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Highways and Roads - Historical Notes

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Sincerely,

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Highways and Roads

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

1. Acts of 1807, Chapter 50, was the authority for William McKey, of Williamson County, to turn the public road, generally called the Tower Road leading from Franklin to Nashville in a manner so as to cross the Harpeth River with the upper road and pursue that route as was allowed by the Jury appointed by the County Court of Williamson County until it intersects the lower road. McKey must open and clear the road at his own expense but the road shall be considered as a public road in Williamson County.
2. Acts of 1821, Chapter 6, required the Courts Of Pleas and Quarter Sessions of every county to index and classify the roads in the county into one of three distinct classes, ranging from the stage road down to one wide enough for a horse and rider. Provision was made for mile marking, clearing, and bridging. Provision was made for mile marking, clearing and bridging.
3. Acts of 1825, Chapter 200, named Randal McGavock, Joseph Woods, Matthew Bowen, William Lewis, Robert Weakley, Thomas Bradley, Christopher E. McEwen, John McAlister, James Swanson, John Watson, John C. Wormley, James P. Peters, James Black, Edward B. Littlefield, Matthew Rhea, and William J. Frierson, as commissioners to open books and sell stock up to \$100,000 to build a turnpike road from Nashville to Columbia by way of Franklin, which would be incorporated as the Nashville Turnpike Company. The Commissioners would lay out the route and the elected President and Directors would provide for its construction.
4. Acts of 1826, Chapter 192, Chapter 168, amended Acts of 1825, Chapter 200, to direct the commissioners previously authorized to lay out the road from Nashville to Columbia by way of Franklin to mark out the road from Nashville to Franklin after the first meeting of the stockholders, and, when \$15,000 has been raised from the stock sales, that portion of the road may be started. The commissioners could still solicit funds for the remainder of the road of Columbia.
5. Acts of 1829, Chapter 205, appointed Randal McGavock, John Watson, James Swanson, Lawrence Bryan, Joseph Wood, Robert B. Currey, Henry R. W. Hill, Robert Weakley, William Hadley, Christopher E. McEwen, John C. McLemore, and Phillip Pipkin, as commissioners, to open books and sell stock up to \$75,000 to build a turnpike between Nashville and Franklin. Shares were set at \$25 each, and when as much as \$5,000 was subscribed, the stockholders would hold a meeting at Franklin, at which time a corporation could be formed to be known as the Franklin Turnpike Company. Construction and operation restrictions and requirements were specified in the remaining sections of this Act.
6. Acts of 1829, Chapter 269, stated that, whenever any person, firm, or corporation, organized for opening a turnpike in the counties of Williamson, Davidson, and Rutherford, should make known to the Court of Pleas and Quarter Sessions in the counties through which the road would pass, that they would not proceed to open the said road on terms agreeable to their charter, it would be lawful for the said Court to grant upon the terms of the original charter all or any part of said road not completed to any person, or persons, applying therefor, but that portion of road shall not be less than five miles.
7. Acts of 1829, Chapter 287, incorporated Spencer Buford, John Swainey, Gabriel Buford, and Lawrence Bryan, as the West Harpeth Turnpike Company granting to them all the rights and privileges incidental to turnpike companies. The Company may mark, clear out and turnpike the main road leading from Franklin in Williamson County to Columbia in Maury County, starting at Franklin and ending at the West Harpeth River in the same way and manner as the turnpike from Nashville to Franklin.
8. Acts of 1831, Chapter 68, stated that all persons who shall become stockholders were hereby incorporated as the Franklin and Columbia Turnpike Company and as such would enjoy all the powers and privileges and would assume all the obligations of Acts of 1829, Chapter 205, Page 159, regarding this particular highway. The capital stock was limited in the beginning to 4,000 shares at \$25 each.
9. Acts of 1832, Chapter 147, amended Acts of 1831, Chapter 68, to name Christopher E. McEwen, Gilbert Marshall, Joseph Crockett, John S. Russworm, William White, and John Watson of

- Williamson County; James Patterson and Spencer Clack of Giles County; and, Col. William Pillow, Allen Ramsey, Thomas Mahon, John Miller, David Craig, and Abram Looney, of Maury County, as commissioners charged with the obligation to lay out and designate the route along which the road, previously authorized to be built, will run, provided the route shall be the shortest and best one from Franklin to Columbia, passing through the town of Spring Hill in Maury County.
10. Acts of 1833, Chapter 87, required that the Commissioners who were to extend and locate the road from Franklin in Williamson County to Columbia in Maury County to make a point in the said road at the place in Williamson County called Cotton Port. This Act amended Acts of 1831, Chapter 68.
 11. Acts of 1833, Chapter 255, extended the time for commencing the work on the road known as the Franklin and Columbia Turnpike until November 30, 1835 and the time for completion of the said road was set for November 30, 1840. H. L. Douglas, James Woods, Anthony Johnson, Samuel Seay, and William Nichol, were named as commissioners to open books and receive stock subscriptions for the road in Nashville.
 12. Acts of 1835-36, Chapter 14, incorporated all subscribers to the stock of the Franklin and Columbia Turnpike Company and granted to them the powers, privileges, and liabilities of the Franklin Turnpike Company as set forth in Acts of 1829, Chapter 205 and Acts of 1831, Chapter 68. The commissioners who would run and mark the route of the road were William P. Campbell, Thomas Hardeman, and William Flemming, of Williamson County, and John Watson, William McKissack, Garrett S. Voorhies, John Smiser, Thomas Mahon, all of Maury County.
 13. Acts of 1837-38, Chapter 162, increased the capital stock of the Franklin and Columbia Turnpike Company to any amount less than \$150,000 the same to be determined by the officials of the company.
 14. Acts of 1839-40, Chapter 146, provided that so much of the Franklin and Columbia Turnpike road as had been laid out and constructed upon the way selected by the officials of the said road between Franklin in Williamson County and the bridge over Rutherford's Creek in Maury County would be as legal and lawful as if constructed on the route first marked. The Company would also be entitled to all rights and benefits as if the turnpike had been constructed upon the ground originally marked.
 15. Acts of 1869-70, Chapter 52, incorporated the Nolensville and Wilkerson's Cross Roads Turnpike Company to sell stock up to \$35,000 to build a turnpike road from Nolensville in Williamson County to Wilkerson's Cross Roads in Rutherford County. When \$5,000 in stock had been sold a meeting was to take place in Kedron Church in Rutherford County. This company would possess the same rights as the Franklin Turnpike Company created by Acts of 1829, Chapter 205.
 16. Acts of 1869-70, Chapter 111, commissioned John Lytle, W. G. Garrett, J. Todd, H. C. Bartley, Joseph King, John King, James King, Jr., and Joseph Holloway to sell stock in a 99 year corporation with an authorized initial capital stock of \$100,000, to build a turnpike road from Murfreesboro in Rutherford County to Triune in Williamson County. The subscribers would be incorporated as the Murfreesboro and Triune Turnpike Company.
 17. 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 Quarterly County Court of each County would elect one Road Commissioner to serve a two year term from each Road District in the County. Road Districts were made co-extensive with the Civil Districts. The Road Commissioner must be bonded and sworn, and would have general supervision over all the roads, bridges, hands, tools, and materials assigned to his District for which he would be compensated at the rate of \$1 per day but not to exceed ten days in one year. The County Court would set the number of days between five and eight which road hands would be compelled to work each year. The County Court would also levy a special road tax of two cents per \$100 property valuation for every day the road hands had to work on the roads. The District Commissioners must appoint an overseer in their areas who would be the immediate supervisors over designated sections of road, work the same number of compulsory days as everyone else did, and then be paid up to \$6 per year for their extra labor. All males outside of cities between the ages of 21 and 45 were subject to compulsory labor on the road system. District Road Commissioners would hear and dispose of petitions to open, close, or change roads, would classify and index the roads in their districts into the four classes according to width . This act was amended by Acts of 1903, Chapter 533, and both Acts were involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).
 18. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but substantially changed the provisions in regard to the handling of petitions to open, close, and change roads especially where the exercise of the power of eminent domain was to be

a part of the process.

19. Private Acts of 1905, Chapter 540, stated that all turnpike companies in Williamson County which have only one tollgate located on their respective roads would be permitted to remove and relocate the toll-gate to any point on their roads no nearer to an incorporated city, or town, than was allowed by their Charters, but they could not place them between a city and a public road, nor could they be removed any distance greater than 300 feet from their present location.
20. Private Acts of 1907, Chapter 517, was the authority for the County Court of Williamson County to levy and collect a general road tax which could not exceed 20 cents per \$100 property valuation to be collected as any other taxes were. The tax could not be levied except by a two-thirds vote of the Quarterly Court and the proceeds must be placed in a "Special Road Improvement Fund" and spent only for those purposes, and then only when two-thirds of the Court approve. The Court was directed to appoint by a two-thirds vote a Commissioner, or Commissioners, to prescribe their duties of supervision and inspection of the road program, and to require them to render reports at stated intervals on the conditions of the road system. No funds could be appropriated for road improvements until the Commissioners had reported the necessity and the court had approved the same. Commissioners would be paid as the Court directed and the Court could by two-thirds vote, terminate the program and transfer the balance of any money into the general fund.
21. Private Acts of 1909, Chapter 123, amended Private Acts of 1907, Chapter 517, by inserting a provision in Section 3 which required the funds in the road improvement account to be apportioned as nearly as possible in the same ratio to the area from which they were collected. Sections 4 and 5 were changed to make the Commissioners serve two year terms and to classify them as special road commissioners.
22. Private Acts of 1909, Chapter 252, was the authority for the Quarterly Court of Williamson County to compensate the Bridge Commissioners of the County, not exceeding five in number, but the compensation shall not be more than \$1.50 per day for each of the Commissioners for each day worked in this capacity. The Court could appropriate and pay this money from the regular and general funds of the County.
23. Private Acts of 1909, Chapter 383, declared that, where steam railroads have been, or may be, built on, across, or alongside, turnpike roads in Williamson County, the turnpike companies could remove and rebuild their roads on different lines so as to avoid dangerous proximity to the railroads, and for that purpose they might resort to the power of eminent domain as provided by law.
24. Private Acts of 1911, Chapter 232, provided that whenever a turnpike company operating in Williamson County sold a part of its road to the county, the company could establish new and additional tollgates on the part of their road in adjacent counties, but all tollgates shall be at least four miles apart. If the tollgates had not been up for 15 years, or over, and were at least between four and five miles apart, they could remain in operation. This Act was repealed by Private Acts of 1917, Chapter 129.
25. Private Acts of 1911, Chapter 253, amended Private Acts of 1907, Chapter 517, by inserting the proper population figures from the 1910 Census to keep the Act in force in Williamson County.
26. Private Acts of 1911, Chapter 261, was the enabling legislation for the Franklin and Lewisburg Turnpike Company, a Tennessee Corporation, to remove and relocate its second and third tollgate on its turnpike south of Franklin at a point not more than 1¼ miles south of their present location, but no closer than 5 miles to any of its other tollgates. The Company was granted the same rights and privileges at the new locations as they possessed at the old ones.
27. Private Acts of 1913, Chapter 135, gave to any turnpike company which undertook the reconstruction and regrading of as much as a mile of its roadbed the right to collect toll during the reconstruction period for one year from the commencement of the grading only. The managers of the company were required to give notice to the Pike Commissioners and to give a report every six months showing that all the money received from the tolls during the reconstruction period had been spent on the road. This Act was repealed by Private Acts of 1917, Chapter 89.
28. Private Acts of 1913 (Ex. Sess.), Chapter 49, amended Acts of 1901, Chapter 136, Section 5, by increasing the commutation fee to be paid by the road hands in Williamson County from 75 cents per day to \$1 per day, which money would be used to employ labor upon the road section to which the commuting road hand was assigned. The Road Overseer was obligated to report to the County Trustee on commutation money received and spent and to turn over to him any remaining.

29. Private Acts of 1915, Chapter 169, provided that any turnpike company which had abandoned, or would thereafter abandon, a part of its road, could re-establish and relocate its tollgates on the part of its road which remained but did not permit the erection of any additional toll-gates and the relocation of the tollgates could not be nearer to each other than was permissible under the Charter of the Company.
30. Private Acts of 1919, Chapter 359, authorized the Williamson County Quarterly Court at its July meeting in 1919, and every two years thereafter in January to elect a Road Commissioner from each Road District which were the same as Civil Districts who would hold office for 2 years. The Road Commissioners would have the general supervision of all public roads, bridges, and overseers in the District, must be residents of the area and skilled in road building, must be sworn and bonded, and would be guilty of a misdemeanor if they didn't serve, when appointed, or wilfully neglected their duty. The Court had the power to levy a road tax of 2 cents per \$100 for each day the road hands were compelled to work, two-thirds of which could be worked out, for all of which accurate records must be kept. Overseers, appointed by the Road Commissioners for each section of road to supervise the work and the road hands, would serve without compensation. Males between the ages of 18 and 50 must work the number of days set by the Quarterly Court or pay a \$2 per day commutation fee. Owners of teams and wagons had to pay \$3 per day not worked. Roads had to be indexed and classified, could be opened, closed, or changed when the proper procedures were used. Authority was granted to contract portions of the work out when desirable and to designate roads as county highways. The court was empowered to levy a tax up to twenty cents per \$100 valuation for maintenance. This Act was repealed by Private Acts of 1923, Chapter 396.
31. Private Acts of 1919, Chapter 517, authorized the incorporated turnpike companies in Williamson County to change the location of their rights of way at places not exceeding one mile from the corporate limits of each town and to relocate them to provide safer and more convenient entrances into the towns. To accomplish these purposes the companies were allowed to acquire land both by purchase and condemnation proceedings.
32. Private Acts of 1919, Chapter 654, stated that all turnpike companies in Williamson County which have only one tollgate on their roads could relocate the tollgate to any point on their roads but no nearer to an incorporated city than was permitted under their Charters, and further, not to be placed between the town and a public road nor moved more than 800 feet from its present location.
33. Private Acts of 1920 (Ex. Sess.), Chapter 50, amended Private Acts of 1919, Chapter 359, the Williamson County Road Law, by requiring the County Court at the July term in 1922, and at the January term thereafter to elect a Road Commissioner from each Road District which were the same as the Civil Districts, to serve two years, to have charge and general supervision over all public roads, bridges, and overseers in the District. The Commissioners must be citizens, freeholders, skilled in the business of road building, sworn and bonded before entering office, and who would be guilty of a misdemeanor if they didn't serve when appointed or neglected their duty. The Commissioners would be paid as the Court decided but not over \$50 for any one civil district. The Court would set the number of days the road hands were compelled to work between six and ten. A special road tax of one cent per \$100 property valuation for each day of compulsory labor, two-thirds of which could be worked out on the roads, and all of which must be spent in the District from which it originated, but other road funds could be divided. Overseers were appointed by the Commissioners for one year, would be paid \$2 a day up to \$10 a year after first working the compulsory days as anyone else worked them without compensation. Males, outside of cities, between the ages of 18 and 50 must work the established number of days on the roads, or pay a commutation fee which was \$3 per day for the owners of wagons and teams who wished to commute. Prisoners could be worked on the roads but only as the Court and the law permitted. Commissioners could contract the work out and dispose of petitions filed to open, close, or change the road. Commissioners were to be paid the same as Justices of the Peace. The County Court could levy a special ad valorem tax of not more than twenty cents on the \$100 for the establishment and maintenance of county highways.
34. Private Acts of 1921, Chapter 695, set up a schedule of tolls which the owners of the turnpikes in Williamson County could charge for the use of their particular road. The schedule ranged from five cents for a motorcycle to \$1.25 for a five ton truck with intermediate charges and weights in between.
35. Private Acts of 1923, Chapter 45, declared that the State Highway Commission would not have the right or power in any proceeding now pending, or which might be brought thereafter, in Williamson County, to impose on that county any expense for the purchase, or condemnation, of

- rights of way, or for the construction and maintenance of the roads without the consent of the said county being given through its County Court. This Act was declared unconstitutional because it suspended the operation of a general law for the benefit of one particular county in the case of *Berry v. Hayes*, 160 Tenn. 577, 28 S.W.2d 50 (1930).
36. Private Acts of 1923, Chapter 310, was the authority for all turnpike companies in Williamson County to remove and to relocate any tollgate on their respective turnpikes, provided, however, that no tollgate could be relocated under this Act within two miles of the corporate limits of any town or nearer than five miles to any other tollgate.
 37. Private Acts of 1923, Chapter 396, repealed Private Acts of 1919, Chapter 359, and substituted: At the next January term of the County Court, a four member County Highway, Bridge, and Workhouse Commission would be elected by the Court to serve two year terms with the County Judge to be an ex-officio member and Chairman. The members must be citizens, skilled in the business of road building and maintenance, would have the charge and control of the county roads, bridges, and workhouse and be paid \$100 a year and transportation. Overseers may be hired for sections of the road at \$4 per day. Prisoners could be worked on the roads in conformity with the law, and a special road tax could be levied not to exceed ten cents per \$100 property valuation. Provision was made for the County Court, beginning in January 1924, and every 2 years thereafter, to elect a Road Commissioner from each district, who would have supervision over public roads and bridges (except county highways and county bridges). Roads must be classified and indexed by the Commissioners and road hands assigned to them. The Court could fix the number of days of compulsory labor between four and six for road hands, and between 2 and 5 for wagons and teams. A special road tax of two cents per \$100 could be levied for each day of compulsory labor. Materials must be purchased pursuant to the terms of this law on which the County Judge must report to the Court. Penalties were provided for the obstruction of roads. This Act was repealed by Private Acts of 1935, Chapter 666.
 38. Private Acts of 1927, Chapter 806, declared that in Williamson County the County Court, acting through its officers, or proper authorities, would have and could exercise the right and privilege of expending the general road funds, or any portion thereof, in any Road District, or Civil District, as might in its judgment be most needed to furnish a complete system of roads, it being the intention of this Act to allow the road authorities to spend funds in other Districts of the county than those in which the funds were collected.
 39. Private Acts of 1929, Chapter 333, Private Acts of 1919, Chapter 359, by placing a period after "subject to road labor" and by revising the commutation fee for wagons and teams to the payment of \$3 per day. This Act is of questionable validity as the Legislature repealed the underlying Act in Private Acts of 1923, Chapter 396.
 40. Private Acts of 1933, Chapter 744, amended Private Acts of 1923, Chapter 396, by rewriting the first paragraph of Section 4 to provide that at the regular August election in 1934, and every two years thereafter, one Road Commissioner would be elected in each Road District, which was co-extensive with the Civil Districts of the county, who would be in general charge and supervision over all the public roads, bridges, (except county highways and county bridges) and overseers in that District. The Commissioners were required to be citizens, freeholders, skilled in the arts of road building, and maintenance, and elected by the people of their District. This Act was repealed by Private Acts of 1935, Chapter 666.
 41. Private Acts of 1935, Chapter 666, repealed Private Acts of 1923, Chapter 396, and Private Acts of 1933, Chapter 744, and then enacted a new Road Law for Williamson County which established a County Highway Department and classified the roads of the County, setting up minimum widths for the standards of classification. A general road tax between 8 and 15 cents per \$100 must be levied to support the road system. The Workhouse would be under the control and supervision of the Board of Highway Commissioners who would make the prisoners available to work on the roads under the regulations and law pertinent to them. The county was to be divided into three zones from each of which one member of the Board would be elected for a 2 year term at the August election, but no State, County, or City employee was eligible to serve. This Act named Glenn Overby, Oscar Warren, and Will C. Lanier, as the first Board, who were given the authority to employ a County Road Superintendent to run the Department at a salary not to exceed \$1800 annually. The Commissioners would be paid \$500 annually at the rate of \$41.40 per month. Procedures to remove Commissioners and to fill vacancies were included in the Act. The powers and authority of the Commissioners were generally specified including the authority to disburse funds collected by taxation for road purposes. All males between 21 and 45, living outside of cities, were subject to working four days, each of 10 hours duration, or pay a \$3 commutation fee. All petitions to open, close, change or accept, roads were to be heard and investigated by the

- Commission. The Commission would report its findings to the quarterly county court for decision.
42. Private Acts of 1935 (Ex. Sess.), Chapter 113, amended Private Acts of 1935, Chapter 666, by adding to Section 19 giving the authority to the Board of Highway Commissioners to contract with the State Department of Highways for the expenditure by the State of the funds received by the county for use on the highways and bridges of the county. Such contract was authorized to secure federal aid through the Works Progress Administration. The terms of any contract were placed within the discretion of the Board. This Act was repealed by Private Acts of 1937, Chapter 650.
 43. Private Acts of 1970, Chapter 209, was to amend Private Acts of 1937, Chapter 373, as amended to increase the maximum rate of tax for the general road tax from 50 cents to \$1 per \$100 property valuation. This Act was not ratified and never became effective.

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