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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

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

1. Acts of 1787, Chapter 25, of the Acts of North Carolina, levied a tax to build roads in Sumner County but the amount of the tax was not legible.
2. Acts of 1795, Chapter 5, permitted the Commissioners who were previously authorized to sell salt licks and springs and the lands adjoining them to take the steps necessary to collect all these funds and then to pay the same into the hands of James White, James Winchester, Stockley Donelson, David Campbell, William Cocke, and Robert Hayes, who were all appointed as a Board of Commissioners to run and clear out a good and sufficient wagon road from South West Point in Hamilton District to Bledsoe's Lick in the Mero District.
3. Acts of 1821, Chapter 6, required the County Courts of all counties to index and classify the roads in their respective counties according to their width and surfacing materials. Penalties were provided for those who obstructed roads and who failed to abide by the terms of this Act.
4. Private Acts of 1829, Chapter 232, incorporated Thomas Martin, William White, Robert Weakley, Josiah F. Williams, Elijah Boddie, Robert M. Boyers, James Saunders, Isaac Walton, and Daniel Montgomery, along with others, as the Gallatin Turnpike Company, to lay off and construct a turnpike road from Nashville by way of Gallatin to the Kentucky State line at the most eligible point in the direction of Glasgow, Kentucky. Details of the corporate management and a schedule of tolls which could be charged were included in the Act.
5. Acts of 1837-38, Chapter 101, was the Act incorporating the Gallatin, Carthage, and Hartsville Turnpike Company to build a road linking the three cities. Named among the incorporators were William Hall, Charles Morgan, Alfred B. Wynne, John Branham, Robert M. Boyers, James A. Blackmore, David Vance, William May, William Edwards, Joel Parrish, Willis Bush, Patrick Duffy, James Patterson, Humphrey Bate, Charles White, William Read, Francis Duffy, Z. G. Goodall, A. G. Donoho, Golman Donoho, Moses Lawson, William L. Alexander, Jesse Hayne, Scirus Hart, David Burford, William Lauderdale, Robert M. Potts, Dr. A. M. Debone, John Wells, William Martin, Dr. Brooks, John Bradley, Robert Allen, Richard Alexander, Joseph Allen, A. W. Overton, John Stephens, John G. Parks, William Hart, Timothy Martin and David C. Crenshaw.
6. Acts of 1837-38, Chapter 292, incorporated the stockholders and Trustees of the Gallatin and Cumberland Turnpike Company. Robert King, James Y. Blythe, William Edwards, Robert M. Boyers, Benjamin Howard, William Trousdale, James Blackmore, and Thomas Anderson were named as Commissioners to open books and sell stock at \$25 per share in the city of Gallatin. The road would go from Gallatin to a convenient point on the Cumberland River where a warehouse would be built.
7. Acts of 1843-44, Chapter 51, appointed Boling Hembry, Joel Parish, James S. Blackmore, David W. Mentloe, Joseph Hurlan, A. R. Wynn, Michael D. Stener, Francis Duffy, Solomon Debow, James H. Vaughn, Frederick Mitchell, Timothy Watson, Robert Allen, Albert G. Donaho, David Burford, William Alexander, Elijah Haney, A. W. Overton, Martin W. Stone, and Adam Ferguson, to sell stock and keep the books to construct a turnpike from Gallatin to Carthage, by way of Castilian Springs, Hartsville, and Dixon's Springs.
8. Acts of 1843-44, Chapter 84, appointed Commissioners to sell stock with which to build a road from Gallatin to the top of the Ridge in the direction of Scottsville, Kentucky, by way of Y. N. Douglass' place, which would be called the Gallatin and Cumberland Turnpike. The Company would have all the rights and privileges of other turnpike companies. The Act listed James Wallace, John Wallace, Y. N. Douglass, William Walton, Carson Dobbins, George Elliott, Jr., John J. White, Levi Donnel, S. R. Anderson, and Daniel Saffarans as Commissioners.
9. Acts of 1847-48, Chapter 27, changed the name of the Gallatin and Cumberland Turnpike Company to the Gallatin and Ridge Turnpike Company. An extension of two years was granted to complete the road.
10. Acts of 1847-48, Chapter 188, named Daniel Montgomery, George E. Dismukes, William Shaw, Robert Taylor, Daniel Nye, and Bennet E. Douglass as Commissioners, to sell stock in the Longhollow Turnpike Company to build a road starting at the Nashville and Kentucky Turnpike Road where the old upper Nashville Road intersected, running through the Longhollow to Station

- Camp Creek in Sumner County, at Rawlings old place. The road would be at least twenty (20) feet wide and graded, started within a year, and finished within four years.
11. Acts of 1847-48, Chapter 188, incorporated Thomas C. Douglass, Edmond Green, William E. Douglass, Isaac Baker, Sr., James N. Lucas, John Baker, Nicholas Stone, H. B. Vaughan, and Harris Odom as the Ridge Branch Turnpike Company which was obligated to construct a road in Sumner County starting at Gallatin and Ridge Turnpike Road leading from Gallatin past James Douglass' to the Ridge, a distance of about four miles.
 12. Acts of 1849-50, Chapter 118, nominated Thomas Stratton, Lorenzo Watkins, B. B. Brown, Robert Elkton, Lewis T. White, Willie J. Douglass, V. S. Collier, and Robert Douglass, as Commissioners to build a turnpike road commencing at West Station Camp Creek, near Rawlings old place, to run east to within one-half mile of Gallatin, where it would intersect the Red River Turnpike.
 13. Acts of 1849-50, Chapter 235, named Joseph Robb, John Askew, John O. Higgason, Hugh Coly, Stephen Stone, John Vaughan, John Chambers, and Alexander Williams as Commissioners who would sell stock to construct a turnpike from Cairo to Gallatin in Sumner County.
 14. Acts of 1851-52, Chapter 228, repealed the Act which prohibited Davidson County from discontinuing, or closing, that part of the Whites Creek to Gallatin Turnpike which was located in Davidson County.
 15. Acts of 1853-54, Chapter 104, required the Governor of Tennessee, upon application of the President of the Company, to issue six bonds of the State of Tennessee in the amount of \$1,000 each to the President and Directors of the Carthage and Hartsville Turnpike Company. The Company was required to repay the bonds with interest, and, should it fail to do so, the State Commissioner of Roads could force the sale of the turnpike to repay.
 16. Acts of 1853-54, Chapter 261, named Joseph C. Guild, William H. Crutcher, John Gourley, Daniel Escue, Mitchell R. Moore, Edward B. Smith, Eli Odom, Jesse Harper, D. P. Bullock, Samuel Gorley, and John W. Head, all of Sumner County, and Isaac G. Coles, of Wilson County, as Commissioners to raise \$20,000 in stock to build a road from Gallatin to Cole's Ferry on the Cumberland River.
 17. Acts of 1853-54, Chapter 262, incorporated Richard Hall, Reuben Brown, Abner Dickinson, John Wilkes, Francis Yourie, William Stovall, _____ Rickman, John Henry, Samuel Adams, Lewis Mills, _____ Tucker, Ephraim Bursley, and others, as the Sumner and Moscow Turnpike Company.
 18. Acts of 1855-56, Chapter 194, authorized the Gallatin Turnpike Company to move the seventh toll gate on the road going from Nashville, the same being the first toll gate above the town of Gallatin, and place it nearer to, or further from the town of Gallatin but it could not be placed closer than one mile from the Court House in that city.
 19. Acts of 1855-56, Chapter 196, amended an 1854 Act so as to require the Carthage and Hartsville Turnpike Company to pay the interest on the bonds which were authorized by that Act, after they were issued by the Governor. If they failed to have the road completed by the end of the time allotted to them, the Company would continue as a corporation until the road was finished.
 20. Private Acts of 1857-58, Chapter 70, gave the Gallatin and Coles Ferry Turnpike Company an extra four years to complete their road and named A. H. Halbert as an additional Commissioner for the road.
 21. Private Acts of 1861, Chapter 22, amended the Act creating the corporation of the Gallatin and Coles Ferry Turnpike Company so as to give the Company the authority to erect one toll gate for every five (5) miles of road and to place them at such points as the Company deemed proper but so as not to have them within four (4) miles of each other.
 22. Private Acts of 1867-68, Chapter 106, incorporated Joseph Wallace, William S. Munday, Greenberry Dobbins, James F. Lauck, T. McKinley, James Peacock, and Jacob H. Rees, as the Gallatin and Ridge Turnpike Company with all the rights and privileges and subject to the same restrictions as were granted to the Gallatin and Cumberland Turnpike Company in 1838.
 23. Acts of 1868-69, Chapter 53, appointed J. C. Rodemer, Major W. J. Mundy, H. Bennett, Esq., Judge J. F. Lauck, William Dodd, Colonel H. R. Wynne, E. S. Payne, S. W. Leseur, James A. Andrews, E. T. Seay, Captain F. H. Duffy, H. C. Ellis, and H. McNeely, as Commissioners to establish a railroad communication between Gallatin and Hartsville. The County Court could submit a referendum to the people on whether the County should buy stock in the railroad or not, and how much.
 24. 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 per day but for no more than ten (10) days each year. The County Court would fix the number of days road hands would be compelled to work and 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 per year for the days worked over that number. All males outside of the cities between the ages of twenty-one (21) and forty-five (45) 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 district 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).
25. Acts of 1903, Chapter 242, amended Section 3 of the 1901 Act, above, by inserting a provision that one-half of the labor and one-half of the money paid in commutation of labor, and one-half of the road funds raised by taxation may be devoted to the repair, construction, and upkeep of the roads in the District from whence it all came.
 26. Acts of 1903, Chapter 249, amended Acts of 1901, Chapter 136, above, in Section 1, by giving the Grand Jury of Sumner County the inquisitorial powers to investigate certain offenses defined in the Act. Section 4 was amended by requiring that presentments be made against any Road Overseer who failed to perform as required by the Act, and Section 12 was changed to make any contractor failing to perform his contract, or failing to do his duty in the road programs was also guilty of a misdemeanor and subject to prosecution and fines.
 27. Acts of 1903, Chapter 530, amended three sections of Acts of 1901, Chapter 136, above, and made the Act, as amended, applicable to Sumner County.
 28. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, by adding a provision that any person living in a Civil District who refused to serve as a Road Commission was guilty of a misdemeanor, and, that the Commissioners would be paid for their services such sums as the County Court might set, not to exceed \$40 for each Civil District. All the suits filed would be prosecuted in the name of the County Trustee and all the money collected would be paid over to the Trustee.
 29. Private Acts of 1907, Chapter 373, provided that the Sumner County Quarterly Court would select one person, skilled in road building, from each Road District of the County, who would be Road Commissioners until January, 1908, when one would be picked to serve for two years. The Commissioner would be in charge of all roads, bridges, and overseers in the District. They would be sworn, bonded, would not be office holders of any kind, and would be guilty of a misdemeanor if they refused to accept the appointment. The County Court would fix the number of days to be worked on the roads between five and eight, with two days credit being given for each day a wagon and team was furnished for road work. The County Court could levy a four cent tax per \$100 property valuation for each day of compulsory labor for road hands, 2/3 of which must be spent in the District from whence it came and the balance could be spent in all the districts. Commissioners, who would appoint the Road Overseers, would work the required number of days as other male citizens, and then be paid \$1 a day, up to \$6, for each day worked over that. All males living outside cities, between the age of eighteen (18) and fifty (50) were required to work on the roads or pay \$1 for each day missed. The Commissioners would dispose of petitions to open, close, or change the roads. The County Court could levy a road tax up to twenty cents (20¢) per \$100 property valuation. All prior laws in conflict with this Act were repealed. This Act was repealed in Item 31, below.
 30. Private Acts of 1909, Chapter 573, amended Private Acts of 1907, Chapter 373, above, in Section 2 by adding a requirement that a worker would also be furnished with a wagon and team in order for the owner to be credited with two days as the number of days worked. The authority was given to the Road Commissioner to compel a worker who had a wagon and team to use them on the roads whenever the Road Overseer deemed it necessary.
 31. Private Acts of 1911, Chapter 582, repealed Private Acts of 1907, Chapter 373, above, and became the new Road Law for Sumner County. A Road Commissioner would be appointed in each Civil District by the County Court for a term of two years, who would be sworn to office, bonded, and in charge of all the roads, bridges, and culverts in that District. The compensation could not exceed \$40 per year and failure to serve was a misdemeanor as well as neglect of duty. The County Court would assign road hands to Districts, fix the number of days for them to work which

- could not be less than five nor more than eight, and could compel the owners of wagons and teams to furnish them for road work, counting two days for one when they were worked. The Court had the power to levy a special road tax of four cents (4¢) per \$100 of property valuation for each day assessed to labor, 2/3 of which would be spent in the District of origin and 1/3 would go into the general road fund. The Road Commissioners appointed the Road Overseers for the road sections in their areas who would serve one year. Overseers would work the required number of days free as others did and be paid \$1 per day, up to \$6 per year, for the extra days. All males in the county residing outside of cities, between the ages of eighteen (18) and fifty (50) would contribute the labor specified or pay \$1 for each day missed. The Commissioners would index and classify the roads into four classes as prescribed, make annual reports of activities to the County Court, and dispose of petitions to open, close, or change roads. The authority to levy a special road tax not to exceed twenty cents (20¢) per \$100 was granted, and contracts to work roads could be awarded if the procedures in the Act were strictly followed.
32. Private Acts of 1911, Chapter 632, stated that, in Sumner County, identified by population, any person, firm or corporation, owning turnpikes and roads, whether chartered or not, under general, or special acts, were authorized to charge and collect tolls for travel by automobile of one seat a charge of ten cents, two seats, a charge of fifteen cents, and more than two seats, a charge of twenty cents, all to be imposed on each trip, coming or going. Quarterly, half yearly, and yearly rates, which were somewhat less, were also prescribed.
 33. Private Acts of 1915, Chapter 323, amended Private Acts of 1911, Chapter 582, Section 1, above, by giving discretion to the County Court to appoint a Road Commissioner for each road district or to allow the Justice of the Peace to perform these duties. All taxes paid in by public service corporations for road purposes could be used on pike roads. Acts of 1905, Chapter 129, Section 7, was repealed.
 34. Private Acts of 1917, Chapter 586, stated that all males in Sumner County between the ages of eighteen (18) and fifty (50) would be subject to road duty, but they would only work on roads on which they lived or the nearest one to them. Provisions for notice of work were incorporated and penalties were imposed for failure to work the day required by law. The fee for not working on the roads was seventy-five cents (75¢) per day. Owners of wagons and teams were compelled to furnish them for road work when directed to do so, but for only one-half of the number of days road hands were working. Owners of teams could commute by paying \$1 a day for the labor, and \$1.50 a day for the wagon and team. County Court would set the days at no less than five (5) nor more than ten (10), and could levy a road tax of four cents (4¢) per \$100 for each day the road hands were required to work. The County Court would select a Road Superintendent to serve two (2) year terms, who could be removed for cause. The Superintendent would be sworn, bonded, and would draw an annual salary of \$1,200. A Board of Highway Commissioners was provided, to include the County Judge, or Chairman, the Road Superintendent, and three (3) citizens of the County, who would be in general charge of the highway program. The three (3) citizens would be elected by popular vote. The Commission was required to divide the County into Road Sections, causing adequate maps to be made of each one.
 35. Private Acts of 1919, Chapter 434, was the new Road Law for Sumner County and repealed all conflicting Acts. All males residing outside cities were required to work within the Civil District of their residence, when notified. The number of ten-hour work days was specified by the County Court. Residents would pay a fee of \$2 if they did not work. Failure to comply was also a misdemeanor for which fines could be levied. Owners of wagons and teams would furnish them for road work but for only half the time otherwise required. The owners could commute by paying \$1 per day for each horse, or mule, \$1 per day for each wagon, \$3 per day for each wagon and team of two horses. All of the above fees could be enforced by attachment and garnishment. The County Court would choose a Road Superintendent to serve for two (2) years, and fix the salary. The Superintendent was to be an engineer, skilled in road work. The County Judge, or Chairman, the Superintendent of Roads, and three (3) citizens, elected to two (2) year terms would compose the Highway Commission. The Commission would meet at least once every thirty (30) days in the Courthouse. The Superintendent was required to make accurate maps of the road system, appoint the overseers in the Districts and perform any other duties assigned to him.
 36. Private Acts of 1921, Chapter 497, contained a general repealing clause only but was clearly a new road law for the county. In Sumner County, identified by population, all males residing outside cities between the ages of eighteen (18) and fifty (50) would work on the roads in the Civil District in which they resided as they were required to do in the preceding Acts except the work day was eight (8) hours instead of ten (10). The laborer's commutation fee, the regulation and fees for the owners of wagons and teams, the number of work days to be decided by the

- County Court all remained as they were in prior road laws. The composition of the Highway Commission and their pay remained as in previous Acts but the County Court could appoint subordinate District Commissioners, who would have charge of the roads in the District and appoint the Road Overseers. The Commission was empowered to limit loads on bridges.
37. Private Acts of 1921, Chapter 731, is listed in the Index as being applicable to Sumner County, but the Act it amends is Private Acts of 1917, Chapter 743, which applied only to Dyer County. This is an apparent error in citation.
 38. Private Acts of 1921, Chapter 958, amended Private Acts of 1921, Chapter 497, above, by striking Section 3 of that Act and adding a provision that the Superintendent, to be elected by the County Court to supervise the roads, would be a man of good moral character, who was skilled in road construction, maintenance and repair, and was in every way fully competent to perform all the duties of the position of Superintendent as required.
 39. Private Acts of 1923, Chapter 614, amended Private Acts of 1921, Chapter 497, by adding a provision which made it the duty of the Road Commissioners to keep all the public roads open and free from gates, fences, and other obstructions. The Commission was granted the power to remove obstructions at the expense of the party creating the same. Any person who willfully obstructed the public highways was guilty of a misdemeanor.
 40. Private Acts of 1927, Chapter 492, amended Private Acts of 1921, Chapter 497, above, by striking Section 6 in its entirety. Section 6 related to the furnishing of wagons and teams by their owners for work on the roads.
 41. Private Acts of 1927, Chapter 500, declared that in Sumner County, the County Superintendent of Roads would be elected by the qualified voters of the county for a two (2) year term. The first election would be at the regular August election in 1928, and every two years thereafter. All vacancies would be filled by the Quarterly County Court. The salary of the Road Superintendent would be fixed by the County Court but would not exceed \$3,500 per annum.
 42. Private Acts of 1929, Chapter 76, repealed Private Acts of 1927, Chapter 492.
 43. Private Acts of 1929, Chapter 692, was a new Road Law for Sumner County repealing prior conflicting Acts. All males between the ages of eighteen (18) and fifty (50), residing outside cities, were required to work on the County roads the number of days fixed by the County Court. Failure to work on the roads could result in a forfeiture of \$7.50 and a payment of \$1.50 for each day not worked. The owners of wagons and teams, were required to furnish the wagons, teams, and a driver or pay the stipulated fees. The County Court could levy a special road tax of six cents (6¢) per \$100 property valuation. The Road Superintendent would be elected by the people at the general August election and take office in January following. J. W. Boles would serve as Superintendent until January, 1931, when his elected successor would assume office. The Chairman of the County Court, the Road Superintendent, and three (3) resident citizens would comprise the Highway Commission. The Act named R. C. Harris, F. H. Dunklin, and G. I. Brown, as the citizens who would serve on the Highway Commission which would meet at least once each thirty (30) days at the Courthouse. The Commission would be in general charge of all the road work in the County. The County Court would appoint District Commissioners in each District to perform the duties specified in the Act. The District Commissioners were authorized to appoint Road Overseers for the sections of roads in their Districts. The allowable weights for all bridges would be posted at the site of the bridge.
 44. Private Acts of 1967-68, Chapter 214, which was not acted on by the Quarterly Court according to our information, provided that all roads laid off and constructed in Sumner County would have rights of way of no less than fifty (50) feet wide, and traveled portions of the roads would be no less than forty (40) feet in width from the ditch on one side to the ditch on the other side.
 45. Private Acts of 1967, Chapter 215, regarding the salary of the road superintendent in Sumner County has been superseded by general law (T.C.A. § 8-24-102).

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