



County Technical Assistance Service
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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 Rutherford County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions of the various counties of the State to index and classify the roads in their respective counties. The roads would be classified according to width and use. The classes ranged from stage roads down to one wide enough to permit a horse and rider to pass. The Court would assign a sufficient number of hands to keep the road in repair.
2. Acts of 1824, Chapter 162, commissioned William W. Searcy, Robert C. Foster, Sr., Alfred Balch, Andrew Hynes, James McLaughlin, Samuel P. Black, F. N. W. Burton, Moses Ridley, Benjamin McCulloch, and David Wendel, to open books and subscribe stock up to \$75,000 to build a turnpike road from Murfreesboro in Rutherford County to Nashville in Davidson County to be incorporated as the Murfreesboro Turnpike Company. The Act also named Alfred Balch, Samuel Weakley, John Hardin, F. N. W. Burton, Moses Ridley, Logan Henderson, and Nathan Williams, as Commissioners to mark out the route of the road.
3. Acts of 1829, Chapter 255, incorporated Charles I. Love, James H. Foster, William H. McLaughlin, David Wendel, James Morton, Robert Jetton, David W. Dickinson, Zachariah Posey, William Bowman, George Thompson, John McGregor, Martin Clark, Henry Ridley, Moses Norvell, George Shall, Robert Weakley, and Beverly Nelson, as the Nashville and Murfreesboro Turnpike Company which would build a road between the two cities. The Company was allowed to cut timber, secure rock and gravel along the way and to exercise the power of eminent domain. The road must be built to meet the specifications in the Act, and, when completed, could charge the tolls listed therein. Penalties were provided for anyone passing the tollgates without paying. The Act also established the Hoover's Gap Turnpike Company naming Christopher Shaw, Jacob Hoover, Joel Smith, Joseph Carney, Moses Hart, John Hilton, James Arnold, T. L. D. W. Shaw, and William S. Watterson as its incorporators. The road could run from Murfreesboro, by way of Hoover's Gap, to Thomas Power's in Bedford County.
4. Acts of 1829, Chapter 269, stated that whenever any person, firm or corporation, organized to open a turnpike in the counties of Davidson, Williamson, Rutherford, and Bedford would make known in writing to the Courts of Pleas and Quarter Sessions of the Counties through which the road would pass that they would not proceed to open said road or roads agreed in their Charter, it would be lawful for the Court to grant upon the terms of the original Charter all, or any part of the said road not completed to any person, or persons, but the section shall not exceed five miles.
5. Acts of 1831, Chapter 46, named Robert Weakley, Samuel Seay, and Robert C. Foster, all of Davidson County, Henry D. Jamison, Samuel Anderson, and Vernon D. Cowens, all of Rutherford County, and John Sutton, John C. Caldwell, and Samuel Phillips, all of Bedford County, as a Board of Internal Improvement for the aforesaid Counties. It was their duty to open under such conditions as may be prescribed, in Nashville, in Murfreesboro, and in Shelbyville, books for stock subscriptions to the Nashville, Murfreesboro, and Shelbyville Turnpike Company. As soon as \$20,000 in stock had been sold, the State Bank was authorized to pay them the share of their respective counties in the Internal Improvement Fund for Middle Tennessee. Upon other conditions being met, the Company could proceed with the construction of the turnpike.
6. Acts of 1832, Chapter 15, made it the duty of the Governor to subscribe to the Nashville, Murfreesboro, and Shelbyville Turnpike road the whole of the interest due upon the amount of the Common School fund to which the counties of Davidson and Rutherford were entitled. The Commissioners of the company must pay at least 6% interest on the money. It was further made lawful to erect tollgates and collect tolls when all the conditions precedent stipulated in the Act had been met. This Act amended Acts of 1831, Chapter 46.
7. Acts of 1832, Chapter 34, incorporated a company to establish a turnpike road from Murfreesboro to the top of the Stones River ridge in Warren County in the direction of McMinnville, passing by Danville in Warren County. The company would be known as the McMinnville Turnpike Company.
8. Acts of 1835-36, Chapter 19, was the legislative authority for Russell Dance, William Ledbetter, and Logan Henderson, of Rutherford County, plus others named from Davidson County, Coffee County, and Franklin County, as Commissioners, to open books and sell up to \$200,000 in stock to build a turnpike road from Murfreesboro to Winchester by way of Manchester in Coffee County. The stock sale and the construction and operation of the road would be as specified in this Act.

9. Acts of 1837-38, Chapter 50, appointed William Bates, William C. Smartt, and Joseph Spurlock as Commissioners of the Murfreesboro and McMinnville Turnpike Company instead of William M. Robinson, who has moved, and Leighton Ferrill and James Burkley, who were deceased. The Act also gave the company the power of eminent domain. This Act amended Acts of 1832, Chapter 34.
10. Acts of 1837-38, Chapter 57, authorized William B. Morris, Alfred Nailor, and Joseph Smith, of Rutherford County, and John Scott, John Norvell, Noble Majors, James L. Armstrong, Robert Clark, and Burwell Featherston, all of Bedford County, to build a macadamized road from Fosterville, in Rutherford County, to Davis' Mills in Bedford County. This road would constitute a lateral branch of the Nashville, Murfreesboro, Shelbyville Turnpike. The company would be called the Fosterville Turnpike Road Company.
11. Acts of 1847-48, Chapter 164, incorporated the Franklin College and Stones River Turnpike Company, naming Dr. J. R. Wilson, E. H. East, Robert Buchanan, James M. Murrell, James Charlton, James Matlock, John W. Birdwell, Turner Perry, and George W. McQuiddy as Commissioners to sell the stock, up to an authorized \$60,000. The corporation would build and keep in repair a Nashville and Murfreesboro turnpike at or near the junction of Chicken Road with the turnpike road about four miles from Nashville, passing Franklin College to terminate at or near Stones River.
12. Acts of 1869-70, Chapter 52, named Joseph M. Bennett, Joseph J. Green, W. K. Green, W. M. Clark, T. G. Shannon, Joseph H. Murray, J. S. Hawlett, George Chrisman, Evans Bennett, Lemuel Newsom, John F. Neal, Henderson Naron, William Caldwell, E. C. Jobe, G. W. McLaughlin, Thomas Black, Sr., Benjamin Beatty, Sr., Brown Baring, Alfred Davis, Thomas Edwards, George W. Smith, W.H. Smith, James E. Manson, Leonard Davis, John Love, and John Shelton, as Commissioners to sell stock up to an authorized capital of \$35,000 to build a turnpike from Nolensville in Williamson County to Wilkerson's Cross Roads in Rutherford County. When \$5,000 has been subscribed and collected, the stockholders would meet at the Kedron Church in Rutherford County. The Act included some specific regulations to be observed. The company would be known as the Nolensville and Wilkerson's Cross Roads Turnpike Company.
13. Acts of 1869-70, Chapter 101, appointed as commissioners John Lyttle, W. G. Garrett, J. Todd, H. C. Bartley, Joseph King, John King, James King, Jr., and Joseph Holloway, to sell stock to build a turnpike road from Murfreesboro in Rutherford County to Triune in Williamson County. The corporate life was 99 years, the authorized capital stock set at \$100,000, with a \$10,000 minimum subscription to proceed with a meeting. The company would be styled the "Murfreesboro and Triune Turnpike Company.
14. Acts of 1901, Chapter 136, was a general road law applicable to every County in the State under 70,000 in population according to the 1900 Federal Census. The County Court would pick one Road Commissioner to serve two years from each Road District in the County, the Road Districts being co-extensive with the Civil Districts of the County. This Commissioner must be sworn and bonded and would be in charge of all the roads, bridges, hands, tools, and materials used in his district. He would be compensated at the rate of \$1 per day but for no more than 10 days each year. The County Court would fix the number of days a road had must work between five and eight and set the value on a day's labor. The Court could also levy a special road tax of two cents per \$100 property valuation for each day the road hands were required to work. The Road Commissioners would appoint and supervise road overseers in their district who would be in immediate charge of a specified section of road, would work the same number of days as other road hands but would be paid up to \$6.00 a year for days worked extra. All males, outside cities, between the ages of 21 and 45 must work on the roads, or pay a stipulated commutation fee. The Commissioners must also hear and dispose of petitions to open, close, or change the roads in their Districts, seeing that all such roads met the basic specifications mentioned in the Act. This Act was involved in *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66(1906).
15. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but primarily in the methods of exercising the right of eminent domain in the acquisition of rights of way for roads.
16. Private Acts of 1909, Chapter 574, amended Acts of 1901, Chapter 136, by making all male residents of the County between the ages of 18 and 50 subject to compulsory labor on the roads instead of the former age ranges of 18 and 45 years. This Act was repealed by Private Acts of 1979, Chapter 138.
17. Private Acts of 1919, Chapter 698, set up a three member Board of Road Supervisors in Rutherford County who would be appointed by the Chairman of the County Court for initial terms

of two years and four years, and for four years afterwards. The County Court was required to appoint at its January, 1920 term, a Road Commissioner from each Civil District who would serve two years exercising general supervision over the roads in the District and who would open, close, and change roads in the District as well as work them. The Commissioners would be paid \$2 for each day worked but must make \$1,000 bond before assuming office. The Commissioner would appoint road overseers to be paid \$1.50 per day after working without compensation the required number of days per year, who would be in immediate charge of the section of road assigned to him. Males between the ages of 18 and 50 were compelled to work between 8 and 12 days, as the Court decided, consisting of ten hours duration. The owners of teams and wagons must furnish them for the same number of days to be worked. A road hand could furnish a substitute to work in his place, or pay \$1.50 a day for each day not worked, while owners of wagons and teams were forced to pay \$2.50 to commute. All roads were required to be relocated and regraded within two years to get away from grades over 10% and from flooding. Road Supervisors were to be paid \$3.00 per day to supervise the whole program, settle disputes, acquire lands for rights of way by eminent domain when necessary and could employ an engineer. Rights of way could range from 24 feet in width up to 50 feet. This Act was repealed by Private Acts of 1925, Chapter 297, and by Private Acts of 1933, Chapter 483.

18. Private Acts of 1921, Chapter 824, classed as turnpike roads all those called pikes in Rutherford County. The County Court could levy a tax of one to two mills to build and repair turnpike roads in the County. The County was divided into three turnpike Zones, and the County Court would appoint a Commissioner from each Zone to serve staggered terms initially and then three year terms afterwards on the Board of Turnpike Commissioners. Commissioners would draw compensation of \$300 per year which would be their total pay. The Commissioners would employ a skilled Superintendent of Turnpikes at an annual salary not to exceed \$2,500, who would be charged with keeping all proper records. The Board of Turnpike Commissioners would control and manage all the turnpike roads being vested with the power of eminent domain. An engineer could be employed to lay out plans and design roads. Pikes must meet certain specifications for which they would be inspected. All funds coming to the county for road purposes would be divided equally among the three Zones.
19. Private Acts of 1921, Chapter 872, amended Private Acts of 1919, Chapter 698, by reducing the range of days for compulsory labor from 8 to 12 down to 5 to 8 and leaves the repair of roads up to the Commissioners as necessary rather than to specify the months for the road hands to work. A tax was levied on truck owners of \$1 per horse-power to be used on roads and Section 5 was changed to require the owners of teams and wagons to take them to their assigned places of work and to call for them at the day's end.
20. Private Acts of 1923, Chapter 437, amends Private Acts of 1919, Chapter 698, by adding that any judgment so rendered against the county shall be paid out of county funds. Section 15 of the Act was repealed in its entirety. This Act was repealed by Private Acts of 1925, Chapter 297.
21. Private Acts of 1925, Chapter 164, amended Private Acts of 1919, Chapter 698, Section 4, by raising the minimum age of those subject to road labor from 18 years to 21 years, making the age range for those road hands go from 21 through 50.
22. Private Acts of 1925, Chapter 297, enacted a new road law for Rutherford County. A five member County Board of Road Commissioners to which the Act named J.D. Carter, J. L. Barker, J. O. Phillips, J. H. Dyer, and R. L. Smith, as the first Board who were charged to lay off and classify a system of roads in Rutherford County. Terms on the Board were staggered initially and vacancies were to be filled by the Circuit Court Judge. The Commissioners would be paid \$5 a day for time actually spent on their assignments. Each Road District, coextensive with the Civil Districts, would have a Road Supervisor, appointed by the Superintendent of Roads, who would be paid from \$2 to \$3 a day, whose responsibilities included making a list of all road hands in his District. A road section from two to five miles long would be supervised by an Overseer, named by the District Road Supervisor, who would get \$2 per day for his efforts. The overseer must report on the road hands working and the tools and materials used on his section of road. The Commissioners must elect a Chairman and could employ a Road Superintendent, skilled in the art of road work at a salary from \$3,000 to \$5,000 per year, who would be furnished an office in the Court House, would render monthly reports of the conditions and finances of the road department to the County Court. The Road Superintendent would be in full charge of the work-house and prisoners. Applications for new bridges must be submitted to the Road Superintendent for investigation, and he would report his findings to the County Board of Road Commissioners for a decision. The Road Superintendent would conduct hearings on petitions to open, close, or change roads. The budget for road changes must be established at the January meeting of the Court. The Court could levy a

- road tax of ten cents, or more, up to 25 cents, per \$100 property valuation and from \$5 to \$25 on every male, all of which would go into the general road fund. All males between 18 and 50 and owners of wagons and teams must meet requirements of the Act by working the number of days established or paying a commutation fee. This Act was repealed by Private Acts of 1927, Chapter 313, and by Private Acts of 1933, Chapter 483.
23. Private Acts of 1927, Chapter 313, set up a five member County Board of Road Commissioners to be elected by the Quarterly Court at its next July meeting to fill terms which were initially staggered to have one term ending each year. Vacancies on the Board were to be filled at the next meeting of the Quarterly Court occurring afterwards. The Board must choose a Chairman from their number, and could employ a Superintendent of Roads for two year periods at a negotiated salary which must fall between \$1,800 minimum and \$3,500 maximum. The Superintendent would also appoint District Road Supervisors and fix their compensation between \$2 and \$3 per day, who would in turn name Overseers for road sections in the District at \$2 per day. The County Board of Road Commissioners would have general supervision over all the roads and the expenditure of funds from all sources. The Road Districts were co-extensive with the Civil Districts of the County, and the sections of road laid off within the district must be between two and five miles in length. Roads must be classified according to width and indexed. Males between the ages of 21 and 50 were subject to working from 5 to 10 days on the roads as decided by the County Court, or pay from \$5 to \$10 as a commutation fee. Owners of wagons and teams were required to provide them for road service for the same number of days or pay a fee from \$7.50 to \$10, as set by the Quarterly Court. The Superintendent of Roads would appoint the Superintendent of the Workhouse and arrange for prisoners to work on the roads. The Board could exercise the power of eminent domain which could be used under the restrictions imposed in the Act, and could dispose of petitions to open, close, or change roads. Several other duties assigned to the Road Superintendent were enumerated. The special road tax to be levied could range from 10 cents to 25 cents per \$100 of property valuation. This Act was repealed by Private Acts of 1931, Chapter 234, and by Private Acts of 1933, Chapter 483.
 24. Private Acts of 1929, Chapter 483, amended Private Acts of 1927, Chapter 313, by rewriting Section 10 which related to condemnation procedures, by making it conform to the requirements of the general law when being exercised by the Board of Road Commissioners. Section 11 was rearranged to set up new rules for the disposition of petitions to open, close, or change roads.
 25. Private Acts of 1929, Chapter 767, amended Private Acts of 1927, Chapter 313, Section 9, by adding a sentence at the close of the first paragraph that the Superintendent of Roads with the assent of the Board of Road Commissioners would have the power to use prisoners serving sentences in the County Workhouse and the equipment of the County Highway Department to aid and assist enterprises coming into the county to get established.
 26. Private Acts of 1931, Chapter 235, established a new nine member County Board of Road Commissioners, elected by the County Court, one from each Road District into which the county was divided. The Act named Oscar Phillips, Cloe Bond, Shelton Edwards, T. R. Whittus, Ramsey Snell, J. D. Carter, Lawrence Barker, R. A. Kelton, and Lee Smith, as the first Board, to serve until the first Monday in April, 1931. Their successors would be selected on a staggered term basis and then for three year terms. The remainder of this Act is virtually identical with the terms of Private Acts of 1927, Chapter 313, except that the general road tax was set at 25 cents, and some limitations were placed upon the authority to contract the work out. The Road Commissioners would be paid \$2.50 per day for each day spent in the discharge of their duty. This Act was repealed by Private Acts of 1933, Chapter 524.
 27. Private Acts of 1931, Chapter 531, created a nine member County Board of Road Commissioners in Rutherford County, one to be selected from each of the Road Districts into which the county was divided. This Act appointed Oscar Phillips, Cloe Bond, Shelton Edwards, Cleveland Ralston, Ramsey Snell, Will Fox, Charles Sneed, R. A. Kelton, and T. M. (Bud) Vaughn, to serve as the first Board until the first Monday in September, 1932, their successors to serve staggered terms of six year as they were organized in the Act. The Commissioners must be residents of their Districts and elected by the voters. Vacancies on the Board would be filled by the remaining members. The remainder of this Act is practically the same as Private Acts of 1931, Chapter 235. One difference was that the Workhouse would have a Superintendent appointed by the Superintendent of Roads with the approval of the Board of Road Commissioners. This Act was repealed by Private Acts of 1933, Chapter 483.
 28. Private Acts of 1933, Chapter 302, amended Private Acts of 1931, Chapter 235, in Section 10, so as to relieve all persons under 21 and over the age of 50 from being compelled to furnish a wagon and team for road work, by striking that provisions completely out of the Act.

29. Private Acts of 1933, Chapter 482, stated that in Rutherford County the Board of Workhouse Commissioners who would have the supervision and control of roads together with all the powers necessary and incidental thereto but under such restrictions as might be imposed by the County Court. The Commissioners must be sworn and bonded and must operate under general State law except that the compensation of the Commissioners and the Superintendent of the Workhouse would be paid monthly instead of quarterly and the salary of the Workhouse Superintendent would be fixed by the Quarterly Court instead of by the Commissioners, and supplies must be purchased through the purchasing agency of the county. The Quarterly Court would determine the number of guards to be employed at the Workhouse. The duties of the Commissioners and the Superintendent of Roads were generally specified, including the authority to contract and to exercise, under the limitations expressed, the power of eminent domain. Each Road District would equal the Civil Districts, and have a District Road Commissioner, appointed by the County Court, to serve for two years. Males between the ages of 21 and 45, must work from 5 to 10 days as determined by the Court. The Court could levy a general road tax from five to twenty-five cents per \$100 which would be divided among the road districts, and the Commissioners would be paid \$2.50 a meeting until the July meeting of the Quarterly Court, when their future compensation would be set. See *Powers v. Wiseman*, 167 Tenn. 140, 67 S.W.2d 142 (1934).
30. Private Acts of 1943, Chapter 454, established a County Highway Commission which had authority and control over all segments of the road system in Rutherford County, over all the prisoners in the Workhouse, and over all the employees and guards in the Department. The county was divided into nine Road Zones composed of whole civil districts, one Commissioner to come from each Road Zone. The present Commission was continued in office until September 1, 1944, with the County Judge acting as Chairman. Commissioners would be elected by the people of the Road Zone for four year terms and any vacancies after September 1, 1944 would be filled by the Quarterly Court with someone from that Zone. Regular meetings of the Commission would take place on the first Tuesday in each month. The Chairman would be paid \$3 and the members \$2.50 a day but all were limited to \$50 each year. Each Zone Commissioner was in charge of his Zone and would make recommendations on all matters regarding that Zone. The Commission would employ a County Road Superintendent at a maximum \$1,600 per year, plus a car, who would hire all other employees. The Commission would also designate someone to work with any State or Federal Agency in conjunction with the road program. The Commission had the right to purchase equipment and materials, but all contracts over \$250 were required to be subject to the bidding process. The Commission must maintain an office in the Courthouse in which the Road Superintendent and all the records would also be kept. A Secretary and bookkeeper could be hired to assist with the records. Liability could not be incurred beyond the amount of anticipated revenue nor would nepotism be permitted. The Road Superintendent was the Superintendent of the Workhouse who could employ an Assistant Superintendent, or a Chief Guard, at no more than \$90 per month. Males between the ages of 21 and 45, must work on the roads between 5 and 10 days as the County Court directed, or pay \$5 to \$10 as might be assessed. The general road tax levy could range between 5 and 25 cents per \$100 property valuation, plus the funds from the State would be expended by the Commissioners. An auditor at a cost of no more than \$250 would be employed to examine all accounts. The County Judge was made an ex-officio member of the Commission who would be its Chairman but would have no vote. All powers and duties vested in any Board of Workhouse Commissioners were transferred to the County Highway Commission and the Board of Workhouse Commissioners was abolished. This Act was repealed by Private Acts of 1951, Chapter 54.
31. Private Acts of 1945, Chapter 455, amended Private Acts of 1943, Chapter 454, in the various sections establishing the compensation of various officials connected with the administration of the Road Law so as to increase their salaries, and to add a new Section 40(a) which allowed the Quarterly Court to authorize the County Highway Commission to allocate and spend from the road funds, and other funds, an amount not to exceed \$2,000 to erect suitable quarters and barracks for the prisoners required to work on the roads. The Quarterly Court was allowed to add another \$3,000 for this purpose. This Act was repealed by Private Acts of 1951, Chapter 54.
32. Private Acts of 1976, Chapter 231, would have removed the supervision of the county workhouse from the County Highway Superintendent. This Act was not approved by the Quarterly County Court and never became effective law.
33. Private Acts of 1980, Chapter 294, would have transferred the authority and control over the prisoners in the county workhouse from the County Highway Commission to the Sheriff of Rutherford County. This Act was not approved by the county legislative body and never became effective law.

34. Private Acts of 1981, Chapter 142, would have amended Private Acts of 1955, Chapter 55, an erroneous reference to the Rutherford County Road Law, by adding a provision authorizing the operation of a hot mix asphalt plant at the end of Section 15, and by repealing Private Acts of 1977, Chapter 53. This Act was not acted upon by the Rutherford County Legislative Body and is of no effect.

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