



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

1. Acts of 1824, Chapter 148, authorized Charles Gamble, Elisha Rogers, and Asahel Rawlings of Hamilton County to open and cut out a turnpike road across Wallon's Ridge of Cumberland Mountain, running up the ridge from Tennessee valley in Hamilton County, nearly opposite Hiram Putnam's, and to range across said ridge the most direct and practicable bearing towards Murfreesborough, until it reaches the foot of the ridge. Said road was to be cut out in the same manner as required of Spencer E. Gibson in an act passed November 5, 1819, and was to be named the Hamilton Turnpike Road. The proprietors of the road were bound by the same rules, regulations and restrictions as in the 1819 act, and James Smith and James Hodge were appointed commissioners to superintend the road.
2. Private Acts of 1835-36, Chapter 27, authorized John Lovelady and Samuel Hammel of Hamilton County, and Richard Blevings, Raphord Shelton and James Chaudon of Marion County, as a board of commissioners to open and maintain a turnpike road in the aforementioned counties. This authorization was to terminate after thirty years. The road was to commence on the east side of Lookout Mountain, near the home of Pleasant Butler, and then run the most direct and practicable route to Col. David Oats, or to Belcher's ferry on the Tennessee River, in Marion County. The act specified the size of the road; required the road to be opened and in complete order within three years from the passage of the act; provided for the election of a proprietor or proprietors, subject to duties, restrictions and regulations; provided for a toll gate and specified the tolls to be charged; and set out penalties to be exacted on anyone trying to evade the toll.
3. Acts of 1837-38, Chapter 267, Section 1, declared that Lookout Creek, in Hamilton County was navigable, from its mouth up to the line of the State of Georgia.
4. Acts of 1839-40, Chapter 94, authorized Josiah M. Anderson of Marion County, and George W. Williams of Hamilton County, constituted as a body politic and corporate for the purposes stated therein, to open and cut out a turnpike road, commencing at a point on the public road leading down Sequatchee Valley, on the south side of the creek, at or near John Bennett's, in Marion County, thence crossing Walden's ridge, the nearest and most practicable route, to a point on the north bank of the Tennessee River, opposite, or nearly so to the Town of Chattanooga. The act specified the width of the road; the term during which the road was to be completed; stated the penalties exacted if the road did not remain in good repair; and, appointed commissioners to examine the road and set the various tolls to be collected.
5. Acts of 1841-42, Chapter 130, Sections 4 and 5, extended for two years the time given to Josiah M. Anderson of Marion County, and George W. Williams, of Hamilton County to complete the turnpike road described in the 1840 Act. A schedule of tolls to be charged upon completion of the road was written in the act, as well as a change in the termination point for the road.
6. Acts of 1847-48, Chapter 150, Sections 8 and 9, permitted the incorporation of the Marion and Hamilton Turnpike Company, which was to build a road from the western base of Walden's Ridge in Marion County across said ridge easterly towards Chattanooga to the eastern base thereof. Commissioners were appointed and the company was subject to all rights, powers, privileges, restrictions and liabilities as were given to the McMinnville and Chattanooga Turnpike Company in the previous sections of this act.
7. Acts of 1849-50, Chapter 166, authorized Daniel Walling to open a turnpike from Walling's Ridge in Marion County to the eastern base of the ridge in Hamilton County. The act contained the customary language relative to the creation of turnpike companies and set forth the toll amounts for all modes of transportation.
8. Acts of 1853-54, Chapter 263, designated William Crowder, Jr., Alexander McDonald, John G. White, Pilleman Bird, and Wesley Connor as a body corporate with authority to open a turnpike beginning at McDonald's Cross Roads, near A. McDonald's, and thence with the old Missionary Road as near as practicable to Chattanooga. Certain specifications and criteria which were to be met were written in as well as a schedule of tolls to be charged.
9. Public Acts of 1891, Chapter 1, was a general law classifying all roads in the state. One of the standards used was width. Roads 24 feet to 50 feet in width were first class; 18 feet to 24 feet, second class; 14 feet to 18 feet, third class; and, 10 feet to 14 feet, fourth class. This act was amended by Private Acts of 1909, Chapter 390, and Private Acts of 1911, Chapter 192.

10. Public Acts of 1901, Chapter 136, applied to all counties under 70,000 population, census of 1900, or later. It was a road law providing for the general supervision by a road commissioner over all the public roads, bridges and overseers in each road district. The road commissioner was to be elected by the county court every two years. The act specified the duties of other county officers involved; stated who was subject to road duty; set forth specifications for roads; provided the process whereby roads could be opened or changed; provided a classification of roads; stated compensation for the road commissioners; and, authorized a special *ad valorem* tax levy for the establishment and maintenance of county highways.
11. Acts of 1905, Chapter 332, was patterned after the 1901 Public Act, above, with the same basic provisions as the previous act, but was specifically aimed at counties the size of Hamilton County at that time.
12. Acts of 1909, Chapter 390, amended Public Acts of 1891, Chapter 1, Section 26 (item 7, above, which classified public roads), by permitting Hamilton County to build roads of the first class to a maximum width of 100 feet instead of 50 feet.
13. Private Acts of 1911, Chapter 192, also amended the 1891 Public Act to cure a defect in the 1909 Act, above, but retained the same provisions of road width.
14. Private Acts of 1911, Chapter 488, made the Acts of 1907, Chapter 368, applicable to Hamilton County, repealed all conflicting provisions of said act, and essentially wrote a new road law for Hamilton County, expanding it to include all the dirt roads, and their bridges, within the supervision of the board of public road commissioners. It required permits to be issued to tear up a public road; made the filing of certain reports on workhouse prisoners necessary; and enumerated the information required. Regulations for the operation of the workhouse were set out therein and to be enforced by the board.
15. Private Acts of 1913, Chapter 148, amended Private Acts of 1907, Chapter 368, Section 3, (which was not a conflicting provision of Private Acts of 1911, Chapter 488), by increasing the salaries of the superintendent of roads and members of the board of public road commissioners to \$1,600.00 and \$1,400.00, respectively, and designated one member as "Superintendent of Roads," one as "Superintendent of the Workhouse," and one as "Clerk of the Road Commission." This act was amended by Private Acts of 1913, Extra Session, Chapter 14, below.
16. Private Acts of 1913, Extra Session, Chapter 14, amended the above act and Acts of 1907, Chapter 368, by increasing the salaries of all members of the board to \$1,800.00 annually, while keeping the titles given to each.
17. Private Acts of 1919, Chapter 577, amended Private Acts of 1915, Chapter 204 so as to have the tax assessor assess each citizen subject to road duty a road poll tax of \$2.00, annually, to be collected by the county trustee, and set up penalties for those who failed to pay same. This act was repealed entirely by Private Acts of 1921, Chapter 841.
18. Private Acts of 1929, Chapter 405, authorized the county to build some belt line highways around Chattanooga, prescribing certain starting points and routes; required utility companies to lay their lines during the construction period and not after construction was completed; and, permitted the borrowing on short or long term notes of up to \$300,000 for the program.
19. Private Acts of 1931, Chapter 714, exempted Hamilton County from the provisions of Private Acts of 1917, Chapter 739, which was an act to create a public road system.

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