



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Highways and Roads - Historical Notes

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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

1. Acts of 1853-54, Chapter 263, appointed M. A. Woods, Caswell Hutcherson, James Grigsby, Stephen Bird, A. A. Clingland, G. W. Parks, C. L. Hardwick, E., F. Johnson, and C. B. Luttrell, as Commissioners to open books and to sell stock subscriptions in a sum sufficient to the construct and to macadamize a plank turnpike road from Georgetown in Hamilton County along the old federal road where possible to Cleveland in Bradley County. The details of supervision, the standards for construction, and the regulations for operation and maintenance once the road was completed were all included in the Act.
2. Acts of 1865-66, Chapter 88, incorporated Caswell Hutchison, George Mumsey, and James S. Bradford, and their successors, as the "Cleveland and Smith's Cross Roads Turnpike Company" with all the incidental corporate rights and privileges being conferred upon them, to construct and grade, and to macadamize a turnpike road from Cleveland in Bradley County to Smith's Cross Roads in Rhea County.
3. Acts of 1869-70, Chapter 71, was the enabling legislation for a company to be formed to construct a railroad from Cleveland in Bradley County to intersect the line of the projected railroad known as the Cincinnati Southern extending from Cincinnati to Chattanooga which railroad, when built, would be called the "Cleveland and Tennessee River Railroad". \$150,000 was the amount of authorized capital stock to be subscribed and sold by J. H. Gaut, Joseph Tucker, John B. Hoge, John McPherson, P. B. Mayfield, J. M. Crow, Stephen Beard, S. P. Gaut, Oke Henry, R. M. Edwards, D. R. O'Neil, William J. Campbell, A. J. White, Joseph R. Taylor, and J. Caleb Morgan.
4. 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 would select one Road Commissioner, who would serve two years, from each Road District in the County, the Road Districts being declared co-extensive the Civil Districts. The Road Commissioner thus selected must be sworn and bonded and would be in charge of all roads, bridges, hands, tools, and materials used in that area. He would be paid at the rate of \$1.00 per day but not to exceed \$10.00 in any one year. The County Court would determine the number of days the road hands were to work each year which could not be less than five nor more than eight, and would also set the price for one day's labor. The Road Commissioners would name and supervise the needed road overseers in their district who would be placed in immediate charge of a section of road, who were required to work the same number of compulsory work days on the road as anyone else but would be paid for all days worked over and above that number. All males living outside of cities between the ages of 21 and 45 were subject to work on the roads. The Commissioners would also hear and dispose of petitions to open, close, or change roads in their areas, and were further obligated to see to it that the roads in their sections met the specifications set up in the Act. This Act was involved in Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
5. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but made some strong changes in the procedures to be followed in the acquisition of rights of way to open, close, or change roads, especially when it became necessary to condemn property to do so.
6. Private Acts of 1913, Chapter 226, stated that in Bradley County (identified by the 1910 Census figures) the County Court would designate the pike roads in the county and elect three Pike Road Commissioners who would have full authority over the improvement and repair of roads in the

County. The Commissioners, serving two year terms, must be sworn and bonded, must choose a Chairman and a Secretary from their number, and would be paid \$2.00 per day for each day actually served in this capacity. Adequate records must be kept of all receipts and expenditures, and of the use of tools and equipment. The offices of road overseers and of other road officials were abolished. The authority was given to the Quarterly County Court to levy a general road tax not to exceed 25 cents per \$100 property valuation. This Act was repealed in Item 9, below.

7. Private Acts of 1913, Chapter 227, made it mandatory in Bradley County for all male citizens living outside of cities to work eight days on the roads of the county, a day being one of eight hours duration, or, a road hand could commute by paying a \$4.00 fee for the eight days. Persons who failed to do either could be fined and then forced to either work or commute. The Pike Road Commission was given control over the County Workhouse and the convicted prisoners therein who were also subject to compulsory road work. This Act was repealed by the one below.
8. Private Acts of 1919, Chapter 109, declared that in Bradley County all male residents between the ages of 21 and 45, except those living in incorporated cities, or disabled, were required to work 6 eight-hour days on the county roads. Any resident furnishing a wagon, team, and driver would be credited with two days work for each day they were used. Each District Road Commissioner must prepare a list of all those in his district who were subject to road work and give them each at least five days' notice of when and where they were expected to work. One could pay a commutation fee of \$1.25 per day, if such were desired instead of working, which money would be used in the District in which it was collected. Failure to do either could result in penalties being imposed in addition to all the other requisites. This Act expressly repealed Private Acts of 1913, Chapter 227, Item 7, above, in its entirety. This Act was in turn repealed by Private Acts of 1933, Chapter 357, below.
9. Private Acts of 1919, Chapter 110, repealed Private Acts of 1913, Chapter 226. The position of Pike Road Superintendent was created, who would be elected by the Bradley County Quarterly Court at its first regular session after the passage of this Act to serve until the January term, 1921, and then every two years thereafter. Vacancies would be filled by the County Judge and follow the above timetable as nearly as possible. The Superintendent must be experienced and competent in road building, over 25 years of age, and would be paid no less than \$1,200, nor more than \$1,800, annually, as determined by the Quarterly Court, which amount would be payable monthly and could not be changed during the term. Many of the Superintendent's duties were specified in the Act which further required that full time be given to their discharge. The Superintendent must examine every road periodically and report on their status. He would also be in overall charge of all equipment, machinery, and materials in the road department. Good records must be kept and reports made each quarter to the Court. The Superintendent must approve the expenditure of all funds and could make purchases up to \$300 on his own authority. The Superintendent would be in charge of the workhouse and the prisoners and could appoint foremen and laborers in the road department as they were needed. The authority for the Quarterly Court to levy a general road tax not to exceed 25 cents per \$100 property valuation was continued. This Act was repealed in Item 11, below.
10. Private Acts of 1933, Chapter 357, repealed Private Acts of 1919, Chapter 109.
11. Private Acts of 1943, Chapter 15, repealed Private acts of 1919, Chapter 110 as it was written and mentioned Private Acts of 1913, Chapter 226, as being superseded, repealed, and for nothing held.
12. Private Acts of 1943, Chapter 16, repealed Private Acts of 1913, Chapter 226, a former road law for Bradley County which was also repealed prior to this act.
13. Private Acts of 1943, Chapter 368, had a general repealing clause only. The act provided for a

three member Board of Highway Commissioners who were given general supervision over all county roads, bridges, and culverts in the county. The Act named Arthur Massengill, Robert Wilson, and Jess Rymer, as the first members of the Board, with Rymer slated to be Chairman. After serving staggered initial terms, the Board members' terms would be three years. The Board was authorized to employ a Clerk, or a bookkeeper and must keep an office open in the Court House. All members of the Board must be sworn and bonded, and the Chairman would serve as Road Supervisor at \$2,400 a year, and the other members would be paid as the Quarterly Court decided. The Board would meet on the first Monday in every month to transact all the business of the road department. Specific grants of power to the Board were enumerated in the Act, and there were five specific authorizations stipulated for the Road Supervisor. The power of eminent domain could be exercised but all the procedures specified must be strictly followed in doing so. The authority to the Quarterly Court to levy a general road tax not to exceed 25 cents per \$100 was repeated in this Act which tax would be in addition to all other taxes.

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