



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Table of Contents

Chapter IX - Highways and Roads	3
Highway Zones	3
Private Acts of 1971 Chapter 70	3
Road Law	3
Private Acts of 1947 Chapter 380	3
Highways and Roads - Historical Notes	8

Chapter IX - Highways and Roads

Highway Zones

Private Acts of 1971 Chapter 70

SECTION 1. There is established for Robertson County, Tennessee, six (6) separate highway zones, from which shall be elected the members of the County Highway Commission as set forth in Section 2 below. These zones shall be established by the Robertson County Commission in such manner that the six (6) zones generally contain an approximate equivalent number of county citizens. The zones may be established by combining County Commission Districts or by such other manner as determined by the County Commission, and the zones may change in their boundary from time to time for this purpose.

As amended by:

Private Acts of 1979, Chapter 68

Private Acts of 2002, Chapter 147

SECTION 2. Commencing September 1, 1980, the County Highway Commission shall consist of six (6) members who shall be elected by the qualified voters of Robertson County at the regular general election in August, 1980, and every four (4) years thereafter. Members of the Highway Commission shall serve a term of four (4) years and until their successors are elected and qualified. One (1) member of the Highway Commission shall be elected from each of the county highway zones heretofore designated. If a vacancy occurs in the membership of the Highway Commission, the Board of County Commissioners, at its next regular meeting shall elect a qualified person from the highway zone in which the vacancy occurred, to serve the remainder of the unexpired term, if any time remains in said term. Vacancies shall be declared by the Highway Commission in the case of a member's death, resignation or the removal of residence from the highway zone from which the member was elected. The members of the Robertson County Highway Commission serving on the effective date of this act shall continue in their respective offices and shall constitute the Robertson County Highway Commission until their successors are elected pursuant to this act.

As amended by:

Private Acts of 1979, Chapter 68

SECTION 3. Section 3, Chapter 380, Private Acts of 1947, and Chapter 407, Private Acts of 1949, and all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Robertson County on or before the next regular meeting of said court occurring not less than thirty (30) days after its approval by the chief executive of this state. Its approval or non-approval shall be proclaimed by the presiding officer of said court and shall be certified by him to the Secretary of State.

SECTION 5. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 14, 1971.

Road Law

Private Acts of 1947 Chapter 380

SECTION 1. That in Counties of this State having a population of not less than 29,000 nor more than 29,100 according to the Federal Census of 1940, or any subsequent Federal Census, the public roads and bridges of said Counties shall be laid out, classified, constructed, and maintained in the way and manner provided by this Act.

SECTION 2. That such Counties shall have the following rights and powers: (1) to lay out, construct, classify, close, change, repair and maintain public roads, highways and bridges; (2) to do any part of such work not otherwise provided for in this Act, by contract, or by day labor, or in any other manner deemed proper; (3) to purchase machinery, equipment, tools and materials for such work; (4) to cooperate with and contract with the United States of America, the State of Tennessee, or any other State or Counties of this or another State, or the agencies or officials of such, as to National, State, County or other highways or roads or bridges, when such roads or highways enter or run along such Counties included in this Act or such bridges are within or near such rock quarries and other public road and highway purposes; (6) to levy and collect taxes for such road, highway or bridge purposes; (7) to have all other rights and powers, not inconsistent with this Act, which are provided by general law for all Counties of this State as to roads, highways and bridges, and (8) to have a highway commission and a road supervision, and to require bond of any employee of such highway department or contractor, premium or cost of such bond of any such

employee may be paid by the County.

SECTION 3. This section was repealed by Private Acts of 1971, Chapter 70, which established the current Robertson County highway zones.

SECTION 4. That within ten days from each such election any such Highway Commissioner so elected shall, before assuming the duties of his office, take and subscribe to an oath to faithfully and impartially discharge the duties of his office and execute bond in the sum of Five Thousand (\$5,000) Dollars, the expense of which, or premium on which, if to be paid by any such County, such bond to be to account according to law for all fund and property which may come under his care and control.

SECTION 5. That within ten days after the qualification of said first Commissioners and biennially thereafter, the first selection to be made at the regular meeting of such Commission next following September 1, 1948, the Commission shall proceed to organize by selecting a Chairman and Vice-Chairman and shall elect a Secretary and fix his compensation. The Secretary shall not be a member of the Commission. C. F. Walker is designated as Chairman until the meeting next following September 1, 1948.

As amended by:
Private Acts of 1965, Chapter 271
Private Acts of 1969, Chapter 20
Private Acts of 1974, Chapter 201

The Chairman of said Commission shall be the executive officer thereof and shall attend to the disposition of matters needing attention when such Commission is not actually in session. In the absence of the Chairman or his inability to act, the Vice-Chairman shall attend to such duties. The Secretary shall keep a permanent record of all proceedings of the Commission and shall perform such other duties as may be assigned to him by the Commission and shall hold office at the pleasure of such Commission.

SECTION 6. That for their services as highway commissioners, they shall receive five hundred twenty-five dollars (\$525) per month, with the chairman to receive the same amount. All of such expenditures shall be defrayed from the highway funds of said county. This section does not increase the compensation of any commissioner during the term for which such commissioner was elected.

As amended by:
Private Acts of 1969, Chapter 20
Private Acts of 1987, Chapter 112
Private Acts of 2002, Chapter 96
Private Acts of 2008, Chapter 64
Private Acts of 2019, Chapter 13
Private Acts of 2023, Chapter 26

SECTION 7. That no person shall be eligible to be elected to or to hold the office of such Highway Commissioner of any such road district who is a member of such Quarterly County Court, or who is not a resident of such road district and a freeholder therein. Any if any Commissioner shall cease to be such resident of such road district or a freeholder thereof, he shall no longer be such Commissioner and such Quarterly County Court shall elect his successor.

SECTION 8. That a majority of said Commissioners shall constitute a quorum for the transaction of business. Such Highway Commission shall meet at least once a month. Such regular meeting date shall be fixed and no notice of such regular meeting need be given the members of the Commission or the Secretary. But notice shall be given such members and the Secretary of any called meeting of said Commission. A meeting may be called by the Chairman of the Commission, or in his absence or inability to act, by the Vice-Chairman, or a meeting may be called by a majority of the members of the Commission. Three days' notice shall be sufficient time for the call and such notice may be by U. S. mail or otherwise. A meeting may be called on one day's notice personally served by someone on each member of the Commission. Such services may be by a private person who makes affidavit to the fact or by the Sheriff, a deputy or a constable who will certify to the fact as in case of process. Notice, however, may be waived, and attendance at a meeting is a waiver of notice of any such meeting or any irregularity in the call for the same. The Chairman will preside at all such meetings, and in his absence the other Chairman will preside. If both be absent the other members may elect a chairman for the meeting.

SECTION 9. That no member of such Highway Commission, or Road Supervisor, or any Superintendent or other employee of the Highway Department or any such County shall at any time be interested, directly or indirectly, financially or otherwise, in the acceptance or any contract with such Highway Department or any employee thereof, or in the doing or performance of any work or labor, in the sale of any material, or the purchase of any tools, machinery, equipment, bridge or appliance of any kind and character, for or on account of such Highway Department, or be interested in the construction, maintenance, or repairing of any of the roads, highways, or bridges of such County, other than in the regular performance of his duty and the collection of his per diem, salary or wages, as fixed herein or herein authorized.

SECTION 10. That said Highway Commission shall keep and maintain a public office, which said office shall be kept open on each business day within reasonable hours, and where the records, papers and

documents connected with the administration of the roads, highways and bridges of such county shall be kept open for the free inspection of the public and anyone desiring to examine same. But nothing in this section shall be construed to prohibit said office from being kept in the office of the Chairman of said Commission, nor shall it be construed so as to make it mandatory on said Commission to keep anyone constantly in said office.

SECTION 11. That said Highway Commission is hereby given the following powers and the following duties are hereby required of it, coupled with the following restrictions, to-wit:

- (1) Have general charge of the laying out, construction, classification, closing, changing, repairing, and maintaining the public roads, highways and bridges of such Counties;
- (2) To provide the way and manner such work may be done, whether by contract, day labor or otherwise, as the Commission may determine;
- (3) To have control of all machinery, equipment, tools, property, real, personal and mixed, of the Highway Department, and all other items in any manner connected with the Highway Department of such Counties;
- (4) To set up from time to time schedules of wages and salaries to be paid, which shall be reasonable and not greater than wages being paid for similar services in the locality where services are performed, and which wages or salaries before being paid must have the approval of said Highway Commission. But this restriction shall not be construed to mean that there shall be bidding for such positions or advertisement as may be required by any law governing purchases, nor that the Road Supervisor herein provided for shall receive a salary any less than that herein specifically provided for.
- (5) To purchase or requisition all necessary machinery, equipment, tools, materials, and other items connected with or incident to the Highway Department of such Counties.
- (6) Said Commission shall keep or cause to be kept a record of all items purchased, the price paid, and when and from whom such purchase was made; and shall make or cause to be made as promptly as possible an inventory of all machinery, equipment, tools and property of each such County used in or connected with its Highway Department, showing the condition of such item and its property value, and when such item so purchased or on hand is disposed of the date of the disposition of such item, to whom, and at which price shall be shown, so that at all times there is a permanent record of each item of property of such Highway Department.
- (7) Such Commission shall keep, or cause to be kept, a record of all employees of such Highway Department, naming them, and the salary or wage each received and when such employment begins and when it ends.
- (8) Such Commission shall lay out and classify all public roads of the County, divide the same into sections, or divisions, as may be necessary for their proper and efficient construction and maintenance, and shall make, or have made, a map or maps of all such roads, highways, and bridges, which shall be of permanent form and kept on hand, and shall change such map or maps from time to time to bring them down to date.
- (9) Such Commission may provide for rights of way, gravel and stone or for the erection of bridges and other necessary road purposes by purchase or gift of real estate, or by condemnation thereof, but title shall always be taken in the name of any such County. To that end each such County shall have the right of eminent domain under Code Sections 3109 and 3134, inclusive, and all other condemnation acts, and laws of the State of Tennessee as now exist or as hereafter amended or passed, applicable to the taking by Counties of private property for public improvements, which rights and powers may be exercised by such Counties through said Highway Commissioners, and also as otherwise may be provided by the County Court of such Counties or by law.
- (10) Applications to open, change, or close a road shall be made by written petition, signed by the applicant, addressed to said Commission, specifying in particular the changes or actions asked.

The Commission shall within ten days from the time such application is received by it give lawful notice to the parties interested of the time and place said petition will be acted upon, at which time and place said Commissioners, or a majority of them, will attend and pass upon said petition, and may condemn such land as is required for the opening of a new road of route or to change the same or to close a road, or dismiss such petition, but if the petition is granted then assess the damage to the landowner. Any interested person considering himself aggrieved by the Action of such Commission may appeal to the Judge or Chairman of the County Court of said County, and to the Circuit Court from his action, and to an Appellate Court from the action of such Circuit Court. But this method of procedure as to condemnation is not exclusive but cumulative. Damages

occasioned by taking property under the power of eminent domain shall constitute a charge against both the highway and the general funds of such County.

(11) Such Commission shall have the supervision of the work of workhouse prisoners of such Counties, under such rules and regulations as may properly be made by Workhouse Board.

(12) Such Commission shall make a detailed written report to the Quarterly County Court of each such County on the first Monday in January and July, each year, and said report shall be a complete statement of all work done and ordered done, and of all funds received from any source and expended, and unexpended part of budget allowance, and shall also include a complete inventory of all machinery, equipment, implements, tools and materials then on hand and the approximate value of same, and such other detail as may be requested by such Quarterly Court, and shall also make such other reports as may be requested by said Quarterly Court.

(13) In the absence of any action with regard thereto by the Quarterly Court, the Highway Commission may require bond of any employee or employees of such Highway Department in an amount to be determined by it and conditioned to properly account for all monies and property which may come into his hands and to faithfully perform the duties of his employment, the premium for any such bond to be paid as other expenses of such Highway Department.

(14) Such Commission may require such reports as it may determine proper from any employee under it.

The Chairman of the Highway Commission shall be the purchasing agent for the same and shall purchase all materials, supplies and other necessities for said Commission. Purchases in excess of \$300.00 shall be made upon competitive bidding by means of sealed bids after due notice.

SECTION 12. That all expenditures, including those incurred in maintaining any office, paying any per diem, salaries, or wages, in any manner growing out of or connected with such Highway Department shall be made from the fund established or designated by the Quarterly County for highway, bridge and other road purposes.

SECTION 13. That such Highway Commission and all employees and agents thereof shall in all respects conform to and observe all budgeting, accounting, auditing and other acts and laws pertaining to such Counties. And no expenditure shall be made or authorized in excess of any appropriated for any particular phase of such Highway Department. And it shall be the duty of such Commission to plan its work and expenditures so as to make the amount of such appropriated funds be sufficient for operations and purchases for the whole year, or as near as may be done.

SECTION 14. That nothing contained in this Act is intended to give any jurisdiction or authority to any such County, such Highway Commission, or any employees of such Commission, over or concerning any road, highway, bridge or other road appurtenance over which jurisdiction or control is by virtue of law vested in the U. S. Government, the State of Tennessee, or both, or other legal entity superior to any such County, or over any road, highway commission or committee which has been appointed for any such purpose of any enactment of the General Assembly of Tennessee, or County Quarterly Court resolution, but this Act does not apply to all other public roads, highways, bridges and public road appurtenances of such Counties. But said Commission shall cooperate with the Federal Government of the United States and of the Highway Department of the State of Tennessee in securing and maintaining a uniform, coordinate and efficient system of highways in such Counties.

SECTION 15. That the Chairman of such Highway Commission shall be the agent of any such County in dealing with Tennessee State Highway Department and with the Federal Government, or any road agency or road committee or either or both. And if necessary or required, such Chairman of such Highway Commission shall be so declared by such Highway Commission and so certified by the County Court Clerk of any such County or Secretary of such Commission.

SECTION 16. That in Counties coming within the provisions of this Act, such Highway Commission shall employ a county road supervisor. To be eligible for such position, or employment, one shall have had two years' training in a recognized school of engineering, or its equivalent, or shall have had at least two years' experience in supervisory capacity in highway or railroad construction. The compensation or salary of such Road Supervisor shall be fixed by said Highway Commission with the limits of the budget adopted by the Quarterly County Court and paid to him monthly, but in no case to exceed the maximum compensation set in Section 8-2403, Tennessee Code Annotated, for the Clerks of the County and Probate Courts in the class applicable to any County to which this Act applies. Such road supervisor shall serve at the pleasure of such Highway Commission, from month to month, but such Commission may contract for his services for a period of not in excess of one year. All other employees of said Highway Department shall serve at the pleasure of the Commission.

As amended by: Private Acts of 1965, Chapter 271

Private Acts of 1967-68, Chapter 459

SECTION 17. That such Highway Commission shall supply such County Road Supervisor a means of conveyance and provide for the upkeep and maintenance of the same, for the performance of his duties. Said road supervisor shall make report in detail monthly to said Commission the expense of such upkeep and maintenance.

Such County Road Supervisor shall at all times be under the direction and control of such highway commission, and shall promptly do and perform all duties that are specifically imposed upon him by this Act, said Highway Commission or by law. Subject to the direction and control of said Commission, the following specific duties shall be performed by such County Road Supervisor:

(1) He shall aid the Commission in the performance of its duties, particularly in establishing a system of roads and highways for the county, including bridges, and in dividing the same into sections and divisions, and mapping the same, and in laying out, changing and closing roads and highways and building bridges.

As amended by:

Private Acts of 1993, Chapter 7

COMPILER'S NOTE: Items 2 and 3 were deleted as amended by the Private Acts of 1993, Chapter 76.

(4) Employ, have charge of and direct the work of all superintendents, foremen, and other employees of such Highway Department and with the advice of said Highway Commission, to appoint or employ or discharge the same, as the case may be, but their compensation shall be according to the scale of prices or salaries and wages set up by the Highway Commission and approved by the Purchasing Agent of the county, the wage of any one employee shall not be more than that paid another employee for like services.

(5) Have charge and control of all the machinery, equipment, tools and all other property of any such County connected with or belonging to the Highway Department thereof, and see that the same are properly treated, protected and kept in good repair, and look after the inventorying of the same and see that each item thereof is handled and accounted for as herein provided and as is required of the Highway Commission.

(6) Neither shall such County Road Supervisor nor any superintendent, or foreman or employee do any work while so employed by the Highway Department of the County for any private person or corporation nor shall any of the machinery, equipment, tools or property of the County Highway Department be so used, for compensation, exchange or under any other pretext, and it shall be the duty of the County Road Supervisor to see that this provision of law is enforced.

(7) Each and every item of machinery, equipment, tools, material, and other kind of property for said Highway Department shall be purchased through the Chairman of the County Highway Commission not exceeding the appropriation therefor as determined by the Quarterly Court of such County, and as may be determined within such restrictions by such highway commission, but it shall be the duty of the county road supervisor to make proper and timely requisitions for all such items to the purchasing Agent of such County and as required by law.

(8) Such road supervisor shall have supervision of the work of workhouse prisoners and direct where the same shall be done. And those having charge of such prisoners shall make them available for such purpose unless otherwise provided by the Quarterly Court. He shall have supervision of the work to be done by all persons liable for road duty and where and when the same shall be done. Such supervision and direction may be by him delegated to any superintendent, foreman, overseer or other employee of the Highway Department.

(9) All work done by road hands, or those subject to road duty, shall be done under the supervision of such road supervisor as may be directed by the Highway Commission.

SECTION 18. That it shall be the duty of the county highway commission herein provided to take steps looking toward the construction of the hard surfacing of all the principal roads under their jurisdiction in said County and to the end they may employ a competent engineer for the purpose of making preliminary surveys, estimates and plans of such system. In setting up such system, materials therefor shall be purchased out of the proceeds of the wheel tax not in effect in this county, but the costs of labor and rights of way shall be defrayed from other highway funds available to said Commission.

It shall be the duty of the highway commission on or before December 1 of each calendar year, to formulate and make public such hard-surfacing program designated by them to be put into effect for the ensuing calendar year. After such program shall have been adopted and made public, no change thereon shall be made except upon the approval of four members of said commission; provided, however, that in case for want of funds or other causes the complete program adopted for any year cannot be completed, then the commission shall place the remainder thereof upon its next succeeding year's program and shall

proceed to its completion at once.

SECTION 19. That all male inhabitants of any such county, residing outside any incorporated town thereof, over 21 and under 50 years of age, except such persons as are permanently disabled from performing ordinary labor and are released by the Quarterly County Court of any such County, and present a certificate of the county court clerk, showing such release, shall work upon the road in his neighborhood or vicinity not less than five days, of nine hours each, each year, but any such road hand may be exempted from such service by furnishing an able-bodied substitute or paying \$1.00 per day for each day not worked on such road, to the trustee of such county on the receivable warrant of the county judge or chairman of the county court of any such county.

SECTION 20. That such highway commission shall have the right to determine when the road year for the working of such roads shall begin, when such work shall be done, and when and how such reports shall be made, but if its fails to do this then all such shall be governed by general law, and all general laws of the State of Tennessee in any manner relating to the public roads, highways, bridges, gravel beds and rock quarries not in conflict with this Act are made a part hereof and shall remain in full force and effect as to such Counties except as changed by this Act to make inapplicable by any other Acts especially applicable to such counties as this act is.

SECTION 21. That it shall be the duty of the Quarterly County Court to such county to levy a tax, not exceeding 20¢ on the hundred dollars worth of taxable property in said county for road, highway and bridge purposes at the same time each year that other taxes are levied. All funds thus derived from said levy shall be used in the construction and maintenance of roads, highways and bridges of the county, and other proper and necessary expenditures for the purposes provided for in this Act. But this shall not prevent the county from issuing bonds and providing for their payment and interest thereon. The taxes above provided shall be allowed by the trustee of any such county as other taxes are now collected.

SECTION 22. That all fines and forfeitures for failure to work the road and all commutations in lieu of road work and all monies received from the sale of any road or highway machinery, equipment, tools, or other items of road or highway property or material, gravel bars, and rock quarries, and all monies received from any source which should be credited to or received by the highway department of any such county and all funds received by the highway department of any such county all funds received from the State of Tennessee or the Federal Government for road purposes, shall promptly be paid over, upon the receivable warrant of the county or chairman of the county court of any such county, to the county trustee and by such trustee placed to the credit of the county road and bridge fund, unless it is required by law in any specific instance to be placed to the credit of some other fund.

SECTION 23. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, particularly Chapter 142 of the Private Acts of 1943 of the General Assembly of Tennessee.

SECTION 24. That if any part of this Act be declared void or unconstitutional that shall not have the effect of rendering ineffective the remaining portion of this Act.

SECTION 25. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 26, 1947.

Highways and Roads - Historical Notes

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

1. Acts of 1804, Chapter 1, authorized the county courts to take charge of the public roads and the ferries in the county and to decide on the location of all the bridges. Included within the act were the procedures and methods to be observed in the process of establishing roads and making inventories of them. The County Courts were given the power to appoint commissioners for the roads and to levy taxes to accomplish the purposes herein specified.
2. Acts of 1821, Chapter 6, required the county courts of all the counties to index and to classify all the public roads in the counties primarily according to the width of the road and the surfacing material. The width ranged from a stage road down to one wide enough to pass two horses and riders on the way to mill or market. Penalties were included for obstructing the roads or for failure to observe the conditions of this act.
3. Acts of 1822, Chapter 68, named Richard Cheatham, Joel Moore, Henry Hart, Thomas Gunn, Sr., and Garland Williams, as Commissioners to open subscriptions and to receive donations to

improve the navigation of the Red River from the junction of the Sulphur Fork of the River to the Kentucky State line. The Commissioners were directed to make reports to the court from time to time on the money received. When an amount deemed sufficient by the Quarterly Court of Robertson County was on hand it could be started and the commissioners could contract the project out. The owners of dams on the River must comply with all regulations. The Commissioners would make an adequate bond before receiving any donations or money.

4. Acts of 1835-36, Chapter 21, incorporated the Nashville and Kentucky Turnpike Company which would succeed to all the rights given to the older Franklin Turnpike Company. Commissioners were named in Davidson County and Sumner County to join Richard Cheatham, George C. Conrad, William Seal, and Thomas Farmer, all of Robertson County, to open books at Nashville, Gallatin and Springfield to sell 5,000 shares of stock at \$25 per share.
5. Acts of 1837-38, Chapter 180, extended the Whites Creek Turnpike through Springfield to the Kentucky line, and on to Russellville. All the stockholders were incorporated as the Whites Creek and Springfield Turnpike Company, possessing all the powers and privileges incidental to the operation of similar companies. Capital stock was set at 2,000 shares at \$50 par value. Henry Hart, George C. Conrad, and Vincent Williams, all of Robertson County, along with seven others named from Davidson County, would sell the authorized stock and any additional. Toll rates which were to be charged after completion of the road were stipulated in the book.
6. Acts of 1847-48, Chapter 1, incorporated James Woodard, Vincent Williams, Tyler Edwards, John M. Pope, Henry Hart, James Sprouse, Bayless Randolph, R. E. Hughes, R. H. Alley, Henry Frey, John S. Hutchison, D. P. Braden, David Henry, B. W. Miniss, Dr. Thomas Miniss, Dr. R. H. Hicks, G. B. Mason, D. M. Wells, and Colonel George W. Morris, all of Robertson County, to construct a turnpike road from the top of the ridge in Davidson County to the Kentucky line by way of Springfield under the style of the Springfield and Kentucky Turnpike Company. Construction of the road could be started as soon as \$5,000 in stock was subscribed and paid into their hands.
7. Acts of 1851-52, Chapter 265, was the legal authority for Joseph Hardaway, Kinchen Woodard, Robert Green, Richard Rose, G. B. Mason, Richard Farthing, Thomas Stark, Willie Holland, and Henry Wells, all residents of Robertson County, to open books and to sell stock to build a turnpike road from Springfield to the Kentucky line by way of Barren Plains. The company would operate under the same rules as other turnpike companies. Section 18 of this same act on Page 447, authorized S. D. Bowers, David Porter, Thomas Porter, Thomas Kirsle, M. Kirsle, John Cauts, Willie Woodard, Amos Moore, Jesse True, Benjamin Porter, David Henry, Miles Baird, and T. Harris, of Robertson County, to sell stock to build a turnpike road from Springfield to Cross Plains so as to intersect with any road leading from Cross Plains to the Kentucky line in the direction of Keysburg, at the most practical point selected by the stockholders.
8. Acts of 1851-52, Chapter 305, amended the act incorporating the Springfield and Manskoe's Creek Turnpike Company so that the grade of the said road must be within five degrees of level and the directors of the company could change the direction of the road at any time before construction.
9. Acts of 1853-54, Chapter 239, stated in the preamble that the State had never assisted Robertson County in the funds for internal improvement which would include aid for turnpikes and that the Mansker Creek and Springfield Turnpike Company had recently built a turnpike in the county from Sulphur Fork Creek, this act authorized the Governor to issue to the above corporation ten State bonds in the amount of \$1,000 each, payable in ten years, at 6% interest upon the company executing a note for that amount as a mortgage to the State on the property.
10. Acts of 1857-58, Chapter 79, incorporated a group of citizens of Robertson County and Montgomery County to open books and sell stock to a turnpike road which would begin at Springfield in Robertson County and run by such a route as a majority of the Commissioners could agree on to Port Royal in Montgomery County. The Commissioners could begin construction of the road as soon as \$5,000 was subscribed and paid in, and they were at liberty to begin at either terminus of the road.
11. Acts of 1857-58, Chapter 79, named another body of citizens in Robertson County and Sumner County as the incorporators of the Springfield and Gallatin Turnpike Company under the same terms and conditions prescribed in the Port Royal Act above. Section 21 of this same act amended and was the act setting up the Mansker Creek and Springfield Turnpike and Section 22 did the same for the Springfield and Barren Plains Turnpike.
12. Acts of 1859-60, Chapter 114, instructed the quarterly courts of Robertson County, and the other counties named in the Act to classify the public roads of the respective counties into three classes and to assess the property and polls of the counties which money would be used to keep up the

repair on the said public roads under the direction and supervision of the Court. A referendum would be held and the people approve the same before a tax would be levied. The Courts were allowed to appoint a Road Commissioner to oversee the program. Taxpayers who desired could appoint the tax out of \$1 per day. Also included in the Act were special details on other aspects of the program. Section 14 extended the provisions of this Act to Robertson County.

13. Acts of 1867-68, Chapter 106, named Henry Porter, Thomas J. Krisle, John G. Coutts, Willie Woodard, C. B. Randolph, Wilson Pitts, David Henry, David Jones, L. J. Henry, John Woodard, John Cook, William F. Krisle, William Villines, and J. M. Eatherly, as Commissioners, to open books and sell stock in a turnpike road to be built from Springfield which would run to Cross Plains in Robertson County. All the customary details and provisions for laws of this nature were contained in the Act.
14. Acts of 1901, Chapter 136, was a general road law applicable to every Tennessee County under 70,000 in population. The County Court would select one Road Commissioner to serve two years from each of the Road Districts which were co-extensive with the civil districts of the county. These commissioners would be sworn, bonded, and placed in charge of the roads, bridges, hands, tools, and materials used in his area, and would be compensated at the rate of \$1 per day but for no more than ten days each year. The County Court would fix the number of compulsory days of labor on the roads at no less than five nor more than eight, and set the value of one day's work to be paid when missed. The County Courts could levy a special road tax of two cents per \$100 property valuation for each day road hands were required to work. Road Commissioners would name and supervise the Road Overseers in their Districts to supervise a specific section of road, and who would work the same number of days of compulsory work as others, but would be paid \$1 per day up to \$6 a year for work over that. The Commission had the authority to hear and dispose of petitions to open, close, or change roads, and were also instructed to classify and index the roads in their districts, and inspect them to see that they met the specifications. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
15. Private Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several smaller particulars concerning administrative matters, but principally in those sections dealing with the acquisition of rights of way especially where the exercise of eminent domain was necessary.
16. Private Acts of 1909, Chapter 444, recited in the preamble that Private Acts of 1903, Chapter 4, (see Bond Issues) authorized the issue of \$150,000 in bonds, based upon public approval in a referendum, which issue was approved but have not been sold to date, and a tax of 20 cents per \$100 property valuation was levied under that law which has been collected for two years and was on deposit in the bank, and there is no probability of the bonds being sold in the future, this act was the legal authority for the Robertson County Quarterly Court to use these funds on the other road programs, as their judgment and discretion might dictate. This Act was repealed by Private Acts of 1911, Chapter 215.
17. Private Acts of 1909, Chapter 456, was applicable to Haywood County and Robertson County. The Quarterly Court of these counties at their first session after the passage of this act could choose three residences to be the "Board of Public Roads." The initial terms on the Board would be staggered but subsequent terms would all be for three years. This Board would be in charge of the planning and the execution of road programs in the county having the power to employ an engineer to assist them, or other competent assistants who would inspect the roads, write general specifications, and classify the roads in accordance with the criteria expressed in the act. The Board could draw on funds in the Trustee's hands for the accomplishment of their programs, and dispose of all the requests to open, close, or change roads. The Quarterly Court was granted the power of eminent domain to acquire property unavailable otherwise. Prisoners serving time in the county workhouse could be used on the roads under certain conditions of surveillance. This Act was repealed by the Act following insofar as it applied to Robertson County.
18. Private Acts of 1911, Chapter 214, expressly repealed those portions of Private Acts of 1909, Chapter 456, as the same affected Robertson County, and the county was exempted from its future operation.
19. . Private Acts of 1911, Chapter 215, repealed Private Acts of 1909, Chapter 444 in its entirety.
20. Private Acts of 1913, Chapter 330, was apparently the first comprehensive road law for Robertson County. The Act formed a Highway Commission made up of four citizens appointed by the County Court and the County Judge who would be an ex-officio member and chairman. The Commissioners would come from the different geographical sections of the county, be sworn into office and be paid \$2 a day up to \$50 a year. They were to serve two years, have general supervision of roads in county, select a Secretary, and could hire an engineer to aid them in their

endeavors. The Commission would purchase all tools, equipment, and materials, and appoint Foremen in the road districts who would work the compulsory time as others did but would be compensated for efforts beyond that. The positions of Road Commissioners and Overseers were abolished. All male residents, outside of cities, between the ages of 21 and 45 who were subject to road duty must work five days on the roads between April 1 and July 1, or pay 75 cents for each day missed. The Tax Assessor would compile a list of prospective road hands and deliver it to the Trustee, and the commission would form a list of the delinquents after July 1. A general road tax levy of no more than 20 cents and no less than ten cents could be made as well as a special tax levy of the same amount which would be used on special projects. The Commission would hear and dispose of requests to open, close, or change roads and exercise the power of eminent domain but only when proper procedures were followed. Proper and accurate records would be kept.

21. Private Acts of 1913 (Ex. Sess.), Chapter 69, provided for a five member Highway Commission in Robertson County made up of four citizens and the county judge who was the exofficio member and chairman. The Commissioners would be elected to two year terms by the people at the August, 1914, general election, and be paid \$2 per day up to \$50 a year. The Commission could have its own Secretary, would be in general charge of the road program and were empowered to employ an engineer to assist them if they desired. Foremen could be appointed for each road section by the Commissioners to serve the same amount of compulsory labor as others did but would be paid for days over that number. The old posts of Road Commissioner and Overseer were abolished. Males, outside cities, between ages of 21 and 45 were subject to work for five days on the roads or pay a commutation fee of 75 cents per day. The remainder of the terms in the Act were identical to those in Private Acts of 1913, Chapter 330.
22. Private Acts of 1915, Chapter 262, amended Private Acts of 1913 (Ex. Sess.) Chapter 69, by changing the appointment time of the Court to the April term, 1915, and by removing the requirement that the Highway Commissioners be elected by popular vote. Section 4 was changed to make the Road Districts co-extensive geographically with the civil districts. Section 6 was amended to extend the deadline for the completion of the compulsory road work from July 1 to August 1, and by reducing the commutation charge from 75 cents to 50 cents. It would be a misdemeanor, also, subject to the imposition of fines for anyone to wilfully neglect the compulsory road work.
23. Private Acts of 1915, Chapter 419, amended Private Acts of 1913 (Ex. Sess.), Chapter 69, by adding a provision at the end of Section 7 that the Trustee would be paid at the rate of 2½ cents per name for compiling and recording the names of those delinquent road hands failing to meet their obligations.
24. Private Acts of 1915, Chapter 457, stated that in Robertson County (identified by the 1910 Federal Census figures) it would be unlawful for any person, firm, or corporation, to have upon the public highways a load of over 3,000 pounds and less than 5,000 pounds unless the wheels of the vehicle with such load had tires at least six inches wide. It was also unlawful to engage in the business of hauling, transferring, or moving, goods, wares, and merchandise on the public highways for profit without first obtaining a license at a cost of \$10 per year for each wagon, or vehicle. A metal tag would be displayed as evidence of having bought the license. Spikes and claws embedded in wheels were strictly forbidden. Trucks and wagons of 4½ tons would carry four planks of not less than two inches thick to lay down on bridges before crossing. This Act was repealed by Private Acts of 1917, Chapter 83.
25. Private Acts of 1917, Chapter 83, expressly repealed Private Acts of 1915, Chapter 457, above, which was an act setting up truck weights and requiring a license to transport goods.
26. Private Acts of 1917, Chapter 333, repealed Private Acts of 1913 (Ex. Sess.), Chapter 69, and the amendments thereto, which constituted the existing road law for Robertson County.
27. Private Acts of 1917, Chapter 439, was the new road law for Robertson County which required the roads to be kept according to this act. The County Judge, or Chairman, would appoint a county engineer, who would be at least 25 years of age, a civil engineer, who would be at least two years experience in road building who would devote full time to the position and serve a two year term. The salary would be no less than \$1,500 and no more than \$2,400 annually, the same to be determined by the Quarterly Court. The Engineer had to be sworn to office, bonded, and assume the duties enumerated in the act. He would have an office in the courthouse, if possible, or otherwise rent one. He would employ such clerks and assistants as were necessary and make all expenditures for supplies which proper management of the department would demand. Road Districts were the same as Civil Districts in which a Supervisor would be appointed who would be bonded and in charge of the roads in that District, serving for one year. The Supervisor, or the

Engineer, could appoint an overseer for each Section of road in the District who would also serve for one year. Males between 21 and 50 years of age were required to work five, eight hour days on the roads. Terms could be furnished by their owners for road work or they would forfeit \$1 a day. The Engineer would make assignments of tools and road hands and coordinate the work promulgating all necessary regulations. Taxes for dirt roads would be kept in a separate fund. The Engineer would work with the State Highway Department and decide on the openings, closings and alterations of roads in the county.

28. Private Acts of 1919, Chapter 42, amended Private Acts of 1917, Chapter 439, above, by rewriting Section 2 to create the position of Engineer who would be chosen by the Robertson County Quarterly Court and be paid a salary of \$150 per month paid out of the general funds of the county on the warrant of the county judge. The Engineer would serve on one year beginning on the first Monday in January and could be suspended, or dismissed, by the county court for cause. The Engineer must be at least 25 years of age, or older, experienced in all sorts of road work, devote full time to the duties of the office and be lawfully bonded. The signatures of the county judge would be required on all expenditures.
29. Private Acts of 1920, Chapter 59, amended the Robertson County Road Law, above, in Section 29, to reduce the range of tax for dirt roads from that of 10 cents to 20 cents to 2 cents and 10 cents maximum, whenever to do so to effectuate this reduction throughout the road law.
30. Private Acts of 1921, Chapter 910, amended Private Acts of 1917, Chapter 439, above, to require those subject to compulsory road work to labor on either pike roads, or dirt roads, and the commutation fee was increased from \$1 to \$2.50.
31. Private Acts of 1923, Chapter 268, amended Private Acts of 1917, Chapter 439, by rewriting all of Section 2 to create the position of County Engineer who would be elected by the people for a two year term at the regular August election, taking office as the other office holders did. The Engineer would devote his whole time to the office and could be removed only for misfeasance or malfeasance. His salary could be no less than \$1,800 and no more than \$2,400 as the same was set by the Quarterly Court. If the Court failed to set the salary, it would be \$2,200 annually and could not be changed during the term. The Engineer would be experienced in road work, a resident of the county, sworn and bonded. The engineer would also be required to account for all the money coming into his possession. Vacancies in the office would be filled by the Quarterly Court until the next election.
32. Private Acts of 1929, Chapter 310, enabled Robertson County to transfer \$55,304.14 from the State Aid Fund of the County to the general county highway fund for use on general county road purposes, it appearing that the money would no longer be needed for State Aid.
33. Private Acts of 1931, Chapter 819, amended Private Acts of 1917, Chapter 439, in Section 2 by deleting the whole Section and inserting another one which required that the County Engineer be elected by the qualified voters of Robertson County at the next regular August election and every four years thereafter, taking office at the same time the other office holders did. The Engineer would devote full time to his duties, be paid no less than \$1,800 and no more than \$2,400 as set by the Quarterly Court, on the warrant of the County Judge, or Chairman, in equal monthly installments which were not to be changed during the term. The Engineer would be at least 25 years old, competent and trained in road building, and could be removed from office only for misfeasance or malfeasance in office. Section 3 was taken out and Section 6 restored.
34. Private Acts of 1931 (2nd Ex. Sess.), Chapter 9, amended Private Acts of 1917, Chapter 439, in Section 2 so that the \$1 commutation fee for road hands was restored instead of the \$2.50 then in effect. This Act added a provision at the end of Section One which said that the County Engineer would be paid \$2,200 annually by the Quarterly Court if the Court did not set the salary, or they refused to do so.
35. Private Acts of 1933, Chapter 79, also amended the Robertson County Road Law by inserting a provision in place of some portions of the Act which stated that the County Engineer would be paid a salary of no less than \$2,000 and no more than \$2,200 annually, payable in equal monthly installments on the warrant of the County Judge, or Chairman. The Quarterly Court would fix the salary at the April, 1933, session which would not be changed during the term but, if the Court failed, or refused, to do so, the salary would be \$2,000 annually.
36. Private Acts of 1943, Chapter 67, repealed Private Acts of 1917, Chapter 439, and all the amendments to that act as they were listed above.
37. Private Acts of 1943, Chapter 142, listed the specific powers granted to Robertson County relative to the management of its road system in six specific items. The office of County Engineer was devised who would be elected by the People for four year terms at an annual salary of \$2,400

which would not be changed during the term. The Engineer would have 2 years minimum experience in road building, be sworn into office and bonded. The Engineer would be in charge of the road department, select and fix the pay of road personnel and conform to all administrative procedures. Plans for the future would be made and reports submitted to the county judge, or chairman on progress. A road and bridge fund account would be set up and administered by the Engineer and the County Judge. The Engineer had to observe all purchasing procedures and account for all equipment, tools and materials. Road Districts would be the same as Civil Districts but the Quarterly Court could change them as they saw fit and the road year would be the same as the fiscal year unless specifically altered. The Engineer could appoint a Supervisor in each District to serve for one year who could be removed and replaced. Supervisors were to appoint Overseers for each road section with the approval of the Engineer and the Supervisors would ascertain and report the number of days between four and eight which would be worked on the roads, furnish a substitute to work on the roads, or pay \$1.50 for each day missed. Emergency provisions were stipulated in the Act. All males would work the required number of days and be paid only for those days over that number. The office of the Engineer would be examined and audited annually and its condition reported to the Quarterly Court.

38. Private Acts of 1945, Chapter 37, amended Private Acts of 1943, Chapter 142, by changing the term of office in Section 3 from two years to four years.

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