



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

December 20, 2024

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 Cocke County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1799, Chapter 39, authorized the construction of a turnpike from Newport across the mountains "by way of the old field of Pigeon, into the state of Georgia."
2. Private Acts of 1825, Chapter 317, authorized the Eli McMahon to build a turnpike from James Baxter's plantation to the North Carolina line. This act also set the maximum tolls which McMahon could charge for travel over his turnpike.
3. Private Acts of 1827, Chapter 223, authorized the Cocke County Quarterly Court to contract with James Baxter, William Gilliland and John Allen for the construction of a turnpike from James Baxter's plantation on Cosby's creek to the North Carolina line, indicating that Eli McMahon was not able to complete construction of that road.
4. Private Acts of 1829-30, Chapter 19, authorized the establishment of a turnpike from the North Carolina line at "the painted rock," down the north bank of the French Broad River to Holland's ferry.
5. Private Acts of 1832, Chapter 39, authorized the county court to issue charters for the construction of certain turnpike roads.
6. Acts of 1839-40, Chapter 78, appointed Alexander E. Smith and William Jack of Cocke County as part of a commission to view, mark and lay off an alteration of a road leading from Newport, in Cocke County, to Sevierville, in Sevier County.
7. Acts of 1843-44, Chapter 52, appointed commissioners of view to mark and lay off an alteration to part of the road from Newport in Cocke County to Sevierville in Sevier County.
8. Acts of 1847-48, Chapter 78, authorized Stephen Huff, Peter F. Kendrick and William Robinson to construct a turnpike from the Patton and Weaver Road to Dawson's Spring. This act was amended by Acts of 1849-50, Chapter 164, to provide that Huff, Kendrick and Robinson could not charge Cocke County citizens for use of their turnpike; and the original turnpike tolls were changed by an amendment found in Acts of 1851-52, Chapter 31, which set the tolls at 2¢ per head for cattle, 1¢ for sheep, 1¢ for hogs and ½¢ per head for the usage of the owner's gates.
9. Acts of 1847-48, Chapter 169, provided further time for Benjamin Parker Hopkins and William Tinker of Cocke County to complete their turnpike road.
10. Acts of 1849-50, Chapter 261, authorized Benjamin Parker Hopkins and William Tinker of Cocke County to open a turnpike road.
11. Private Acts of 1927, Chapter 598, created a permanent board of highway commissioners, of five members, elected by the quarterly county court, who were to have charge of all public roads in the county. They were authorized to employ a full-time road superintendent to supervise the construction, repair and maintenance of the road; and in addition to road duty by the citizens of Cocke County, this act provided for the use of convict labor on the roads.
12. Private Acts of 1933, Chapter 553, was the next road law for Cocke County. The provisions of this act were similar to the 1927 act, with a five member board of commissioner, who would hire a road superintendent; but this act specified that the county court was to turn over the road fund to the commission, who would have exclusive control of this expenditure, and this act also gave the commission the authority to make any necessary purchases for the road department. Private Acts of 1935, Chapter 121, was an amendment which provided that county aid funds received under Public Acts of 1931, Chapter 45, would not constitute a part of the road fund, but this amendment was repealed by Private Acts of 1937, Chapter 872. Private Acts of 1937, Chapter 871, was another amendment to Private Acts of 1933, Chapter 553, providing that the quarterly county court by resolution after July 1, 1937, could authorize the expenditure of the funds received from the state by virtue of Public Acts of 1931, Chapter 45.
13. Private Acts of 1939, Chapter 539, was amendatory to Private Acts of 1933, Chapter 553. This act raised the salary of the members of the board of road commissioners. Private Acts of 1945, Chapter 120, also amended the 1933 road law, by authorizing the commission to hire an bookkeeper at a maximum monthly salary of \$50. Private Acts of 1933, Chapter 553, and all its amendatory acts were repealed by Private Acts of 1947, Chapter 392.
14. Private Acts of 1947, Chapter 392, was a road law for Cocke County which established three road

districts with the voters in each district to elect a member of the road commission. This act also provided for the election, by popular vote, of road supervisor. This act was amended also once before its repeal, that amendment being Private Acts of 1949, Chapter 840, which increased the powers of the road supervisor and allowed the members of the road commission to use their personal automobiles on commission business and be reimbursed for their expense. Both of these acts were repealed by Private Acts of 1953, Chapter 359.

15. Private Acts of 1953, Chapter 359, was the last road law for Cocke County before the enactment of the current law. This act increased the number of road district in the county to six, provided for the election by popular vote of the members of the road commission and the road commission and the road supervisor. This act was amended by Private Acts of 1957, Chapter 99, to create a seventh road district, out of the first civil district, and to appoint Patton Colwell as the road commissioner for that new district. Private Acts of 1959, Chapter 5, attempted to amend this law by increasing the salaries of the road commission and employees by 15%, but this act did not receive local approval and never became effective. Private Acts of 1959, Chapter 55, also amended Private Acts of 1953, Chapter 359, by changing the boundaries between the fourth and sixth road districts. All of these acts were repealed by the current road law, Private Acts of 1961, Chapter 330.
16. Private Acts of 1980, Chapter 176, rewrote Private Acts of 1961, Chapter 330, Section 1, the Cocke County Road Law, to create a five member board of highway commissioners who would be elected for four year terms and be paid \$300 as annual compensation, plus any necessary traveling expenses. This act was approved by the Cocke County Legislative Body on February 15, 1980, but its efficacy further depended on approval in a referendum to be held at the presidential primary election in May, 1980, which was not forthcoming, the act being rejected at the polls.
17. Private Acts of 1981, Chapter 133, would have deleted section 1 of Private Acts of 1961, Chapter 330, but was null and void and never became law.

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