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# Highways and Roads - Historical Notes

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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](http://www.ctas.tennessee.edu)

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# Highways and Roads - Historical Notes

## **Highways and Roads - Historical Notes**

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

1. Acts of 1812, Chapter 84, authorized the county court of Bledsoe County to appoint at their next meeting a jury of 12 freeholders for the purpose of laying off one acre of land which would be divided by the turnpike road in the county at the foot of Spencer's Hill on which would be erected a toll gate and a house for the toll gate keeper. Five, or more, of the jurors could lay off and place a value on the acre, make a plot of the same, and file all of this with the county court. This would not be done as long as the states agent and property owner were in agreement. The gate keeper would be paid \$150 per year, and the solicitor-general shall defend any suit filed relating to the above.
2. Acts of 1817, Chapter 142, was the authority for Samuel Perry to open a turnpike starting at the foot of Walden's Ridge in Rhea County, at some point near Jacobs Wassam's and Richland Creek and running on the most direct course to Pikeville. Isaac Stephens and Reuben Brown, of Bledsoe County, and Alexander Ferguson, of Rhea County, were appointed as commissioners to examine and inspect the road as it was being built.
3. Private Acts of 1820, Chapter 83, made it the duty of the proprietors of the road across the mountain running from Pikeville to McMinnville to work that road beginning at the foot of the mountain between Pikeville and Phillip Hoodenpyle, Senior, and from there along the mountain side to where it forms a junction with the old mountain road. James and Luke Standifer were allowed to continue the work on the road in Marion County. Abraham Thomas, of Bledsoe County, was appointed a commissioner to succeed Isaac Stephens.
4. Private Acts of 1821, Chapter 6, required the county courts of all the counties to index and classify the roads in their respective counties. Three classes of roads were defined according to width and surfacing material. Penalties were set up for those who obstructed roads in any way and for failing to abide by the terms of this act. This act was the first step towards modernizing the state road system and served as a model for others following.
5. Private Acts of 1823, Chapter 124, established the road leading from Benjamin Hills to John Rains across Cumberland Mountain as a road of the second class. The county courts of Warren and Bledsoe counties shall appoint overseers for the road and allot the overseers a sufficient number of road hands to keep the road in good condition. Any person who damaged or obstructed the road was subject to a stiff fine.
6. Private Acts of 1823, Chapter 170, stated that John Simpson and Isaac Brown of White County and Scott Terry and Robert Montgomery of Bledsoe County were authorized to cut out a road on the nearest and the best way from the foot of the mountain at Isaac Brown's in White County towards Pikeville so as to intersect Raney's and Hoodenpiles Road at or near John Hall's. The above named people must report to the county court of each county and citizens of either county may use the road on a one-horse basis without having to pay any toll.
7. Private Acts of 1823, Chapter 290, appointed Charles Sherrell, Charles Wilson, and Aquilla Nall, as commissioners to view, work, and lay off the road from the foot of Walden's Ridge near Widow Wilson's property, running a direct course across the ridge to White's Creek in Roane County. They were to examine and inspect the road when completed and see that the tolls specified in the act were the ones being charged on the road.
8. Public Acts of 1825, Chapter 215, repealed the section of the act authorizing Scott Terry and Robert Montgomery to build a turnpike road, above, which exempted the citizens of Bledsoe and White counties from paying toll fees.
9. Private Acts of 1826, Chapter 19, authorized Reuben Ross to open and keep in repair a turnpike road commencing at or near Grassy Cove on Gordon's Turnpike in Bledsoe County and running thence southward to the foot of the mountain at Lost Creek near Henry Avery's property in White County. William Denny and Isaac Taylor were appointed commissioners to inspect the road.
10. Private Acts of 1827, Chapter 198, Section 7, named Jonathan Whiteside as a Commissioner to inspect the Simpson, Brown, Terry, and Montgomery Turnpike every three months to see that the same is repaired if it needs it. He would receive the same compensation as the other commissioners. The citizens of White and Bledsoe counties were exempted from paying the toll

- charges. Section 11, of the same act, appointed Samuel Cathey, Senior, of Bledsoe County, and Spilesby Dyer, of Rhea County, as commissioners for Hugh Beaty's Turnpike Road.
11. Private Acts of 1829-30, Chapter 40, appointed William Gillingwater, of Rhea County, as an additional commissioner for the turnpike road running from the foot of Walden's Ridge to Bledsoe County, commonly called Beatties Turnpike.
  12. Private Acts of 1829-30, Chapter 53, released and discharged the owners and proprietors of the turnpike road running from Bledsoe to Rhea County, know as Beatties Turnpike, from the payment of any tax for keeping a turnpike gate on said road, any law to the contrary notwithstanding.
  13. Private Acts of 1829-30, Chapter 209, authorized for Joseph B. Woodward, Samuel Cathey, Thomas J. Hazlerig, and Orville Potts to open a turnpike road, starting near Aquilla Johnson's place, running near Cathey's Mill across Walden's Ridge to Washington in Rhea County, which would be eighteen feet wide if the ground permitted. John Ayers and Henry Collins of Bledsoe County were named commissioners to examine and inspect the road and report its condition to the county court. The road must be kept in good repair or no tolls were to be charged.
  14. Private Acts of 1829-30, Chapter 263, declared the Sequatchie River from its junction with the Tennessee River as high as old Madison in Bledsoe County to be a navigable stream free and open to all transport, boats, rafts, or other water craft without obstruction or interruption. All violators could be fined up to \$50.00 and no person was allowed to fell timber so that the same would fall into the stream.
  15. Private Acts of 1831, Chapter 90, appointed John Gillentine as a commissioner upon the turnpike road leading from the foot of the Cumberland Mountain near Crows in White County to the foot of the same mountain at Pikeville, and he has the power to open the gate when he finds the road out of repair. He was to be paid \$1.50 per day for all the time he necessarily spends upon the road. The operator of the road will also pay \$25 for each time he fails to keep the road in good condition plus having the gate opened.
  16. Private Acts of 1833, Chapter 192, Section 9, authorized William Hixon to open a turnpike road in Bledsoe County.
  17. Acts of 1837-38, Chapter 191, Section 5, appropriated \$5,000 towards the improvement of the Sequatchie River out of the \$100,000 to be spent on river improvements in East Tennessee. \$2,000 was allotted to Bledsoe County to improve the Sequatchie which would be spent under the supervision of Adam Lamb, John Bridgeman, and James L. Schoolfield.
  18. Acts of 1845-46, Chapter 11, incorporated Daniel Clark, Mark Lowery, Madison Fiske, and Barlowe Fiske, proprietors of the road leading from Sparta, in White County, to Crab Orchard, in Bledsoe County, as "Sparta and Crab Orchard Turnpike Company," and granted them an additional two years in which to complete the road.
  19. Acts of 1845-46, Chapter 29, authorized for Scott Terry and Thomas Gardner to open a turnpike starting at a point on the road leading from Pikeville to McMinnville at or near John Fleming's in Van Buren County which would follow the most practical route towards Kingston so as to intersect the Sparta-Kingston Road, near Charles Lowry's. Peter Hoodenpyle, of Bledsoe County, and David Walling of Van Buren County were appointed commissioners to examine as progress was being made.
  20. Acts of 1845-46, Chapter 36, authorized for William Walker, of Bledsoe County, to keep open turnpike road leading from George Reels, in Bledsoe County, to the foot of Walden's Ridge, in Hamilton County, and he would have all the rights and privileges as were granted to others in similar circumstances for the next twenty years.
  21. Acts of 1847-48, Chapter 83, authorized William Hickson, of Bledsoe County, to open a road beginning at Edley Harrison's road near Hedgecocks, running, with the old Madison Road, so as to cross Savage's Road at or near the old Cagle place, and thence on the best route to intersect the road in the Sequatchie Valley. This road must meet all the specifications established for Hill's Turnpike. When completed, a toll gate may be opened on top of the Cumberland Mountain. Thomas A. Pope and Robert Owens were named as commissioners to inspect this road. Section 4 of this Act provided that the charter to Hale's Turnpike Road is extended to John Mitchell and his heirs and assigns. W.B. Cummings and Peter Hoodenpyle were appointed commissioners to look after the latter road.
  22. Acts of 1847-48, Chapter 107, authorized Isaac Whittenburg, of Bledsoe County, and Daniel Walling, of Van Buren County, to open a turnpike road beginning at a point on the southeast side of Cane Creek at or near Burden Wheeler's in Van Buren County, crossing the Cumberland

- Mountain so as to intersect Thomas Gardner's turnpike at the top of the mountain in Bledsoe County. This road will be 18 feet wide where the ground permits and 12 feet wide where it doesn't. All rights granted hereunder, or otherwise, will be forfeited if the road gets into a state of disrepair. John B. Hill, of Van Buren County, and William S. Dalton, of Bledsoe County, are named as commissioners to examine and inspect the road, who will be sworn to their duties, and who will report to their respective county courts. A schedule of tolls to be charged was set up in the act. The road must not be damaged, or obstructed. There would be fines imposed if it were, and if not remedied in three years, all rights would be forfeited.
23. Public Acts of 1901, Chapter 136, set up a road law for all counties under 70,000 in population, according to the 1900 Federal Census. The county court would elect one road commissioner from each road district, which were co-extensive with each civil district, who would be in charge of all public roads, bridges, and overseers. The commissioners would be sworn and bonded and serve for two years. Commissioners would name the overseers for the roads in their districts and be paid \$1.00 for each day's work not to exceed ten days in any one year. The courts would set the day for road hands to work between five and eight days, and could levy a special tax of 2 cents per \$100.00 for each day's work required. The judge, or chairman, would present quarterly status reports to the court. All males between 21 and 45 years of age, outside of cities, were required to work on the roads as the county court directed, or pay 75 cents for each day not worked as a commutation fee. Roads were to be indexed, classified and built according to the specifications in the act. Petitions to open, close, or change, roads could be addressed to the commission which would handle and dispose of them as the act stipulated. Work could be let on contract if the conditions specified in the act were met. This act was the subject of litigation in the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 S.W. 66 (1906).
  24. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars and primarily in the method of handling petitions to open, close, or change roads, especially when the exercise of the right of eminent domain was involved.
  25. Private Acts of 1929, Chapter 595, had a general repealing clause but apparently constituted the first private road law for Bledsoe County. The act created a three member board of county highway commissioners who would be elected by the people at the general August election every two years. T.A. Pope, Eugene Patton, and Walter Coulter were named to serve on the board until the August, 1930, election. After being sworn they would meet and elect a chairman, a secretary, and an associate member. Bond for the chairman was \$2,000, and \$1,000 for the others. Compensation was set at \$200.00 per year for the chairman, \$150.00 per year for the secretary, and \$100.00 per year for the associate member, but the county court could supplement this amount. The duties of all three members were enumerated in the bill, but generally they would have supervision over all public roads except state roads. They could employ a road superintendent at \$5.00 per day or less, who would be in immediate charge of the department, who would have an office at the county seat, and inspect all the county roads. The board was to lay off and classify all the roads, and would appoint three citizens to assess damages when necessary, which would be paid out of the common road fund. They would purchase supplies and equipment and the superintendent would keep records of the use. They would appoint overseers, or foreman, for each section of road. All road hands must work, or pay a fine before a justice of the peace, being committed to jail upon failure to pay. All males between 21 and 45 years of age would work no less than 3 nor more than 6 days on the road as the county court ordered, or pay 75 cents per day. The court could levy a special road tax but could not exceed 25 cents per \$100.00 property valuation.
  26. Private Acts of 1933, Chapter 331, authorized the quarterly county court in Bledsoe County to set apart one-half of the funds received from the 2 cent gasoline tax, known as state aid funds for county highways, to be used in the retirement of road bonds issued by the county. The trustee would set up a separate account to be used to retire the said road bonds and for no other purpose, the other half to go to the road commissioner for use on the public roads of the county.
  27. Private Acts of 1939, Chapter 112, amended Private Acts of 1929, Chapter 595, in Section 1 by increasing the number of highway commissioners from three to five and changing their elections to the county court instead of by popular vote, the next election to be at the July Session; Section 2 was amended to provide for the additional two members and to set a quorum of three instead of two members. This act named R. L. Brown and Sam Patton as the two new commissioners to serve until the county court appointed two in July, the three original members continuing to serve out their terms.
  28. Private Acts of 1947, Chapter 614, amended Private Acts of 1941, Chapter 153, the current road law of Bledsoe County, in the latter part of the second paragraph in Section 1 so as to increase

- the salary of the road supervisor from \$150 to \$200 per month. This act was repealed by Private Acts of 1969, Chapter 127.
29. Private Acts of 1947, Chapter 854, amended Section 1, Private Acts of 1941, Chapter 153, by providing that the road supervisor would thereafter be elected by the county court for a four year term, beginning in July, 1948 instead of having a two year term as the original act provided. This act was to become effective September 1, 1948, except for that portion establishing a July election for the road supervisor. This act was repealed by Private Acts of 1951, Chapter 627.
  30. Private Acts of 1951, Chapter 627, repealed Private Acts of 1947, Chapter 854, in its entirety, stating that it is the intention and purpose of this act to restore the election of the road supervisor in Bledsoe County to the qualified voters in the general county elections which will begin again in August, 1952.
  31. Private Acts of 1953, Chapter 131, amended Private Acts of 1947, Chapter 614, by increasing the monthly salary of the road supervisor from \$200 to \$300. This act was repealed by Private Acts of 1969, Chapter 127.
  32. Private Acts of 1955, Chapter 332, would have amended Private Acts of 1941, Chapter 153, by extending the term of the road supervisor from two years to four years but this act was rejected by the quarterly county court of Bledsoe County and consequently never became an effective law.
  33. Private Acts of 1967-68, Chapter 114, would also have amended Private Acts of 1941, Chapter 153, by extending the term of the road supervisor from two to four years, by increasing the bond from \$10,000 to \$25,000, and by increasing the monthly salary to \$500 per month but this act was likewise rejected by the quarterly court and never became an effective law.
  34. Private Acts of 1967-68, Chapter 271, would have amended to Private Acts of 1941, Chapter 153, by changing Section 9 to the extent of allowing the road supervisor to appoint a bookkeeper to serve at his pleasure and direction at a salary of \$400.00 per month to be paid out of county road funds. This act was rejected by the quarterly court and was rendered null and void.
  35. Private Acts of 1969, Chapter 169, would have amended Private Acts of 1941, Chapter 153, Section 9, by permitting the road supervisor to appoint a bookkeeper who would serve at the pleasure of the road supervisor at a salary of \$300 per month, payable out of the county road funds. This act was also disapproved by the quarterly court and never became an effective law.
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