



July 22, 2024

Highways and Roads - Historical Notes

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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 Smith County, but which are no longer operative.

1. Public Acts of 1821, Chapter 6, required several County Courts to index and classify roads in their counties. The three classes of roads were (1) stage roads, (2) roads for loaded wagons, and (3) single horse and rider. Penalties were provided for obstructing roads and for failing to observe the terms and conditions of the act were provided.
2. Private Acts of 1826, Chapter 108, authorized Jesse Lincoln of White County to keep in repair a turnpike road between Sparta in White County and Liberty in Smith County. Adam Dale of Smith County was named as a Commissioner to inspect the work done on this turnpike.
3. Private Acts of 1832, Chapter 38, authorized Jesse Lincoln and William Ussery of White County to build a turnpike road from Sparta in White County to Liberty in Smith County, which would cross the Caney Fork River near Lockharts. William Bruster and Henry Lydy, both of White County, and Leonard Lamberton and William C. Garrison, both of Smith County, were appointed as Commissioners to inspect, supervise, and report on the work as it progressed.
4. Acts of 1853-54, Chapter 104, authorized the Governor to issue six bonds of the State in the amount of \$1,000 each to the president and directors of the Carthage and Hartsville Turnpike Company, sixteen bonds of \$1,000 each to the president and directors of the Carthage, Alexandria, and Red Sulphur Springs Turnpike Company, and eight bonds of \$1,000 each to the president and directors of the Carthage and Rome Turnpike Company, provided in all cases, suitable liens, or mortgages, were given. One-half of the bonds would be issued when ten miles of the road was completed, and the other one-half when twenty miles was completed. The bonds were to be repaid semi-annually over a period not to exceed fifteen years. If default occurred in the payment of the bonds, the Governor was empowered to take over and sell the turnpike roads under conditions specified in the act.
5. Acts of 1855-56, Chapter 196, amended Acts of 1853-54, Chapter 104, by requiring the Carthage and Hartsville Turnpike Company to liquidate their debt to the State by paying one-half of the amount of the principal and interest each year. The act also provided that any person filling in a drainage ditch on the road would forfeit \$5.00 and costs before any Justice of the Peace in Smith or Sumner Counties. If the Company failed to complete the road within the time allowed, they would nevertheless continue as a body corporate and politic insofar as the enforcement of any contractual provisions were concerned.
6. Private Acts of 1868-69, Chapter 61, provided that the gates of the Alexandria, Carthage, and Red Springs Turnpike be thrown open and no pikeage be collected on the road until it was placed in the condition required in the charter of the road before tolls could be collected.
7. Public Acts of 1871, Chapter 109, recited that the State of Tennessee had loaned the sum of \$6,000 to the Carthage and Hartsville Turnpike Company and that a lawsuit was pending in the Chancery Court of Smith County which had been filed by creditors of the company contesting the priority of the State's lien on \$4,650, the proceeds from the sale of the company. The act permitted the State to compromise and settle the lien and debt against the company in such manner and on the terms deemed in the best interests of the State, but the settlement would not be in any amount less than \$3,000
8. Public Acts of 1895, Chapter 129, appointed J. F. Roy, R. B. Floyd, James Jones, J. W. Overall and A. P. Smith, of DeKalb County, and R. A. Lawrence, Jonathan Smartt, and E. N. Allen, of Smith County, as Commissioners to open books and subscribe stock for the purpose of constructing a macadamized road from Alexandria to Brush Creek. The amount of stock could not exceed \$4,000 at \$25 per share. The company would have the power to contract, but had to meet specifications contained in the act. When the road was completed, a toll gate was to be established where the road crossed the Nashville and Knoxville Railroad. The company would charge the same rate of tolls allowed on the Sparta and Lebanon turnpike road.
9. Acts of 1901, Chapter 136, was a general road law for every county in the State with a population of under 70,000. The County Court of each county would select one Road Commissioner for each Road District. The Road Districts would be co-extensive with Civil Districts. The Commissioner would be in charge of the roads, bridges, culverts, and road hands in his District for a term of two years and he had to be sworn and bonded. The County Court would assign road hands to each District, each to work from five to eight days, as determined by the County Court, and would fix the price to be allowed for a day's work. The County Court could levy a special road tax of two

cents per \$100 property valuation for each day required to be worked, two-thirds of which could be worked out on the roads. The District Commissioners would appoint the road overseers in their Districts who would be in immediate charge of sections of roads. Some specifications for roads were set forth in the act and the County Court could contract for work on roads designated by them. The County Court was further required to index and classify the roads into four classes. Petitions to open, close, or change roads would be handled by the Commissioner who would follow guidelines contained in the act. Commissioners would be paid the same as Justices of the Peace.

10. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but was primarily concerned with revising the procedures for receiving and disposing of petitions to open, close, or change county roads.
11. Acts of 1907, Chapter 271, provided that in Smith County, all persons between the ages of eighteen and fifty would be subject to road duty and would perform labor on the public roads as required by law. Eight hours would constitute a normal work day. The County Court would fix the number of days to be worked each year, which would be no less than eight nor more than ten. Two days of this amount was to be worked in April or May and the remainder in August or September.
12. Private Acts of 1917, Chapter 740, amended Public Acts of 1915, Chapter 100, by requiring that the State Highway Commission immediately refund to the Chairman of the County Court of Smith County all funds and monies which had been collected from the county arising from the licensing and registration of automobiles. When refunded, the money would be used exclusively for road purposes under the direction of the County Court.
13. Private Acts of 1919, Chapter 780, amended the Road Law for Smith County by empowering the County Court to increase its road tax levy and the commutation fee for road labor from 75 cents to \$1.50 and from \$2.25 to \$3.
14. Private Acts of 1921, Chapter 963, provided that the County Judge or Chairman in Smith County would turn over to the County Trustee all fees received from the State highway department resulting from the sale of auto licenses. The Trustee was to credit each road district with the proportionate share due it, based upon the number of auto owners and license fee payers in that district. The Trustee would also distribute to the incorporated cities and towns their share based upon the same standards.
15. Private Acts of 1929, Chapter 676, stated that, in Smith County, all funds contributed by the County in cooperation with the State Highway Department and expended on the construction of State Highways or in acquiring toll bridges would be refunded. The County was to submit its claim, together with proof of payment, to the State Commissioner of Highways and Public Works who would submit it to the Highway Reimbursement Board, which would consider the claim and reimburse the County. The amount refunded was not to exceed \$30,000.
16. Private Acts of 1935 (Ex. Sess.), Chapter 2, named the bridge constructed by the State across the Cumberland River at Carthage for the Honorable Cordell Hull.

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