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## Chapter IX - Highways and Roads

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Dear Reader:

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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.

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## Chapter IX - Highways and Roads

### Cemetery Access Road Maintenance Act of 1993

#### Public Acts of 1993 Chapter 352

**SECTION 1.** This act shall be known and may be cited as the "Cemetery Access Road Maintenance Act of 1993".

**SECTION 2.** The General Assembly finds and declares that: Many public cemeteries are accessible only by means of ingress and egress over private roads. Many landowners have cheerfully allowed ingress and egress to such cemeteries over private roads or easements that cross their land. Many landowners cannot maintain such roads to make such ingress and egress accessible to visitors to the cemetery. As a matter of public policy, counties should be able to provide maintenance for such roads to provide ingress and egress for its citizens without having to accept the private roads as public, undertake condemnation proceedings or take the roads by offers of dedication. With the permission of the landowner in question, counties should be allowed to provide minimal maintenance for such access roads without the liability associated with a public road.

**SECTION 3.** As used in this act, unless the context clearly requires otherwise: (1) "Cemetery" means a place for the burial of human remains which offers plots for sale to the public at large and in which lots have actually been utilized for human burial. Family cemeteries and cemeteries owned, operated or run by a religious organization are specifically excluded.

(2) "Access Road" means a private or non-public road which the owner of the land has allowed the public at large to use freely to gain access to a public cemetery.

(3) "Road Maintenance" or "Maintenance" means road work by the county to enable the access road to be minimally passable in order that the public at large may have ingress and egress to the cemetery.

(4) "Permission" means any written permission or authorization given by the owners of a particular parcel of land which shall allow the road maintenance by the county to take place on or about the access road.

**SECTION 4.** (a) Notwithstanding the provisions of any other law to the contrary, county highway departments, upon approval of their county legislative bodies, may use county vehicles, equipment or supplies to provide minimal maintenance to non-public access roads to provide ingress and egress to public cemeteries.

(b) Such approval shall be obtained pursuant to the following procedures:

(1) Any person may ask the county executive to approach the owner of a parcel of land to seek permission for the county to maintain a private access road;

(2) If written permission is granted, the county executive shall present such request to the county legislative body for approval;

(3) The county legislative body must approve such request by a three-fourths (3/4) majority.

(c) Approval by a county legislative body to provide minimal maintenance for an access road does not make such road a public road, does not act as a condemnation or taking of the land, nor is a dedication of the road made.

(d) Authorization or approval to maintain an access road may be withdrawn by a three-fourths (3/4) majority vote of the county legislative body with no less than ten (10) days notice to the original party seeking such maintenance and the owner of the parcel of land and by notice in a newspaper of general circulation in the county.

(e) Upon withdrawal of maintenance, no party may claim damages for such withdrawal and no further duty exists on the part of the county with regard to such access road.

**SECTION 5.** Once permission is granted by a landowner for the county to conduct road maintenance on a non-public access road to a public cemetery, such landowner waives any claim for inverse condemnation, condemnation, injury, damage or any action based upon such road maintenance by the county.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) majority vote of the county legislative body of any county have a population of not less than one hundred three thousand one hundred (103,100) nor more than one hundred three thousand four hundred (103,400), according to the 1990 Federal Census or any subsequent Federal Census. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 7.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provision of this act are declared to be

severable.

**SECTION 8.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: May 5, 1993.

**COMPILER'S NOTE:** This is a special public act and is not codified in Tennessee Code Annotated.

## Division and Transfer of Certain Property

### Private Acts of 1996 Chapter 150

**SECTION 1.** The division and transfer of property to Sumner County for the construction of a public road shall not require a plat if the easement for the private road was contained in a recorded deed prior to January 1, 1987.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 21, 1996.

## Road Law

### Private Acts of 1933 Chapter 338

**SECTION 1.** That the provisions of this Act shall apply to all counties of this State having a population of not less than 28,620 and nor more than 28,630, according to the Federal Census of 1930, and/or any subsequent Federal Census, and that where the word "County" is used herein it shall apply to all such counties in this State.

**SECTION 2.** That where the word "road" or "roads" is used in this Act, it shall include all the public roads, pikes, bridges, culverts and highways in said counties, unless otherwise limited by the context.

**SECTION 3.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

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**SECTION 6.** [Deleted in its entirety by Private Acts of 1937, Chapter 37.]

**SECTION 7.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 8.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 9.** That the County Court shall, on the first Monday in July of each year, levy for road purposes an ad valorem tax on all taxable property in the county, outside of the incorporated towns, which levy shall not be more than forty cents (40¢) on each One Hundred Dollars of property, and the funds so derived shall be known as the General Road Fund. And the County Court may also on said date levy for bridge purposes a further ad valorem tax on all taxable property in the county of not more than twenty cents (20¢), the same to be known as the Bridge Fund. Such taxes shall be collected by the County Trustee, and held and disbursed by him as herein provided. The Trustee shall keep a separate account of each of said funds.

As amended by: Private Acts of 1963, Chapter 62

**SECTION 10.** That the County Superintendent of Roads shall be elected by the qualified voters of said counties, for a term of four years, and until his successor is elected and qualified: Said County Superintendent of Roads shall be elected at the regular August election in 1934, and every four years thereafter, and his term of office shall begin on the first Monday in January following such election; provided, however, that all vacancies in the office of County Superintendent of Roads in said counties shall be filled by an election by the Quarterly County Court, and provided, further, that J. E. Gillespie, who was elected by the people of Sumner County at the regular election in August, 1932, for a term of two years, and who was duly qualified on the First Monday in January, 1933, shall hold office in Sumner County until the First Monday

in January, 1935, or until the election and qualification of his successor.

As amended by: Private Acts of 1937, Chapter 344

**SECTION 11.** That the salary of the County Superintendent of Roads shall be that salary set by the general laws of the State of Tennessee for county officials as set forth in Section 8- 2403 of the Tennessee Code Annotated and all acts amendatory thereto.

As amended by: Private Acts of 1957, Chapter 401

Private Acts of 1963, Chapter 62

Private Acts of 1967-68, Chapter 463

Private Acts of 1974, Chapter 307

**SECTION 12.** That the county superintendent of roads shall be a person of good moral character and shall be a high school graduate or, alternatively, shall possess a general equivalency diploma (GED).

As amended by: Private Acts of 1986, Chapter 147

**SECTION 13.** That the Superintendent, before entering upon the duties of his office, shall enter into a good and solvent bond in the sum of Ten Thousand (\$10,000.00) Dollars, conditioned that he will faithfully perform the duties of his office and well and truly account for all funds and property coming into his hands as such Superintendent.

**SECTION 14.** That the County Judge, the Superintendent of Roads, one resident freeholder and citizen of the county, and five (5) members of the County Court elected by said Court as the Road Committee of the County Court shall constitute the County Highway Commission, hereinafter called the Commission, who shall have general charge of the expenditure of all of the road and bridge funds of the county, and of the gasoline funds received from the State for road purposes in the county, and all other funds that may be received for that purpose from other sources, and shall also have charge of the working of the county prisoners, and shall have charge of all the roads in the county, classified by the commission as pikes and county roads not maintained by the State, all the road tools and machinery, and the maintenance, repairing, constructing, building, erecting, opening, changing, closing and altering of all such roads in the county; and to this end, the Commission may make any arrangements and provide any means which in its discretion may best carry out its purpose.

As amended by: Private Acts of 1941, Chapter 532

Private Acts of 1974, Chapter 307

**SECTION 15.** That the members of said Commission other than the County Judge, the Superintendent of Roads and the five (5) members of the Road Committee of the County Court, shall be elected by the Quarterly County Court at the regular January term every two years, and shall hold office for a term of two years and until his successor is elected and qualified, who, in addition to his services as a member of the Commission, shall serve as Secretary of said Commission and shall receive compensation for his services as set by the County Court. The minutes, reports, contracts and other records of the Commission shall be kept in a well bound book provided for that purpose, and shall be preserved as a part of the public records of the County, and be kept in the office of the County Court of the County and open at all times for inspection by the public. It shall be the duty of the Commission to meet at the courthouse of the county at least once every thirty (30) days for the transaction of any and all business that may come before the Commission relative to the roads and bridges of the county.

As amended by: Private Acts of 1959, Chapter 156

Private Acts of 1974, Chapter 307

**SECTION 16.** That the Superintendent shall be the active agent through whom the Commission exercises the powers and duties conferred upon it, he shall sign all warrants for the payment of the road funds, when countersigned by the County Chairman, shall be paid by the County Trustee. He shall make and submit to each term of the Quarterly County Court a report showing the expenditure of all funds and all work done by him, and contracts entered into by him, and the condition and needs of all roads, bridges and culverts in the county. He shall appoint Deputy Superintendents, subject to the approval of the Commission, who shall have immediate charge and supervision of the work on the roads, bridges and culverts of the county to which they are assigned and who shall be responsible to the Superintendent and subject to his control and for whom he shall be responsible. The Commission shall determine the number of Deputy Superintendents to be appointed, such number to be governed by the necessity of the matter, and shall fix the compensation to be paid such Deputy Superintendents, and the compensation need not be the same in all cases.

**SECTION 17.** It shall be the duty of the Superintendent to have all roads under the jurisdiction of the Highway Commission worked as often as possible, and shall, insofar as the means at his command will permit, make all repairs on said road, culverts and bridges when needed.

As amended by: Private Acts of 1941, Chapter 532

**SECTION 18.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 19.** That the Commission shall post at the end of each bridge in the county its capacity, and it

is hereby made a misdemeanor for any one to haul a load across any bridge in the county greater than the capacity of the bridge, as designated at the end thereof by the said Commission, and it is hereby made the duty of the Superintendent of Roads, and his deputies and overseers to pursue parties offending under this law. For each violation of said provision, a penalty of Twenty (\$20.00) Dollars shall be enforced, same to be paid to the County Trustee, and shall form a part of the bridge fund of the county; and, provided, further, that any person or persons doing or causing any damage to any bridge or culvert in violation of this provision shall be liable to the county for the damage so caused or done by him or them. The Commission is also empowered to prohibit the passage of heavy loads over the roads of the county in wet weather and the Superintendent shall see to the enforcement of any regulations that said Commission may make in this regard. For a violation of the regulation of the Commissioners on this subject the penalty shall be a fine of Twenty (\$20.00) Dollars, which shall constitute a part of the road funds of the county. The Superintendent is hereby empowered, whenever the same may appear to be reasonably necessary in building or making any repairs on any of the roads in the county, to regulate or prohibit the use and travel thereon during the period of such building or repairing; and to that end he and his deputies and employees are hereby authorized and it is made their duty to arrest any person willfully offending against said order, and the offending person shall be guilty of a misdemeanor.

**SECTION 20.** That the Commission shall have the power upon application of ten freeholders, citizens and legally qualified voters of the county, to open, change, close or restore the public roads within the county, or the same may be changed, opened, closed or restored upon the initiative of the Commission whenever the public welfare requires it and in either event the following procedure shall be carried into effect; within ten days after the application shall have been filed, the Commission, through its Superintendent, shall notify the first person named in the petition of the date at which the Commission, or the Superintendent, his or their legally authorized representative or representatives will be present at the beginning point mentioned in the petition to act on the application, five days' notice having been given of the time and the beginning point to the land owner, or land owners, affected by the proposed change or changes. If any land owner or land owners affected by the proposed change is a non-resident, then there shall be given ten days' written notice to his Agent or Attorney, residing in the county, or ten days written notice served upon such non-resident land owner at his last known place of residence by registered mail, or by publication in a weekly paper in the county for three consecutive issues next following the notice to the petitioners, or by circulars posted at the court house door, one on the owner's property and one in some other public place in the county.

**SECTION 21.** That the necessary right of way for any road newly located, changed or relocated, may be procured by the Commission by direct purchase, bargain or barter, or by gift or contribution of the owner, or by the right of eminent domain to be exercised as hereinafter provided, and deeds for the right of way shall be taken in the name of the County. The Commission shall consider the whole matter and make such orders opening, changing, closing or restoring to the public the proposed road as it may deem for the best interest of the public, and shall appropriate a sufficient amount of the general road funds of the district where the change, opening, closing or restoring is located, to pay the damages to the land owners affected by such change and all expenses incident thereto. Any land owner affected by such action may appeal to the next term of the Circuit Court, provided such owner perfect his appeal within ten days from the decision of the Commission by giving bond as in cases of appeal from the judgment of the County Court; which appeal shall not in any way prevent or delay the Commission from carrying into effect its plan or impede the progress of the work.

**SECTION 22.** That the Commission shall have the right to acquire for the county for road purposes any gravel beds, rock quarries or other road material or land needed for road purposes, either by gift, bargain, barter, contribution or by exercising the right of eminent domain.

**SECTION 23.** That the right of eminent domain shall be exercised by the Commission as follows:

The Superintendent shall give notice, in the name of the County, in the manner prescribed by law to the owner or owners of the property sought to be taken, of the time and place of condemnation and the description of the property sought to be condemned; at the time and place designed, the Superintendent shall appoint one man, the owner or owners another, and these two shall elect a third, all of whom shall be disinterested freeholders, and the three selected shall appraise the property so condemned, and shall view and determine what compensation, if any, shall be paid to the owner of the same, and upon the tender of the amount of same, or a warrant therefor by the Superintendent, the Commission shall have the right to enter upon and take immediate possession of the property condemned. In case the owner or owners refuse to appoint and appraise, the Superintendent shall appoint two, who shall select a third, and their appraisal shall be as binding as though the owner had exercised his right as herein provided to name one. Provided, an appeal shall lie from the award of the appraisers to the Circuit Court as is provided by law for appeals from the award of a jury of view in condemnation cases, and provided further that such appeal shall not interfere with the immediate possession and use of the property by the Commission.

**SECTION 24.** That from and after the passage of this Act, any person owning property which abuts upon any public highway in this County who intends to construct any approach from his property to any highway is required to give notice to some member of the Commission of his intention and he shall, at his own expense, construct said approach in accordance with such plans and specifications and with such material as may be required by the Superintendent; and, provided, further, that any approach hereafter constructed, not in conformity with the foregoing provision shall be deemed and treated as a nuisance and abated as such at the cost of the abutting landowner. It shall also be the duty of abutting land owners, at their own expense, to keep the approaches from their property to the public highways in safe and good repair, so as not to interfere with the free and full flow of water in the ditches along the roadways.

**SECTION 25.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 26.** That each Section hereof shall be and constitute a separate Act, and that if any part thereof be declared unconstitutional, the remainder which is constitutional shall remain in full force and effect.

**SECTION 27.** That the Grand Jury shall have inquisitorial powers over the violations of this Act, and it shall be the duty of the Circuit Judge to call the attention of the Grand Jury to their duties with respect to violations of said Act.

**SECTION 28.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 6, 1933.

## Traffic Signals

### Private Acts of 1953 Chapter 29

**SECTION 1.** That the Quarterly County Court of Sumner County, Tennessee is authorized to install, maintain and operate traffic signal lights at congested intersections of State and County highways, provided, however, that no installation shall be made other than at places located outside of the city limits of incorporated cities or towns in Sumner County, and, provided, that no installation shall be made on State Highways, except by permission of the Department of Highways and Public Works of the State of Tennessee.

**SECTION 2.** That the expense of the installation, maintenance, and operation of such traffic signal lights, when approved as above provided, shall be charged against the general funds of the County, and such traffic signal lighting system shall be under the jurisdiction of the Quarterly County Court of Sumner County, Tennessee.

**SECTION 3.** That the Quarterly County Court may, in its discretion, pay all or a part of the expense incident to the installation of traffic signal lights heretofore erected in said county, outside of incorporated cities or towns, out of the general funds of the County.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 21, 1953.

## Highways and Roads - Historical Notes

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 Commissioner 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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