



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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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Highways and Roads - Historical Notes

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

1. Acts of 1813, Chapter 45, authorized Samuel Smith of Montgomery County to erect a toll bridge across the Red River at a point near his ferry provided he did not obstruct the navigation on the river. The rate of toll could not exceed the ferriage set by the County Court.
2. Private Acts of 1829, Chapter 273, incorporated the Mouth of the Red River Bridge Company and authorized it to build a toll bridge in Clarksville. The toll charge could not exceed the rate of ferriage set by the County court.
3. Private Acts of 1832, Chapter 58, authorized Joseph B. Thomas and James H. Reynolds to construct a bridge across the Red River where the road leading from Clarksville to Russellville crosses the river. The act required the men to obtain the consent of H. P. Marr, the builder of the then existing bridge, and further, to accept responsibility for the payment of all the debts Marr and his company might owe. The County Court would appoint an acceptance committee of three freeholders to examine the bridge, when completed. The act set forth a schedule of tolls to be collected by the builders. A period of five years was allowed for completion of the bridge.
4. Private Acts of 1835-36, Chapter 55, granted an additional one year to James B. Reynolds to complete the bridge across the Red River on the road from Clarksville to Russellville.
5. Acts of 1847-48, Chapter 193, incorporated the Port Royal Turnpike Company for the purpose of building a turnpike road from Clarksville along the south side of Red River to Port Royal, then to the Nashville and Springfield Road. The turnpike was to be thirty feet wide with at least eighteen feet substantially graveled or macadamized. A tollgate could be erected every five miles. The act also incorporated the Clarksville and Hopkinsville Turnpike Company to build a turnpike from Clarksville to the Tennessee and Kentucky state line in the direction of Hopkinsville.
6. Acts of 1851-52, Chapter 266, authorized the building of a road from the intersection of the corporate limit of Clarksville and the Charlotte Road to a point near Rook's Ferry, a distance of two or three miles. The road could have one toll gate which charged one-half the lawful toll. In addition, the act created the Clarksville and Kentucky Turnpike Company to build a macadamized road from the main street in Clarksville to the Kentucky line.
7. Public Acts of 1881, Chapter 38, was a general road law for the State. Each County Court was required to divide its county into road districts and elect three commissioners for each district. All male inhabitants, over eighteen and under fifty years of age, in each county were required to work as road hands for not less than three nor more than six days per year. The act fixed the rate of property tax for road purposes, and set forth procedures for a detailed system of operating county roads.
8. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court would select one Road Commissioner for a two year term from each Civil District which were called Road Districts for the purposes of this Act. The Commissioner would be in charge of all roads, bridges, road hands, tools, and materials used in his area, and would be compensated at the rate of \$1.00 per day but for no more than ten days each year. The County Court would fix the price on one day's labor. The County Court could also levy a road tax of two cents per \$100 for each day of labor for the road hands. Road Commissioners would name and supervise the Road Overseers in their Districts who would be the immediate supervisors of their section of road, would work the same number of compulsory days and be paid up to \$6.00 per year for the days worked over that number. All males outside of the cities between the ages of twenty-one and forty-five were required to work on the roads. The Commissioners would hear and dispose of the petitions to open, close, or change a road, would classify and index the roads in their Districts and would see to it that the roads in their districts met the basic specifications established in the act. This act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906)
9. Acts of 1903, Chapter 64, abolished the road districts and the position of road commissioner in Montgomery County. The County Court was required to divide the County into road sections and appoint an overseer for each. The overseer had charge of all the road hands and the operation of the road system within their respective sections. The County Court was authorized to arrange for the County to purchase turnpikes and construct bridges, and to decide whether to collect tolls or to operate them as tax supported public roads and bridges. A total of 125 miles of dirt roads could

- be improved by paving and were then to be called County Highways. The improvements could be funded by promissory notes of the County and were to be decided upon by a committee of five members of the County Court referred to as the Committee on Improved Highways.
10. Acts of 1905, Chapter 17, amended Acts of 1903, Chapter 64, by requiring persons subject to road duty to perform the work required unless they commuted by May 10 of each year. The act also required the committee on Improved Highways to hire an engineer to supervise road repairs. The sum of \$62,500 was authorized to be expended by the committee for selected road improvements. All road work would be under the supervision of a foreman selected by the committee. No more than one foreman would be selected for any one Civil District. All persons subject to road duty would be supervised by the foreman in their respective Civil Districts.
 11. Acts of 1907, Chapter 369, amended Acts of 1903, Chapter 64, and Private Acts of 1905, Chapter 17, by abolishing the position of Road Overseer and assigning the overseers' duties and responsibilities to the foremen of the several districts.
 12. Acts of 1909, Chapter 137, amended Acts of 1903, Chapter 64, above, and Acts of 1905, Chapter 17, above, by requiring the selection of a foreman for each road section of Montgomery County, rather than each Civil District. The foreman would be under the supervision of the Highway Committee and would notice and assemble the road hands for work and maintain the roads of the respective sections. The deadline for commutation was changed to July 1, after which date no person could substitute payment for work. An additional ad valorem tax for road purposes was allowed in the County. In addition, the act required all persons traveling the highways with engines or machines weighing more than two and one-half tons to carry with them four planks, each a minimum of two x twelve x ten, for the purpose of bridge crossing. The planks were to be laid in front of the machine during the crossing. Violation of this requirement was a misdemeanor carrying a penalty of a five to twenty-five dollar fine.
 13. Private Acts of 1911, Chapter 308, amended Acts of 1903, Chapter 64; Acts of 1905, Chapter 17; Acts of 1907, Chapter 369, and Acts of 1909, Chapter 137, by adjusting the population figures used in the acts following the 1910 Federal Census.
 14. Private Acts of 1915, Chapter 393, amended Private Acts of 1909, Chapter 137, by raising the commutation rate to seventy-five cents per day, payable to the County Trustee on or before May 1 of each year.
 15. Private Acts of 1917, Chapter 243, required each wagon owner in Montgomery County to place his wagon in the service of the County, together with a team and driver, for five days of each year. The commutation was fixed at \$3.00 per day.
 16. Private Acts of 1919, Chapter 203, was a comprehensive and lengthy road law for Montgomery County. The act empowered the Quarterly Court with general authority over the public roads and bridges. The County Judge or Chairman would direct all road work and was empowered to appoint overseers for each road section. The boundaries of the sections were to be determined every two years with each Civil District containing no less than three nor more than seven. All males residing outside incorporated towns were made subject to road duty of five days per year if between the ages of eighteen and fifty years. Commutation was available at seventy-five cents per day payable on or before June 1 of each year. Obstructing a road, bridge or ferry, driving a vehicle with a locked wheel on a bridge, and failing to use planks in crossing a bridge with heavy machinery were each declared to be a misdemeanor. A road tax of from ten to fifty cents on each \$100 of value of taxable property could be assessed by the County Court to pay for the roads and emergency borrowing was authorized. Under the direction of the County Judge, workhouse prisoners could be worked on the roads or could be provided for labor under contract with the proceeds going to the general road fund. The County Judge was given the power of eminent domain to condemn lands necessary for locating highways, bridges, rock quarries, and gravel beds.
 17. Private Acts of 1921, Chapter 108, amended Private Acts of 1919, Chapter 203, by increasing the rate of commutation payable by persons under a duty to perform road work to \$1.00 per day and by increasing the fine for failure to perform road work to \$5.00 per day.
 18. Private Acts of 1923, Chapter 22, required all owners of wagons and teams not residing within an incorporated town and those within an incorporated town who used the public roads for hauling for profit to furnish the wagons and teams with harness to work on the County roads.
 19. Private Acts of 1927, Chapter 245, authorized the Board of Highway Commissioners to make assignments for all persons liable for road duty either as road hands or as owners of horses and wagons. They would be assigned to work the sections of roads nearest their homes if possible. The County Tax Assessor would return to the Commission a list of names of all the people subject

- to road work from which the actual work details would be made.
20. Private Acts of 1931, Chapter 127, repealed Private Acts of 1923, Chapter 22 in its entirety.
 21. Private Acts of 1931, Chapter 405, amended Private Acts of 1921, Chapter 108, by decreasing the commutation fees to sixty cents per day.
 22. Private Acts of 1933, Chapter 18, amended Private Acts of 1919, Chapter 203, and its amendatory acts, by raising the minimum age for persons who where required to work on County roads from eighteen years to twenty one years.
 23. Private Acts of 1935, Chapter 468, repealed the following: Private Acts of 1919, Chapter 203, Sections 10, 11, 12, 13, and 14, as amended by Private Acts of 1921, Chapter 108; Private Acts of 1931, Chapter 403; Private Acts of 1933, Chapter 18. The act stated that it intended to exempt all males in Montgomery County from compulsory public road duty and the payment of commutation fees in lieu of the road duty. Private Acts of 1931, Chapter 403, applied to Civil District boundary lines in Hardin County, but was repealed by this act also.
 24. Private Acts of 1949, Chapter 212, required the Election Commissioners of Montgomery County upon proper petition to hold an election to determine the will of the voters on the question of whether a County Road Supervisor should be popularly elected.
 25. Private Acts of 1976, Chapter 282, amended Private Acts of 1923, Chapter 312, reprinted above, by changing the system of compensation for associate members of the County Board of Highway Commissioners so that the members received a per diem allowance equivalent to that received by members of the Quarterly County Court. This act was not approved locally and did not become effective.
 26. Private Acts of 1976, Chapter 287, amended Private Acts of 1923, Chapter 312, by increasing the compensation of the associate members of the County Board of Highway Commissioners from \$500 to \$1,000. This act was not approved locally and did not become effective.
 27. Private Acts of 1979, Chapter 72, created the County Board of Highway Commissioners composed of three members. Two members would be appointed by the Board of County Commissioners and one member would be elected at large and would also serve as the Director of Public Works. The new Board would have authority over the repair, construction, improvement, maintenance and operation of the roads, bridges and ferries in the County with the power of eminent domain and the power to open and close roads, bridges, and ferries. The Board would designate maximum tonnage of vehicles traveling the roads, bridges, and highways of the County. The act was not approved locally and did not become effective.

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