



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

December 20, 2024

Chapter IX - Highways and Roads

Dear Reader:

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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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Chapter IX - Highways and Roads

Public Works

Private Acts of 1974 Chapter 234

SECTION 1. This Act shall be known and may be cited as the Fayette County Public Works Act.

SECTION 2. There is hereby created a county board of public works which shall have complete charge of the working and maintenance of all public roads in Fayette County, except such as are maintained by the state or federal departments of transportation. This function will be accomplished by creation of a department of public works.

As amended by: Private Acts of 1995, Chapter 61

SECTION 3. Section was deleted in its entirety by the Private Acts of 1995, Chapter 61.

SECTION 4. The county board of public works shall consist of five (5) members, all of whom shall be resident citizens of Fayette County, and no one holding any other office in the county shall be eligible to be a member of said board. The board members shall be appointed by majority vote of the quarterly county court. In addition, the county judge or chairman shall serve as a non-voting ex-officio sixth (6th) member of the board. The five (5) appointees shall serve two (2) year terms from the first day of September next succeeding their date of appointment which shall be made by the quarterly county court of Fayette County at its July term in even years. One of the members so elected shall at the time of his election be a resident of the First, Second or Third Civil District of said County; one a resident of the Fourth, Fifth or Sixth Civil District of said County; one a resident of the Seventh, Eighth or Ninth Civil District of said County; one a resident of the Tenth, Eleventh or Twelfth Civil District of said County; and one a resident of the Thirteenth, Fourteenth or Fifteenth Civil Districts of said County, and shall offer themselves as candidates for the group of civil districts in which they reside. The quarterly county court shall in like manner fill any vacancies which may occur for the unexpired terms thereof.

Such members shall receive for their duties as members of the county board of public works salaries on a monthly basis as follows:

Chairman	\$150.00
Secretary	120.00
All Other Board Members	100.00

As amended by: Private Acts of 1988, Chapter 157

A majority of the board shall constitute a quorum. The board shall elect its own chairman and secretary. The board shall hold public meetings at least once each month at such regular time and place as the board may determine, and special meetings upon the call of the chairman. Such meetings shall be for the purpose of discussing and considering in a body any and all such matters as may pertain to the carrying out of the work, and to hear and consider petitions and complaints, and to attend to such other business or duties as may be necessary. It shall establish its own rules of procedure.

Any member of the board may be removed from office for cause upon a vote of two-thirds (2/3) of the members of the quarterly county court, but only after preferment of formal charges by a resolution of a majority of such governing body and following a public hearing before it.

Before the board shall adopt any proposed budget, it shall submit same to the quarterly county court for approval or rejection. The board shall prepare such a budget after appropriate consultation with the budget committee of the quarterly county court.

The board shall develop and adopt a personnel and salary plan for the department; or in lieu of this, the board may choose to approve and adopt any county-wide plan concerning public works' employees that may have been adopted by the quarterly county court.

SECTION 5. Before entering into the discharge of their duties, the members of the board shall take and subscribe to an oath in writing before the county court clerk that they will perform with fidelity the duties of their offices as members of the county board of public works and shall each enter into a bond in the amount of ten thousand dollars (\$10,000) payable to the county and conditioned upon the faithful discharge of his duties and for the accounting of all money and property coming into his hands in his official capacity. The premium for the bond shall be paid out of the public works fund in the same manner as other disbursements are made.

SECTION 6. The board shall maintain an office in the county seat of Fayette County, Somerville, Tennessee, where all books, records and other materials pertaining to its work shall be kept. At all

meetings of the board, it shall be the duty of the secretary to keep an accurate account of all business transacted, and accurate minutes of the meetings in a well-bound book. These minutes at the next meeting shall be read, approved and signed by the secretary and chairman of the board. These records are subject to inspection by any person at all reasonable times.

SECTION 7. The board shall have general supervision, control, and management of county policies relating to all public roads, levees, culverts and bridges of the county, and shall have general supervision of all work to be done in repairing and building roads, building levees, building bridges, and all other matters pertaining to the same.

As amended by: Private Acts of 1995, Chapter 61

The board has the authority within its budgetary limits to contract with any county, city, state, federal, or private entity to secure the provision of services mandated under this Act. The board is also hereby given jurisdiction over the receipt and expenditure of all road funds belonging to the county from whatever source, subject to the limitations of this Act and subject to any restrictions the quarterly county court may place on this authority.

The board has the authority and duty to classify all county roads by grade in accordance with Sections 54-903 and 54-904 of the Tennessee Code Annotated and to submit to the quarterly county court a long range maintenance and improvement plan for the county road system and for sanitary services.

SECTION 8. The board of public works shall submit reports periodically to the quarterly county court, the frequency and manner of which shall be determined by said court, which constitute a full and complete accounting of their activities and of the activities of the department. Such a report will show the amount of road funds on hand at the beginning of the period, together with an itemized statement of all amounts expended for labor, machinery, supplies, materials, equipment and other expenditures during the period, as well as a complete list of all articles purchased, the number of persons employed and the amount paid each, the number of miles of road constructed, repaired or maintained, or fraction thereof, and where located.

SECTION 9. It shall be a duty of the board to employ a superintendent of a department of public works who shall serve it at its will and pleasure. Neither the board nor the superintendent shall expend in any fiscal year a sum in excess of the revenues approved by the quarterly county court for manifestation of the public works function.

SECTION 10. The superintendent shall be responsible for the implementation and interpretation of the general policies specified by the board and the day-by-day operation of the department, including the operation and management of all services, equipment, facilities, and employees which are herein provided for, as well as preparation of a regular and timely payroll. The superintendent shall enforce all rules, regulations, programs, plans and decisions of the board and the quarterly county court. Within the limits of a budget, a salary plan and a job classification plan as approved by the board, the superintendent shall hire, dismiss, promote and demote all employees and fix their duties, except that the engagement of technical consultants and advisors, such as engineers and architects, shall be subject to the approval of the board, and subject to budgetary limitations.

As amended by: Private Acts of 1995, Chapter 61

Said superintendent, with the approval of the board may acquire and dispose of all property necessary to effectuate the purposes of this Act. Title to such property shall in all cases be taken in the name of the county. The superintendent, under direction of the general policies of the board, shall have control over the location, relocation, construction, reconstruction, repair and maintenance of the road, bridge systems of the county.

As amended by: Private Acts of 1995, Chapter 61

The superintendent, subject to the approval of the board, shall let all contracts. He may, however, make purchases of supplies and materials up to a cost of one thousand dollars (\$1,000) within budgetary limits, without prior approval, subject to such rules as the board may prescribe. Purchases of supplies, materials, and equipment costing more than five hundred dollars (\$500) shall be let by bidding or as the board shall determine. Any contract for construction exceeding two thousand dollars (\$2,000) shall be advertised by the superintendent for competitive bids after reasonable notice.

The salary of the superintendent shall be fixed by the quarterly county court, subject to a recommendation by the board. The superintendent shall be a person who is qualified by training and experience for supervision over the maintenance and operation of the facilities and services herein provided for, in accordance with the qualifications approved in a personnel plan adopted by the board. Such person need not be a resident of the county or of the state at the time of his selection.

The superintendent shall enter into a bond in an amount to be determined by the board, payable to the county, and conditioned upon the faithful discharge of his duties and for the accounting of all money and property coming into his hands in his official capacity. The premium for the bond shall be paid out of the public works fund in the same manner as other disbursements are made.

SECTION 11. It shall be a duty of the superintendent or his designee to list all claims and accounts against the department of public works in a well-bound book, to keep all such claims and vouchers always on file in his office, and to keep a list of all warrants drawn on the public works fund in the order drawn, as well as stubs of all warrants drawn on said fund. All paid vouchers or receipts shall be carefully filed and kept, and all records are subject to inspection by any person at any reasonable time.

No claim or account or other amount shall be paid out of the public works fund except upon warrant drawn by the department, signed by the superintendent, and co-signed by the chairman of the board. These warrants shall be drawn upon the funds in the hands and custody of the county trustee. At each monthly meeting, the superintendent shall make a full and complete report of all such financial transactions, as well as on other activities of the department.

SECTION 12. The superintendent under the direction of the general policies of the board, shall have supervision and control over and shall be responsible for all machinery, equipment, tools, supplies and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads, and bridges. He shall make or cause to be made a complete inventory of such machinery, equipment, tools, supplies and materials and file copies of the same with the board. All machinery and equipment shall be plainly marked as the property of the public works department and each item shall be numbered and the number entered on the inventory filed by the superintendent. Thereafter, on or before September 15 of each year he shall again make and file a complete inventory with the quarterly county court. It is the duty of the county judge or chairman to examine the inventories for compliance with this provision; upon his determination that the inventory does not comply with said requirements, he shall notify the county trustee, who shall cause to be withheld from superintendent any funds due him until the county judge or chairman is able to certify compliance with this provision.

SECTION 13. It shall be a duty of the superintendent under the direction of the general policies of the board to have all public roads, culverts, levees, and bridges of the county kept in repair, including the proper erection of traffic and highway signs. This work shall be done in the most economical way as practicable in order to make permanent and lasting improvements. Subject to the stipulations of this act, he may purchase and sell trucks, dozers, graders, tractors, tools and other necessary equipment and materials and may employ necessary labor to operate such equipment and to work in performance of the duties of the department. Some work may be done by private contractor with approval by the board. Such work must be let to the lowest bidder after advertising the nature and amount of work as well as the place and time for bidding for two weeks in a newspaper with county-wide distribution, subject to the right to reject any and all bids. All such work shall be under the supervision and according to the plans and specifications to be furnished by the superintendent, and no payment for work or material shall be made until the same has been inspected and received and approved by the superintendent or his designee. It shall also be the duty of the superintendent to keep all public roads in the county in as near the same state of repair as may be practicable.

As amended by: Private Acts of 1995, Chapter 61

SECTION 14. The superintendent shall develop a plan for provision of road, bridge for the county which is to be submitted to and approved by the board. Such plan must also be submitted to the Fayette County Regional Planning Commission for study and a written report to be rendered to the quarterly county court within ninety (90) days after such submission, unless by resolution the quarterly county court allows a longer period of study. Such a plan of services shall set forth at a minimum the identification (sic) and proposed timing of the services to be rendered. No construction or acquisition of facilities may be undertaken until the recommended plans of the board and the planning commission, including necessary engineering and financing plans, are submitted to the quarterly county court for final approval and adoption.

As amended by: Private Acts of 1995, Chapter 61

SECTION 15. The procedure for opening, closing, or changing the location of public roads shall be submission of a written petition, signed by the applicant, to the chairman of the board of public works, specifying in particular the changes or action asked. Subsequent procedures are the same as provided by general law, Tennessee Code Annotated, Sections 54-906 et seq.

SECTION 16. This Act should not be interpreted in any way to limit the county from use of general enabling legislation applicable to all counties of Tennessee with regard to roads, bridges, and other public works facilities and services or use of county bonds for the financing of facilities in behalf thereof, so long as there is not conflict with the provisions of this Act. All county properties, records and other assets and liabilities owned or in custody of the board of roads and bridges at the time this act becomes effective are hereby transferred to the new department of public works. The quarterly county court is hereby authorized to transfer to the department of public works all properties, records and other assets and liabilities owned or in custody of other existing departments performing like functions.

As amended by: Private Acts of 1995, Chapter 61

SECTION 17. The members of the present board of roads and bridges shall serve in the interim as the

board of public works as created herein and are eligible for appointment to said board by the quarterly county court, for a term or terms beginning September 1, 1974 as provided for in this Act.

SECTION 18. The board shall not authorize or knowingly permit the trucks or road equipment, the rock, crushed stone or any other road materials to be used for any private use or for the use of any individual for private purposes. Failure to see that this provision is enforced is a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). Any employee of the public works department who shall use any truck or any other road equipment or any rock, crushed stone or other road material for his personal use, or sell or give away the same shall be immediately discharged. No truck or other road equipment or any rock, crushed stone or any road material shall be used to work private roads or for private purposes of owners thereof. The use of any trucks or any other road material of the public works department for other than official departmental purposes as herein provided, is a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). Each separate use of the same for other than official departmental purposes shall constitute a separate offense and be subject to a separate fine. Any person whose property is improved by having road material placed thereon in violation of this provision shall be liable to suit for the value of such improvement and a penalty equal to one hundred per cent (100%) of the value of such improvement. Such a suit shall be filed by the county attorney in behalf of and for the benefit of Fayette County, any recovered damages accruing to the public works fund.

SECTION 19. Neither the superintendent nor any member of the board shall be financially interested in or have any personal interest, either directly or indirectly in the purchase of any supplies, machinery, materials, or equipment for the department or system or (sic) roads for the county, nor in any firm, corporation, partnership, association or individual selling or furnishing such machinery, equipment, supplies and materials; nor shall any member of the board, or the superintendent or any employee thereof accept or receive, either directly or indirectly, from any person, firm, partnership or association to whom any contract may be awarded, any rebate, gift or other thing in money or thing of value or any promise, obligation or contract for future reward or compensation.

Violation of any of the provisions of this section constitutes official misconduct and a misdemeanor in office, punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and removal from office as provided by Sections 8-2701 *et seq.*, Tennessee Code Annotated.

SECTION 20. It shall be unlawful and a misdemeanor for any person to place any obstruction in or on any public road or bridge and it shall be deemed an obstruction if such are placed in the ditches or drains along said road or to divert any water course from its usual natural course into or on said road in any way or manner so as to cause the road to become muddy or otherwise damaged. The superintendent is authorized to remove or cause to be removed any fence, gate, or other obstruction from the roads, bridges and ditches of the county and to clean out and clear all fences and ditches along or adjacent to the county roads within public rights-of-way. Transmission lines, telephone or telegraph lines or poles may be placed on and along the right-of-way of any county road under the direction and with the permission of the superintendent.

SECTION 21. The quarterly county court is hereby authorized to assign the performance of any and all reasonable public works functions other than those specifically enumerated in this act to the board and to the department as it sees fit by a resolution adopted by majority vote.

SECTION 22. Chapter 454 of the Private Acts of 1941, Chapter 223 of the Private Acts of 1919, Chapter 738 of the Private Acts of 1919, Chapter 75 of the Private Acts of 1921, Chapter 109 of the Private Acts of 1927, Chapter 271 of the Private Acts of 1929, Chapter 324 of the Private Acts of 1931, Chapter 454 of the Private Acts of 1941, Chapter 143 of the Private Acts of 1949, Chapter 46 and 227 of the Private Acts of 1955, Chapter 154 of the Private Acts of 1961, Chapter 480 of the Private Acts of 1968, Chapter 331 of the Private Acts of 1970 and Chapter 76 of the Private Acts of 1973, are hereby repealed in their entirety, and all subsequent amendments thereto.

SECTION 23. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

SECTION 24. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the quarterly county court of Fayette County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the secretary of state.

SECTION 25. For the purposes of approving or rejecting the provisions of this Act, as provided in Section 24, this Act shall be effective upon becoming a law, the public welfare requiring it.

Passed: March 7, 1974.

Speed and Load Limits

Private Acts of 1968 Chapter 357

SECTION 1. The County Court of Fayette County, under the provisions of Article XI, Section 9 of the Constitution of Tennessee, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of the members thereof, at any meeting of said County Court; providing notice of intention to present such ordinances or ordinance has been given in the manner hereinafter set forth.

SECTION 2. An ordinance under the powers which it is deemed expedient to vest in said County Court shall only be considered by the County Court of Fayette County after notice of intention to propose an ordinance, together with a copy of the proposed ordinance under the authority of this Act, shall have been filed in the office of the Clerk of the County Court of Fayette County, at least two weeks prior to the session of the County Court at which such ordinance shall be considered.

SECTION 3. It shall be the duty of the Clerk of the County Court of Fayette County, upon filing of intention to propose an ordinance, together with a copy of said proposed ordinance, to cause to be published in at least one newspaper of general circulation in Fayette County, a copy of said proposed ordinance, together with a copy of the notice of intention to propose said ordinance. Said newspaper publication shall carry the following statement, over the name of the County Court Clerk, "The above is a copy of an ordinance filed in my office on the ____ day of _____, 19 ____, by Esquire _____. Said ordinance may be considered at any meeting of the County Court of Fayette County at any time within two weeks after the date said ordinance was filed."

As amended by: Private Acts of 1968, Chapter 484

SECTION 4. Acting as herein set forth said County Court of Fayette County may by ordinance establish speed and/or load limits upon any county secondary roads, outside of incorporated towns, in said County.

SECTION 5. Acting under the provisions of this Act, the County Court of Fayette County may provide that any violation of any ordinance, passed under the provisions of this Act, is a misdemeanor.

SECTION 6. The provisions of this Act are hereby declared to be severable; and that if any section, provision, exception, sentence, clause, phrase, or part of this Act, be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included in same.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Fayette County before December 1, 1968. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 8. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 11, 1968.

Highways and Roads - Historical Notes

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

1. Acts of 1835-36, Chapter 5, incorporated Epps Moody, Eastin Morris, Robert Cotton, John T. Foster, Thomas Boothe, George Anderson, John Anderson, James F. Gaines, Henry Kirk, John Brown, Jared Hotchkiss, Robert A. Parker, and James Gray, all of Fayette County, ten more named persons from Shelby County, and six more individuals from Hardeman County, collectively, as the Trustees of the Lagrange and Memphis Railroad Company.
2. Acts of 1837-38, Chapter 108, declared that the provisions of the law of the present General Assembly authorizing the Governor to subscribe to one-half of the stock in the works of internal improvement is construed to apply also to macadamized roads and to the Lagrange, Somerville, and Memphis Railroad Company.
3. Acts of 1837-38, Chapter 208, appointed fourteen people from Shelby County, and John H. Ball, John C. Cooper, Matthew Rhea, William A. Jones, A. J. Henry, William D. Wilkinson, Peter Culp, and John Blackwell, all from Fayette County, as Commissioners to open books for stock subscriptions to the Memphis, Somerville, and Bolivar Turnpike Company, which was to be a road

- at least twenty-five feet wide, well-drained, and graded from the center to the sides. Other rules and requirements of its operation and management were set out in the Act including a partial schedule of toll rates which were allowed to be charged.
4. Acts of 1837-38, Chapter 224, incorporated a Turnpike Company with a capital of \$60,000 to construct a graded turnpike from Jackson in Madison County to Somerville in Fayette County by way of Denmark. The act had the names of the persons from Madison County, five from Haywood County, and James Smith, _____ Griffin, Thomas Dodson, and Willie Shane, all from Fayette County, who would be Commissioners to open books and sell stock in the said Turnpike Company. The remainder of the organizational details were left up almost entirely to the Commissioners.
 5. Acts of 1837-38, Chapter 229, was the legislative authority for the Governor to increase the amount of stock, which the State had bought through the Internal Improvement Program, in the Memphis and Lagrange Railroads, provided the President of the said Railroad make application for the same.
 6. Acts of 1837-38, Chapter 271, appointed Edmund S. Tappan, John C. Cooper, Asbury Crenshaw, Henry G. Smith, John C. Spence, Hiram Faine, Edwin Watkins, John H. Bull, Andrew J. Henry, John Cobbs, Durant Hatch, Albert G. Hunter, Henderson Owen, James F. Ruffin, Simon H. Walker, Josiah Higgason, William Reeves, Edwin Whitmore, and Joseph B. Littlejohn, all residents of Fayette County, as Commissioners to open books and raise stock up to \$25,000 to build a sanded, or graded, road and turnpike from Belmont to Somerville in Fayette County. The road could be continued to Randolph in Tipton County by way of Concordia. When one-third of the road was completed, a toll gate could be opened at an appropriate spot.
 7. Acts of 1837-38, Chapter 309, permitted the Memphis and Lagrange Railroad, previously incorporated in the 1837-38 session of the General Assembly, to raise the amount of their authorized capital stock to \$425,000 in order to continue the construction of the lateral branch of the Railroad from Somerville to Jackson, or to some other point to connect with the Central Railroad from Jackson to the Mississippi River. The entire proposition would be subject to and governed by all the existing laws relative to railroads.
 8. Acts of 1839-40, Chapter 101, was the authority for the President and the Directors of the Lagrange and Memphis Railroad Company to increase its capital stock to Two Million Dollars to enable the Company to complete the main road from Memphis to Lagrange, the branch line from Somerville to Moscow, and the extension of the branch from Somerville to Jackson in Madison County, and for any other incorporated work in the Counties of Shelby, Fayette, Hardeman, Hardin, and McNairy. Regulations were promulgated in the Act to accomplish the objectives.
 9. Acts of 1841-42, Chapter 18, allowed the further time of two years to the Lagrange and Memphis Railroad, starting January 1, 1842, to complete their main line between Memphis and Lagrange and the branch from Moscow to Somerville. (Note: There were other railroads being built which involved Fayette County but the Memphis to Lagrange Railroad seemed typical of the plight and the struggles of railroads which proliferated in Tennessee before and subsequent to the Civil War.)
 10. Acts of 1843-44, Chapter 21, incorporated John Ingraham and Andrew Turner, as the "Jackson, Somerville, and Memphis Turnpike Company" which was obligated to open and construct a turnpike and ferry across the Hatchie River near Atwood on the road leading from Jackson to Denmark to Somerville and Memphis. Three years were allowed as the time in which the road must be completed. When the road was completed, inspected and accepted, the company could charge tolls for the use of the road and ferry which must always have a suitable and safe boat available for use.
 11. Acts of 1843-44, Chapter 62, authorized the County Courts of the Counties of Shelby, Fayette, and Hardeman, through which the stage road must run, to order that the first class roads in their respective counties be opened to the width of forty-five feet, or less, as the Courts might consider to be practical and proper.
 12. Acts of 1843-44, Chapter 67, named William Jones, John H. Ball, John C. Cooper, B. Douglass, L. P. Williamson, H. B. S. Williams, L. J. Coe, and James Ruffin, of Fayette County, plus eleven more who were from Shelby County, as Commissioners, to open books and sell stock to build a turnpike road from Memphis to Somerville. The statute also named J. I. Potts, E. T. Collins, E. W. Harris, J. W. Burton, W. B. Hamblin, and Thomas Winston, of Fayette County, and eight additional people from Shelby County, as Commissioners for a turnpike road from Memphis to Lagrange by way of Germantown, with rules and guidelines included in the Act.
 13. Acts of 1843-44, Chapter 73, allowed the Memphis and Lagrange Railroad Company the further time of four years from and after January 1, 1844, to complete the main road from Memphis to

- Lagrange and the branch line from Moscow to Somerville and, in the future, five Directors of the Railroad would constitute a quorum to do business.
14. Acts of 1845-46, Chapter 114, listed eight people from Shelby County and L. H. Coe, J. C. Cooper, Burchett Douglas, H. J. Cannon, John Cobb, Calvin Jones, and William Ruffin, of Fayette County, as Commissioners to open books and sell stock up to \$100,000 in \$25 shares to make and build a turnpike road from Memphis to Somerville with the authority to extend the same to Bolivar and the Commissioners would have and enjoy all the rights and privileges of other turnpike companies.
 15. Acts of 1849-50, Chapter 249, Section 3, made it the duty of the Governor to appoint three Commissioners, who were not stockholders in any railroad company, who owned no real estate south of the Hatchie River, and who resided west of the Tennessee River and north of the Hatchie River, to assess the value of the State's interest in the Memphis and Lagrange Railroad and to report the same to the Governor who would then convey the interest to the Memphis and Charleston Railroad Company with all the attendant rights, privileges, and liens.
 16. Acts of 1851-52, Chapter 280, Section 11, amended the Charter of the Memphis and Somerville Road so that whenever five miles of the said road were completed, the County Court of Shelby County would appoint three Commissioners to examine the same, and, if that portion had been completed according to the Charter, a toll gate may be opened. Another amendment required the Company to open their road to a width of thirty feet including ditches and with a plank track at least ten feet wide within that width.
 17. Acts of 1853-54, Chapter 225, repealed that part of the Charter of the Memphis and Somerville Turnpike Company which required the Company to build their road to the Fayette County line. The width of the road would be eighteen feet of which at least nine feet would be built of wood or some other equally substantial material.
 18. Acts of 1865-66, Chapter 14, granted the Memphis and Somerville Plank Road Company additional time until January, 1868, to build bridges and parallel roads in accordance with the provisions of their Charter, but no toll would be collected until the Company had put the road in good and usable condition. However, non-compliance with the provisions of their charter would not work a forfeiture of it.
 19. Acts of 1901, Chapter 136, was a general road law applying to all counties under 70,000 in population according to the 1900 Census. The County Court of each County would elect one Road Commissioner from each road district which would be co-extensive with the civil districts of the County, who would have general supervision over the roads and bridges in that district, who would be sworn and bonded, procure tools, materials, and equipment and be paid \$1.00 per day up to ten days a year. The County Court would assign the road hands to work, and set the number of days to be worked at no less than five nor more than eight, and fix the price to be paid for a team and wagon. The Court would levy a special road tax of two cents per \$100.00 for each day of work set to be done by the road hands, two-thirds of which could be worked out. The Commissioners would name the overseers in the district to be in immediate supervision of the road hands, who would be male citizens, outside cities, between the ages of 21 and 45 years. Roads were to be indexed and classified according to width and surfacing material type, and in case of construction, specifications were set up to be met. Procedures were established for the filing, hearing, and disposition of petitions to open, close, or change roads. In addition, County Courts were obligated to levy a road tax of not less than twenty cents per \$100.00 property valuation. This act was part of the litigation in the case of Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).
 20. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the procedures for the disposition of the petitions to open, close, or change a road especially when the power of eminent domain had to be invoked.
 21. Private Acts of 1917, Chapter 596, required the Quarterly County Court of Fayette County to levy a road tax of \$4 each year on every male resident between the ages of 21 and 50, provided each should have the privilege of working eight hour days on the county roads instead of paying the \$4. If the tax is not paid to the Trustee by February 1 of each year, those failing to pay must work eight days of eight hours each on the roads as directed by those legally authorized to supervise them. In addition, they could be subjected to fines from \$10 to \$50 and to confinement in the county workhouse for a period of not less than 30 days. All funds collected under this Act would be expended on the roads in the District from which they came.
 22. Private Acts of 1919, Chapter 223, was probably the first comprehensive Road Law for Fayette County, by population designation, although the margin relates the law as being applicable to

- Fentress County. The Act provided for the Quarterly Court of Fayette County to elect three members to a Highway Commission for one, two, and three year terms, and the Court could also remove them from office. The Commissioners would be sworn and bonded, elect one of their members as Chairman for one year, and another as Secretary to serve for two years. The members would be paid \$100 annually, and the Secretary \$300 annually as compensation for their services. The Commission would have the general supervision, control, and management of roads and the District Road Commissioner would be the immediate supervisor of the roads in his District. Good records were required to be kept of all the transactions taking place. The Commission had the authority to employ a Road Superintendent at a salary no greater than \$150 a month, who would be in immediate charge of the department, and whose duties were generally specified in this law. The Commission would designate the roads to be worked, would buy tools, equipment, and materials, and could be fined for willful neglect of their duty. The Quarterly Court would assign road hands to the roads to be worked. They would work from 8 to 12 days, decided by the Quarterly Court who would further levy a special road tax from 20 cents to 70 cents per \$100 property valuation each year. All males between the ages of 21 and 50 must work the required number of days or pay fifty cents for each one missed. This act specifically repealed Private Acts of 1917, Chapter 596.
23. Private Acts of 1919, Chapter 738, amended Private Acts of 1919, Chapter 223, above, by inserting a new Section 11-a into the Act which set up a registration fee schedule from \$1.25 for a two-horse wagon to \$5.00 for log wagons which must be paid before the owner could lawfully operate those vehicles in Fayette County. Upon the payment of the fee, the County Court Clerk would issue a certificate of compliance and would pay over the fees collected thereunder to the County Trustee each quarter. Any person failing to register their vehicle and obtain the certificate was subject to a fine from \$5 to \$20.
 24. Private Acts of 1921, Chapter 17, expressly repealed Private Acts of 1919, Chapter 738, above.
 25. Private Acts of 1921, Chapter 75, amended Private Acts of 1919, Chapter 223, above, by striking out of Section 12 of the Act the words and figures "fifty cents" and inserting in their place the words and figures "one dollar," which would increase the commutation rate for road hands to that amount for each day of required service missed on the roads.
 26. Private Acts of 1927, Chapter 109, expressly repealed Private Acts of 1921, Chapter 75, above, in its entirety, and was in turn repealed by Private Acts of 1974, Chapter 234.
 27. Private Acts of 1929, Chapter 271, amended Private Acts of 1919, Chapter 223, above, in Section One by increasing the annual salary of the Commissioners from \$100 to \$500; in Section 9 by inserting a new Section which allowed the Commissioners to employ one, or more, District Supervisors for each civil district who would make a list of all road hands in the civil district and the wagon teams available for road work, and complete the same by the first Tuesday in January of each year. District Supervisors must work the required number of days worked over that number. Section 12 was amended to require the Quarterly Court to assess a tax of 50 cents per day on all males between 21 and 50 years of age living outside of cities which could be worked out on the roads. Section 13 was changed to read that any person liable therefor who did not appear for work would be deemed to commute and the full amount of taxes would become due and payable and, if not paid in 30 days, the tax would be delinquent and subject to the processes used to collect delinquent taxes. Section 15 was amended to set up the procedures for filing, hearing, and disposing of petitions to open, close, or change county roads and Section 23 and 25 made it the duty of the County Road Supervisor to report the names of all the road hands to the Trustee.
 28. Private Acts of 1931, Chapter 234, amended Private Acts of 1929, Chapter 505, Section 2, which is listed as applicable to Fayette County but Private Acts of 1929, Chapter 505, applies to Memphis, Tennessee and is obviously a wrong citation. In all probability Private Acts of 1929, Chapter 271, above, was intended. The amendment changed the date on which the District Road Supervisors must report the names of road hands and owners of wagons and teams from the first Tuesday in January of each year to the first Tuesday in April of each year. This Act was repealed by Private Acts of 1974 Chapter 234.
 29. Private Acts of 1941, Chapter 454, was the next road law for Fayette County containing only a general repealing clause, however. The Act created a five member Board of Roads and Bridges who would be elected by the people for two year terms and who could not hold any other county office. The County Election Commission would hold an election within 60 days after passage of the Act to elect the Board members who would serve until September 1, 1942. Members would choose a Chairman and a Secretary from their number, the Secretary being renumerated at the rate of \$360 a year and the other members at \$120 a year. They would employ a Road

Superintendent at \$175 a month, or less, to serve at their pleasure and direction. The Board would be in general charge of all the activities of the road work in Fayette County including the making of all contracts and the disbursement of funds. The Board would keep an office open at the county seat, employing the necessary clerical help for keeping records and would meet regularly once each month to consider the business of the Board and attend called meetings when essential. Regulations and restrictions were imposed upon some activities, as the issuance of payment vouchers, certain records were required, and an annual audit of accounts would be necessary. The Board might employ one, or more, District Superintendents in each civil district, to serve under them and the County Superintendent, and they would report on the number of road hands and teams in their Districts. All must work the number of days set by the County Court between 8 and 12, and then be paid for days worked over that number. The Quarterly Court must levy a road tax of fifty cents for each day of compulsory labor on all males between 21 and 50, except those living in incorporated towns but this amount can be worked out on the roads. Anyone failing to appear for work would be deemed to have elected to commute and the full amount of tax would be due and payable with a penalty if not paid within 30 days, and would further be guilty of a misdemeanor. Provisions were made for the filing and disposition by prescribed procedures of petitions to open, close, or change roads, and for the payment of damages if eminent domain were involved. No one could obstruct a bridge or a road without penalty. This Act was repealed by Private Acts of 1974, Chapter 234.

30. Private Acts of 1949, Chapter 143, amended Private Acts of 1941, Chapter 454, the Fayette County Road Law, by increasing the annual compensation of the Secretary of the Board of Roads and Bridges from \$360 to \$600 each year, of the members of the Board from \$120 to \$360 a year, and the ceiling on the monthly salary of the Road Superintendent was raised from \$175 to \$200. This Act was repealed by Private Acts of 1974, Chapter 234.
31. Private Acts of 1955, Chapter 46, amended Private Acts of 1941, Chapter 454, Section 1, by increasing the upper limit on the monthly salary of the Road Superintendent from \$200 to \$300. This Act was repealed by Private Acts of 1974, Chapter 234.
32. Private Acts of 1955, Chapter 227, amended Private Acts of 1941, Chapter 454, the Fayette County Road Law, by rewriting Sections 7, 8, 9, 10, and 11 of that Act. Section 7 provided for one, or more, District Superintendents for each civil district who could not hold any other county office, and who must count and report no later than the third Monday in January the number of road hands and teams in his district. Section 8 stated that the Board would assign the road hands to their positions and the Quarterly Court would fix the number of days to be worked at no less than 8 nor more than 12 and set the value of a day's work for a wagon and team. Section 9 repeated the road tax levy of 50 cents for each day's compulsory labor with the same provisions for non-payment but changed the notice procedures a little. Section 10 was rewritten virtually as it was prior to the amending statute and Section 11 made the failure to appear for road work a misdemeanor, also, and provided for fines from \$5 to \$20 for violators. This Act was repealed by Private Acts of 1974, Chapter 234.
33. Private Acts of 1961, Chapter 154, amended Private Acts of 1941, Chapter 454, so that members of the Board of Roads and Bridges would be elected for two year terms by the Quarterly Court starting them on September 1, 1962, and would be chosen in the July term in the even years thereafter. The compensation for the members of the Board was increased to \$600 a year and that of the Secretary to the Board was raised to \$840 a year, and the monthly salary of the Road Superintendent was set at \$450. All the remainder of Private Acts of 1941, Chapter 454, would remain in full force and effect. This Act was repealed by Private Acts of 1974, Chapter 234.
34. Private Acts of 1968, Chapter 480, amended Private Acts of 1961, Chapter 154, above, by increasing the annual pay of members of the Board of Roads and Bridges from \$600 to \$900 the annual compensation of the Secretary from \$840 to \$1,200, and the monthly salary of the Road Superintendent from \$450 to \$500. This Act was repealed by Private Acts of 1974, Chapter 234.
35. Private Acts of 1970, Chapter 331, amended Private Acts of 1961, Chapter 154, Section 4, as amended, by increasing the monthly salary of the Road Superintendent set therein from \$500 to \$600. This Act was repealed by Private Acts of 1974, Chapter 234.
36. Private Acts of 1973, Chapter 76, did not amend any Act but established the salary of the members of the Board of Roads and Bridges at \$125 a month, of the Chairman of the Board at \$150 a month, of the Secretary of the Board at \$175 a month, and of the Road Superintendent at \$800 per month. This Act was repealed by Private Acts of 1974, Chapter 234.

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