

County Roads: 1804-1920s

By Dorris Douglass

In 1804 the State of Tennessee passed a series of laws giving Tennessee counties the authority to create and maintain public roads. The Justices of the Peace on the County Courts were to appoint a group of men called a jury of freeholders, of not less than five nor more than twelve men, to lay out a road when needed. The route selected by the jury or “viewers” was to be marked by notching trees along the way. After this, an overseer was appointed by the court, and all residents along the way ordered, to work under his direction in clearing out and keeping the road in repair. The overseer was to have the road “completely cut and cleared of all stumps, rocks, trees, brush and obstacles” and causewayed or bridged where necessary. The causeway were to be built by taking dirt from each side and each was to have a drain.

The right of way for the roads was twenty feet wide, though the actual width was often less, depending on the class of the particular road. There were three classes of roads: First, Second and Third. The class of road was designated in court orders to both the viewers and the overseer. The first class roads included stage roads and other roads that the court deemed of equal importance. These were to extend on either side of the center of the right of way to equal sixteen feet across (that is eight feet on either side of the center). The Second Class road was to be

twelve feet wide, cleared of all obstacles, causewayed and bridged where needed, so as to afford loaded wagons traveling the road a safe passage. Both the First Class and Second Class roads were to be mile marked and indexed (or recorded in the court books). The Third Class road was to be of a sufficient width for the passing of a single horse and rider “and for the purpose of milling on a single horse.” The word mill in this case is an intransitive verb meaning to move in a circle. The Third Class Roads were also to be bridged or causewayed. When the roads were laid out by the viewers, First Class roads were to be notched on the marginal trees with three notches, Second Class roads with two notches, and Third Class roads with one notch. As roads occasionally went through the middle of a person’s farm rather than along the edges, farmers could be granted a license to put a gate across the road, to be constructed and maintained as their own expense.

Overseers assigned to keep the roads in repair were appointed annually. The court identified, in its order to the overseer, the bounds of the area within which the workers resided for his particular road. The workers were referred to as “hands” from the various farms under the name of the land owner. They included all white males from ages 18-50, and male slaves from the age of 15-50 years. Free men of color from age 18-50 were subject to work under the same rules and regulations. The male land owner were required to work as well as their tenant farmers and slaves. Widows had to send their sons and slaves who were identified, for example,

as the hands of Mrs. Ann Smith. Those exempt from working on the road included Judges of the Superior Courts, Ministers of the Gospel, Keepers of Public Ferries, Justices of the Peace, the Governor, Secretary of State and the Attorney General. Also exempt was any free white male sending three or more slaves, or any other three able persons such as sons or tenants. (Pillow, Gideon Johnson and Jacob P. Chase. *The Statute Laws of the State of Tennessee of a Public and General Nature, Revised and Digested by John Haywood, and Robert L. Cobbs.* Knoxville, 1831.)

The same system of laying out and keeping in repair Williamson County roads continued up into the 1920s and possibly the 1930s. This researcher knew an individual from the county, born in the 1920s who said she remembered her father working on the road.