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

1. Acts of 1806, Chapter 31, named Joseph Hawkins Windle, Thomas Faris, and William Evans, as Commissioners to select the most eligible way for a public road to run from the waters of Poplar Creek in Roane County over the Cumberland Mountain between the head of Wolf River and Obed River as far as the commissioners might think proper towards Jackson County. The commissioners could let the opening of the road, and its repair, along the selected route. A schedule of tolls to be charged when the road was in operation was included. The commissioners would be compensated at the rate of \$2 per day for their services.
2. Acts of 1817, Chapter 148, authorized Thomas Brown of Roane County to form a company to be called the Kingston Bridge Company and as such the company would be incorporated. The company was given the right to build a bridge over the Clinch River on the lands belonging to Thomas Brown at such a point as he deemed convenient at or near Brown's Ferry in Roane County. The bridge could not be built in any way which would interfere with the navigation of the river. When the bridge was completed, tolls which did not exceed those specified in the act could be charged.
3. Acts of 1821, Chapter 6, required the county courts of all the counties to index and classify the roads in their respective counties into three classes, defined in the act, which were determined primarily by the width and type of surfacing material. The width ranged from stage roads, the widest, to a road wide enough to pass two horses and riders on their way to mill or market. Penalties were provided for those who obstructed roads or failed to comply with the terms of this Act. This Act was probably the first step leading to the present transportation network in the state which is one of the best in the nation.
4. Acts of 1823, Chapter 290, was the legislative authority for John Totlett, James Orms, George Gorden, and Jesse Lincoln, to cut out a turnpike road from the foot of Walden's Ridge in the Sequatchie Valley running a direct course across Walden's Ridge to White's Creek, near Gorden's iron works in Roane County.
5. Acts of 1824, Chapter 84, authorized Thomas Brown and John Tedder to cut out and open a turnpike road commencing at the courthouse in Morgan County and running the most direct and practical route to intersect the stage road at or near Dunlap's Stand in Roane county. John Hill, of Morgan County, and Joel Embry, of Roane County, were appointed commissioners to examine and inspect the road every four months and allow toll gates as they deemed right and proper.
6. Acts of 1824, Chapter 138, allowed Thomas Bottom of Roane County to change that part of the Emery Road where the same crosses the main branch of Poplar Creek, so that the road would cross the creek below the mills there owned by Bottom to leave and intersect the old road at the nearest point where a good road could be had.
7. Acts of 1826, Chapter 173, required John Brown and Robert Burke, proprietors of the Cumberland Turnpike Road, to bring the road up to and maintain it at a level of repair specified in the act for which they were permitted to charge certain tolls but could not exceed the amount of the tolls stipulated in the act, If the owners failed to keep the road in repair for a period of three months, this fact would be reported to the circuit court of Roane County which could assess fines against them for not doing their duty.
8. Acts of 1827, Chapter 104, suspended until the meeting of the next general assembly the annual tax of \$25 which had been placed on that section of the Cumberland Turnpike owned by John Brown and located in Roane County.
9. Acts of 1837-38, Chapter 174, named James Berry, Samuel Eskridge, William S. McEwen, Henry Leggett, William Clark, George Gillespie, John Brown, Elbridge G. Sevier, Thomas Brown, and Lewis Gordon, all of Roane County, and eight other citizens of Knox County, as commissioners to open books on stock subscriptions up to \$100,000 with which to build a turnpike road from Knoxville through Kingston in Roane County to join John Brown's turnpike road. The stock would be subscribed and sold under the standard rules in force in the state for that and for building roads of this caliber.
10. Acts of 1837-38, Chapter 250, Section 6, incorporated all the stockholders in the Kingston-Jacksborough Turnpike Company with an authorized capital stock of \$150,000 in \$50

shares. Named as commissioners to serve under the normal rules and regulations were Robert McEwen, Henry H. Wiley, Thomas Brown, William Ellis, and John Roberts, all of Roane County, plus several others who were residents of other counties.

11. Acts of 1848, Chapter 184, was the enabling law for Caleb Ellis, of Roane County, to open a turnpike road beginning at the foot of the Cumberland Mountain, near Jesse Kimbrough's, or John Brown's old place in Roane County, thence running along the best route to intersect Scott's Road in Morgan County. The road, as described above, must be completed in three years, be no less than sixteen feet in width and free of all obstructions. The county courts of the two counties could appoint commissioners upon the application of Ellis who would inspect and report on the status of the said road.
12. Acts of 1879, Chapter 227, was the legal authority for Knox County and Roane County to build turnpikes or macadamized roads in the respective counties using convicts, or workhouse labor, meeting the specifications in the act, concerning road width and surfacing materials, and to build bridges whenever necessary. Whenever five miles of road were completed a toll gate could be erected and the tolls stipulated could be charged those traveling on the roads.
13. Acts of 1901, Chapter 136, was a general road law applicable to all Tennessee counties under 70,000 in population according to the 1900 Federal Census. The county court could select one road commissioner who would serve two years, from each road district in the county, the road districts being co-extensive with the civil districts in the county. The road commissioner would be sworn, bonded, and supervise all roads, bridges, road hands, tools and materials in his district at a compensation of \$1 per day for each day worked but not to exceed \$10 in a year. The county court would fix the number of days, which were to be no less than five, nor more than eight, all of eight hours duration, which road hands were compelled to work, and to establish the price one days' labor was worth. All males, outside of cities, between the ages of 21 and 45, were subject to compulsory road work. The county court was required to levy a general road tax of two cents per \$100 property valuation for each day the road hands were forced to work. The Road Commissioner in the district must name the road overseers and assign them to a particular section of public road over which they would be in immediate charge, who would work the same number of compulsory days as anyone else, and then be paid for extra days up to \$6 for each year. Road Commissioners must hear and dispose of petitions to open, close, or change the roads in their area, must index and classify the roads, and see that the roads met all the basic specifications. (This Act was involved in the case of Carroll v Griffith, 117 Tenn. 500, 97 SW 66 (1906)).
14. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, Item 13, above, in several minor particulars but principally in the sections providing for the methods to be used in the acquisition of property for rights-of-way, especially when the power of eminent domain was to be used.
15. Private Acts of 1907, Chapter 101, required any railroad company to restore to its former status any street over which they built their tracts but urging them to so construct their tracks that a minimum of public streets would be crossed. Whenever a street had to be replaced the railroad company must replace it with a street of comparable construction and value. The railroad company must avoid crossing streets, or replacing streets whenever possible. Upon the refusal, or the failure, of the railroad company to observe the requirements of this Act, the road commissioner may direct them in writing to correct a given situation or file suit in court to compel compliance herewith.
16. Private Acts of 1911, Chapter 518, was the legislative authority for the quarterly court of Roane County (identified by the use of the 1910 Federal Census figures) to levy and assess on the taxable property of the county, beginning in 1911, a tax which was not to exceed 50 cents per \$100 property valuation. These taxes would be cumulative and in addition to all other taxes then in force, which funds would be used to build, improve, and repair such public roads as the court might direct, and all other power and authority necessary and incidental to the accomplishment of these objectives were likewise conferred upon the court. Any surplus would also be spent on roads as the county court directed.
17. Private Acts of 1915, Chapter 652, allowed the county highway commissioners in the counties of Anderson, McMinn, and Roane to condemn land for rights of way in the name of the county to construct any pike, or high-way, provided, however, that the procedures to do so which were prescribed in this Act were strictly observed step by step according to the notice, hearing, trials, and appeals.
18. Private Acts of 1919, Chapter 766, permitted the quarterly courts of Blount County, Loudon County, and Roane County, to levy and collect a special road tax not to exceed twenty cents per

- \$100 property valuation for the purpose of providing funds to grade, macadamize, build, and maintain such roads in those counties as will connect with each other. Hereafter, no one county would be responsible for the expenses of the work except on that portion of the roads which was located within that county. This tax was to be levied and collected as were all other taxes.
19. Private Acts of 1933, Chapter 392, authorized the quarterly court of Roane County to contract with the proper state authorities having supervision thereof for lifting the tolls imposed on any bridge, or bridges, in the county, and to pay the state an amount from the gasoline tax money not to exceed 25% of the same, or to pay an estimated percentage of the tolls which would have been normally expected to be paid but not to exceed 50 per cent. If an agreement is reached among the parties, the Roane County Quarterly Court could adopt a resolution to that effect and proceed to enter into binding contracts reflecting the said agreement.
 20. Private Acts of 1933, Chapter 755, abolished the Dirt Road Commission in Roane County who were heretofore elected by the quarterly court and all the rights, powers, and duties of that commission were transferred to and conferred upon the existing Pike Commission which would in the future exercise all the jurisdiction over those roads which formerly came within the province of the Dirt Road Commission. Pike Commissioners would hereafter be elected for two years.
 21. Private Acts of 1933, Chapter 756, made it mandatory in Roane County that all males, outside cities, over the age of 21 and under 45, unless disabled, work on the roads each year for two days, but any prospective road hand could be excused by furnishing some able bodied man to take his place or by paying \$1 a day as a commutation fee. The road tax collected must be spent as nearly as possible in the district from which it was collected.
 22. Private Acts of 1937, Chapter 465, provided that in Roane County (identified by the 1930 Federal Census) the chairman of the county road commission would be paid the sum of \$450 per year, as an expense reimbursement and as compensation, in addition to any other compensation which might be paid to him under any other law. The above amount would be paid to him on a payroll warrant payable out of the gasoline tax fund, or out of any highway funds on hand, it being the intention of the General Assembly through this Act to provide the chairman of the commission with \$50 per month for his expenses and compensation.
 23. Private Acts of 1937, Chapter 469, stated that, upon a favorable vote of a majority of the members of the quarterly court, the county judge had the authority to contract with the state commissioner of highways for the payment of tolls on bridge #14 at Kingston, incurred by persons carrying farm produce to market, or returning. The payment of the money would come from the state gasoline tax allocation to the county. The intent of the general assembly was to free this bridge from the payment of tolls by people who were engaged in transporting their farm products to market, or returning.
 24. Private Acts of 1943, Chapter 313, amended Private Acts of 1933, Chapter 755, Item 20, above, by increasing the term of the pike commissioners from two years to four years.
 25. Private Acts of 1945, Chapter 565, regulated the expenditure of road funds in Roane County. All funds were to be expended equally among the five road districts and the commissioner of each district would control their application. No warrant would be paid unless the same were signed by a commissioner of a pike, or road, district, and no commissioner could authorize the expenditure of more than one-fifth of the funds. Any expenditure over \$300 must first be advertised and bids taken according to the procedures specified in the act.
 26. Private Acts of 1949, Chapter 514, recited in the introduction that a Roane County road grader, driven by Dick Manie, a county employee negligently and carelessly ran into cars belonging to Emerson Moore, and Mrs. Charles Owensby, which injured the cars and the persons of Mrs. Owensby, Mrs. Viola Pugh, and Mrs. Peal Loop, causing them to incur various hospital and medical bills. This Act allowed the quarterly court of Roane County to appropriate \$2,500 with which to compensate the above named for their injuries and their damaged vehicles. Payments were not to exceed \$2,500 which would be paid out of the general fund but was not to be construed as an admission of liability.
 27. Private Acts of 1951, Chapter 470, created a road commission in Roane County which would have the charge and supervision of construction, maintenance, and repair of all public roads, highways, and bridges, consisting of five members, one each to be elected by the people in that district at the regular August election, 1952, and every four years thereafter. The commissioners had to be sworn into office and execute bonds for \$5,000. Reports were required from the commissioners to be filed with the chairman of the county court who was obligated to keep such reports in a well-bound book. All warrants had to be countersigned by the chairman and recorded. Each commissioner would be paid \$160 per month as compensation for his services which would come

from the general county fund. The present commissioners would remain in office until September 1, 1952 when their successors, elected in August, 1952, would take over their responsibilities. This Act was repealed by Private Acts of 1959, Chapter 163, the present road law.

28. Private Acts of 1953, Chapter 461, amended Private Acts of 1951, Chapter 470, then the road law for Roane County, by increasing the monthly compensation of the road commissioners from \$160 to \$200.
29. Private Acts of 1973, Chapter 35, was an act prohibiting litter on public roads. See the Section on "Offenses".

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