Acts of 1963, Chapter 38, by raising the salary of the Clerk to the Road Superintendent from \$1,800 to \$3,600. This Act was repealed by Private Acts of 1971, Chapter 48.
 33. Private Acts of 1971, Chapter 5, authorized the Superintendent of Roads in Scott County to employ such Clerical help as he may deem proper to assist him in the performance of his duties, but the maximum amount which could be paid for such assistance was \$4,800 per year to the person named in the certificate. This act repealed several other acts as listed, the same ones

mentioned in Private Acts of 1971, Chapter 48. This Act was rejected and disapproved by the Quarterly County Court and thus never became a law.

34. Private Acts of 1971, Chapter 48, authorized the superintendent of roads to employ clerical help with a salary of \$4,800 per year payable semi-monthly out of the motor vehicle fuel use tax fund. This act also repealed Private Acts of 1939, Chapter 19, Private Acts of 1945, Chapter 169, Private Acts of 1951, Chapter 595, Private Acts of 1963, Chapter 38, Private Acts of 1969, Chapter 158, and Private Acts of 1971, Chapter 5.

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