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# Highways and Roads - Historical Notes

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# Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Carter 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 71, made it lawful for the Court of Pleas and Quarter Sessions of Carter County to appoint Commissioners to open a road from the iron works on Roan's Creek in Carter County, running from the south fork of Roan's Creek across the mountain on the easiest and best way leading to the Courthouse until it intersects the North Carolina boundary. The County Court was authorized to establish a turnpike on this road at a place designated by the Commissioners. The County Court was to appoint a person to keep the turnpike. That person was to take oath and execute a \$5,000 bond. The keeper of the turnpike was responsible for collecting the toll from persons using the road. The tolls collected would be used to keep the road in good repair. The keeper had the duty of turning over the money collected to the Clerk of the County Court, who was to keep an account of the money given to him.
2. Acts of 1806, Chapter 35, repealed Acts of 1801, Chapter 71, above. In addition, the act authorized the Court of Pleas and General Sessions of Carter County to appoint someone to open and cut a road. That person had to execute a \$1,000 bond. The General Assembly was to compensate the undertaker with \$200 for his services. Carter County was also permitted to make a grant out of its funds, if desired, so that the opening of the road may begin.
3. Acts of 1811, Chapter 46, authorized the Court of Pleas and Quarter Sessions of Carter County to appoint a person to cut and open a road to facilitate the carrying of mail and aid the line of communication with North Carolina. The road was to run from Carringan's Ford to Julius Dugger's place on the Watauga River. The act allowed the Court to issue a \$100 grant to the undertaker of the project if necessary.
4. Acts of 1813, Chapter 32, authorized the County Court of Carter County to appoint a suitable person to repair and put in good order the road leading from James People's place up the Doe River to the state line on Yellow Mountain and to keep the same in good order and repair for the next ten years as its use may require. The Court would also appoint three freeholders to view, inspect and report to the court on the conditions of the road from time to time. A license to erect a turnpike could be granted to the person named as the repairer, who could then charge the schedule of tolls specified in the act to the users of the Road.
5. Acts of 1813, Chapter 128, incorporated under the name of the Watauga and Holston Navigation Company the following directors, Alfred Carter, Samuel Tipton, Godfrey Carriger and John Stewart of Carter County, four people from Washington County and six people from Sullivan County. The company would improve the navigation of the Watauga River from Elizabethton in Carter County to its junction with the Holston River and improve the Holston River from Middletown. The directors were also granted the privilege of conducting a lottery to raise money up to \$4,000 to begin the work.
6. Acts of 1815, Chapter 114, repealed Acts of 1813, Chapter 128, above. In addition, the act provided that where any number of persons form themselves into a company and by subscription create a stock of \$20,000, they were to be made a corporate entity to be known as the Watauga and Holston Navigation Company of Carter County. The company was authorized to elect up to ten Directors, who had to enter into a bond in an amount to be decided upon. After receipt of the first installments, the Directors were permitted to hire hands to remove rocks and other impediments out of the river channel and the Directors had the duty of keeping the channel in good repair. Any person causing the obstruction of the river would be fined \$50 each day the obstruction occurs. The Directors were allowed to collect a toll from the owners of boats or other crafts using the channel. The toll could not exceed 6¼ cents for every 100 weight of produce or merchandise.
7. Public Acts of 1821, Chapter 6, required the County Courts of all counties to index and classify the roads within their respective boundaries according to their width and surfacing materials. Penalties were provided for those persons who obstructed roads and for those persons who failed to abide by the terms of the act.
8. Private Acts of 1821, Chapter 182, stated that the State of North Carolina appropriated \$3,000 for the opening of two roads in Carter County, running through Wilkes and Ash Counties located in North Carolina. This act appointed James Taylor, William B. Carter, Charles N. George, William Lindsay and Johnston Hampton of Carter County as Commissioners to superintend the opening of

- the road from Elizabethton to the North Carolina line. A majority of the Commissioners had to determine which of the two roads could be intersected at the least expense. The act required the Commissioners to give bond to the Chairman of the County Court in the amount of \$1,200 to be filed in the Clerk's office in Carter County. The act authorized the Treasurer of East Tennessee to pay the Commissioners the \$600 appropriated for the opening of the road. The County Court was responsible for establishing rules and regulations to keep up the road and the County Court was allowed to give the Commissioners up to \$50 as compensation for their service.
9. Private Acts of 1823, Chapter 220, authorized James P. Taylor, John Kennedy, Christian Carriger, William Lindsay, Leonard Shown and Johnson Hampton of Carter County to draw on the Treasurer of Tennessee for the sum of \$500, which would be used to clear out and put in good order that part of the public road from Jonesboro, by way of Elizabethton, to North Carolina and to spend sufficient money on that section on Stone Mountain to open it up. The County Court of Carter County was to appoint an overseer for that portion of the road and allot him sufficient hands to open, clear out and repair the road.
  10. Private Acts of 1824, Chapter 76, declared it to be lawful for Nathaniel Kelsey, John Kennedy, Samuel Crawford, James P. Taylor, James Roberts, John G. Eason, Abial C. Parks and Christian Carriger to raise, by lottery, a sum not to exceed \$2,000, to be used to complete the road leading from Jonesboro by Elizabethton to the two roads opened and cut by the North Carolina state line, in Carter County. If the lottery were not drawn in 18 months, the ticket holders would have their money returned to them. The County Court had to appoint a Commissioner to oversee the building of the remainder of the road.
  11. Private Acts of 1829, Chapter 173, appropriated the sum of \$500 for the opening of the stage road from Elizabethton in Carter County to the North Carolina line, out at which \$400 would be applied toward the building of a bridge across the worst fords on the Doe River and \$100 to the finishing of the road across the mountains above Shown's crossroads to the state line. John O'Brien, James J. Tipton, William Hott and Caleb Smith were appointed Commissioners for the erection of the bridge and Leonard Shown, Green Moore, Mathew Wagner and David Waide were appointed Commissioners for finishing up the road across the mountains. The Carter County Court could appoint Commissioners as they were needed.
  12. Private Acts of 1833, Chapter 156, made it lawful for Ansel Carden and his heirs to build a bridge in the edge of the Watauga River at the end of Smith's Hill in Carter County. After the bridge was built, Carden would be permitted to place a toll gate thereon and charge tolls according to the toll schedule in the act ranging from 1¢ per head for cattle and stock to 75¢ for a four wheeled vehicle. The right was to extend for 35 years provided Carden kept the bridge in good repair and was answer-able for any damage done to anyone. Citizens of Carter County had the right to cross the bridge and be exempt from paying the toll.
  13. Acts of 1847-48, Chapter 214, allowed Carrick W. Nelson to open and maintain a turnpike road in Carter County. The turnpike was to start at Ansel Carden's and run down Watauga River to the nearest course or to Elizabethton. Nelson was to build a first class road according to the laws of Tennessee and build bridges and crossways where necessary. The County Court of Carter was authorized to appoint five Commissioners to regulate the turnpike. The road was to be completed in four years and Nelson and his heirs could enjoy the rights to the road for 99 years from completion. The act allowed Nelson to erect a toll bridge at any point he thought proper and to collect the toll fees. Citizens of Carter and Johnson Counties were allowed to contract with Nelson to do work and labor on the road. This act also authorized the opening of a turnpike road to be called the Johnson and Carter turnpike. This turnpike was to run from a road chartered by North Carolina intersecting the Tennessee line, to the Washington County line and in the direction of Jonesborough. The act appointed named Commissioners from Jackson and Carter Counties to receive subscription up to \$10,000 for the purpose of opening the turnpike.
  14. Acts of 1849-50, Chapter 64, authorized Benjamin Cole, Thomas C. Johnson, William Stover, Harvey Richardson and Samuel Duffield of Carter County and Green Moore, William Shown, E. L. Dugger and Abraham Law of Johnson County to open, operate and repair a turnpike road. The road was to begin at Lewis Garland's on Stoney Creek and run up the creek crossing Iron Mountain, intersecting the Taylorsville road near William Shown's. The road was to be a first class road where the road permits and erect bridges or crossways where necessary. The County Court of Carter was to appoint three Commissioners and the County Court of Johnson was to appoint two Commissioners. Those Commissioners were required to regulate the turnpike. The road was to be completed in six years and those responsible for opening the road would, along with their heirs, enjoy the rights to such road for 99 years from completion. Those same persons were allowed by the act to erect a toll bridge at any point they thought proper and entitled to collect

- the toll fee. Citizens of Carter and Johnson Counties were allowed to contract with the proprietors or their heirs to perform work and labor on the road. The proprietors or their heirs could dispose of their interest of the road at anytime.
15. Acts of 1851-52, Chapter 11, stated that Carrick W. Nelson sold his right, title and interest in the turnpike road he was authorized to open by Acts of 1847-48, Chapter 214, above, to Ansil Carden. Carden had the same privileges and would be subject to the same penalties and restrictions as Nelson. Carden was allowed two extra years to complete the road. Carden was allowed to set up two gates on the road but could collect toll from only one gate. The turnpike would be known as Ansil Carden's turnpike.
  16. Private Acts of 1859-60, Chapter 114, changed the method of keeping up the public roads in Carter and other Counties. The County Courts of those Counties had to classify roads into first, second or third classes and assess the tax upon the property. Sheriffs of the Counties had the duty of giving public notice of the act at the precincts 30 days before the March election. The majority of voters had to vote favorably for the tax assessment for it to become law. The County Courts had the authority to appoint a Road Commissioner for their county to assist in classifying roads and the Commissioners were to receive compensation for their services. The County Courts were to determine the amount of compensation. The act stated that taxpayers could pay their road taxes in work at \$1.00 per day for eight hours of work at a time designated by the undertakers of the road. Tax Collectors were required to execute bond, with approved security for the payment of the road tax in an amount twice that of the tax. The bond was to be made payable to the Chairman of the County Courts. County Trustees could only pay under-takers for their work through an order by the County Courts.
  17. Private Acts of 1869-70, Chapter 27, incorporated Granville Stout, John Hardin Jones and their associates for the purpose of building a turn-pike road from the main stage road at or near the residence of A. T. Bunch in Carter County. The road was to go by Granville Stout's to the main road at or near James Hilliard's residence with corporate succession for 99 years.
  18. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 population. The County Court in each county would select a Road Commissioner at its January meeting for each road district. The road districts would be coextensive with the County Civil Districts. The act detailed the duties of the Road Commissioners and the road section overseers to be appointed by the Commissioners. Male residents of the County were subject to road work but could commute the duty by paying a fee. Prisoners of the County were also subject to road work. A tax levy was authorized not to exceed twenty cents per \$100 valuation.
  19. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, by allowing the Road Commissioner to receive and dispose of petitions and to open, close or change roads.
  20. Private Acts of 1917, Chapter 578, made it unlawful for anyone to haul heavy drafts on the pikes of Carter County when the tires on their wagons were under four inches in width. The act also made it necessary for persons using the pikes to haul heavy loads in Carter County to equip their wagons and vehicles with tires at least four inches wide so that the pikes may be preserved and not unnecessarily cut up and injured. Fines for violations ranged from \$5 to \$50 for each offense.
  21. Private Acts of 1919, Chapter 520, authorized the Carter County Court to appropriate money for building pikes in Carter County upon the condition that the people of the community obtain rights of ways for the pikes and erect necessary fences so as to throw the roads open to the public for public use without cost to the county. The act also required that the community provide one-half of the amount needed to pave the pikes and the County had the authority to pay the other half but no more. The County Court was empowered to issue interest bearing warrants or bonds to run as long as the County Court deemed necessary and was further authorized by taxation to provide sinking funds for the liquidation of the indebtedness.
  22. Private Acts of 1925, Chapter 492, provided for the management and control of roads in Carter County. Roads were classified into three types: Federal and State Aid Highways, Turnpikes and District Roads. The Federal and State Aid Highways were under the control of the State and the Pike Commission, who would co-operate with the State and Federal officials in an advisory capacity. Turnpikes were under the control of the Pike Commission. District roads built or maintained by local district funds or road labor were under the control of the District Supervisor. The five member Pike Commission consisted of E. H. Little, Chairman and Superintendent of Turnpikes, C. L. Grindstaff, Secretary, S. A. Williams, W. G. Boren and D. S. Peters. The Chairman and Superintendent of Turnpikes received \$600 per year as compensation, the Secretary received \$300 per year and each of the three Commissioners received \$100 per year. The compensation of the Commissioners was paid out of the turnpike funds. Each Commissioner

- had to execute a \$5,000 bond for the faithful performance of the duties of their office. The Pike Commission had the duty of controlling and managing all turnpike roads, constructing, maintaining and repairing all new turnpike roads in the county. The County Court had the authority to levy a tax on all taxable property in the county ranging from 15¢ to 30¢ per \$100 worth of taxable property as a means of funding the building and maintaining of the turnpike roads. Part of the automobile registration tax belonging to the County would become a part of the general pike fund. However, the funds arising from the automobile tax could only be expended under the direction of or in conjunction with the State Highway Department.
23. Private Acts of 1927, Chapter 676, created a Board of Highway Commissioners for Carter County. The Board was composed of three men elected by the Quarterly County Court. No member of the Court could hold a position on the Commission. Commissioners would hold office for the terms of two, four and six years. Each Commissioner had to take an oath and execute a \$5,000 bond before they took office. The Commissioners had the duty of electing one of their members as Chairman, another as Vice-Chairman and the other as Secretary. Each member of the Commission was to receive \$4 per day for meetings and days spent inspecting up to three days a month. The Commission would meet once a month. The Commissioners were authorized to hire a County Road Superintendent, who was to receive a salary up to \$2,400 per year and a personal automobile and travel allowance in an amount up to \$600 per year. The Commission had the duty of keeping and maintaining all macadamized roads in good repair. The Commission also had to keep in good repair all bridges and levees. The County Court was authorized to levy a tax from 20 to 30 cents per \$100 worth of taxable property. This tax was to create a fund for the maintenance of the roads. The Trustee of Carter County had the duty to collect the tax. If funds for road work were insufficient, the Commissioners were to have all road work ceased until further funds became available. The Commissioners were authorized to borrow money by issuing its note or interest-bearing warrants to obtain the necessary funds.
  24. Private Acts of 1931, Chapter 813, created a Superintendent of Public Roads in Carter County who would hold office for a term of four years. J. A. Waldrop was appointed to serve as Superintendent until the Quarterly County Court held its first election under this act. The act required that the Superintendent be a construction man with at least ten years experience in pike road construction and have no interest directly or indirectly as a contractor in charge of any road in Carter County. He had to take oath and execute a \$5,000 bond. The Superintendent could not engage in the active management of any other business. He had complete control of all public roads, road equipment, engineering work and lay out of all roads in Carter County. If it was necessary for the Superintendent to hire additional employees, he was directed to hire Carter County persons provided he maintain within the budget. Before any warrant or check could be issued for payment of road work, they had to be approved and countersigned by the Superintendent of Roads and the County Judge or Chairman. The act intended for the Road Superintendent to perform all the duties in paying out, opening and closing, and maintaining the public roads of the County then performed by the District Commissioners and Overseers. The Superintendent was to receive \$3,000 per year as compensation to be paid monthly from the county road funds on warrant approved by the County Judge or Chairman. The salary would not begin until the work authorized by Private Acts of 1929, Chapter 820, was completed under the direction of Waldrop. The Quarterly County Court was authorized to levy a tax ranging between 10 and 30 cents per \$100 worth of taxable property. The County Trustee was to collect the tax in a fund called The Road Fund. The act declared that males between the ages of 21 and 45 and not exempt by the County Court had to pay \$3 year road tax or work three days on the road or in quarries under the direction and control of the Superintendent. Workhouse prisoners were required to work out their sentences on the public roads at a rate of \$1 per day.
  25. Private Acts of 1933, Chapter 63, amended Private Acts of 1931, Chapter 813, above, by lowering the annual road tax rate, from 10 cents to 5 cents for the 1932 and 1933 taxable year and then it would return to 10 cents per \$100 work of taxable property.
  26. Private Acts of 1933, Chapter 304, repealed Private Acts of 1931, Chapter 813, above.
  27. Private Acts of 1933, Chapter 305, created a Superintendent of Public Roads in Carter County who would hold office for a term of two years. Nat C. Nave was appointed to serve as Superintendent until the next regular election when one would be elected. The act required that the Superintendent be a construction man with at least five years experience in pike road construction and have no interest directly or indirectly as a contractor in charge of any road in Carter County. He had to take oath and execute A \$5,000 bond. The Superintendent could not engage in the active management of any other business. He had complete control of all public roads, road equipment, engineering work and laying out of all roads in Carter County. If it was necessary for

- the Superintendent to hire additional employees, he was required to hire Carter County persons provided he maintain within the budget. Before any warrant or check could be issued for payment of road work, they had to be approved and countersigned by the Superintendent and County Judge or Chairman. The act intended for the Road Superintendent to perform all the duties in paying out, opening and closing, and maintaining the public roads of the county then performed by the District Commissioners and Overseers. The Superintendent was to receive \$2,400 per year as compensation to be paid monthly from the county road funds on warrant approved by the County Judge or Chairman. The Quarterly County Court was authorized to levy a tax ranging between 10 cents and 30 cents per \$100 work of taxable property. The County Trustee was to collect the tax in a fund called The Road Fund. The act declared that males between the ages of 21 and 45 and not exempt by the County Court had to pay \$2 per year road tax or work two days on the road or in quarries under the direction and control of the Superintendent. Work-house prisoners were required to work out their sentences on the public roads at a rate of \$1 per day.
28. Private Acts of 1935, Chapter 65, amended Private Acts of 1933, Chapter 305, above, by requiring that warrants or checks no longer had to be countersigned, just signed by the Superintendent, County Judge or Chairman and that the Superintendent no longer had the same duties of the District Commissioners and Overseers. The act further provided that in the event the county road funds of Carter County were insufficient to pay the Superintendent his compensation, then he was to be paid out of the general funds of the county. The act also provided that the Superintendent be removed if necessary under the general ouster law of the State.
  29. Private Acts of 1937, Chapter 505, created a County Highway Commission for Carter County. The Commission was composed of five members to be known as the County Highway Commissioners. The Commission had full control to provide and maintain all public roads and highways in Carter County. The members were responsible for electing from amongst themselves a Chairman and Secretary. The act designated Joseph L. Gray, D. M. Chambers, Chairman, Charles D. Ensor, Jack A. Toncray, Secretary, and W. J. Mottern as the first Commissioners. They would serve until their successors were elected. The salary of the Chairman was \$90 per month, plus \$40 for expenses and the Secretary received \$200 per month which would be reduced to \$150 after the expiration of the first term. The other members received \$5 per day for meetings attended up to five days per month. Each Commissioner was required to take oath and execute a \$1,000 bond. Commissioners served two year terms. The act created five Highway Districts and one Commissioner was to be elected from each district. Commissioners had to reside in the district he was elected to represent, age thirty or older, be of good moral character and possess practical knowledge of road construction. The Commission was responsible for complete and full control to provide and maintain all public roads and highways in Carter County. The County Court had the authority to levy a tax for county road purposes at a cost between 3 and 30 cents per \$100 worth of taxable property. The County Trustee was to collect the tax and deposit them into a fund named the Road Fund. Workhouse prisoners were required to work out their sentences on the public highways or in the quarries at a rate of \$1 per day. This act repealed Section 4 of Private Acts of 1929, Chapter 820, herein, by abolishing the office of "Board of Road Commissioners". The Commission was responsible for reporting to the County Court an itemized statement of all disbursements of Public Road funds.
  30. Private Acts of 1939, Chapter 285, repealed Private Acts of 1933, Chapter 305, as amended by Private Acts of 1935, Chapter 65, both above.
  31. Private Acts of 1939, Chapter 297, repealed Private Acts of 1937, Chapter 505, above.
  32. Private Acts of 1951, Chapter 129, provided that the Superintendent of Roads in Carter County receive a salary of \$300 per month payable on the first day of each month out of the treasury on a warrant from the County Judge instead of the \$200 per month as previously indicated.
  33. Private Acts of 1961, Chapter 253, set the County Road Superintendent of Roads in Carter County at \$6,000 per year, payable in monthly installments out of the Road Funds in Carter.
  34. Private Acts of 1971, Chapter 56, amended Private Acts of 1961, Chapter 253, above, by increasing the salary of the County Road Superintendent to \$10,000 per year.

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