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# Highways and Roads - Historical Notes

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# Highways and Roads - Historical Notes

## **Amendments to Road Laws**

The following is a listing of acts which once had some effect upon the county road laws in Jefferson 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 1929, Chapter 909, replaced the last paragraph of Section 8 to make it the duty of the Highway Commission to work out taxes collected on property in the boundaries of cities on the maintenance and upkeep of the roads within the confines of the said city so that the taxes paid by the city property owner would be spent in the city. The Trustee was directed to keep separate accounts for each city so that these funds would be available to that city only and to no one else.
2. Private Acts of 1935, Chapter 135, amended the same Section and paragraph mentioned above so that all the taxes collected under this act imposed on property within the limits of an incorporated city, where the control over the roads rested in the city, would be paid over by the Trustee to the Recorder of that particular city to be used by that city in its road programs, the Trustee taking a proper receipt for the money paid over.
3. Private Acts of 1939, Chapter 507, amended Section 3 by adding a paragraph at the end of the said Section which permitted the employment of a Secretary- Bookkeeper by the Highway Commission and to fix the compensation of the position which could not, however, exceed \$720 per year. Section 5 was changed to provide that the Road Superintendent would act as Secretary to the Commission and keep its records, books, and accounts in a proper fashion.
4. Private Acts of 1947, Chapter 717, amended Section 3, paragraph 2, so as to increase the maximum limitation placed upon the Highway Superintendent's annual salary from \$1800 to \$2400.
5. Private Acts of 1949, Chapter 518, amended Chapter 507, Private Acts of 1939, Item 3, above, in Section One so that the monthly salary of the Secretary- Bookkeeper of the Jefferson County Highway Department would be raised from \$60.00 to \$80.00.
6. Private Acts of 1951, Chapter 194, amended Section 3 again in order to raise the annual salary of the Road Superintendent of Jefferson County from \$2400 to \$3600.
7. Private Acts of 1955, Chapter 86, amended Section 3 to add a provision to that Section that the Road Superintendent could employ a Secretary-Bookkeeper whose annual compensation would be set by the Jefferson County Quarterly Court. This Act was properly ratified at the local level in accordance with the Home Rule Amendment to the State Constitution.
8. Private Acts of 1959, Chapter 8, amended Section 3, Paragraph 2, in order to increase the annual salary of the Road Superintendent in Jefferson County from \$3600 to \$4800. This Act was properly ratified by the Quarterly Court.
9. Private Acts of 1961, Chapter 145, which was duly ratified by the Quarterly Court of Jefferson County, amended Section 3, Paragraph 2, of the base act by raising the annual salary of the Road Superintendent from \$4800 to \$5500.
10. Private Acts of 1965, Chapter 38, changed the annual salary of the Road Superintendent in Section 3, Paragraph 2, from \$5500 to \$7,000.
11. Private Acts of 1967, Chapter 358, further amended Section 3, Paragraph 2, of the basic Road Law of Jefferson County, to fix the maximum limit of the annual salary of the Road Superintendent at \$10,000 instead of \$7,000. This Act received proper ratification at the local level.
12. Private Acts of 1975, Chapter 77, raised the annual salary of the Road Superintendent by amendment, properly ratified, to Section 3, Paragraph 2, of the Road Law from \$10,000 to \$12,000.
13. Private Acts of 1981, Chapter 50, approved by the Jefferson County Legislative Body on April 21, 1981, changed all references to the County Judge, County Court, and County Court Clerk to their proper names of the present, rewrote Section 8 as it now appears, by omitting the second paragraph, and by deleting Section 9 in its entirety

## **Highways and Roads**

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

providing new substantive provisions.

1. Acts of 1821, Chapter 6, was a general law of the State which required the County Courts of all the counties to index and classify the public roads therein. The three classes of roads ranged in width from the stage road to one wide enough to pass horses and riders on the way to mill or market. Penalties were provided for failure to comply with this Act, and for wilful obstruction of a public road. (Although earlier Acts were aimed in this direction, this was the first comprehensive general road law, the harbinger of the current statutes which have produced Tennessee's enviable road network.)
2. Acts of 1835-36, Chapter 2, named John Fain, Shadrack Inman, and Caswell Lea, all of Jefferson County, who were joined by several others named from surrounding counties, as Commissioners to sell stock in the Tennessee and Coosa Railroad Corporation as the same was then incorporated with an authorized capital stock of \$500,000. This railroad would run between the Tennessee and Coosa Rivers.
3. Acts of 1837-38, Chapter 239, Section 18, appointed William Brazleton, William Dick, Jacob P. Chase, Henry Powell, Jacob Smith, John Fain, Shadrach Inman, John Roper, Samuel Martin, Theoderick J. Bradford, Joseph Hamilton, William Moore, Robert H. Hynds, Caswell Lea, Russell Birdwell, Alexander Hays, George Gregory, Senior, David R. Graham, Henry Smith, Isaac Moore, Charles T. P. Jarnigan, and Gideon Rogers, all of Jefferson County, and an additional twelve citizens were named from Cocke County, to be the Commissioners of a turnpike starting at New Market, in Jefferson County, and running through Dandridge to Newport, in Cocke County, and one to the North Carolina line. Capital stock was authorized at \$150,000.
4. Acts of 1847-48, Chapter 156, provided that any person who was a resident and citizen of Cocke County, Jefferson County, or Sevier County, could contract with William C. Story, the proprietor of the Newport Turnpike Company to perform work and labor on the said road or pay the equivalent of the same where such a person passed the toll gate erected on the said road to collect tolls.
5. Acts of 1851-52, Chapter 191, Section 20, provided that so much of this Act which permitted the Counties of Lawrence, Maury, Williamson, and Davidson to subscribe to and take stock in railroads, and to issue the bonds of the County to pay for the stock was in like manner and to some extent made to apply also to the Counties of Jefferson, Greene, Hawkins, Washington, Carter, Sullivan, Grainger, and Warren.
6. Acts of 1853-54, Chapter 323, Section 13, gave to the counties of Claiborne, Anderson, Campbell, Jefferson, and Grainger all the rights and privileges conferred by this Act upon other counties to subscribe to the stock of any railroad which might run through their respective counties, and along with them granted the counties the authority to issue and sell their bonds in order to pay for the said stock.
7. Acts of 1855-56, Chapter 61, gave the counties of Cocke, Jefferson, Grainger, and Hancock the same power and authority to take stock in the Cincinnati, Cumberland Gap, and Charleston Railroad, or in any other railroad whose lines ran into their respective counties and to issue their bonds, if necessary, to pay for the same. The entire program, however, hinged upon approval of the same through a referendum election.
8. Acts of 1855-56, Chapter 121, was the legal authority for the formation of a company to construct a railroad, macadamized turnpike, or a plank road, from Strawberry Plains, by way of Dandridge, to Newport, in Cocke County. A capital stock of \$200,000 was authorized the sale of which would be supervised by a commissioner named in each involved county for that purpose.
9. Acts of 1859-60, Chapter 60, assigned to the Jefferson County Quarterly Court the duty to apportion the bonds sold to keep up the different roads in the county and stipulated further that no changes were to be made in the program, once adopted, except at the July term of court.
10. Acts of 1865-66, Chapter 88, Section 44, incorporated William Galbraith, William Harris, and George Elliott, with all the rights and privileges of similar corporations, as the "New Market, Dandridge, and Newport Turnpike Company" to build a road, graveled or macadamized, from New Market, in Jefferson County, through Dandridge and on to Newport in Cocke County.
11. Acts of 1866-67, Chapter 23, Section 14, named and appointed E. A. Sawyers, James H. Walker, John B. Minnis, and John L. Foust, as additional incorporators and commissioners of the New Market, Dandridge, and Newport Turnpike Company.
12. Acts of 1866-67, Chapter 67, formed the Dandridge Railroad Company to establish a railroad communication running from the French Broad River and the East Tennessee and Virginia Railroad Company to the town of Dandridge and connecting at or near Mossy Creek, or New Market. Samuel N. Fain, John R. Branner, James Meet, William Galbraith, William Harris, J. C. Cawood,

Robert Birchfield, and James P. Swann were named and authorized to sell stock in the said company up to \$150,000. When \$40,000, or more, had been subscribed and paid in stock, the company could be organized according to conditions mentioned in this Act. The company, when organized, was given the authority to acquire the necessary rights or way. Jefferson County had the power to buy stock in the said company if it was desired to do so.

13. Acts of 1867-68, Chapter 56, repealed the 11th Section of the Act incorporating the Dandridge Railroad Company, above. The sum of \$20,000 which was previously appropriated to the Tennessee and Pacific Railroad Company was hereby reinvested and appropriated to the New Market, Dandridge, and Newport Railroad Company, for the same purposes which were mentioned in the repealed Act. The Act named Robert W. Pierce, Jonothan Lawrence, George W. Pierce, David Grant, Calloway Thornburg, James M. Meek, Henry Hall, and John Henry, as additional incorporators and commissioners for the company.
14. Acts of 1871, Chapter 18, expressly repealed the 1860 Act which apportioned the road hands in Jefferson County to keep up the public roads. (No Chapter was cited in the Act and none could be found which was enacted in 1860.)
15. Acts of 1899, Chapter 54, was enabling legislation for the Jefferson County Quarterly Court, at such places as they might deem to be in the best interests of the public, to purchase all boats and equipment necessary, and to employ the necessary labor to transport all persons and their efforts across the said public streams of the county at no charge to them. All costs were to be paid out of the public treasury on the warrant of the County Chairman but nothing herein would deprive any owner of banks, or ferries, of any right to keep their boats running as before.
16. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court was directed to select one Road Commissioner from each Road District in the County, the Road Districts being commensurate with the Civil Districts, to serve a term of two years. The Road Commissioner must be sworn, bonded, and be in charge of all the roads, bridges, road hands, tools, and materials assigned, or used, in that area, and be compensated at the rate of \$1.00 per day up to ten days in each one year period. The Quarterly Court would fix the number of days between five and eight for the road hands to work, and set the price of one-day's labor on the road. The Court was further empowered to levy a general road tax of two cents per \$100.00 property valuation for each day the road hands were required to work. The Road Commissioners would name and supervise the Road Overseers in their Districts who would be in immediate charge of a section of road, work the number of days of compulsory labor as anyone else and then be paid up to \$6.00 each year for extra work. All able-bodied males outside of cities between the ages of 21 and 45 were subject to compulsory road work. The Commissioners would dispose of petitions to open, close, or change roads, would index and classify the roads in their Districts, and see that their roads met the basic specifications in the Act. (This Act was involved in the case of Carroll v. Griffith (1906), 117 Tenn. 500, 97 SW 66.)
17. Private Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars, but principally in the methods of acquiring rights of way, especially when the power of eminent domain was to be used to secure it.
18. Private Acts of 1915, Chapter 649, was the first general road law for Jefferson County. The Act required the Quarterly Court to elect three Road Commissioners at its first term after the passage of this Act, one to serve two years, one to serve four years, and one to serve six years, after which each member would serve six years. The Commissioners would be paid no compensation other than their proven expenses. The Commissioners must meet the specified qualifications and be sworn into office. They would have an office in the Court house, make all the essential rules and regulations, and be in overall charge of the public roads in the County. The Commissioners could hire and fire a Road Superintendent, who must be experienced in road building, at a salary not to exceed \$1500 per year, payable monthly, plus his out of pocket expenses in the discharge of his duties. The Superintendent must be sworn and bonded, must devote full time to the duties of his position, act as the Secretary to the Commission and keep accurate records of all transactions. He would be in immediate charge of the Road Department and its employees. Workhouse prisoners could be worked on the roads under the supervision of the Sheriff. The Quarterly Court could levy a general road tax of twenty to thirty cents in the county and ten to twenty cents in the cities. Males, outside cities, between the ages of 21 and 50 must work five days on the county roads or pay fifty cents for each day missed. All road districts and District Commissioners were abolished. The Road Superintendent would handle requests to open, close, or change roads. Penalties were set up for violations of this Act.
19. Private Acts of 1917, Chapter 386, repealed Private Acts of 1915, Chapter 649, above, and

authorized the Quarterly Court to divide the County into three Road Districts and select one Road Commissioner from each one of the Districts who met the qualifications in the Act. The Commissioner would be in charge of all the public roads and bridges in the District and be paid \$500 annually as compensation. The Commissioner could set the days between five and seven which all males outside of cities and between the ages of 21 and 50 would be required to work on the county roads, or pay \$1.00 as a commutation fee for each day missed therefrom. Commissioners could appoint road overseers for each Section of road who would be paid \$1.00 for each day of extra work but no more than \$3.00 each year. All roads were to be classified and indexed. A general road tax of 20 cents to 40 cents per \$100 property valuation could be levied in the county and a tax of 10 cents to 25 cents could be imposed in the cities, which would be divided between the Districts as nearly equal as possible. The Commissioners would decide upon the disposition of petitions to open, close, or change roads. The Quarterly Court could suspend, or dismiss, commissioners who were also to be sworn and bonded. Prisoners in the county workhouse could be worked on the roads under certain conditions.

20. Private Acts of 1919, Chapter 246, with only a general repealing clause, created a three member Board of Pike Maintenance Commissioners to serve original staggered terms as they were appointed by the Quarterly Court who would also fill vacancies as they might occur. The Act named J. B. Huff, W. C. Lyle, and A. H. Moore, as the first commissioners to serve under this Act. Commissioners must be between the ages of 25 and 60, be of good moral character and sound business judgment, must be sworn into office, and would be paid up to \$3.00 a day, but for no more than four days each year, plus expenses. The Commissioners were to be in charge of all roads and bridges except river bridges. The Board could employ a Road Superintendent, who must be trained and efficient in the art of road building and maintenance, who would be in immediate charge of the Road Department, sworn into office and bonded, devote full time to the job, keep accurate records of all the transactions of the Department and be paid up to \$1500 annually, plus reasonable expenses. The jail was declared to be a workhouse and all the able bodied prisoners could be worked on the county roads. All males between ages of 21 and 50, outside of cities, were obliged to work five days each year on the public roads, or pay \$1.25 per day as a commutation fee. All requests to open, close, or change the routes of roads must be filed with the Board for their decision. A general road tax could be levied of no less than twenty cents and no more than forty cents per \$100 property valuation. Any condemnation proceedings could be appealed to the Circuit Court. The Superintendent must file an annual report covering all the activities of the road department during that period of time.
21. Private Acts of 1919, Chapter 247, was the legal authority in Jefferson County (identified by the 1910 Federal Census figures) for the Quarterly Court to elect a Road Commissioner in each Civil District who would have the general supervision over all the roads in the District and serve one year at a compensation not to exceed \$20. They would appoint road overseers in their Districts as their good judgment would dictate who was compelled to work as such overseer but no more than three days in one week. The commutation rate was set at \$1.25 per day. The Commissioner of the District would hear and dispose of all requests to open, close, or change the roads arising in that particular District. The Quarterly Court had the authority to levy a general road tax of no less than five cents nor more than fifteen cents per \$100 to be kept separate from other tax money and devoted to the purposes of this Act. The Commissioners were responsible for all the tools, materials, and equipment used in the District and could be disciplined for wilful neglect of duty.
22. Private Acts of 1919, Chapter 527, amended Private Acts of 1919, Chapter 246, Item 20, above, to name J. B. Huff, W. C. Lyle, and A. H. Moore, as the first Board of Pike Maintenance Commissioners which was originated under the terms of that Act.
23. Private Acts of 1955, Chapter 345, was the legal authorization for Jefferson County to negotiate contracts with other counties and cities and the State and Federal Governments and with private industry for the sale of crushed rock.

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