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Highways and Roads - Historical Notes

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Sincerely,

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

1. Acts of 1804, Chapter 1, authorized the county courts to take charge of the public roads and the ferries in the county and to decide on the location of all the bridges. Included within the act were the procedures and methods to be observed in the process of establishing roads and making inventories of them. The County Courts were given the power to appoint commissioners for the roads and to levy taxes to accomplish the purposes herein specified.
2. Acts of 1821, Chapter 6, required the county courts of all the counties to index and to classify all the public roads in the counties primarily according to the width of the road and the surfacing material. The width ranged from a stage road down to one wide enough to pass two horses and riders on the way to mill or market. Penalties were included for obstructing the roads or for failure to observe the conditions of this act.
3. Acts of 1822, Chapter 68, named Richard Cheatham, Joel Moore, Henry Hart, Thomas Gunn, Sr., and Garland Williams, as Commissioners to open subscriptions and to receive donations to improve the navigation of the Red River from the junction of the Sulphur Fork of the River to the Kentucky State line. The Commissioners were directed to make reports to the court from time to time on the money received. When an amount deemed sufficient by the Quarterly Court of Robertson County was on hand it could be started and the commissioners could contract the project out. The owners of dams on the River must comply with all regulations. The Commissioners would make an adequate bond before receiving any donations or money.
4. Acts of 1835-36, Chapter 21, incorporated the Nashville and Kentucky Turnpike Company which would succeed to all the rights given to the older Franklin Turnpike Company. Commissioners were named in Davidson County and Sumner County to join Richard Cheatham, George C. Conrad, William Seal, and Thomas Farmer, all of Robertson County, to open books at Nashville, Gallatin and Springfield to sell 5,000 shares of stock at \$25 per share.
5. Acts of 1837-38, Chapter 180, extended the Whites Creek Turnpike through Springfield to the Kentucky line, and on to Russellville. All the stockholders were incorporated as the Whites Creek and Springfield Turnpike Company, possessing all the powers and privileges incidental to the operation of similar companies. Capital stock was set at 2,000 shares at \$50 par value. Henry Hart, George C. Conrad, and Vincent Williams, all of Robertson County, along with seven others named from Davidson County, would sell the authorized stock and any additional. Toll rates which were to be charged after completion of the road were stipulated in the book.
6. Acts of 1847-48, Chapter 1, incorporated James Woodard, Vincent Williams, Tyler Edwards, John M. Pope, Henry Hart, James Sprouse, Bayless Randolph, R. E. Hughes, R. H. Alley, Henry Frey, John S. Hutchison, D. P. Braden, David Henry, B. W. Miniss, Dr. Thomas Miniss, Dr. R. H. Hicks, G. B. Mason, D. M. Wells, and Colonel George W. Morris, all of Robertson County, to construct a turnpike road from the top of the ridge in Davidson County to the Kentucky line by way of Springfield under the style of the Springfield and Kentucky Turnpike Company. Construction of the road could be started as soon as \$5,000 in stock was subscribed and paid into their hands.
7. Acts of 1851-52, Chapter 265, was the legal authority for Joseph Hardaway, Kinchen Woodard, Robert Green, Richard Rose, G. B. Mason, Richard Farthing, Thomas Stark, Willie Holland, and Henry Wells, all residents of Robertson County, to open books and to sell stock to build a turnpike road from Springfield to the Kentucky line by way of Barren Plains. The company would operate under the same rules as other turnpike companies. Section 18 of this same act on Page 447, authorized S. D. Bowers, David Porter, Thomas Porter, Thomas Kirsle, M. Kirsle, John Cauts, Willie Woodard, Amos Moore, Jesse True, Benjamin Porter, David Henry, Miles Baird, and T. Harris, of Robertson County, to sell stock to build a turnpike road from Springfield to Cross Plains so as to intersect with any road leading from Cross Plains to the Kentucky line in the direction of Keysburg, at the most practical point selected by the stockholders.
8. Acts of 1851-52, Chapter 305, amended the act incorporating the Springfield and Manskoe's Creek Turnpike Company so that the grade of the said road must be within five degrees of level and the directors of the company could change the direction of the road at any time before construction.
9. Acts of 1853-54, Chapter 239, stated in the preamble that the State had never assisted Robertson County in the funds for internal improvement which would include aid for turnpikes and that the

- Mansker Creek and Springfield Turnpike Company had recently built a turnpike in the county from Sulphur Fork Creek, this act authorized the Governor to issue to the above corporation ten State bonds in the amount of \$1,000 each, payable in ten years, at 6% interest upon the company executing a note for that amount as a mortgage to the State on the property.
10. Acts of 1857-58, Chapter 79, incorporated a group of citizens of Robertson County and Montgomery County to open books and sell stock to a turnpike road which would begin at Springfield in Robertson County and run by such a route as a majority of the Commissioners could agree on to Port Royal in Montgomery County. The Commissioners could begin construction of the road as soon as \$5,000 was subscribed and paid in, and they were at liberty to begin at either terminus of the road.
 11. Acts of 1857-58, Chapter 79, named another body of citizens in Robertson County and Sumner County as the incorporators of the Springfield and Gallatin Turnpike Company under the same terms and conditions prescribed in the Port Royal Act above. Section 21 of this same act amended and was the act setting up the Mansker Creek and Springfield Turnpike and Section 22 did the same for the Springfield and Barren Plains Turnpike.
 12. Acts of 1859-60, Chapter 114, instructed the quarterly courts of Robertson County, and the other counties named in the Act to classify the public roads of the respective counties into three classes and to assess the property and polls of the counties which money would be used to keep up the repair on the said public roads under the direction and supervision of the Court. A referendum would be held and the people approve the same before a tax would be levied. The Courts were allowed to appoint a Road Commissioner to oversee the program. Taxpayers who desired could appoint the tax out of \$1 per day. Also included in the Act were special details on other aspects of the program. Section 14 extended the provisions of this Act to Robertson County.
 13. Acts of 1867-68, Chapter 106, named Henry Porter, Thomas J. Krisle, John G. Coutts, Willie Woodard, C. B. Randolph, Wilson Pitts, David Henry, David Jones, L. J. Henry, John Woodard, John Cook, William F. Krisle, William Villines, and J. M. Eatherly, as Commissioners, to open books and sell stock in a turnpike road to be built from Springfield which would run to Cross Plains in Robertson County. All the customary details and provisions for laws of this nature were contained in the Act.
 14. Acts of 1901, Chapter 136, was a general road law applicable to every Tennessee County under 70,000 in population. The County Court would select one Road Commissioner to serve two years from each of the Road Districts which were co-extensive with the civil districts of the county. These commissioners would be sworn, bonded, and placed in charge of the roads, bridges, 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 days each year. The County Court would fix the number of compulsory days of labor on the roads at no less than five nor more than eight, and set the value of one day's work to be paid when missed. The County Courts could levy a special road tax of two cents per \$100 property valuation for each day road hands were required to work. Road Commissioners would name and supervise the Road Overseers in their Districts to supervise a specific section of road, and who would work the same number of days of compulsory work as others, but would be paid \$1 per day up to \$6 a year for work over that. The Commission had the authority to hear and dispose of petitions to open, close, or change roads, and were also instructed to classify and index the roads in their districts, and inspect them to see that they met the specifications. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
 15. Private Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several smaller particulars concerning administrative matters, but principally in those sections dealing with the acquisition of rights of way especially where the exercise of eminent domain was necessary.
 16. Private Acts of 1909, Chapter 444, recited in the preamble that Private Acts of 1903, Chapter 4, (see Bond Issues) authorized the issue of \$150,000 in bonds, based upon public approval in a referendum, which issue was approved but have not been sold to date, and a tax of 20 cents per \$100 property valuation was levied under that law which has been collected for two years and was on deposit in the bank, and there is no probability of the bonds being sold in the future, this act was the legal authority for the Robertson County Quarterly Court to use these funds on the other road programs, as their judgment and discretion might dictate. This Act was repealed by Private Acts of 1911, Chapter 215.
 17. Private Acts of 1909, Chapter 456, was applicable to Haywood County and Robertson County. The Quarterly Court of these counties at their first session after the passage of this act could choose three residences to be the "Board of Public Roads." The initial terms on the Board would be staggered but subsequent terms would all be for three years. This Board would be in charge of the

- planning and the execution of road programs in the county having the power to employ an engineer to assist them, or other competent assistants who would inspect the roads, write general specifications, and classify the roads in accordance with the criteria expressed in the act. The Board could draw on funds in the Trustee's hands for the accomplishment of their programs, and dispose of all the requests to open, close, or change roads. The Quarterly Court was granted the power of eminent domain to acquire property unavailable otherwise. Prisoners serving time in the county workhouse could be used on the roads under certain conditions of surveillance. This Act was repealed by the Act following insofar as it applied to Robertson County.
18. Private Acts of 1911, Chapter 214, expressly repealed those portions of Private Acts of 1909, Chapter 456, as the same affected Robertson County, and the county was exempted from its future operation.
 19. . Private Acts of 1911, Chapter 215, repealed Private Acts of 1909, Chapter 444 in its entirety.
 20. Private Acts of 1913, Chapter 330, was apparently the first comprehensive road law for Robertson County. The Act formed a Highway Commission made up of four citizens appointed by the County Court and the County Judge who would be an ex-officio member and chairman. The Commissioners would come from the different geographical sections of the county, be sworn into office and be paid \$2 a day up to \$50 a year. They were to serve two years, have general supervision of roads in county, select a Secretary, and could hire an engineer to aid them in their endeavors. The Commission would purchase all tools, equipment, and materials, and appoint Foremen in the road districts who would work the compulsory time as others did but would be compensated for efforts beyond that. The positions of Road Commissioners and Overseers were abolished. All male residents, outside of cities, between the ages of 21 and 45 who were subject to road duty must work five days on the roads between April 1 and July 1, or pay 75 cents for each day missed. The Tax Assessor would compile a list of prospective road hands and deliver it to the Trustee, and the commission would form a list of the delinquents after July 1. A general road tax levy of no more than 20 cents and no less than ten cents could be made as well as a special tax levy of the same amount which would be used on special projects. The Commission would hear and dispose of requests to open, close, or change roads and exercise the power of eminent domain but only when proper procedures were followed. Proper and accurate records would be kept.
 21. Private Acts of 1913 (Ex. Sess.), Chapter 69, provided for a five member Highway Commission in Robertson County made up of four citizens and the county judge who was the exofficio member and chairman. The Commissioners would be elected to two year terms by the people at the August, 1914, general election, and be paid \$2 per day up to \$50 a year. The Commission could have its own Secretary, would be in general charge of the road program and were empowered to employ an engineer to assist them if they desired. Foremen could be appointed for each road section by the Commissioners to serve the same amount of compulsory labor as others did but would be paid for days over that number. The old posts of Road Commissioner and Overseer were abolished. Males, outside cities, between ages of 21 and 45 were subject to work for five days on the roads or pay a commutation fee of 75 cents per day. The remainder of the terms in the Act were identical to those in Private Acts of 1913, Chapter 330.
 22. Private Acts of 1915, Chapter 262, amended Private Acts of 1913 (Ex. Sess.) Chapter 69, by changing the appointment time of the Court to the April term, 1915, and by removing the requirement that the Highway Commissioners be elected by popular vote. Section 4 was changed to make the Road Districts co-extensive geographically with the civil districts. Section 6 was amended to extend the deadline for the completion of the compulsory road work from July 1 to August 1, and by reducing the commutation charge from 75 cents to 50 cents. It would be a misdemeanor, also, subject to the imposition of fines for anyone to wilfully neglect the compulsory road work.
 23. Private Acts of 1915, Chapter 419, amended Private Acts of 1913 (Ex. Sess.), Chapter 69, by adding a provision at the end of Section 7 that the Trustee would be paid at the rate of 2½ cents per name for compiling and recording the names of those delinquent road hands failing to meet their obligations.
 24. Private Acts of 1915, Chapter 457, stated that in Robertson County (identified by the 1910 Federal Census figures) it would be unlawful for any person, firm, or corporation, to have upon the public highways a load of over 3,000 pounds and less than 5,000 pounds unless the wheels of the vehicle with such load had tires at least six inches wide. It was also unlawful to engage in the business of hauling, transferring, or moving, goods, wares, and merchandise on the public highways for profit without first obtaining a license at a cost of \$10 per year for each wagon, or vehicle. A metal tag would be displayed as evidence of having bought the license. Spikes and

- claws embedded in wheels were strictly forbidden. Trucks and wagons of 4½ tons would carry four planks of not less than two inches thick to lay down on bridges before crossing. This Act was repealed by Private Acts of 1917, Chapter 83.
25. Private Acts of 1917, Chapter 83, expressly repealed Private Acts of 1915, Chapter 457, above, which was an act setting up truck weights and requiring a license to transport goods.
 26. Private Acts of 1917, Chapter 333, repealed Private Acts of 1913 (Ex. Sess.), Chapter 69, and the amendments thereto, which constituted the existing road law for Robertson County.
 27. Private Acts of 1917, Chapter 439, was the new road law for Robertson County which required the roads to be kept according to this act. The County Judge, or Chairman, would appoint a county engineer, who would be at least 25 years of age, a civil engineer, who would be at least two years experience in road building who would devote full time to the position and serve a two year term. The salary would be no less than \$1,500 and no more than \$2,400 annually, the same to be determined by the Quarterly Court. The Engineer had to be sworn to office, bonded, and assume the duties enumerated in the act. He would have an office in the courthouse, if possible, or otherwise rent one. He would employ such clerks and assistants as were necessary and make all expenditures for supplies which proper management of the department would demand. Road Districts were the same as Civil Districts in which a Supervisor would be appointed who would be bonded and in charge of the roads in that District, serving for one year. The Supervisor, or the Engineer, could appoint an overseer for each Section of road in the District who would also serve for one year. Males between 21 and 50 years of age were required to work five, eight hour days on the roads. Terms could be furnished by their owners for road work or they would forfeit \$1 a day. The Engineer would make assignments of tools and road hands and coordinate the work promulgating all necessary regulations. Taxes for dirt roads would be kept in a separate fund. The Engineer would work with the State Highway Department and decide on the openings, closings and alterations of roads in the county.
 28. Private Acts of 1919, Chapter 42, amended Private Acts of 1917, Chapter 439, above, by rewriting Section 2 to create the position of Engineer who would be chosen by the Robertson County Quarterly Court and be paid a salary of \$150 per month paid out of the general funds of the county on the warrant of the county judge. The Engineer would serve on one year beginning on the first Monday in January and could be suspended, or dismissed, by the county court for cause. The Engineer must be at least 25 years of age, or older, experienced in all sorts of road work, devote full time to the duties of the office and be lawfully bonded. The signatures of the county judge would be required on all expenditures.
 29. Private Acts of 1920, Chapter 59, amended the Robertson County Road Law, above, in Section 29, to reduce the range of tax for dirt roads from that of 10 cents to 20 cents to 2 cents and 10 cents maximum, whenever to do so to effectuate this reduction throughout the road law.
 30. Private Acts of 1921, Chapter 910, amended Private Acts of 1917, Chapter 439, above, to require those subject to compulsory road work to labor on either pike roads, or dirt roads, and the commutation fee was increased from \$1 to \$2.50.
 31. Private Acts of 1923, Chapter 268, amended Private Acts of 1917, Chapter 439, by rewriting all of Section 2 to create the position of County Engineer who would be elected by the people for a two year term at the regular August election, taking office as the other office holders did. The Engineer would devote his whole time to the office and could be removed only for misfeasance or malfeasance. His salary could be no less than \$1,800 and no more than \$2,400 as the same was set by the Quarterly Court. If the Court failed to set the salary, it would be \$2,200 annually and could not be changed during the term. The Engineer would be experienced in road work, a resident of the county, sworn and bonded. The engineer would also be required to account for all the money coming into his possession. Vacancies in the office would be filled by the Quarterly Court until the next election.
 32. Private Acts of 1929, Chapter 310, enabled Robertson County to transfer \$55,304.14 from the State Aid Fund of the County to the general county highway fund for use on general county road purposes, it appearing that the money would no longer be needed for State Aid.
 33. Private Acts of 1931, Chapter 819, amended Private Acts of 1917, Chapter 439, in Section 2 by deleting the whole Section and inserting another one which required that the County Engineer be elected by the qualified voters of Robertson County at the next regular August election and every four years thereafter, taking office at the same time the other office holders did. The Engineer would devote full time to his duties, be paid no less than \$1,800 and no more than \$2,400 as set by the Quarterly Court, on the warrant of the County Judge, or Chairman, in equal monthly installments which were not to be changed during the term. The Engineer would be at least 25

- years old, competent and trained in road building, and could be removed from office only for misfeasance or malfeasance in office. Section 3 was taken out and Section 6 restored.
34. Private Acts of 1931 (2nd Ex. Sess.), Chapter 9, amended Private Acts of 1917, Chapter 439, in Section 2 so that the \$1 commutation fee for road hands was restored instead of the \$2.50 then in effect. This Act added a provision at the end of Section One which said that the County Engineer would be paid \$2,200 annually by the Quarterly Court if the Court did not set the salary, or they refused to do so.
 35. Private Acts of 1933, Chapter 79, also amended the Robertson County Road Law by inserting a provision in place of some portions of the Act which stated that the County Engineer would be paid a salary of no less than \$2,000 and no more than \$2,200 annually, payable in equal monthly installments on the warrant of the County Judge, or Chairman. The Quarterly Court would fix the salary at the April, 1933, session which would not be changed during the term but, if the Court failed, or refused, to do so, the salary would be \$2,000 annually.
 36. Private Acts of 1943, Chapter 67, repealed Private Acts of 1917, Chapter 439, and all the amendments to that act as they were listed above.
 37. Private Acts of 1943, Chapter 142, listed the specific powers granted to Robertson County relative to the management of its road system in six specific items. The office of County Engineer was devised who would be elected by the People for four year terms at an annual salary of \$2,400 which would not be changed during the term. The Engineer would have 2 years minimum experience in road building, be sworn into office and bonded. The Engineer would be in charge of the road department, select and fix the pay of road personnel and conform to all administrative procedures. Plans for the future would be made and reports submitted to the county judge, or chairman on progress. A road and bridge fund account would be set up and administered by the Engineer and the County Judge. The Engineer had to observe all purchasing procedures and account for all equipment, tools and materials. Road Districts would be the same as Civil Districts but the Quarterly Court could change them as they saw fit and the road year would be the same as the fiscal year unless specifically altered. The Engineer could appoint a Supervisor in each District to serve for one year who could be removed and replaced. Supervisors were to appoint Overseers for each road section with the approval of the Engineer and the Supervisors would ascertain and report the number of days between four and eight which would be worked on the roads, furnish a substitute to work on the roads, or pay \$1.50 for each day missed. Emergency provisions were stipulated in the Act. All males would work the required number of days and be paid only for those days over that number. The office of the Engineer would be examined and audited annually and its condition reported to the Quarterly Court.
 38. Private Acts of 1945, Chapter 37, amended Private Acts of 1943, Chapter 142, by changing the term of office in Section 3 from two years to four years.

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