



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

December 20, 2024

Highways and Roads - Historical Notes

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

Highways and Roads - Historical Notes	3
--	----------

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. Rasor 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/highways-and-roads-historical-notes-63>