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

1. Acts of 1819, Chapter 169, authorized John Rogers and Charles Sullivan to open a turnpike road from McMinnville to the county seat of Marion County.
2. Acts of 1829-30, Chapter 29, authorized Robert Cozby, John W. Hill, Peter Brown, and Josiah Anderson to open a turnpike road, "commencing in the neighborhood of Ephriam Hixen, Jr. in Sequachy Valley, Marion County" and crossing Walden's Ridge to the west side of Chickamauga Creek.
3. Acts of 1831, Chapter 185, authorized George Wood to open a turnpike across Cumberland Mountain in Marion County.
4. Acts of 1833, Chapter 36, authorized James J. Hornback to build a mill dam across the "Sequatchee" River, provided that he did not obstruct navigation of the River.
5. Acts of 1833, Chapter 52, authorized John C. Haley to open a turnpike road across Walden's Ridge in Marion County.
6. Acts of 1835-36, Chapter 27, named a Board of Turnpike Commissioners for a turnpike to be opened between Marion and Hamilton Counties, to be 18 feet wide, clear of all stumps, trees and other obstructions with bridges 12 feet wide.
7. Acts of 1837-38, Chapter 191, appropriated \$3,000 to Marion County under the supervision of Absalom Dickens, John Mitchell and William Rice, for the improvement of rivers in East Tennessee.
8. Acts of 1841-42, Chapter 130, gave Josiah M. Anderson of Marion County and George W. Williams of Hamilton County two more years in which to complete their turnpike.
9. Acts of 1841-42, Chapter 145, authorized Andrew K. Parker, John Gillentine and Nicholas M. Gillentine to open a turnpike road across Cumberland Mountain from Van Buren County into Marion County.
10. Acts of 1847-48, Chapter 103, gave the Marion County Court authority to build one or more free bridges across Battle Creek.
11. Acts of 1849-50, Chapter 134, empowered the County Court to erect a free bridge across the "Sequatchee" River, but the bridge was not to be an obstruction to navigation, except when the river was unusually high.
12. Acts of 1849-50, Chapter 166, authorized David Wallings to build a turnpike road across Wallings' Ridge in Marion County, into Hamilton County.
13. Acts of 1849-50, Chapter 168, authorized Andrew Stone to open a turnpike road, within two years, from the south bank of the Tennessee River to the Georgia line.
14. Acts of 1851-52, Chapter 251, authorized Henry Long and Henry M. Long of Marion County to open a turnpike from Jasper to Chattanooga, to be opened by April, 1854.
15. Acts of 1909, Chapter 379, created the Pike Road Commission and authorized a tax levy by the Marion County Court for pike roads.
16. Private Acts of 1915, Chapter 682, was a \$100,000 bond issue for the public roads, which was amended by Chapter 5, Private Acts of 1917, to authorize the Pike Commission to pay over to the contractors working on the Marion County roads, up to 90% of the amount earned from this bond sale, as the work progressed on road improvements.
17. Private Acts of 1917, Chapter 144, was a general road law for Marion County. It set up a three member Road Commission, to be elected by the County Court for three year terms. Its members were to be "practical men of business." This Act also had provisions for road duty and for a district road tax as well as a wagon and team tax. This was amended by Chapter 6, Private Acts of 1929, to provide that members of the Road Commission were entitled to receive expenses for the discharge of their duties. This was repealed by Private Acts of 1933, Chapter 24, the current road law, found in this volume.
18. Private Acts of 1917, Chapter 191, placed all authority to locate, repair and build bridges, and to disburse road funds in the Road Commission.
19. Private Acts of 1919, Chapter 71, was a general road law for Marion County, providing for a

three-member road commission to be elected by the County Court. The Road Commission was to employ a Supervisor of Roads, and there were provisions in the Act for a road tax, road duty, and an auto tax and license. The method of collection of the road tax was changed by Private Acts of 1919, Chapter 70. Private Acts of 1919, Chapter 391, amended the road law to provide that the County Judge should have the power to make all purchases for the highway department, except for machinery. In 1920, the requirement of road duty and the tax on pleasure automobiles was dropped in the Acts of 1920 (Ex. Sess.), Chapter 19. The memberships of the Road Commission was increased to seven by Private Acts of 1921, Chapter 82, but Private Acts of 1923, Chapter 183, again reduced the number to three, who were to be elected by the voters. Private Acts of 1925, Chapter 147, was an amendment requiring payment of an auto tax only by automobiles and trucks with a capacity of more than one ton. All of these Acts were repealed by Private Acts of 1927, Chapter 524.

20. Private Acts of 1929, Chapter 247, set the salary of the Road Commissioners at \$150 per year, plus expenses.
21. Private Acts of 1931, Chapter 674, authorized the County Judge to purchase and establish a free ferry at South Pittsburg, Tennessee.
22. Private Acts of 1941, Chapter 495, amended Private Acts of 1931, Chapter 674 by substituting Board of County Commissioners for County Judge and by giving the Board additional authority to collect tolls. The Board of County Commissioners was abolished in 1949, but this amendatory act was never repealed.
23. Private Acts of 1959, Chapter 268, was an attempted amendment to the current road law changing the duties of the Road Superintendent, but it was tabled by the Quarterly County Court and never became effective.

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