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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 Sevier 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 72, authorized the County Court of Sevier County, as a body politic, to open a road from Sevierville to the boundary of the State in a direction towards the most convenient part or commercial place in Georgia. The court could appoint one or more viewers to view, lay off and mark the road at a compensation of \$2.00 per day. The Court was authorized to levy a road tax to defray the expenses of building the said road, and, in addition, could appoint toll gate keepers to collect tolls in accordance with the schedule set up in this law. The Court could make such other rules and regulations deemed necessary to accomplish the objective. Anyone passing a toll gate without paying was subject to a fine of \$10.
2. Acts of 1803, Chapter 38, permitted the County Court to contract with any person, or persons, to open, clear and keep in repair a road (unidentified in the act but apparently well known to the County Court), and the Court may grant such person toll collecting rights not to exceed twenty years and may cause a toll to be collected for the use and benefit of the county for a period not to exceed twenty years.
3. Acts of 1819, Chapter 40, recited that it had been represented to the General Assembly that James P. H. Porter, and others, had viewed and marked a road from David Frazier's place in Sevier County to the top of Smoky Mountain running from Knoxville to Augusta, Georgia by way of Sevierville, which would reduce the distance by 80 to 100 miles. This Act appointed Porter, above, Alexander Preston, Robert H. Rodgers, William Henderson and James Wilson, as Commissioners to superintend the opening and completing of the said road. They were required to make a bond and would not be paid for serving as Commissioners. When, and if, it became impossible to keep the road going by means of subscription, the Court of Pleas and Quarter Sessions may levy a tax to sustain it.
4. Public Acts of 1821, Chapter 6, required the County Courts of the various counties to classify all the roads in the County into three different classes and to index them which was the first step towards a statewide system of roads and the pattern for many road laws to follow. Width and surfacing were the two standards to be used and penalties were incorporated for damaging or obstructing public roads for the first time.
5. Private Acts of 1821, Chapter 105, incorporated James P. H. Porter, Alexander Preston, Simeon Perry and Robert Rogers of Sevier County and Peter Bryan and William Cate of Jefferson County as the Smoky Mountain Turnpike Company to build a road from Sevierville towards the Georgia line. Anyone working for one week on this road in Sevier County could travel it for one year toll free.
6. Private Acts of 1835-36, Chapter 87, appointed James P. H. Porter, Micajah C. Rogers, Anthony Lawson, John Mullendore and Elijah Cate, as Commissioners to lay off and build a road of the first class from the end of the Smoky Mountain Turnpike Road in Sevier County to the public road in or near Cumberland Gap in Claiborne County. They were to make reports to the County Courts through which the road would pass whereupon the Court shall appoint an overseer and hands to keep the road in good repair. Any failure to comply could lead to indictment and trial.
7. Acts of 1839-40, Chapter 78, appointed Alexander E. Smith and William Jack of Cocke County; Barnett Thornton, Joseph Hill and James Webb of Jefferson County; and James P.H. Porter, Senior, and Micajah C. Rogers of Sevier County as commissioners of view. These commissioners were directed to mark and lay off an alternation in the location of a certain part of the road leading from Newport, in Cocke County, to Sevierville, in Sevier County, passing through a portion of Jefferson County. Once the commissioners of view reported their actions to the county courts of the respective counties, the county courts were directed to appoint overseers to perform the alterations and to keep the road in good repair as a road of the first class. Once these changes were accomplished, the road's location was not to be changed except by order of two-thirds (2/3) of the county court of the county wherein the changes were proposed.
8. Acts of 1841-42, Chapter 32, appointed William Ogle, Senior, Andrew Pearce, Robert Shealds, George W. Cowan, William Catlet, Ira M. Hill, Allen S. Bryan, Jesse Langston and William Thompson, as Commissioners, to open books and to receive subscriptions of stock up to \$25,000 to make a turnpike road from the northern end of Smoky Mountain Turnpike to some point on the route leading to Cumberland Gap which point would be designated by the Commissioners. The

- point, however, would be kept below the Pigeon River mountains. When the road was completed, one toll gate could be erected, but no resident of Sevier County would be compelled to pay any toll charges.
9. Private Acts of 1843-44, Chapter 52, appointed Alexander E. Smith, John German, William A. Simms of Cocke County; Joseph Hill, James Webb and John Dickey of Jefferson County; and James P. H. Porter, John Walker, Lemuel Bogart, George Fox and John Bird of Sevier County, as Commissioners to view, mark and lay off an alteration in the location of the road leading from Newport in Cocke County to Sevierville. When the alteration has been marked by this group of Commissioners, it shall not be changed by anyone else.
 10. Private Acts of 1843-44, Chapter 203, appointed George McCown, John Mullendore, William Henderson, Martin Shults, William Ogle, Senior, William Trentham, Robert Shields, William Catlett, John Ellis, Samuel Bailey, John Walker, J. M. Hammer, G. W. Porter and George Fox, as Commissioners, to open the books and receive up to \$10,000 in stock subscriptions for a road to run from the north end of the Smoky Mountain Turnpike to Pigeon Forge on the west fork of the Little Pigeon River. Shares would be sold at \$20 each, and this company could purchase all the shares of the Turnpike Company, if it so desired.
 11. Private Acts of 1845-46, Chapter 150, authorized James P. H. Porter, John Mullendore, Allen S. Bryan, William Catlett, George McCowen, John Walker, William Ogle, Senior, J. H. Hammer and William S. J. Ford and their associates, to incorporate as the Sevier County Turnpike Company to build apparently the same road described in Private Acts of 1843-44, Chapter 203, above. They could issue up to \$6,000 in \$20 shares. The act had a schedule of tolls to be charged at the one toll gate to be allowed, but residents were exempted from paying it.
 12. Private Acts of 1851-52, Chapter 276, incorporated M. W. McCown, William Catlett, Milton Carter, West J. Emert, William Ogle, Senior, Daniel W. Ragan and H.M. Thomas as the Sevier County Turnpike Co., with up to \$5,000 capital to build a road from the top of Smoky Mountain on a line between North Carolina and Tennessee to the first ford of the west fork of the Little Pigeon River above West J. Emert's place in Sevier County. There were rules for the operation of the company and specifications for the road which must be met. A schedule of tolls to be charged was included and provisions made for periodic examinations to be conducted both of the physical aspects of the road and the financial records of the company.
 13. Acts of 1901, Chapter 136, was a statewide road law for all counties under 70,000 in population. The County Court would elect one Road Commissioner in each Road District which would be co-extensive with Civil Districts who would serve two-year terms. Their duties were set out for which they would receive \$1.00 per day for each day actually worked, not to exceed ten days in one year. A road tax of two cents per \$100 of property valuation was levied and the duties of the courts, the chairman of the Road Commission and the members of the Commission were enumerated fairly extensively. All males between the ages of 21 and 45 were subject to work on the roads as the County Courts might determine and penalties established for any failure to do so. Prisoners were also required to work on the roads under prescribed conditions. Procedures to open, close or change roads were promulgated which must be observed by anyone desiring them. Work on the highways could be contracted under certain conditions. This Act was involved in litigation in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (Tenn. 1906).
 14. Public Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the procedures to be followed to open, close or change a road.
 15. Public Acts of 1909, Chapter 60, seemed to be a typical county road law, but it did not apply to Sevier County as some had previously indicated.
 16. Private Acts of 1915, Chapter 496, allowed the Quarterly County Court to issue \$5,000 in interest bearing warrants which would be used to macadamize certain roads in Sevier County on the most direct routes as determined by the Road Commission. An equal amount would be spent on the roads until they intersected and the remainder on such as were left after that. Authority to levy a tax to pay the warrants was granted in this Act.
 17. Private Acts of 1915, Chapter 616, authorized the Quarterly County Court of Sevier County to levy an annual tax not to exceed more than 30 cents per \$100 of taxable property to lay out, open, grade and macadamize a public road of the first class from the present forks of the public road at the new pike near Mrs. Mollie Hicks residence in the 4th Civil District, to the new pike survey at a point on the southwest side of the big East Fork of Little Pigeon near Long ford and to construct a suitable bridge across the river between Red Bank Church and Mitchell's ford. Three commissioners were to be appointed to supervise the contract and the work and to report to the Quarterly Court. They may employ an engineer to oversee the work, if deemed essential.

18. Private Acts of 1915, Chapter 626, amended Acts of 1913, Chapter 43, by allowing the County Court of Sevier County to direct the Pike Commissioners to expend the remainder of the \$25,000 provided in Subsection 7 thereof upon the public roads leaving the present new grade near Sheldon Ogle's and leading up Bird's Creek to or near the mouth of Campbell's Branch and on to Emert's Cove.
19. Private Acts of 1923, Chapter 472, created the office of Road Superintendent in Sevier County, who would be elected by the County Court at its July term for two years. He must take an oath, make bond and be in full charge of the roads and the road tools and equipment. He will be the Chairman of all the road commissions and the Chief engineer of the county. He shall be 30 years old, or older, a civil engineer with at least two years experience and a person of good character. His salary is set at \$2,400 annually, payable in monthly installments.
20. Private Acts of 1929, Chapter 634, was a road law for Sevier County which classified roads into four classes according to width and to surfacing materials. Cities would continue to exercise control over their streets. Edd Sheperd, Roy Fox and P.J. Ward were named to the first County Highway Commission, serving staggered three-year terms taking an oath and posting a \$2,500 bond as required. The Commission would have regular and called meetings. They would exercise supervision over all roads, designating the ones to be improved, expending the road funds, and may employ an engineer and attorney, if needed. They would get \$4.00 per day, and expenses, but must file an itemized, sworn statement. The Secretary would keep the records, and the Commission would report to the Court. Each Civil District would constitute a road district. Each section of road would have a foreman who would serve for two years and be in charge of maintaining that section of road. All males 21 to 50 years old, were required to work six, ten hour days on the roads, or pay \$1.00 for each day missed. Penalties were provided for violations of this Section, and procedures were established to enforce the working of the roads. Work could be contracted out but not in excess of the money available. The Commission was required to act on the petitions to open, close or change the roads and could set the allowable weights for vehicles. The Court could levy a tax from 20 cents to 50 cents per \$100 of taxable property for roads. District Road Commissioners were abolished.
21. Private Acts of 1931, Chapter 199, amended Public Acts of 1929, Chapter 54, by adding a provision that convicts may be worked on public roads and quarries in Sevier County from morning until night as deemed practical by the Chairman of the County Highway Commission, and further, that all petitions to open, close or change a road be addressed to the District Road Commissioner who shall immediately initiate the procedures provided in the law for hearings and appeals therefrom, if necessary. The limits on the road tax were increased from 30 cents to 60 cents per \$100 property valuation. Males aged 21 to 45 were required to work six, ten hour days on the roads or pay \$4.50 as a commutation charge, but would not be required to work outside his district. All commutation fees would be spent in the district from which they were collected. All tools were to be given to the County Highway Commission whose compensation was increased to \$5.00 per day, plus expenses when outside the county. This Act was repealed by Private Acts of 1933, Chapter 435, below.
22. Private Acts of 1931, Chapter 204, exempted Sevier County from the provisions of Public Acts of 1901, Chapter 136, the statewide road law, as that law involved District Road Commissioners and Section overseers. The District Road Commissioners would turn over all money in their hands to the Trustee of Sevier County and all the tools and property which came into their hands and under their control as District Road Commissioners to the County Highway Commission.
23. Private Acts of 1931 (2nd Ex. Sess.), Chapter 75, amended Private Acts of 1931, Chapter 199, by striking out Section 4 entirely and inserting a provision which declared that no citizen of Sevier County, regardless of age, shall be required to work on the public roads, or pay any money in lieu thereof. All laws in conflict with this provision are hereby repealed.
24. Private Acts of 1933, Chapter 10, created the position of County Road Superintendent and became the next road law for Sevier County. The Superintendent would be elected by popular vote for two-year terms beginning in August, 1934, vacancies occurring between elections to be filled by the County Court. His salary would be \$1,500 annually, payable in monthly installments, plus actual expenses incurred in the discharge of his duties, when supported by sworn, itemized statements. O.E. McMahan was appointed to serve as Road Superintendent until the election. All materials, tools, supplies, records and anything in the hands of the County Highway Commission would be turned over to the Superintendent. He would be the county agent in dealing with the State and expend the road funds derived from all sources, including the gas tax. The Court could levy a road tax from 20 cents to 30 cents per \$100 which shall be used only for road purposes. The Road Superintendent was vested with the authority, duty and obligations formerly possessed

by the Highway Commission. Prisoners could be worked on the roads as specified, and the Superintendent could employ a Secretary at a salary of \$75 per month, or less, to keep the office open, as required. He could also employ an engineer, when needed, and do all other acts incidental to the discharge of his duties. Employees would work a ten hour day and be paid at the rates established in the Act. Those powers mentioned before, such as condemnation, and disposal of petitions to open, close or change roads are repeated herein. This act had only a general repealing clause.

25. Private Acts of 1933, Chapter 435, expressly repealed Private Acts of 1931, Chapter 199, which was the former road law of Sevier County, in its entirety.
26. Private Acts of 1933, Chapter 439, amended Public Acts of 1929, Chapter 54, by adding a provision at the end of Section One which exempted Sevier County from its provisions.
27. Private Acts of 1939, Chapter 592, amended Private Acts of 1933, Chapter 10, Section 3, by extending the term of the County Road Superintendent from two years to four years, but he could not succeed himself.
28. Private Acts of 1943, Chapter 236, amended Private Acts of 1939, Chapter 592, above, by removing the prohibition of succeeding himself from the County Road Superintendent.
29. Private Acts of 1943, Chapter 305, amended Private Acts of 1933, Chapter 10, by increasing all the daily rates of pay set out in that section for various road employees by 50 cents per day.
30. Private Acts of 1945, Chapter 205, amended Private Acts of 1933, Chapter 10, by rewriting Section 22 so as to provide for a ten hour working day for county highway employees at 50 cents per hour and 60 cents per hour for skilled labor. Accurate records were required to be kept for each employee showing his rate of pay.
31. Private Acts of 1949, Chapter 289, amended Private Acts of 1933, Chapter 10, by increasing the salary of the Road Superintendent from \$1,500 to \$2,400 per year, the salary of the Secretary from \$75 per month to \$1,500 per year, and the hourly wage of unskilled labor from 50 cents to 60 cents per hour and of skilled labor from 60 cents to \$1.00 per hour, all raises to take effect on January 1, 1949.
32. Private Acts of 1951, Chapter 611, amended Private Acts of 1933, Chapter 10, by reducing the term of the County Road Superintendent beginning in 1952 to two years, as it formerly was.
33. Private Acts of 1953, Chapter 253, amended Private Acts of 1933, Chapter 10, by increasing the salary of the Secretary from \$1,500 to \$1,800 annually.
34. Private Acts of 1955, Chapter 394, would have increased the salary of the County Road Superintendent from \$2,400 to \$3,600 a year beginning September 1, 1956, but the act was disapproved by the Quarterly County Court and never became a law.
35. Private Acts of 1957, Chapter 122, amended Private Acts of 1933, Chapter 10, by increasing the salary of the County Road Superintendent from \$2,400 to \$3,600 and by changing the hourly rate of pay for skilled workers in Section 22 from \$1.00 to \$1.25. The amendment for the Road Superintendent would take effect on September 1, 1958.
36. Private Acts of 1959, Chapter 232, amended Private Acts of 1933, Chapter 10, by striking "not to exceed \$75 per month" as it appeared in Section 17, and inserting "not to exceed \$200 per month", thus raising the limitation on the Secretary's salary.
37. Private Acts of 1961, Chapter 334, amended Private Acts of 1933, Chapter 10, Section 6, by increasing the salary of the Road Superintendent from \$3,600 to \$4,500 per year.
38. Private Acts of 1965, Chapter 248, was a road law for Sevier County but was not approved by the Quarterly County Court and thus never became effective. The act created the office of County Road Superintendent who would be elected by popular vote for a two year term, any vacancy to be filled by the County Court until the next general election. He would take an oath, make a \$5,000 bond and receive a salary set by the County Court between \$5,000 and \$6,500 per annum. He must submit budget requests and itemized expenditure reports. The Superintendent would have charge of all roads, highways, bridges and culverts in the county except city streets which would remain under the jurisdiction of the city government. The Superintendent's office must be kept open during regular hours, but he could employ a Secretary whose salary limit was fixed at \$300 a month and an engineer, if need be, at a contract price. The act created a highway fund, repealed all compulsory road labor requirements except prisoners could be worked as may be agreed on with the Sheriff. A Purchasing Committee was formed consisting of the County Judge, the Road Superintendent, the County Court Clerk and the County Trustee, who would approve all purchases with the requirement that all purchases over \$500 must be by bid.

Procedures to open, close and change roads were established and the road levy could not exceed 30 cents per \$100 property valuation. All tools and equipment must be plainly marked as the act directs. An advisory board of one member from each Road District was formed. This Act repealed Private Acts of 1933, Chapter 10, and all its amendments.

39. Private Acts of 1965, Chapter 292, amended Private Acts of 1933, Chapter 10, by setting the hourly wage for unskilled labor at \$1.00 to \$1.25 per hour and for skilled labor at \$1.25 to \$1.75 per hour. The salary limit placed on the Secretary to the Superintendent was increased from \$200 to \$300 per month.
40. Private Acts of 1969, Chapter 104, would have been the next complete road law but was not acted on by the Quarterly County Court. This Act was very similar to Private Acts of 1965, chapter 248, which was also rejected by the Quarterly County Court. The important changes were that a minimum road tax of thirty cents per \$100 property valuation was established in Section 11. Section 16 was changed to remove the restrictions placed upon the Road Superintendent in the hiring of those who were to assist him. A new Section 17 was added, but it was almost identical with the latter half of old Section 16. Section 25 required the Budget to be submitted at the July term instead of the January term of the Court. Section 27 had some minor alterations, and the Advisory Committee was omitted in this Act.
41. Public Acts of 1974, Chapter 809, directed the State Transportation Department to construct or rebuild a bridge on old State Route 66 in Sevier County. The Act also appropriated \$500,000 from the state highway fund for these purposes.
42. Public Acts of 1981, Chapter 87, named the bridge crossing the French Broad River on old State Highway 66 in Sevier County, the "Dr. Hobart Ford Bridge" and provided for appropriate markers for the bridge.

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