



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

December 20, 2024

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Chapter IX - Highways and Roads 3
Road Law 3
Private Acts of 1921 Chapter 472 3
Private Acts of 1945 Chapter 454 6
Private Acts of 1963 Chapter 204 7
Highways and Roads - Historical Notes 8

Chapter IX - Highways and Roads

Road Law

Private Acts of 1921 Chapter 472

COMPILER'S NOTE: Two local acts are in effect for Monroe County: Private Acts, 1921, Chapter 472 and 1963, Chapter 204, both reproduced herein. The latter act does not repeal the first, but states, in Section 3, "That the duties of the County Superintendent shall be the same as those now provided for by local act and now in existence and applicable to Monroe County." The latter act does, however, provide for the popular election of the Superintendent and for his compensation.

SECTION 1. That in all counties of this State having a population of not less than 22,000 nor more than 22,100, according to the Federal Census of 1920, or any subsequent Federal Census, there is hereby created the office of Superintendent of Roads, to be filled by a male citizen of such county, over the age of 25 years, who shall have had experience in road maintenance, and who shall be elected by the Quarterly County Court at the July 1946 term thereof for a four year term to begin on September 1, 1946. Said superintendent of roads to be paid such salary and expense allowance as is fixed by the said Quarterly County Court and make an additional bond for the faithful performance of the duties imposed upon him as superintendent of roads and the faithful accounting for all public funds received by him as such superintendent of roads in such amounts as is fixed by the Quarterly County Courts in such Counties. Said superintendent of roads shall serve during the term to which he is elected and until his successor is elected and qualified. Elections of superintendents of roads in such Counties shall take place at the July term of the Quarterly County Court in such Counties in every fourth year following 1946 and the superintendent elected thereat shall take his office on the first of September immediately following his election.

The superintendent of roads shall report in writing to each regular meeting of the Quarterly County Court in such counties in detail, the amount of money which he has spent and for what purpose it has been spent during the preceding quarter.

The superintendent of roads shall prepare an annual budget of the anticipated expenditures which he will make during each year beginning the first of July, which budget shall be prepared by him prior to the April term of the Quarterly County Court in such Counties and shall present it to such April term of the Quarterly County Court for approval by such Court. Thereafter, if the said superintendent of roads shall exceed his budget as so ratified by the Quarterly County Court without the prior approval of the Quarterly County Court, he shall be deemed guilty of a misdemeanor as set forth in this Act and shall be subject to removal from office in an ouster proceeding under the general laws of the State relating to ouster of unfaithful public officials.

Said Superintendent of Roads shall maintain an office in the Courthouse in such counties, and shall take over the equipment, fixtures, furniture and supplies that any Board of Public Road Commissioners may or does have on hand, and any and all other and future supplies and office equipment shall be furnished by the county as other county offices are equipped and supplied.

Such Superintendent of Roads shall not have, or receive, directly or indirectly, any interest in or profit arising from any work or contract referred to in this Act, nor any gift or gratuity or benefit from any person or corporation interested in such work or contract; and should he violate the provisions of this Act, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$50.00 nor more than \$250.00, and shall be removed from office by the Circuit or Criminal Court. Any vacancy in said office shall be filled by election by the County Court of such county until the next bi-ennial August election.

As amended by: Private Acts of 1927, Chapter 346
Private Acts of 1943, Chapter 44
Private Acts of 1945, Chapter 452

SEC. 2. That said Superintendent of Roads shall appoint District Supervisors, one in each of the Civil Districts in said counties, the term of employment or appointment to be for one year unless sooner discharged or terminated for reasons satisfactory to the Superintendent of Roads. Each of said District Supervisors shall work in his Civil District 60 days in each year, and shall receive the sum of \$180.00 therefor, to be paid by the Superintendent of Roads upon warrant issued by him to the Trustee of such County, and shall be paid out of the road fund for the district in which said supervisor resides and said work was done.

Said District Supervisors shall, with the aid and advice of the Superintendent of Roads, each assign the labor and road hands in his particular Civil District, and shall appoint such assistant or precinct supervisors as may be necessary, whose duties shall be to warn all road hands and see that honest and faithful work is done by each such road hand, and shall report failure to work, or to do honest and faithful work, to the District Supervisor, who shall prosecute such hands as hereinafter provided.

SEC. 3. That the said Superintendent of Roads shall, through the agencies hereinafter provided, manage and control all public roads and bridges of the county, giving special attention first to graded and macadamized roads and post roads; he shall have control over all road hands and all labor upon the public roads and bridges, and the expenditure of all road and bridge funds. He shall have the right to avail the County of any help from any good roads associations, the State or the Federal Government, either in the way of expert assistance or financial aid. He shall take into possession the road tools and machinery now owned by the County, and may purchase such other tools and machinery as may be necessary to carry out the purposes of this Act, and provide a modern and efficient system of road maintenance. He may make such contracts as may be necessary to properly maintain the system of roads existing in such county, and to the best interest of the public. He shall, in his discretion, have control of all prisoners confined in the County Jail or Workhouse, under workhouse sentences, as provided by law, and may work, or cause them to be worked upon the public roads for such credit on the sentences in time or money as is now, or may hereafter be provided by law for such work, and make necessary provision for guards. Provided that nothing herein shall be construed to relieve the Sheriff or Jailer of any responsibility for such prisoners now or hereafter imposed by law, except when said prisoners are actually at work under the orders of the Superintendent of Roads. The Superintendent of Roads may work the prisoners confined in the county jail or workhouse under workhouse sentence on the roads or streets of the county seat town of such county at his discretion.

As amended by: Private Acts of 1925, Chapter 580

SEC. 4. That the Superintendent of Roads shall order the payment by the County Trustee by written order of all money collected by taxation and otherwise belonging to the road or bridge fund, for the construction, improvement, working or repairs of public roads or bridges, said orders to be drawn and signed by the Superintendent of Roads. Such orders shall plainly specify (1) The amount to be paid in. (2) To whom. (3) For what the expenditure is made. (4) The district and fund to which same should be charged, and such orders when so drawn and signed, shall be sufficient authority to the Trustee for the payment thereof.

SEC. 5. That the Superintendent of Roads shall keep a minute record of all transactions and an itemized account of all funds paid out by the Trustee and for what purpose, and said records shall be open at all reasonable times to the public and a succinct and complete report of same shall be published in some newspaper published in such counties during the months of May and November of each year.

As amended by: Private Acts of 1933, Chapter 719

SEC. 6. That at the time the county court shall levy taxes for other purposes it shall levy a road tax for the purposes of public road and bridge maintenance, which shall not be less than 10 cents nor more than 25 cents upon each one hundred dollars' worth of taxable property in such county.

SEC. 7. [Deleted by Private Acts of 1945, Chapter 452].

SEC. 8. That the several District Supervisors shall each for his Civil District bring suit before some Justice of the Peace in and for said County, against all persons who shall have been, during the year, subject to highway labor as hereinbefore provided, and who shall have failed to perform honest and faithful work, or failed or refused to work or commute as heretofore provided for, and such delinquent road hand shall, upon conviction, be, by the Justices of the Peace, fined \$2.00 for each day he fails to work, perform honest or faithful work or commute, together with the costs of the suit, which fine shall be by the Justice of the Peace paid to the County Trustee, and by him placed to the credit of the District from which it is collected, and in the event said road hand fails or refuses to pay said fine, he shall be punished as in other misdemeanor cases; provided said party may appeal to the next term of the Circuit Court of his County, upon giving a \$250.00 appearance bond, with good and sufficient security, to be approved by the trial Justice of the Peace.

SEC. 9. That all labor performed, or funds expended, upon the roads or bridges, will be performed under the immediate supervision of the District Supervisor, of the District in which work is being done or expenditure made, with the aid, advice and consent and general supervision of the Superintendent of Roads, and under such directions as said Superintendent of Roads shall deem proper to give. And inasmuch as the purpose of this Act is to effect a real improvement in the maintenance of public roads and bridges, and to secure adequate return for the money and labor subject to application on such roads and bridges, it is hereby expressly provided that no inefficient service shall be accepted, but real labor and full and sufficient service shall be required of all contractors, teams and hands, and a failure to enforce this provision of this Act will constitute misfeasance in office on the part of District Supervisors or

Superintendent of Roads responsible therefor, or knowingly permitting the same, and shall subject the party guilty of such to removal from office upon conviction thereof upon indictment or presentment by the Circuit or Criminal Court.

SEC. 10. That said Superintendent of Roads shall have the right and authority to let contracts for maintenance of such parts of roads and bridges herein committed to his care as in his judgment may be advantageous to the best interest of the public. In letting and execution of any contract involving an expenditure of less than \$250.00 the said Superintendent of Roads shall not be required to advertise for bids, but will use his own best judgment and discretion as to the advantage of so doing, being hereby held only to the ordinary care and prudence of business men generally; but in the letting of any contract involving an expenditure of more than \$250.00, advertisement will be made by the Superintendent of Roads in one of the weekly newspapers then being published in the County, which advertisement shall state in general terms the work to be contracted and the time and place of opening sealed bids therefor. Such advertisement shall be run for at least two weeks prior to the day of opening bids, and all such advertisements shall reserve the right to reject any and all bids; and if no bids are received carrying terms which are regarded by the Superintendent of Roads as reasonable and advantageous, all bids shall be rejected and new advertisement made until such reasonable and advantageous bids are received. The said Superintendent of Roads shall have general supervision and control and management of all road maintenance and repair work of the County, and there is hereby conferred upon him all power and authority necessary for the proper exercise of such management, control and supervision, and to do all such things as may be reasonably necessary or incident to the carrying out of the work entrusted to his care. For failure to faithfully carry out the provisions of this Act the said Superintendent of Roads may, upon conviction upon indictment or presentment, be by the Circuit Court removed from office.

The Superintendent of Roads of Monroe County is authorized to purchase, and contract to purchase, supplies under annual contract. In making any purchase, or letting and executing any contract to purchase, of less than five hundred dollars (\$500.00), the Superintendent of Roads shall not be required to give opportunity for competition by bidding. The Superintendent shall use his own best judgment and discretion, being hereby held to the ordinary care and prudence of businessmen generally.

As amended by:

Private Acts of 1980, Chapter 236

SEC. 11. That the Superintendent of Roads shall, before entering upon the discharge of his duties, make with the County Court Clerk a bond in the just and full sum of \$1,000.00, payable to the State of Tennessee, for the use and benefit of the County, conditioned upon his faithful performance of the duties of his office as set out and prescribed by the terms and provisions of this Act, the faithful accounting for all funds and County property coming into his hands as such official. He shall give the several District Supervisors written instruction as to the time and place of working the various sections of roads, and the application of funds thereto; he shall inspect all contract work throughout its execution, and shall not pay for same until all contract provisions have been complied with, reserving no less than 15 per cent of the full contract price as a guarantee that all such provisions will be complied with, until the full completion and compliance therewith.

SEC. 12. That public roads may be opened, closed or changed, at any time, upon application of a majority of the citizens interested in such change or opening or closing of such roads, said application to be by written petition, addressed to the Superintendent of Roads, stating its full purpose and giving the general direction and description of the road, and showing the facts showing the necessity for the road, or change proposed, and said petition shall be by the Superintendent of Roads published in some weekly newspaper in such county for two consecutive weeks, after which all parties whose lands are to be affected or touched by the proposed road shall be served with written notice for at least five days in the manner notices are now served in Courts of Chancery, except non-resident land owners shall be notified by posting said notices upon their lands for said five-day period by some officer qualified to serve notices in such county, which notice shall state when and where the superintendent of Roads shall be present to take action in the premises, and at such time and place said officials shall be present and hear any pertinent matters, such interested parties may present and act in the premises. If, in the judgment of said superintendent of roads, said proposed road or change is of public necessity, he may lay out said proposed road or change, and shall summon three freeholders, who, after being first duly sworn by said Superintendent of Roads, shall constitute a jury of view, and shall proceed to condemn such land as may be necessary, and to assess the damages therefor. Either the Superintendent of Roads or any interested party may appeal from the written findings of the jury of view to the Circuit and Supreme Courts, and any interested party may appeal from the decision of the Superintendent of Roads on the question of such proposed road or change being a public necessity to the Circuit and Supreme Courts.

When parties appeal, bonds for costs and damages, or pauper oaths in lieu thereof, shall be required. The jurors of view shall each receive one dollar per day for their services, and no party of interest or related to party of interest nearer than second cousin, shall serve as a juror. The damages and such costs as shall

be properly taxed against the County shall be paid by the Trustee upon order of the Superintendent of Roads out of the funds for the District in which the change is made.

SEC. 13. That the grand juries shall have inquisitorial power over all offenses committed under this Act, and this Act shall be especially given in charge to the grand jury by the Circuit and Criminal Judges.

SEC. 14. That nothing in this Act shall be construed, as to affect, impair, or change the authority, rights and duties of any Board of Pike Commissioners heretofore created and now existing under legislative acts for the carrying on of Pike road improvement or construction work.

SEC. 15. That each District Supervisor in said counties is hereby required to classify and lay out the roads of his Civil District in sections and to appoint one assistant supervisor for each section of road so laid out. The District Supervisor shall make, or cause to be made, a full and complete list of all hands subject to road duty, and see that the several assistant supervisors require road hands to either work or commute for same as required by this Act. Each person subject to road duty shall work not less than five days, and not more than eight days in each year (nine hours shall constitute a day's work) or pay \$10.00 in case in lieu thereof as hereinbefore provided. The labor to be performed at such time and place as the Assistant Supervisor or District Supervisor, or Superintendent of Roads may direct, but not later than October 1st of each year, and the cash paid for commutation not later than November 1st of each year.

SEC. 16. That the Assistant Supervisor shall give all hands subject to road duty at least three days' notice in person or by written letter or notice left at his residence, or usual stopping place, of the time and place of working. And when such Assistant Supervisor willfully fails or refuses to give such notice to any such road hand, said Assistant Supervisor shall be held, and hereby is made liable for the \$10.00 commutation money due from each such hand, and for failure to pay same shall be punished in each instance as such hand would have been, had he been legally notified and failed to appear and work. Any hand subject to road duty may work part of the time and pay for the remainder of the time, if he so desires. Any hand subject to road duty may furnish a substitute, provided such substitute is not under 16 years of age. Any hand or substitute subject to road duty, may be dismissed by the Assistant Supervisor or the District Supervisor for failure to put in good time and do honest and faithful work or refusal to obey orders.

SEC. 17. That each Assistant Supervisor shall serve 5 days without compensation and for each additional day of active service, he shall receive \$2.50 per day, but in no event shall he receive more than \$15.00 for any one year, provided that if any civil district has funds sufficient to hire hands to work on the roads, or in a case of emergency where it is necessary to remove obstruction or make repairs, said Assistant Supervisor may be allowed additional compensation for services so rendered, but same shall be at the rate of \$2.50 per day. All hands assigned to each Assistant Supervisor must be worked at the same time if same is practical, and the Assistant Supervisor shall not be allowed pay for superintending hands who fail to work on the days designated. Each Assistant Supervisor shall file with the District Supervisor an itemized account showing the number of days and dates of same devoted by him to the discharge of his duties, such to be filed not later than the 15th of November of each year, and he shall at that time file a list of all hands subject to road duty, who have failed to work or commute in lieu of work. Said District Supervisor shall supply the Superintendent of Roads with one copy of such report and shall retain one on file, and shall immediately proceed as provided in Section 8 hereof.

The District Supervisor shall have the right to fix a reasonable price for the Assistant Supervisors of their several districts to allow hands for teams, same to be in cash or time on road duty.

SEC. 18. That the Sections of this Act and parts thereof are declared hereby to be independent sections and parts of sections and the holding of any section or of any part thereto, to be unconstitutional, void or ineffective for any cause shall not affect any other section or part thereof.

SEC. 19. That except as herein otherwise provided, all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

SEC. 20. That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1921.

Private Acts of 1945 Chapter 454

SECTION 1. That the superintendent of roads in Monroe County shall report in writing to each regular meeting of the Quarterly County Court of the said county the amount of work which has been done under his direction during the preceding three months and the money which has been spent by him and under his direction from the funds of the County during such three months. Said report shall be detailed and itemized in every respect so that the members of the Quarterly Court of Monroe County will be able to determine and inspect the entire operations of the office of the superintendent of roads without further

accounting breakdown.

SEC. 2. That the superintendent of roads in Monroe County shall appear before each regular Quarterly County Court meeting and answer questions with regard to his said report.

SEC. 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1945.

Private Acts of 1963 Chapter 204

Compiler's Note: Two local acts are in effect for Monroe County: Private Acts, 1921, Chapter 472 and 1963, Chapter 204, both reproduced herein. The latter act does not repeal the first, but states, in Section 3, "That the duties of the County Superintendent shall be the same as those now provided for by local act and now in existence and applicable to Monroe County." The latter act does, however, provide for the popular election of the Superintendent and for his compensation.

SECTION 1. That there is hereby created and established in Monroe County, Tennessee, the office of County Superintendent of Roads which position shall be filled in an election by the qualified voters of said County. Provided, however, that nothing in the provisions of this Act shall interfere with the present County Superintendent of Roads from completing the term of office to which he has previously been elected.

SECTION 2. That at that regular general election to be held in August 1966, the qualified voters of Monroe County shall elect some qualified person as County Superintendent of Roads, and the person so elected shall serve for a period of four (4) years. The person elected to such office at the August election 1966, and those elected every four (4) years thereafter under the provisions of this Act shall take office on the first day of September following their election, and shall hold office for a term of four (4) years and until their successors shall be elected and qualified.

SECTION 3. That the compensation of the County Superintendent of Roads shall be the sum of Ten Thousand Dollars (\$10,000.00) per year, payable in equal monthly installments. That the duties of the County Superintendent of Roads shall be the same as those now provided for by local act and now in existence as applicable to Monroe County.

As amended by: Private Acts of 1969, Chapter 122

SECTION 4. That in the event a vacancy occurs in the office of County Superintendent of Roads in Monroe County after the first day of September, 1966, on account of death, resignation or for any other reason or cause, the Quarterly County Court of Monroe County shall elect some person to fill said vacancy as County Superintendent of Roads until a successor shall be elected at the next general election to be held in said County.

SECTION 5. That this Act shall have no effect unless the same shall be approved by a majority of the qualified voters in a special election to be held in Monroe County for such purposes. It shall be the duty of the County Board of Election Commissioners of Monroe County to call a special election to be held in said County on the fourth Saturday in May 1963, the date being May 25, 1963, in all voting precincts of said County accepting or rejecting the provisions of this Act. Not less than thirty (30) days' notice shall be given by said County Board of Elections of the calling of said special election which is to be held on May 25, 1963. The ballots to be used in such election shall have printed thereon the caption, title or general substance of this Act, and, in addition the following words:

FOR ADOPTION OF ACT

AGAINST ADOPTION OF ACT

and the qualified voters of said County shall cast their vote for or against the adoption of this Act. The votes cast at such election shall be canvassed by the County Board of Election Commissioners upon the first Monday next after the date of said election, and the result of said election shall be proclaimed by said County Board of Election Commissioners and certified by them to the Secretary of State. The said election is declared to be for a county governmental purpose and the costs of conducting said election shall be paid from the general funds of said County. The qualification of voters to vote in said special election shall be the same as now provided for by law for participation in general election in the State of Tennessee and all laws applicable to general elections in the State of Tennessee shall likewise apply to the general election herein provided for.

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1963.

Highways and Roads - Historical Notes

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

1. Private Acts of 1825, Chapter 312, authorized Joshua Parsons and John Isbell, of Monroe County, to cut and open a turnpike at the mouth of Adam's Creek on the Tennessee River near Chilhowee, following the nearest and best way to the North Carolina line on the top of the Smoky Mountains, the same to be built under all the normal regulations and restrictions. The act appointed Henry Stephens and Nathan Hendrix as commissioners to examine the road periodically and report its progress to the court.
2. Private Acts of 1826, Chapter 62, made it the duty of the county court of Monroe County on the first day of its January term to appoint jurors to assess the damages for fences to be built along public roads. No one who lived over a mile from the fences was compelled to work on them.
3. Private Acts of 1833, Chapter 75, permitted David Russell, Arthur H. Henly and Nicholas Byers, proprietors of the Unacoy Turnpike Road, to enter in the office of the entry taker of the Hiwassee District, 816 acres of land occupied by them on the Tennessee River in Monroe County.
4. Private Acts of 1833, Chapter 161, provided that the owners of the Unacoy Turnpike Road would be liable and subject to presentment and indictment in Monroe County if the their road was out of repair.
5. Acts of 1839-40, Chapter 17, authorized James Vaughn and James Ghormley, both of Monroe County, to open a turnpike road commencing at the top of Unica Mountain at the North Carolina state line to the Ghormley residence in Monroe County.
6. Acts of 1843-44, Chapter 108, authorized John Strutton to open and maintain a turnpike road from Turkey Creek to the North Carolina line near the head of the Tellico River and running in the direction of the Valley River Gold Mines. The act contained specifications for the road which was to be completed within one year and a schedule of tolls to be charged when it was finished and in operation. The act named James M. Bickwell, William Taylor and Thomas Blair, as commissioners, to inspect and examine the road and to perform other prescribed duties at a compensation rate of \$1.00 per day for each day devoted to such tasks.
7. Acts of 1843-44, Chapter 109, incorporated the Citico Turnpike Company naming H. M. D. McElrath, S. S. Glenn, Joseph S. Milligan, James Harrison and V. A. Harris, all of Monroe County, as the incorporators. A capital stock of \$30,000 could be sold and subscribed by the corporation to build the road which ran from Maryville to Blount County along the route specified in the act to the North Carolina state line completely traversing Monroe County.
8. Acts of 1849-50, Chapter 256, authorized the laying out of a public road from the Town of Athens, in McMinn County, to Tellico Plains, in Monroe County. All of this act, except Section 4 and 5, was repealed by Acts of 1851-52, Chapter 9.
9. Acts of 1851-52, Chapter 265, authorized John C. Vaughn, David Cunningham, David E. Hedgecock and John Prock, of Monroe County, to open and keep up a turnpike road. The road ran from Hedgecock's on Spring Creek to Turtle Town in Polk County, intersecting the road which went to Blairsville, Georgia.
10. Private Acts of 1859-60, Chapter 114, directed the county courts of Monroe, Henry, Carter, Johnson, Greene, Obion, Robertson, Meigs, McMinn, Polk, Cheatham, Washington and Cannon to classify all the public roads of their respective counties into three classes, as defined, and to assess the properties alongside each road accordingly. The money derived therefrom was applied to the maintenance of these roads under the direction and supervision of the county court. Any taxpayer living along these roads could work on the roads under certain conditions at the rate of \$1.00 per day.
11. Private Acts of 1869-70 (1st Sess.), Chapter 69, granted to John C. Vaughn, David Cunningham, David E. Hedgecock and John Prock, their heirs and assigns the further time of five years to open and keep open a turnpike road as was provided in an act passed January 20, 1852.
12. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in all counties having a population of under 70,000, according to the 1900 Federal Census.
13. Private Acts of 1901, Chapter 429, was the legal authority for the quarterly court of Monroe County, a majority of the justices being present, to issue up to \$100,000 in bonds, at an interest rate of 5%, or less, and to mature from 25 years to 30 years after date of issue to build the ten

- pike roads named and specified in the act. The court appointed three commissioners to organize and supervise the program who had the right to employ engineers and other professionals to assist them in indexing and classifying the roads in the county and to provide other needed technical assistance. The commission was required to write reports, maps, charts, prepare specifications and cost estimates and file all with the quarterly court who were required to vote on each separate item. This act was repealed by Acts of 1903, Chapter 90.
14. Acts of 1909, Chapter 82, was the legislative sanction for the quarterly court of Monroe County to hold a referendum election on the question of issuing \$100,000 in bonds to be used to locate, build and improve pike roads. If approved by the people, the court would then proceed to issue the bonds observing all the detailed requirements of the act. A tax levy was required to amortize the bonds over the scheduled maturity period of the bonds which the trustee was obligated to collect and attend to otherwise. The county judge must appoint three pike commissioners to supervise the program, exercise all the powers granted in the act and submit periodic reports to the court on the status of the program. A list of 18 sections of roads was set up in the act on which the bond funds were proposed to be spent.
 15. Private Act of 1911, Chapter 484, authorized the county court of Monroe County to issue and sell and provide for the payment of county bonds for the purpose of locating, building and improving certain public or pike roads in said county. This act was amended by Private Acts of 1913, Chapter 84, by adding to Section 7, immediately after the description of the road in Section 20, the provision that \$5,000 of the money be expended within the corporate limits of Sweetwater under the supervision of the pike road commission and \$5,000 also be spent within the city limits of Tellico Plains under the supervision of the mayor and aldermen. Private Acts of 1913, Chapter 305, further amended Private Acts of 1911, Chapter 484, by adding to Subsection
 16. Section 7, a provision that the road commissioners could construct the said road from Tellico Plains to Ball Play by way of Belltown if the route were considered by them to be more practical and desirable. Section 18 was changed to read "from Vonore to the proposed bridge near Dawson's Springs and thence up the Tennessee River to within one mile of the Citico Creek, a distance of about nine miles.
 17. Private Acts of 1915, Chapter 157, regulated the laying out, working, changing, opening and closing of public roads in Monroe County. The act created a three member board of public road commissioners; provided proper management and control of county jails and workhouses with respect to public roads. This act was repealed by Private Acts of 1917, Chapter 699.
 18. Private Acts of 1917, Chapter 660, allowed the quarterly court of Monroe County to call an election on the question of issuing \$30,000 in bonds which were used exclusively by the pike road commissioners to lay out, grade and rock two sets of roads which were enumerated in the act, \$15,000 were spent on each group. The details of the issue conformed to and coincided with Private Acts of 1911, Chapter 484, above, except that the maturity limit on these bonds could go up to 25 years. All the duties and obligations imposed in Private Acts of 1911, Chapter 484, were carried over into this act.
 19. Private Acts of 1917, Chapter 700, was a general road law for Monroe County. The quarterly court of Monroe County at its January term in 1917, and every two years thereafter, elected a road commissioner to have and exercise the general supervision over all the county roads and bridges, who were skilled in all phases of road work and who were paid \$3.50 for each day spent in the discharge of his duties. A civil engineer could be employed by the commissioner to make official maps and use them to classify and index all county public roads into three classes according to the standards set up in this law. All roads were worked on contract awarded on bids submitted to maintain the roads for two years. Contracts were awarded under the direction of a committee appointed by the court, who drew up the standards of maintenance with which the successful bidder had to comply with. Under the procedures established in this law, the commissioner could dispose of petitions to open, close and change roads and to acquire property by condemnation when necessary. The county court clerk was ordered to collect a general road tax levied by the court from 15 to 30 cents per \$100 property valuation, a head tax of \$3.00 on all males between ages of 21 and 45, and a vehicle tax which was scheduled according to size and type of vehicle. Contractors furnished all tools, equipment and materials required for them to perform their contracts. The commissioner, the county judge, the chairman of the court and the county clerk were all charged to keep adequate records. No board of pike commissioners appointed under bond issue legislation was affected by this act. Steep grades were reduced wherever possible and their creation in the future studiously avoided. Workhouse prisoners worked on the roads but all provisions and conditions of state law and this act were strictly observed.
 20. Private Acts of 1919, Chapter 107, authorized the pike road commissioners of Monroe County to

- carry out an order made by the county court at its July, 1917, term which instructed said commissioners to abandon the road from Ballards to Christianburg and grade a road from McSpadden's farm on the Athen road to Christianburg.
21. Private Acts of 1919, Chapter 119, gave the Monroe County Quarterly Court, a majority of the justices being present, the authority to issue up to \$30,000 in bonds, at an interest rate not to exceed 6%, and on a maturity schedule no longer than 12 years, to lay out, improve, grade and macadamize the two roads described in the act, running from Madisonville to Pavo, about 12 miles, and from Sloan's store on the Ball Play Road to Tom White's place on the Niles Ferry Road. The act named G. L. Henderson, Jr., W. W. Carson and G. M. Cagle, as commissioners to carry out the terms and provisions of this act. The commission was required to keep proper records and submit reports on the status of the projects. The roads were required to meet the standards established in the act. The commissioners were paid \$60 annually.
 22. Private Acts of 1919, Chapter 125, was the legislative authority for the quarterly court to issue up to \$7,500 in bonds, or to otherwise appropriate money to build a well graded road from the old John Rutherford farm in the eighth civil district running northwest through the lands of the individuals and the cities mentioned for a distance of six and one-half miles.
 23. Private Acts of 1919, Chapter 158, permitted the quarterly court to issue bonds, or county warrants, to grade a road beginning on the Madisonville and Tellico Road about four miles south of Madisonville, following the old Federal Road to Wilson's Station on the Athens - Tellico Road. If bonds were issued, they were payable at such times and places as the quarterly court would determine.
 24. Private Acts of 1919, Chapter 255, provided Monroe County with a general road law. A three member board of public road commissioners was established whose members served staggered terms initially, and afterwards were appointed for three years. The county court selected the first commissioners at the first quarterly meeting following the passage of this act. No state, county, or city official was eligible to serve on this board and all vacancies were filled at the next quarterly meeting of the county court subsequent to the occurrence of the vacancy. No compensation was paid to the commissioners except \$4 for one day during the quarterly court meeting. No commissioner had any personal interest in any of the business of the board, violators were subject to fines from \$50 to \$250 and expelled from office. The board had the right to employ a competent person for one year as a road supervisor who was in immediate charge of the entire road program at a salary to be set by the county court which could not exceed \$4 a day up to 150 days each year for the supervisor and \$3 per day up to 60 days each year for the district supervisors. Powers were granted both generally and specifically which included the supervision of the workhouse and the prisoners who were subject to road labor. Accurate and sufficient records were kept of all transactions. The county court was required to levy a general road tax of not less than 10 cents nor more than 25 cents per \$100 property valuation. All males, between the ages of 21 and 45 had to work from five to eight days on the roads, or pay \$6.25, as a commutation fee. Failure to comply with either of the above could result in a fine of \$1 per day for each day missed in addition to the other requirements. Labor was performed and funds expended as nearly as possible in the district of residence or where funds were collected. The commissioners could solicit bids, award contracts and generally supervise all the work. The board disposed of a petition, to open, close, or change roads and highways. Road hands who did not do acceptable work could be dismissed. This act was amended by Private Acts of 1920 (Ex. Sess.), Chapter 42, so as to increase the pay of the road superintendent from \$3.50 to \$4.00 per day but not to exceed 40 days each year and by changing 150 days as the maximum for the board members to serve to 200 days a year.
 25. Private Acts of 1919, Chapter 500, authorized the creation of a joint road fund in Monroe and Loudon counties and authorized the construction of certain roads and appointment of commissioners for that purpose.
 26. Private Acts of 1921, Chapter 51, authorized Monroe County to issue up to \$18,000 in bonds, to mature no later than 20 years from date of issue, to lay out, improve and grade a road beginning about two miles south of Tellico Plains and running to the old nineteenth civil district line by way of the bridge at Conasauga Creek, Holly Springs schoolhouse, and intersecting with the old Athens and Murphy Road. G. W. Williamson, Tom Crow and W. W. Williamson were appointed as commissioners who, after being sworn and bonded, supervised the program within the guidelines provided in the act, and existing laws, which included the exercise of eminent domain, the solicitation of bids and award of contracts. The commissioners were paid \$50 each a year. The road specified herein was to be completed within three years from the date of this act at which time the authority granted to the commission ceased and supervision of the road came under the

road department.

27. Private Acts of 1921, Chapter 68, authorized Monroe County to issue up to \$10,000 in bonds, payable at such times and places as the quarterly court should decide, which were used to grade the road beginning at or near the Oak Grove Baptist Church on the Madisonville- Morganton Road so as to connect with the Sweetwater-Vonore Pike, at or near the Burton Place, by way of Acorn Gap and across the bridge over Bat Creek near Henly Bridge.
28. Private Acts of 1921, Chapter 90, authorized Monroe County to issue bonds up to \$1,500, at 6%, or less, interest, maturing as the court decided, the proceeds of which were spent to grade and improve a road from the old Cross Roads in the old eighth civil district, near the Newkirk Place to and intersecting the Tellico Plains - Coker Creek Road near the Unicoi Church in the old fourteenth civil district, a distance of one and three-quarters miles.
29. Private Acts of 1921, Chapter 220, enabled the quarterly court of Monroe County to issue up to \$7,000 in bonds to upgrade, or build, the road running through the lands of Luther Harris, Georgia Stakely, Charlie Harris, John Daily, John Toony, Tom Moses, Walter Smith, Hugh Toony, John Avens, Andy Moses, O. G. Moses, John Saffles, Berry Belcher and Ike Isbell, a distance of about seven miles. The court could appoint a commission if it desired.
30. Private Acts of 1921, Chapter 221, authorized Monroe County to issue bonds of up to \$12,000 by the quarterly court, to be spent on building three roads as they were described in the act, one being the Jalapa and Ivy Road. The act named W. E. Lee, W. M. Hamby and Wiley Gay as commissioners who supervised the program.
31. Private Acts of 1921, Chapter 222, authorized the quarterly court of Monroe County to issue up to \$50,000 in bonds to macadamize the road leading from Madisonville to Ball Play by way of Hensley's Store.
32. Private Acts of 1921, Chapter 232, authorized Monroe County to issue bonds up to \$4,500 by the quarterly court to build a road starting at the home of D. C. Smith in the eighteenth civil district near where the bridge crosses Conasauga Creek to the J. A. Tate property and store intersecting with the Dry Creek and Mecca Road, a distance of about eight miles. Dave Smith, James Cale and W. W. Williams were named commissioners of this program.
33. Private Acts of 1921, Chapter 233, authorized Monroe County to issue \$45,000 in bonds on a maturity schedule not to exceed 24 years. The purpose of the bonds were to lay out, improve, grade and macadamize two roads which were described in the act, one running from Hensley's Store in the thirteenth civil district to R. H. Stephens on Ball Play Road and the other starting at Lou Hunt's crossing on Madisonville - Tellico Pike to a point near the Fairview schoolhouse, a distance of about two miles. The act appointed W. C. Irlus, Charlie Dye and R. T. Ghormley as commissioners.
34. Private Acts of 1921, Chapter 279, authorized the quarterly court of Monroe County to issue up to \$6,500 in bonds, at an interest rate not to exceed 6%, and to mature no longer than 30 years from the date of issue, to build a well graded road in the old ninth civil district which began at the old abandoned right of way of the L. & N. Railroad on the Tom Roger's farm on Island Creek, running west by way of Walnut Grove Methodist Church to the Oak Grove Baptist Church on the Madisonville-Morganton graded road.
35. Private Acts of 1921, Chapter 287, allowed the Monroe County Quarterly Court, a majority of the justices being present, to issue up to \$100,000 in bonds to lay out, improve, grade and macadamize the road from Walter Millsap's store to Colderwood, a distance of about 20 miles and to macadamize the road from Mayme Sue McGee's place to Colderwood, a distance of about 22 miles. The act named Jake Sheets, Joseph A. Razor and Ples Henry as commissioners, who were paid \$60 a year for three years, and who operated under the administrative restrictions established in the act to accomplish the program objectives.
36. Private Acts of 1921, Chapter 475, authorized the quarterly court of Monroe County to issue up to \$35,000, or any part thereof, in bonds, at an interest rate no more than 6%, and to levy a tax for the sinking fund to amortize the said bonds over the maturity schedule established by the court, the proceeds of which were used to macadamize, or gravel, the Christianburg Road from the intersection of the Sweetwater and Madisonville and Athens Pike, a distance of about ten miles. Also included was another road running from the Eastonville Valley to the McMinn County line for both of which the court could appoint commissioners, if desired.
37. Private Acts of 1921, Chapter 492, stated that, subject to the approval of the people in a referendum election on the second Thursday in May, 1921, Monroe County, acting through the county judge, the county court clerk and the Good Roads Commission, could issue up to \$765,000

- in bonds, at an interest rate of no more than 6%, and to mature no later than 40 years from the issue date, in accordance with the requirements detailed in this act. The act appointed Lee R. Sloan, Dr. E. J. Fonte and J. R. Cardin as commissioners, giving them the power to execute all actions essential to the accomplishment of the road program itemized in this law which consisted of 28 segments of roads and the amount to be spent on each. The commissioners, whose terms lasted until the completion of the program were paid \$5 for each day devoted to their duties. The commissioners were required to keep an office open for business in the courthouse and to solicit bids and award contracts within the limitation prescribed in the act.
38. Private Acts of 1921, Chapter 835, authorized Monroe County to issue \$7,000 in bonds, which matured no longer than 20 years after the issue date, to lay out, improve, grade and macadamize a road in Monroe County starting at or near Moody's Mill on the Pavo graded road and running southeast past the property of G. G. Webb, and continuing to the ball play graded road at or near the property of J. T. Curtis, a distance of about three miles. H. L. Denton, J. T. Curtis and G. G. Webb were named as commissioners to exercise the powers granted to them to complete the program set out herein.
 39. Private Acts of 1923, Chapter 304, amended Private Acts of 1921, Chapter 472, so as to fix the number of days at five in which all males between the ages of 21 and 45, outside of cities were required to work on the county roads. This act was repealed by Private Acts of 1945, Chapter 452.
 40. Private Acts of 1927, Chapter 178, amended Private Acts of 1921, Chapter 472, to provide the sum of \$25 per month to all road superintendents for their traveling expenses which were in addition to all other compensation, payable on a warrant issued by the county judge, or chairman, on regular county funds. This act, which applied only to Monroe County, was repealed by Private Acts of 1945, Chapter 452.
 41. Private Acts of 1927, Chapter 347, subject to approval by the people in a referendum election, allowed the quarterly court to issue no more than \$170,000 in bonds at an interest rate up to 6%, and to mature no later than 40 years, but at such intervals of time as the county judge, the county court clerk and the Good Roads Commission might agree upon. The details of the bond forms and the bond issue were contained in the act. The court elected three good road commissioners who were in overall control of the program, who hired an engineer to assist them, who acquired rights of way by purchase, or condemnation, who solicited bids and awarded contracts where proper and who hired a clerk for record keeping chores. The commissioners were to be paid \$5 per day for their services. Six roads to be improved and the amount to be spent on each one were listed in the act. This act was amended by Private Acts of 1929, Chapter 253, which added a provision that a trustee coming into the office before all the proceeds of these bonds were expended was allowed a commission of 1% only upon the money coming into his hands and that had not come from the bond funds, but from the general funds of the county.
 42. Private Acts of 1929, Chapter 261, amended Private Acts of 1921, Chapter 472, so as to provide that the necessary traveling expenses of the superintendent or roads be paid by the county; payments of which did not exceed \$50 per month. The payments were in addition the regular compensation paid. This act was repealed by Private Acts of 1945, Chapter 452, in Section 4.
 43. Private Acts of 1931, Chapter 323, recited in its preamble that the quarterly court of Monroe County had adopted a resolution to lay out and improve certain roads in the county and set up specific tax levies of twenty cents per \$100 to finance the same, which resolution was copied verbatim into this act. This act ratified, confirmed and validated the resolution and all the actions of the county court in connection with it, as if the legal authority had existed at the time. The tax levy of twenty cents was also ratified, but was to be levied at a rate of five cents for next four years.
 44. Private Acts of 1939, Chapter 420, provided that the road superintendent of Monroe County be paid the sum of \$50 per month for traveling expenses in performing his duties, payable out of the general county funds, and to reimburse such road superintendent from September 1, 1938 to the date of this act. This act was repealed by Private Acts of 1945, Chapter 453.
 45. Private Acts of 1943, Chapter 442, amended Private Acts of 1921, Chapter 472, by striking out all of Section 1 except the first four lines and inserting in place of the stricken passage a provision for an annual salary of \$2,400 for the road superintendent, payable on warrants drawn on the common road fund at the rate of \$200 per month on the first day thereof for the preceding month. This act was made retroactively effective on September 1, 1942. This act was repealed in Section 5, Private Acts of 1945, Chapter 452.
 46. Private Acts of 1947, Chapter 165, authorized Monroe County to issue and sell \$125,000 in road bonds. This act provided for the use of the proceeds thereof and for the levy of taxes to pay the

principal and interest on said bonds, and validated the original indebtedness authorized to be paid from the proceeds of said bonds.

47. Private Acts of 1949, Chapter 81, allowed the Monroe County Quarterly Court by a majority vote to order an audit of the books of the road superintendent once each year as they deemed necessary. The audit was made by the state auditor, or any C.P.A., the cost was paid out of general county funds.
48. Private Acts of 1963, Chapter 209, stated that the road superintendent of Monroe County be paid \$100 per month for the use of his personal automobile in the performance of his duties which were in addition to any salary paid to him, and any reimbursement of expenses as heretofore provided. This act was rejected by the quarterly court and never became an effective law under the provisions of the Home Rule Amendment to the state constitution

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-ix-highways-and-roads-63>