



July 05, 2024

Highways and Roads - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Highways and Roads - Historical Notes	3
--	----------

Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, required the County Courts of all the counties in Tennessee to index and classify the roads in their counties into three classes, determined primarily by the width, use, and surfacing material of the road. Roads of the first class had to be maintained to a higher degree than the others. There were Penalties in this Act for obstructing the roads and for failing to comply with the terms of this Act. This Act may have been the first step taken which has led to Tennessee's fine State and County road and transportation systems.
2. Acts of 1826, Chapter 190, appointed Benjamin Jones, and Phillip Abel, of Rhea County, as Commissioners for a turnpike road, running through Rhea, Hamilton, and Bledsoe Counties. The Act further provided that all people of these three counties who have assisted in the opening of this road, who have worked upon it before the passage of this Act, and all persons going to and from mills, musters, church, or blacksmith shops, are exempt from paying toll on this road.
3. Acts of 1829, Chapter 6, named George Dawson of Bledsoe County, and James Preston, of Rhea County, as the Commissioners for a turnpike road which would be built and maintained by Randolph Ross and Reuben Ross, with George Gordon.
4. Acts of 1829, Chapter 134, stated that the proprietors of the turnpike which crosses Walden's Ridge in Rhea and Bledsoe Counties shall not hereafter be required to pay a tax greater in amount than \$10.
5. Acts of 1829-30, Chapter 40, named William T. Gillingwater, of Rhea County, as an additional Commissioner on the turnpike road leading from the foot of Walden's Ridge in Bledsoe County to the foot of the said Ridge in Rhea County, commonly called Beattie's Turnpike.
6. Acts of 1829-30, Chapter 53, released and discharged the owners and proprietors of the turnpike road leading from Bledsoe to Rhea County, known by the name of Beattie's Turnpike, from paying any tax for keeping a turnpike toll gate on the said road.
7. Acts of 1829-30, Chapter 209, appointed John Ayers and Herman Collins, of Bledsoe County, as Commissioners for the Turnpike Road running from Acquilla Johnson's and running thence near Sam Cathey's mill, Bledsoe County, crossing Walden's Ridge in the most direct line to Washington in Rhea County, at or near Orvill Paine's.
8. Acts of 1839-40, Chapter 150, was the enabling law for Moses Thompson, of Rhea County, to open a turnpike road, starting in Grassy Cove in Cumberland County and crossing Walden's Ridge by the most practical route to the foot of the mountain in Rhea County which allowed him to charge the same tolls as on other turnpikes. The Act named Weatherton S. Greer, of Bledsoe County, James J. Cash, and E. E. Warson, of Rhea County, as Commissioners to examine the road periodically. The people living in the First Civil District of Rhea County and the Second Civil District of Bledsoe County were exempted from paying the tolls on the road. This Act was repealed by the one following.
9. Acts of 1859-60, Chapter 89, expressly repealed the 1839 Act above which related to Moses Thompson. This Act was the legal authority for William R. S. Thompson to build a turnpike road starting from near Grassy Cove in Cumberland County, running across Walden's Ridge to the foot of the mountain in Rhea County, which would descend the mountain between David Roddy's gap and the Piney River. The road must meet the specifications set up in the Act. James Robison, of Rhea County, and John Garrison, of Cumberland County, are named to examine and inspect the work as it progresses and every six months after completion for which they would each be paid \$2 per day. The right to charge the tolls specified in the Act would endure for the 25 year life of the franchise period. All tollgate keepers on the road must take an oath that they will not charge any greater amount for tolls than the ones specified in the Act.
10. Acts of 1865, Chapter 20, authorized F. A. Henagar, James R. Rigsby, George W. Rider, and Abel A. Pearson to establish a turnpike road across Quall's Trace of Walden's Ridge, beginning at the point where J. L. Hutchison formerly lived in Rhea County and running thence to Bridgeman's Mill in Bledsoe County.
11. Acts of 1865-66, Chapter 25, appointed William A. Green and Robert R. Barger, both of Rhea County, and William Skillem, of Bledsoe County, as the Commissioners for the Kinka Turnpike, whose Charter is hereby reviewed.

12. Acts of 1869-70, Chapter 43, granted to the Cincinnati and Southern Railroad the right to enter upon any land in the several counties listed in the Act, including Rhea County, for the purpose of examining and selecting the rights of way for the Railroad, which would commence in the City of Chattanooga and extend to the northern boundary of the State.
13. Acts of 1901, Chapter 136, applied to all counties under 70,000 in population. The Act was a general road law for all affected counties which allowed the county court to appoint a Road Commissioner for each Road District, which would be coextensive with the Civil Districts. The commissioners would be in office for two years discharging the duties listed in the Act. The county court must assign road hands to the districts and determine the number of days each was required to work which must be no less than five nor more than eight. The quarterly courts must further levy a special road tax of two cents per \$100 or property valuation for each day they decide for the road hands to work, but two-thirds of this tax may be worked off. Commissioners would name the overseers in each District who were in immediate supervision of the roads, who would establish reasonable specifications for the roads to be built, who would index and classify the roads, and who would hear and dispose of the petitions for opening, closing, or changing roads. The county court had the authority to contract some of these roads repair and maintenance out. The Commissioners would be paid the same amount as the justices of the peace for their attendance at the quarterly court. A road tax not to exceed 20 cents per \$100 property valuation was to be levied for expenditure in the County road system.
14. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars, but most substantially in the procedures to be followed to secure rights of way for the county and state roads, especially where and when the power of eminent domain had to be used to obtain the same.
15. Private Acts of 1921, Chapter 844, directed that K. F. Johnson and M. D. Hinds be added to the Board Commission to build lateral roads in Rhea County and their powers, duties, and compensation shall be the same as the other members of the Board Commission (See Bond Issues for Roads.)
16. Private Acts of 1933, Chapter 151, created a Department of County Roads in Rhea County, identified by the use of the 1930 Federal Census, whose management would be vested in a five member County Road Commission and a Supervisor of Roads. No member of the county court could serve in either position nor could they be members of the county court. Five Road Zones were set up which were made up of whole Civil Districts, and one commissioner would be elected from each District by the people. Regular meetings of the commission would take place on the first Tuesday in each month but called meetings could be held at any time. Their compensation was \$3.00 for each regular meeting and nothing for a called meeting. The Commission would be in charge of all the roads, bridges, and culverts in the county, except those under the supervision of the state, hear and dispose of petitions to open, close or change a road, but all bridges costing over \$300 had to have prior approval by the county court. The purchasing commission would procure materials, placing all items over \$350 on competitive bids. The Act named to the Board G. C. West, Charlie Tooley, C. E. Reid, O. D. Wilburn, and W. J. Jared for the respective Districts in that order. The Commission would report to the County Judge, or Chairman, the condition of the road funds each month. All males outside cities between the ages of 21 and 50 must work 6 days on the roads, or pay over \$6. Penalties were provided for those in violation of any of the terms and conditions of this Act, which was later repealed as amended by Private Acts of 1943, Chapter 152.
17. Private Acts of 1935, Chapter 415, amended Private Acts of 1933, Chapter 151, Section 3, above, by striking the provision for a compensation of \$3.00 per day for members of the Road Commission and substituting \$100 per year for each member, payable quarterly, which would be in place of all other compensation. A Section 6 is added to the Act which provided that the County Road Supervisor shall be employed for a term of two years, and shall enter upon the discharge of his duties on the first Tuesday in September following the general election in August.
18. Private Acts of 1935 (Ex. Sess.), Chapter 62, incorporated the area and the inhabitants of Rhea County and Meigs County as the "Rhea and Meigs Special District" to construct, maintain, and operate, a bridge across the Tennessee River at or near a point between Dayton and Decatur, which corporation was endowed with all the corporate powers and privileges incidental to those institutions. A six member Board of Commissioners was provided, one of whom would be Chairman, and another, Secretary. The Act named J. W. Lilliard, J. R. Coffman, W. A. Shadow, James Abel, Glenn Woodlee and Owen Wasson to the first Board. Three Commissioners would be elected in each county at the next general August election for four year terms, succeeding those named above. The Commissioner had the power and authority to acquire the land, construct, and

maintain the said bridge. They could also issue bonds at interest rates not to exceed 6% and to mature in 40 years, or less, from date of issue. The Commission would provide a schedule of tolls, rates, and fees to be charged on the bridge which would be sufficient at all times to accomplish the above stated purposes. Bond holders were given certain expressed rights to secure their investments. Commissioners would employ all the personnel to operate the bridge, and serve without pay except they would be reimbursed for their actual out of pocket expenses up to \$25 a year.

19. Private Acts of 1937 (Ex. Sess.), Chapter 24, was the legal authority for the County Judge, the Supervisor of Roads, and the Superintendent of Public Instruction, all of Rhea County, to make a settlement, subject to the approval of the County Court, with Raymond Hawkins, who was injured while working with the County Highway Department, and with Max Harwood, through his father, Morgan Harwood, which younger Harwood sustained injuries while operating a saw in the Manual Training Department of the Spring City High School.
20. Private Acts of 1941, Chapter 430, ratified and confirmed in all respects the use and application heretofore made in Rhea County of highway reimbursement funds. The actions of the County Trustee in the consolidation and handling of the debt service accounts and sinking fund assets including interest accrued on the bonds held in any sinking funds under the authorization of and with the permission of the Quarterly County Court are also ratified and confirmed in all respects.
21. Private Acts of 1943, Chapter 36, amended Private Acts of 1927, Chapter 38, Section 3, the Rhea County Road Law, published herein, by increasing the annual salary of the Road Supervisor from \$1,800 to \$2,400 and the monthly rate of pay from \$150 to \$200.
22. Private Acts of 1943, Chapter 152, specifically repeals Private Acts of 1933, Chapter 151, Item 16, above, and all its amendments in their entirety.
23. Private Acts of 1949, Chapter 622, validated, ratified, and confirmed four printed pages of claims which had been filed against the Rhea County Highway Department and which were at that time in the County Accountant's office. The Quarterly Court is allowed herewith to borrow enough money to pay the said claims at an interest rate not to exceed 4%. Since the money was used for the roads in Rhea County, it shall be repaid out of the shared gasoline tax money from the State. \$2,500 shall be set aside each month and applied to the payment of these claims until all of them have been liquidated.
24. Private Acts of 1949, Chapter 631, amended Private Acts of 1927, Chapter 38, the Rhea County Road Law, by inserting a new Section 2 which set up the position of Road Supervisor and set the salary between \$200 and \$250 a month, and repealed Section 4, 5, 6, 8, 9, 10, and 18 in their entirety, as written. This Act was repealed by the one below.
25. Private Acts of 1953, Chapter 45, expressly repealed Private Acts of 1949, Chapter 631, Item 24, above, in its entirety, thus restoring Private Acts of 1927, Chapter 38, to its original text.
26. Private Acts of 1953, Chapter 50, amended Private Acts of 1927, Chapter 38, Section 3, by increasing the annual salary of the Road Supervisor from \$2,400 to \$4,800 and the monthly pay rate from \$200 to \$400. This Act was repealed in Item 28.
27. Private Acts of 1953, Chapter 569, amended Private Acts of 1953, Chapter 50, Section One, above, by reducing the annual salary of the Road Supervisor from \$4,800 to \$3,600, and the monthly rate of pay from \$400 to \$300, but set up an expense account of \$600 a year payable \$50 a month. This Act was repealed in Item 28.
28. Private Acts of 1968, Chapter 492, would have amended the Road Law of Rhea County, in Section 3, by raising the annual salary of the Road Superintendent from \$5,400 to \$7,200, but this Act was rejected by the Quarterly Court and never became an effective law.

Source URL: <https://www.ctas.tennessee.edu/private-acts/highways-and-roads-historical-notes-50>