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Highways and Roads - Historical Notes

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Sincerely,

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

1. Acts of 1807, Chapter 32, authorized William Cocke to open a road from the plantation on which Wright Bond now lives, passing by Cocke's iron works on Poor Valley Creek and up to the house where William Henderson formerly lived, near Clinch River in Hawkins County. The road was to be twenty feet wide with fourteen feet from center being clear at all times. The quarterly court of Hawkins County appointed a commission to assess damages done, if any, to view the road at periodic intervals and, if satisfied of its condition, grant Cocke a license to operate it as a turnpike.
2. Private Acts of 1829-30, Chapter 303, declared that the old road known as the Ford Road, near Frederick A. Ross' bridge in Hawkins County to be a public road of the second class. The quarterly courts of Hawkins and Sullivan counties appointed overseers and assign them enough road hands to keep the road in good repair. If the road stayed out of repair for over fifteen days at one time, the overseers were subject to indictment and fine to be recovered in the same manner as other penalties.
3. Private Acts of 1831, Chapter 138, stated that it would be the duty of the solicitor general of the first and second solicitorial districts to give charge to the grand jury at each and every county and circuit court term of Hawkins and Sullivan counties to inquire if overseers were regularly appointed for the Ford Road near Frederick A. Ross' bridge in the said county. This road was again declared to be a road of the second class.
4. Acts of 1837-38, Chapter 45, appointed Garbriel McGraw, of Hawkins County, Nelson A. Senter, of Grainger County, and William Graham, of Claiborne County, as commissioners of the Bean's Station turnpike, all of whom reported to the quarterly court of Grainger County. All wagons and drivers who were hauling salt were relieved from payment of any toll on the said road.
5. Acts of 1851-52, Chapter 191, Section 20, declared that all the sections of the act which applied to Lawrence, Maury, Williamson and Davidson counties would also apply to Hawkins, Jefferson, Greene, Washington, Carter, Sullivan, Grainger and Warren counties. This act authorized the counties named to subscribe to the stock of any railroad chartered to run through their counties in any amount which they should consider expedient, and the courts issued the bonds of the county in payment of the stock subscribed, in whatever manner and amount the court decided.
6. Private Acts of 1866-67, Chapter 27, Section 4, amended an act concerning the Sneedsville Turnpike Company so as to authorize the counties of Hancock and Hawkins to take stock in the said Turnpike Company, and when the commissioners appointed perceived that a sufficient amount of stock had been subscribed in the said company, the construction of the turnpike began.
7. Public Acts of 1901, Chapter 136, stated that the county court of each county elect one road commissioner from each of the civil districts of the county to serve for two years, all of whom were sworn and bonded and subjected to penalties for willful neglect or misconduct. The county courts set the number of days from five to eight for each male resident outside of a city to work on the roads, or pay a commutation fee. A special road tax of two cents per \$100.00 for each day of compulsory labor was levied, two-thirds of which could also be worked out. The commissioners named the overseers in their respective districts who were in charge of the road to be worked. Prisoners worked under certain conditions and arrangements. Roads were classified and indexed and built to meet the general specifications contained in the act. Petitions to open, close, or change roads were disposed of by the commissioner to whom the power of eminent domain was to be exercised. Commissioners were paid the same rate as justice of the peace. This act was amended by Acts of 1905, Chapter 478, in several minor particulars but primarily in the manner of the disposition of the petitions to open, close, or change roads, especially where the exercise of the power of eminent domain was involved.
8. Private Acts of 1901, Chapter 390, provided that a referendum be held to decide whether or not the people were in favor of issuing up to \$100,000.00 in coupon bonds for the purpose of building or buying turnpikes and improving the public roads in general in Hawkins County. The bonds were to be in denominations of \$1,000.00 and were to be paid off at the rate of three a year at an interest not to exceed 5%. The details of the form of the bonds and the manner in which they would be issued were included in the act. A tax levy was required to produce an amount sufficient to pay off the bonds at the maturity rate specified for as long as any were outstanding. If the people approved the issue, three turnpike commissioners were to be elected

- to supervise these projects. The commissioners were to be sworn and bonded and would report quarterly to the county court.
9. Acts of 1903, Chapter 178, authorized Hawkins County to issue interest bearing coupon bonds in an amount not exceeding \$160,000, the proceeds of which were expended in locating and building public roads and bridges in said county, and submitted the question of the issuance of said bonds to a vote of the people of the county and provided for a board of commissioners to maintain said roads after completion by pike commissioners which were selected.
 10. Acts of 1903, Chapter 452, authorized Hawkins County, through its county court, to inaugurate general improvements in its public roads by the levy and expenditure of a special tax for the payment of the improvements so made.
 11. Acts of 1907, Chapter 126, provided how railroad companies may cross and occupy streets, highways and private roads, and may take land for the purpose of substituting other streets, highways and roads in lieu thereof, and prescribed the mode of condemnation of land taken for such purpose, and provided for compensation or damages to the owners of such land.
 12. Acts of 1907, Chapter 518, permitted the quarterly court of Hawkins County to issue up to \$200,000, in negotiable coupon bonds, to build roads and bridges and for no other purpose, which bonds could be issued in blocks of no less than \$40,000 and at different interest rates but none to go over 5%. The bonds matured at \$10,000 in five years and \$3,000 a year afterwards until paid. A tax levy called a "pike tax" was to be made until the bonds were paid off by the trustee, named disbursing agent. Seven roads were listed to be built or improved, and \$30,000 to \$40,000 was designated for the construction of a county bridge across the Holston River at a place to be selected by the county court. A board of commissioners to supervise the program was authorized, who were compensated as the county court directed but no less than 2% of the money bonded. A referendum was required to be held and voter approval obtained before any of the above could be implemented.
 13. Acts of 1909, Chapter 143, regulated the laying out and working of the public roads in Hawkins County.
 14. Private Acts of 1911, Chapter 657, authorized Hawkins County to issue two hundred thousand dollars in interest bearing coupon bonds for the purpose of building, grading, macadamizing and otherwise improving public roads in said county, provided the manner in which the money derived from the sale thereof would be expended, and made it a felony, and provided for punishment thereof for any commissioner or person employed by them or any member of the county court, or other county official, to become interested in any contract made under the provisions of this act.
 15. Private Acts of 1915, Chapter 115, created a more just and equitable system of taxation and a more uniform system of work for pike roads and public highways in Hawkins County.
 16. Private Acts of 1915, Chapter 402, authorized Hawkins County to issue negotiable bonds, to an amount not exceeding \$25,000.00, for the purpose of building a bridge across the Holston River, at or near Chisolm's Ford.
 17. Private Acts of 1915, Chapter 481, authorized Hawkins County to issue \$450,000.00 of interest bearing coupon bonds for the purpose of improving, building, constructing and macadamizing certain roads in said county, and to erect and construct necessary bridges and culverts, over streams, and to construct ditches along said roadsides. Provided for the drainage of surface water and running streams. Provided for the payment of the interest thereon and the redemption of the bonds, and further provided for the expenditure of the funds, arising from the sale of said bonds and fixed a punishment for persons violating the provisions of this act, and if the sum of \$450,000.00 was not enough to complete the roads laid out in this act, the county court was authorized and empowered at any quarterly term to issue and sell fifty thousand more. This act was amended by Private Acts of 1917, Chapter 52, which designated the line of the stage road called for in said act and fixed and determined the line of said stage road upon which the work called for by Chapter 481 was done. Private Acts of 1917, Chapter 175, also amended Chapter 481, by making it mandatory that the board of road commissioners complete the grading of, and to macadamize the road known as the Stage Road, extending from the Sullivan County line to the Grainger County line, and to do this work first, regardless of the completion or construction of any other roads in said county, and made it the duty of said board of road commissioners to reserve out of the proceeds of the sale of the bonds authorized by Chapter 481, funds sufficient to complete the work of grading and macadamizing said road. Private Acts of 1917, Chapter 235, amended Chapter 481 by setting aside 15% of the bond money to be used for cutting down the worst grades on the county roads and to improve the branch roads leading to and from the main thoroughfares. The act directed further that 4½% of the bond money be paid over to Rogersville

- to improve their roads. Section 8 was amended by adding four new roads to the list to be improved and Section 13 by requiring the engineer to be paid out of funds coming into the hands of the commissioners, and that 10% of all the contract money be retained until all the work under that contract was completed and accepted. Private Acts of 1917, Chapter 532, also amended Chapter 481, Section 8, by extending the portions of two of the roads mentioned therein to the points described in the act, and by putting the section of road described in Subsection 9 of Section 8, originally to extend to the Virginia line, within the discretion of the commissioners as to how far in that direction the road was to be improved. Private Acts of 1917, Chapter 770, amended Chapter 481 by improving the description of that part of the Mooresburg Road which was scheduled to be paved, being much more specific about where the paving would start and end, and by inserting a provision which required the work on this road to begin immediately after the Stage Road was finished. Private Acts of 1917, Chapter 796, amended Section 8, by adding a road. Those listed to be improved would begin at the residence of Dr. Pennington at Bulls' Gap, thence by or near the residences of Newton Long and S.S. Walker; thence to E.J. Moore; thence to connect with the St. Clair road at Bulls' Gap Road, which road was to be completed by August 1, 1917, and also added a new road to the list of crossroads to be paved only. Private Acts of 1919, Chapter 254, amended Section 9 of Chapter 481 by granting the board of road commissioners the authority to make agreements, contracts, and to do other acts to cooperate with the state department of highways in regard to the Stage Road running from Sullivan to Grainger County, which would include, but not be limited to, the setting aside of matching funds for the improvement of this road. Private Acts of 1919, Chapter 713, amended Section 6 of Chapter 481 by adding a provision earmarking \$10,000.00 of the bond funds for the construction of a bridge with the necessary culverts and approaches which could cross White Horn Creek, and the court could issue additional bonds, if necessary, for this purpose at 5%, or less, interest. An additional sum of \$5,000.00 was set aside for Beech Creek Road. Private Acts of 1919, Chapter 816, amended Chapter 481, so as to provide that \$1,500.00 of the fund known as the "cross roads fund" due the third district shall be spent on grading the road from Rogersville and Kile's Ford Road, beginning at the residence of E.J. Lee, the distance involved did not exceed three miles. Private Acts of 1921, Chapter 372, amended Chapter 481, and Private Acts of 1919, Chapter 254, by providing that Fred Beal and W.C. Davis serve as commissioners until all the funds provided for in Chapter 481, except those allocated to the Stage Road were spent. Beal would be chairman at \$75.00 a month, and Davis would be secretary at \$25.00 a month until the funds were exhausted but in no case would they serve longer than November 1, 1921. They had to cooperate with the state until the Stage Road was completed and share $\frac{1}{3}$ of one percent of the funds set aside to complete the road. Private Acts of 1923, Chapter 546 amended Chapter 481 by adding a new Subsection 2 of Section 1 which provided that the road commissioners named in that act continue joint supervision with the state highway department of the expenditures of funds on the state highways in Hawkins County and be paid $\frac{1}{3}$ of one percent of the funds spent as long as the fund is not exhausted.
18. Private Acts of 1917, Chapter 570, was the authority for the quarterly court of Hawkins County to issue up to \$10,000.00 in interest bearing coupon bonds, at an interest rate of 6%, or less, and which bonds would mature according to a schedule fixed in the act which funds would be used to build a bridge across the Holston River at or near Crockett's Ferry, which amount is one-half of the cost thereof, the other half to be supplied by Hamblen County. All the essential details are supplied and the mandatory tax levy is included.
 19. Private Acts of 1917, Chapter 811, applied to Hawkins and Claiborne counties and required all males between 18 and 50 to work eight days on the county roads each year, but they could be excused by paying \$2.00 to the trustee. If one were furnishing a team and wagon, or a team and plow, one horse wagons counted one day, and two horse teams two days. Failure to comply leads to fines ranging from \$10.00 to \$25.00. Private Acts of 1919, Chapter 29, amended Chapter 811, so that the act applied only to Hawkins County and not to Claiborne County.
 20. Private Acts of 1919, Chapter 85, regulated the working and laying out of public roads in Hawkins County. This act provided for a road commissioner from each civil district, to be appointed by the quarterly court for two year terms, who would be sworn and bonded, and in charge of all roads and culverts less than twenty-five feet in their district. The commissioners could purchase supplies and materials, appoint overseers to serve in their districts, and enter into contracts to improve and maintain roads. The commission as a whole would classify the roads, lay out new ones, open, close and change them on their own violation or in answer to petitions for the same, exercising the power of eminent domain but required to follow strictly the procedures permitted under the law. Commissioners would be paid \$2.00 a day and overseers a \$1.50 a day up to forty days a year. Roads were to be worked between March and November by males, outside cities,

- between the ages of 18 and 50 who would work six days or pay twenty cents to one dollar per \$100.00 property valuation, and five cents per \$100.00 on privileges. Penalties were provided for failure or neglect to observe all the conditions of this act. This act was repealed by Private Acts of 1971, Chapter 140.
21. Private Acts of 1919, Chapter 565, created the office of superintendent of pike repair in Hawkins County. This act provided for the appointment and election of the superintendent, defined his duties and responsibilities, conferred authority on him, to co-operate, assist and contract with the state highway commission in charge of maintenance and repair of highways and to fix his compensation. This act was amended by Private Acts of 1921, Chapter 80, so as to provide for the payment of the superintendent's salary out of the special fund created by Chapter 565. This act was repealed by Private Acts of 1923, Chapter 364.
 22. Private Acts of 1921, Chapter 201, authorized Hawkins County, upon a majority vote of the county court, to issue and sell \$375,000.00 of non-taxable interest bearing coupon bonds for the purpose of improving, grading and macadamizing certain roads herein named in said county, to construct necessary bridges and culverts on said roads and provided for drainage for said roads and provided for a tax levy for the payment of the interest on said bonds and fixed the rate of interest that said bonds bore, and provided for the payment and redemption of said bonds and provided for the expenditure of the funds arising from the sale of said bonds herein described, created a board of pike commissioners, to carry out the provisions of this act, and prescribed their duties and salaries and provided for the cooperation of the said pike road commission with the state or federal authorities in the procurement of state and federal aid, and prescribed their duties in case state or federal aid was obtained for any road or parts of the roads herein described, regulated the vote and action of the county court as to the issuance of said bonds. Private Acts of 1921, Chapter 312, amended Chapter 201, by raising the amount of bonds to be amortized after five years from \$58,000 to \$65,000. Private Acts of 1921, Chapter 456, amended Chapter 201, by increasing the amount of bonds authorized from \$375,000 to \$384,000, and increasing the amount to be paid at the end of five years from \$58,000 to \$74,000. Two more roads were added to the list to be improved and \$9,000 appropriated for that purpose.
 23. Private Acts of 1923, Chapter 364, regulated the constructing and maintaining of public highways, bridges and other structures thereon in Hawkins County. This act provided for the establishment of the office of county supervisor of public roads and highways; defined his powers and duties, and provided for his compensation. In addition, the act provided for the levy of a road tax and for the collection and disbursement of the same. Private Acts of 1929, Extra Session, Chapter 50, amended Chapter 364, by adding a provision at the end of Section 6 to provide that all monies collected shall be accounted for the civil districts and only expended in the district where collected. Private Acts of 1931, Chapter 37, amended Chapter 364, by adding a new Section 3 which gave the road supervisor the right to employ all necessary labor at wage rates no higher than those being paid for work of a similar nature in other communities, and, further, by striking Section 6 and adding a new provision that no inhabitant, or citizen, of said county shall be required to do or to perform any so called free labor on the public roads at any future time. Private Acts of 1937, Chapter 649, amended Chapter 364, so as to provide for employment by the road supervisor of foreman and laborers, including justices of the peace, in carrying on such road work, and to ratify the approved previous employment of justices of the peace by the supervisor. Chapter 364 was specifically repealed by Private Acts of 1939, Chapter 130.
 24. Private Acts of 1927, Chapter 534, authorized Hawkins County to issue up to \$40,000.00 in short term notes which were verified by the chairman of the county court and the county court clerk, at interest rates to be set by the court, and to mature according to the court's direction. The proceeds were used to construct or repair four roads, named therein, at \$10,000.00 to be spent on each. A tax would be levied to pay the notes as long as they remained unpaid.
 25. Private Acts of 1929, Chapter 21, allowed the quarterly court of Hawkins County to issue up to \$160,000.00 in interest bearing coupon notes which were used to construct and repair a list of 26 roads specified in the law and to spend the amounts allocated in the act on these as individually provided. The notes were limited to 5% interest and a 20 year maturity period. A road commission was provided and George G. Campbell was named as Chairman, George A. Steele was designated as superintendent of the roads, and W.T. Testerman, W.W. Phillips, and Pleas Rogers were named as commissioners, who would serve two years under the supervision of the quarterly court.
 26. Private Acts of 1929, Chapter 487, authorized Hawkins County to issue up to \$97,000.00 in interest bearing coupon notes to construct roads in the county. A list of 30 roads, and the amount to be spent on each one was set out in the law. These notes could not have an interest

- rate of more than 5%, nor mature at dates longer than 20 years.
27. Private Acts of 1929, Chapter 599, authorized Hawkins County to issue \$20,000.00 for the purpose of constructing roads in said county, provided for the payment of principal and interest of said notes issued under this act, provided for the issuance and sale of said notes and provided for the expenditure of funds derived from the issuance and sale of said notes.
 28. Private Acts of 1929, Extra Session, Chapter 67, permitted the quarterly court of Hawkins County to issue up to \$68,000 in coupon bonds at 5%, or less, interest rates and for a maturity period not to exceed 20 years which would be used to improve the 26 roads listed in the act.
 29. Private Acts of 1931, Chapter 121, authorized Hawkins County to borrow upon its negotiable interest bearing promissory note or notes the sum of \$15,000 in order to meet and discharge indebtedness created in the construction of roads, to be paid for by bond issues sold to Caldwell and Company of Nashville.
 30. Private Acts of 1937, Chapter 709, stated that, subject to the successful outcome of a referendum held for that purpose, the quarterly court of Hawkins County could issue up to \$60,000 in bonds, at a 3%, or less, interest rate, to mature as the court should determine, to build a bridge across the Holston River at Surgoinesville, and the approaches at each end at or near Bright's Ferry, (2) a road connecting Christian's Bend and Long's Bend roads along the Holston River, and (3) a high school building in Clinch Valley, at or near Shiloh. All the pertinent details were included and a tax levy required for the sinking fund as long as the bonds were outstanding.
 31. Private Acts of 1945, Chapter 322, authorized Hawkins County to participate in the construction of inter-county and farm to market roads and to accept county funds in supplement of funds provided by the federal and state governments. The quarterly court could issue up to \$300,000 in bonds for this purpose, at 4% maximum interest.
 32. Private Acts of 1970, Chapter 322, would have amended Private Acts of 1919, Chapter 85, deleting three sections that dealt with the provisions of the road tax and its collection and accounting; however, this act was rejected or disapproved by Hawkins County and therefore never took effect.

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