



HUBERT MEREDITH  
ATTORNEY GENERAL

COMMONWEALTH OF KENTUCKY  
ATTORNEY GENERAL'S OFFICE  
FRANKFORT, KY.

April 30, 1941

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WILLIAM HAYES  
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# 1  
Hon. Robert L. Brashear  
Louisville Road  
Bowling Green, Kentucky

Dear Bob:

I have your letter of the 29th regarding investigating the records as to the width of the L. & N. turnpike in Warren County north of Barren River.

I have referred this investigation to Mr. Frank Kavanaugh, Assistant Librarian, and if anybody can find out and get this information for you it is Mr. Kavanaugh, and as soon as he investigates and reports to me I will advise you.

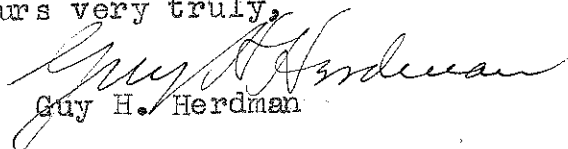
I notice, however, that the Legislature by an Act of 1884, Chapter 1433, page 1218, Acts (2nd Volume) 1883-84, turned over to Warren County that portion of the old Louisville and Nashville turnpike within the limits of Warren County. In examining this charter I find nothing about the width of the turnpike.

I think, however, that when we find the original charter incorporating the Louisville and Nashville turnpike this information will be given, and I think Mr. Kavanaugh can find this.

I am very glad as you know to be of any service to you.

With very best wishes, I am

Yours very truly,

  
Guy H. Herdman

GHH/cmd



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May 1, 1941

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Mr. Robert L. Brashear  
Louisville Road  
Bowling Green, Kentucky

Dear Bob:

Mrs. Cantrill, the librarian, and her assistant, Mr. Frank K. Kavanaugh, worked all day yesterday upon your matter and I think they have dug out the information you request, and I am submitting you a memorandum record of it so you can see exactly the original width as provided by the Legislature.

The original incorporation of the Louisville & Nashville Turnpike Company was by an Act of 1832-33, Chapter 228, page 269, the title being to incorporate a company to establish a turnpike road from the City of Louisville, by the Mouth of Salt River, Elizabethtown, Munfordsville and Bowling Green, to the State line, in the direction to Nashville.

As to the width of the road this is provided in §13 as sixty feet, to be macadamized with pounded stone. I will quote this section 13 of the charter which appears on page 277 of the Acts, as follows:

"Sec. 13. Be it further enacted, That the said President, Managers and Company shall have power to erect permanent bridges over the creeks and waters crossed by said route or track, whereon the same shall be found necessary, and shall cause a road sixty feet in width to be laid out and made, from the City of Louisville, by the Mouth of Salt river, Elizabethtown, Munfordsville, Bowlinggreen, to the state line, in a direction to Nashville in Tennessee, of which sixty feet the said President, Managers and Company shall be bound to make an artificial road at least twenty feet in width, of firm, compact and substantial materials, composed of gravel, pounded stone, or other small, hard substances, in such as manner as to secure a good foundation and an even surface,

#2. Mr. Brashear - 5-1-41

"so far as the nature of the country and the materials will admit, in the whole length or extent of the said road, whenever it shall be necessary and the natural surface shall require it, so as to fulfil the duties of the said company towards the public, and to conform to the true intent and meaning of the present act, and shall for ever hereafter maintain and keep the same in good repair: Provided, That no toll be demanded or taken from any persons passing or re-passing from one part of his or her farm to another, or to and from any place of public worship or funeral, or from militia men on days of training or of attending courts martial, or from electors going to and returning from the same."

This Act was amended as to the portion in Simpson County by an Act of 1867-68, Chapter 274, page 395. However, no reference was made to any change in width.

Now there was further amended in an Act of 1871-72 Chapter 905, page 397, requiring the repairing of this turnpike due to the Federal forces tearing it up with its use during the Civil War, especially from Bowling Green to the State line.

Now in 1873 there was an Act passed, Chapter 741, page 265, which authorized the lease for twenty-five years of said turnpike from the north side of Barren River in Warren County, Kentucky, to Louisville, to the highest and best bidder, upon advertisement.

It was further amended in 1883-84, Chapter 1433, page 1218, as I indicated in my letter to you yesterday, transferring the management and control of that portion of the turnpike that was in Warren County to Warren County, subject to portions theretofore leased. This is the last amendment to the charter.

#3. Mr. Brashear - 5-1-41

It would seem from the foregoing that the road as originally laid out was to be sixty feet, 20 feet macadam and then there was a side or dirt road to the macadamized portion as is mentioned in several of the amendments of the charter.

No doubt you know that these turnpike charters authorized the collection of tolls on these roads, and that was intended to maintain the road and pay the stockholders. It is usually provided one toll gate for every five miles.

I think this gives you all the data you want, but you could come up here and read these charters and amendments if you so desire.

I suggest you write Mrs. J. Campbell Cantrill, the Librarian, and the Honorable Frank K. Kavanaugh, Assistant, a joint letter thanking them for their research and information submitted to you in this letter.

With best personal wishes, I am

Yours very truly,

  
Guy H. Herdman

GHH/cmd  
P.S. by H.L.P. 5-24-54  
Dist. 13 - amended to  
50' well = 16 ft macadam  
act app 2/22/1834