



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Highways and Roads - Historical Notes

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# Highways and Roads - Historical Notes

## **Road Law**

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

1. Acts of 1801, Chapter 70, made it unlawful to obstruct highways or roads in Blount County, and also provided the same penalty for obstructing navigation of the Little River from its mouth to Bradley's Mill.
2. Private Acts of 1822, Chapter 212, authorized John Houston and others of Blount County to open a turnpike road.
3. Public Acts of 1823, Chapter 250, appointed three persons to examine a dam built by Jehu Stephens across the Little River in Blount County.
4. Private Acts of 1829-30, Chapter 178, authorized Daniel D. Foute of Blount County to open a turnpike road.
5. Private Acts of 1831, Chapter 35, authorized Daniel D. Foute of Blount County to open a turnpike road of six miles up the Tennessee River to intersect the turnpike of Callaway and Parsons.
6. Private Acts of 1831, Chapter 114, authorized Thomas Tipton and Zachariah Clarke to open a turnpike road from Crooked Creek through the mountains by way of Cade's Cove to the Equanuckly Gap, then down Eagle Creek to intersect with the Macon, North Carolina road.
7. Private Acts of 1833, Chapter 276, authorized Joseph Estabrook, Issac Anderson and others to open a turnpike road in Blount County from Tuckaleechee Cove to Briar Knob in the Smoky Mountain.
8. Acts of 1837-38, Chapter 34, authorized the county court to appoint three commissioners to operate the turnpike road which had been built by Joseph Estabrook and John Anderson.
9. Acts of 1851-52, Chapter 241, authorized Daniel Foute to open a turnpike road from either Six Mile or Crooked Creek in Cade's Cove to E. Kannett's gap at the North Carolina line.
10. Public Acts of 1883, Chapter 208, authorized Blount County, through its quarterly county court to build turnpikes or macadamized roads with the labor of workhouse hands and to charge such tolls as might be set by the quarterly county court.
11. Acts of 1903, Chapter 47, was the first general road law for Blount County. This act authorized the quarterly county court to appoint three commissioners, who were to employ engineers and other necessary personnel for classifying and inspecting the public roads of the county. These commissioners were to report back to the court the roads upon which improvements should be made, and then the commissioners were to oversee the improvements authorized by the quarterly county court. This act also contained a provision for the levying of the first road tax in Blount County, to finance these road improvements.
12. Acts of 1909, Chapter 268, provided that the county court was to appoint a road commissioner for each civil district of the county. These road commissioners were to serve two year terms and were authorized to appoint a district overseer to assist them in supervision of construction and repair of the roads in each civil district. This act also contained provisions for a road tax and for road duty.
13. Acts of 1909, Chapter 282, was the second road law passed for Blount County in that legislative session. This chapter contained the same provisions as Acts of 1909, Chapter 268, and in addition, the act also set the classifications and standard for classifications of the public road system in the county.
14. Acts of 1909, Chapter 473, was the third road law passed for Blount County in that year, and its provisions were identical to Acts of 1909, Chapter 282.
15. Private Acts of 1911, Chapter 282, regulated the working and laying out of public roads in Blount County, which included the election of a road commissioner, road tax and the classification of the roads into four classes.
16. Private Acts of 1911, Chapter 473, regulated the working and laying out of public roads in Blount County which included the election of a road commissioner, road tax and the classification of the roads into four classes.
17. Private Acts of 1919, Chapter 239, authorized the Blount County Quarterly Court to appropriate

- out of the county general fund an amount up to \$5,000 to be used for improving the roads.
18. Private Acts of 1919, Chapter 777, was the next general road law for Blount County. This act created the office of public road supervisor, to be filled by appointment of the quarterly county court for terms of two years. The court was also authorized to appoint a road commissioner from each civil district, also to serve two year terms. This act also contained provisions for a road tax and road duty.
  19. The 1919 road law apparently was not very favorably received by the Blount County citizens since another road law was enacted at the next legislative session in Chapter 20 of the Private Acts of 1921. Under this act, the county court would appoint a road commissioner from each civil district in the county, who would have supervision of all public roads, bridges, and highways in his district. He was also authorized to appoint an overseer of road duty in his district, though this act did allow for commutation of road duty by payment of an additional road tax.
  20. Private Acts of 1925, Chapter 55, created a three member highway commission, to be elected by the quarterly county court for staggered terms of two years each. The highway commission was authorized to hire a county road supervisor, or civil engineer, or both. This act also divided the county into road districts which were co-extensive with civil districts, with the highway commission to appoint overseers for each road district. Like other road laws, this one contained provisions for a road tax levy and road duty by certain male citizens of the county. This act was amended by Private Acts of 1927, Chapter 703, which transferred all the duties of the county road supervisor to the highway commission. Both of these acts were repealed by Private Acts of 1931, Chapter 357, which enacted the next road law for Blount County.
  21. Private Acts of 1931, Chapter 357, provided that the county road department in Blount County would be controlled by a county highway commission of three members, to be elected by the voters for a term of six years. This commission was authorized to expend all monies received by Blount County from the state gasoline tax, to the needed construction and improvement of the county road system and to employ a competent attorney and civil engineer as needed by their department. Private Acts of 1937, Chapter 550, amended this 1931 road law to provide that the quarterly county court had the authority to remove any member of the highway commission, after a five-day notice of charges prior to a hearing, for inefficiency, neglect of duty, misfeasance in office, moral turpitude or wilful misconduct. Private Acts of 1939, Chapter 302, also amended the road law found in Private Acts of 1931, Chapter 357, to reduce the terms of the highway commissioners to two years. Private Acts of 1945, Chapter 255, was another amendment, raising the salary of the Highway commissioners to \$2,000 per annum.
  22. Private Acts of 1947, Chapter 300, was the next road law for Blount County which provided for a county highway commission to be elected by the quarterly county court for staggered terms of two years. This three member highway commission was to appoint a superintendent of highways, who was to serve at the "pleasure of the Highway Commission." This act also set up certain road classifications, but unlike most county road laws, this one did not include a provision authorizing a tax levy. This act was only amended once, by the Private Acts of 1951, Chapter 321, which provided that the highway commission was to be elected from three designated road zones by the voters in those zones.
  23. Private Acts of 1963, Chapter 223, was a proposed amendment to the current Blount County road law, which would have provided that the county road superintendent be elected by the voters for a term of four years. This amendment was rejected by the quarterly county court and therefore never became part of the operative law.

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