Tennessee. Laws, Statutes, etc.

ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE

THIRTY-FIFTH GENERAL ASSEMBLY,

FOR THE YEARS

1867–68.

PUBLISHED BY AUTHORITY.

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holders shall have one vote for every share, respectively held, and may vote either in person or by proxy. The stockholders may make all by-laws necessary for the regulation of the company, not inconsistent with existing laws. Voting.

SEC. 6. *Be it further enacted*, That if any stockholder shall fail to pay what may be due upon his stock, or any call that may be assessed on the same, the Directors may sue for the same, in action of debt, before any court having jurisdiction of the amount; or may declare the said shares forfeited to the company, by giving each delinquent stockholder thirty days' notice that such action taken. Failure to pay stock.

SEC. 7. *Be it further enacted*, That this Act shall be in force from and after its passage, and shall be subject to all general laws passed by the General Assembly of the State of Tennessee, affecting corporations of like racter. To take effect, etc.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed March 11, 1868.

CHAPTER XCI.

AN ACT to Incorporate the Carthage Bridge Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate is hereby constituted by the name and style of the "Carthage Bridge Company," for the purpose of constructing, maintaining and using a bridge across the Cumberland River, from any point in or near Carthage, in the County of Smith, to the opposite bank of said river; and by that name, may sue and be sued, plead and be impleaded, contract and be contracted with; answer and be answered unto, in any of the courts of law or equity in the State; may have a common seal, and the same to break or to alter and renew at pleasure; and to do all other acts which may be necessary to construct said bridge; and to manage, use and keep up the same; and said company shall have succession for thirty-three years. Purposes and powers.

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Capital stock, organization, etc.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, and may be increased, if necessary, to two hundred thousand dollars, to be made up of shares of twenty-five dollars each; and so soon as fifty thousand dollars of said stock are subscribed for, the stockholders may organize by the election from among themselves, of seven Directors, who shall select from their number, a President of the company; and said President of the company and Directors, may appoint such other officers and agents as may be deemed necessary, and in such manner as they may deem best.

Commissioners.

SEC. 3. *Be it further enacted*, That E. W. Tanner, William ———, T. McKinley, J. C. Saunders, James Calhoun, Tim. H. Williams, R. T. Vadeu, J. C. Dickens, J. R. James, Thomas Waters, W. H. DeWhit, and James B. Moore, be, and they are hereby, appointed and constituted a Board of Commissioners, any three or more of whom, may open books at such time and places as they may choose, to receive subscriptions for said capital stock; and may manage all the affairs of said company, until organized as aforesaid; and do and perform all other such acts as may be necessary to be done prior to the election of a President and Directors; and at all meetings of the stockholders, when a vote is to be taken, each stockholder shall have a vote for each share of stock subscribed and owned by him, and may vote by proxy or in person, under the rules of the company.

To open subscription books, etc.

May hold property, etc.

SEC. 4. *Be it further enacted*, That said company, when organized as aforesaid, may have or receive by gift or otherwise, any grounds or land necessary for the construction of any way of access to said bridge, on either side of said river; and may proceed to construct such bridge, and also such roads and approaches to it as may be deemed requisite and necessary; *Provided*, that said bridge shall not be so constructed as to obstruct the navigation of said river.

SEC. 5. *Be it further enacted*, That the Board of Directors shall have power to establish and change any by-laws they may think proper for the government of the company or its business, not inconsistent with the laws of this State or the United States.

Failure to pay stock, etc

SEC. 6. *Be it further enacted*, That the stock of said company shall be deemed personal property, and to be transferable on the books of the company in such manner as may be directed by the by-laws; and if any person, corporation, or body politic, subscribing for stock, fail to pay the same in such calls as the President and Directors may order, the company may sue for and recover the same, of such delinquent stockholder in any court

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having jurisdiction over the matter, or the company may declare the stock forfeited, and sell it; and if it fail to sell for enough to pay the balance due thereon, the company may sue and recover the deficiency as aforesaid; and it shall not be lawful for any stockholder to transfer his stock until it is all paid in, unless by consent of the President and Directors. Same.

SEC. 7. *Be it further enacted*, That the subscribers for stock shall be required to pay the one-tenth of the amount subscribed by each of them, at the time of subscribing, and the balance of their subscription, from time to time, in such calls or investments as the Board of Commissioners or President and Directors, shall require, not exceeding one-fourth of such balance within any period of ninety days; *Provided*, that the Board of Commissioners, or President and Directors, shall have power to take and receive from any subscribers, payment in whole or in part of the subscription of stock of said company in any lands or real estate. The land or real estate so taken from any subscriber for stock, shall be conveyed and assigned by him to the company, by which they shall be held and used for the purposes of the said Carthage Bridge Company; *and provided, further*, that the Board of Commissioners or President and Directors, shall be authorized to accept from any subscriber payment in full in cash of his subscription, and also to take and recieve from the subscribers, their promissory notes for ninety per cent. of their subscriptions, payable at such times as may be agreed upon between them and the Board of Commissioners, or President and Directors. Payments. Conveyance of land, etc. Notes.

SEC. 8. *Be it further enacted*, That the officers of said company shall hold their offices for one year and until their successors are appointed, unless otherwise directed by the by-laws. Term of office.

SEC. 9. *Be it further enacted*, That said company shall begin the construction of said bridge within five years, and complete it within ten years from and after the passage of this Act, or this Act to be void and of no effect. Time to complete.

SEC. 10. *Be it further enacted*, That when said bridge shall have been completed and ready for travel and transportation along or across the same, the said company may erect a gate or gates across said bridge, and charge and receive tolls for crossing the same in the manner and for the sums following, to-wit: For each horse and rider, ten cents; for each additional, or led horse, five cents; for each horse or mule in drove, three cents; for each head of cattle in drove, three cents; for each head of hogs or sheep, in drove, two cents; for a wagon and two horses, mules, or oxen, twenty-five cents; for a wagon and three horses or mules, thirty cents; for Gates. Rates of Toll.

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a wagon and four horses, mules or oxen, forty cents; and for each additional horse, or other animal attached to a wagon, five cents; for a cart and one horse, mule or oxen, ten cents; for a cart and two horses, mules or oxen, fifteen cents; for a cart and three horses, mules or oxen, twenty cents; for a cart and four horses, mules andoxen, thirty cents; and for each additional animal, five cents; for a horse and sulky, five cents; for a four-wheeled two-horse pleasure carriage, thirty cents; for a four-wheeled, four-horse carriage, seventy-five cents; for a four-wheeled two-horse buggy, twenty-five cents; for a four-wheeled one-horse buggy, or pleasure carriage, twenty cents; for all other carriages and vehicles, ten cents for each animal drawing the same.

Same.

Co'ty Courts, etc., may take stock.

SEC. 11. *Be it further enacted*, That the County Courts of Smith, Putnam, Overton, Jackson, Wilson, Sumner, Macon and DeKalb, and the corporate authorities of the town of Carthage, may each, or either, become subscribers to the capital stock of said company; and the said County Courts, or town corporation, or either, shall have power and authority to sell and convert any stocks that they, or either of them, may have taken and subscribed, or may hereafter take and subscribe, in any railroad company under the laws now, or heretofore, existing, in this State, into stock in said Carthage Bridge Company; and the said County Courts and town corporation, shall, respectively, be stockholders to the extent of the stock so taken and subscribed by them in the company hereby incorporated, and subject to all the liabilities and restrictions, and entitled to all the rights and privileges as other stockholders.

Stockholders.

May buy or sell property.

SEC. 12. *Be it further enacted*, That said Charthage Bridge Company may hold in fee simple, any real or personal estate, may mortgage, transfer, or convey the same at pleasure, in the name of the Board of Commissioners, or President and Directors; the value of said real or personal estate to be named by said Board of Commissioners, or President and Directors.

Lear Medical Springs.

SEC. 13. *Be it further enacted*, That F. A. R. Scott, F. McClung, Dr. M. L. Rogers, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of the "Lear Medical Springs Association;" and as such, shall have succession, make by-laws for their own government, purchase, hold and dispose of real or personal property, mine, manufacture, construct roads; and do generally all acts and deeds necessary to improve and beautify said medical springs, or the grounds about them; or improve and develop any lands now held, or that may be hereaf-

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ter purchased and held by them, with all the powers, rights and privileges necessary to carry out the designs and objects of the Association, not inconsistent with the laws of this State or of the United States.

Cumberland Cement Co.

SEC. 14. *Be it further enacted*, That Joshua Jones, Robert S. Stewart, and John G. Brazelton, or a majority of them, and such others as may be associated with them, be, and are hereby, created a body politic and corporate, under the name and style of the "Cumberland Cement Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded in any court of law and equity in this State. Said incorporators may have and use a common seal, and alter the same at discretion; ordain and establish such by-laws, from time to time, as may be deemed necessary and expedient; and generally have, exercise and enjoy all the rights, powers and privileges of corporations, as defined by the laws of the land, and as fully as can be granted by the legislative authority of this State.

Rights and powers.

Purposes and objects.

SEC. 15. *Be it further enacted*, That the objects of this corporation shall be the quarrying, mining, burning and grinding of any metal, mineral or rock; and the making of hydraulic lime, or cement, or any product of the earth; to prepare for market and sell the same, and to make barrels for the same; and to this end it is authorized to acquire by purchase, lease, devise, gift, or as stock subscriptions, either in fee simple or for a term of years, land, lots, houses, or any other species of real, personal or mixed estate, which may be, or become necessary, to carry on the business; *Provided*, the real estate shall not exceed five thousand acres in amount. It shall, also, be authorized to erect all buildings, machinery, warehouses and other appurtenances that may be deemed appropriate to the interest or convenience of the business of the enterprise.

Proviso.

Capital stock.

SEC. 16. *Be it further enacted*, That the capital stock of said company or incorporation, may be ten thousand shares, of one hundred dollars each, which may be subscribed either by individuals or corporations, or both; and may, in the discretion of the Commissioners herein named as the Board of Directors, when duly organized, be in money, lands, town lots, the stock or shares of other corporations. The said shares shall be transferable only on the books of the company.

How managed.

SEC. 17. *Be it further enacted*, That the affairs and business of said company shall be managed by five Directors, one of whom shall be President, who shall be elected annually, and hold thier offices until their suc-

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cessors shall have been elected and enter upon their duties. The Directors shall be elected by the stockholders; and each stockholder, whether an individual or a corporation, shall be entitled to one vote for each share of stock in any election; and said stockholders may vote either in person or by proxy. The Directors shall have power to appoint superintendents, a Secretary and Treasurer, and such other officers, agents and servants, as they may think proper, and to determine their respective duties, and the time for which they may hold their offices or appointments.

Elections and appointments.

SEC. 18. *Be it further enacted*, That the incorporators herein named, or a majority of them, shall constitute a Board of Commissioners to organize said company; and may proceed to establish all necessary by-laws and regulations, not inconsistent with this Act of incorporation; and said company shall be deemed organized, perfected and completed, ready for business, when one hundred shares of stock have been subscribed, as herein provided. The said company may be organized at any time within ten years from the passage of this Act.

Organization.

WHEREAS, During the recent war, the United States Government established in the city of Chattanooga, water works for supplying water to be used for army purposes, and laid pipes through the principal streets of said city; *and, whereas*, Thomas W. Yaraley, Charles E. Lewis, R. E. McEwen and their associates, purchased the pipes, tanks, machinery and improvements from the United States Government, for the purpose of supplying water to the inhabitants of the city of Chattanooga; Therefore,

Preamble.

SEC. 19. *Be it further enacted*, That Thomas J. Carlile, Robert R. Byard, R. E. McEwen, their associates and successors, be, and they are hereby, incorporated a body corporate and politic, under the name and style of the "Chattanooga Water Company;" and by that name and style, shall have succession for ninety-nine years; and in that name, sue and be sued, plead and be impleaded in all the courts of law and equity in this State, purchase, hold and convey personal property and real estate, have and use a common seal, and the same to alter or change at pleasure, and all other powers necessary to enable them to carry out the objects of said corporation.

Chattanooga Water Company.

SEC. 20. *Be it further enacted*, That the stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each.

Capital Stock.

SEC. 21. *Be it further enacted*, That as soon as twenty thousand dollars of the stock shall be subscribed, the

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above named corporators shall give at least ten days' notice in a newspaper, published in the City of Chattanooga, of the time and place for the subscribers to meet and hold an election for officers of said company. The stockholders shall select by ballot from among such of their number as may be residents of the City of Chattanooga, five Directors, to conduct the affairs of said company until the first Monday in May next ensuing; and in all elections, each stockholder shall be entitled to one vote for each share held by him; and the Directors shall appoint one of their number President of the Board, who shall sign all contracts, certificates of stock; and who, together with the Secretary, shall affix the corporate seal whenever it may be necessary to do so. Said President and Directors shall appoint a Secretary, who may also act as Treasurer of the company; and may have power to appoint such other officers and agents as may be necessary to carry out the objects of this corporation, and may be authorized to require of such officers or agents, bonds and security for the faithful performance of their duties; and the election for Directors thereafter, shall be held annually, on the first Monday in May in each and every year, at such place, within the city of Chattanooga, as may be appointed by the President and Directors, of which at least —— days' notice shall be given, in one or more newspapers, published in the city of Chattanooga; and when, by death, resignation or otherwise, vacancies shall occur among the President and Directors, the Directors shall supply them from among the stockholders, residing in the city of Chattanooga, until the next annual election; *Provided*, That no misnomer or failure of election of officers on the day appointed, shall discontinue or dissolve said corporation, but the Directors and officers shall continue in office until a new election, which shall be made at such time and place, within said city of Chattanooga, and after such notice, as the President and Directors may prescribe.

First election for officers.

Appointments.

Annual election.

Proviso.

Sec. 22. *Be it further enacted*, That the President and Directors, or any four of them, shall have the power to adopt such by-laws, rules and regulations, for the management of the affairs of said company, as may be necessary and proper, as shall not be in conflict with the laws and Constitution of this State, or of the United States; *Provided*, that at any meeting of the stockholders, the stockholders have the power, by resolution, to repeal, alter or amend, any rule, by-law, or regulation, adopted by said President and Directors; *Provided, further*, that the President and Directors shall have power to call special meetings of the stockholders whenever, and on such notice as they deem necessary.

By-Laws, etc.

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Purposes and powers.

SEC. 23. *Be it further enacted*, That the President and Directors shall have power, and are hereby authorized, to bring into the city of Chattanooga, a sufficient supply of water from the Tennessee river, or elsewhere in the county of Hamilton, by means of pipes or tanks, or in any other way; and to construct reservoirs for the reception thereof, and to connect the reservoirs with the pipes now laid in Chattanooga, and by such other pipes as they may deem proper for the purposes aforesaid.

May enter on private property.

SEC. 24. *Be it further enacted*, That said President and Directors shall have the right to enter on and into any lands or enclosures with their engineers, artists, assistants and workmen, to lay out and locate the dams, tanks and reservoirs, and the route for said pipes or tanks; and after the same shall have been laid out and located to the satisfaction of the said President and Directors, they shall give notice to the owners of said lands (if they are known or can be found) on which the same has been so laid out and located, of the location thereof, and of the desire of the company to occupy and use the land and route so marked and laid out; and in case of any disagreement between said President and Directors, and the owners of said land, or in case the owners are unknown, the same may be appropriated for the use of said company as now provided by law for the condemnation of private land for public improvement.

Notice, etc., to owners.

May dig and lay pipes in streets.

SEC. 25. *Be it further enacted*, That the said company shall have the liberty and privilege to dig ditches or trenches, and to lay pipes or tanks in and along all public roads, highways and streets, and across any sidewalk of the city of Chattanooga, necessary for the purposes of said company; and to alter, repair and renew said pipes, tanks, ditches or trenches, as often as they may find necessary, closing and repairing any trenches they make as soon as possible.

May furnish and regulate use of water.

SEC. 26. *Be it further enacted*, That said President and Directors are hereby authorized to supply with water, the inhabitants of the City of Chattanooga, and the environs thereof, and all who may be along the line of the company's pipes; and of erecting hydrants or fire plugs within said City of Chattanooga, and of contracting with the said inhabitants, with the City Council, or any incorporated companies, for the use of said water, within the limits aforesaid; and consumers shall be subject to all such rules and regulations respecting the use and waste of said water, as the said President and Directors may, from time to time, prescribe.

Sec'y and Treas. Report

SEC. 27. *Be it further enacted*, That the Secretary and Treasurer shall report to the President and Directors, or meeting of the stockholders, showing the financial

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condition of said company, from time to time, and at such times as the President and Directors shall appoint. He shall collect all moneys due the company, and pay out the same by the order of the President and Directors. The books of the company shall be open to the inspection of any stockholder, at any time; and an exhibit of the financial condition of the company shall be made once in each year, or oftener, and in such manner as the President and Directors, or the stockholders, may direct. Books.

SEC. 28. *Be it further enacted*, That the President and Directors may make such contract with the owners of real estate, for the furnishing of water, as may be agreed on [by] the parties, and the same may be reduced to writing; and the said real estate shall be liable for the use of the same, reserving to said President and Directors the right to contract with lessees or tenants alone, if they see fit so to do. Contracts.

SEC. 29. *Be it further enacted*, That any person or persons, who shall take or use any of said water for domestic or other purposes, without having previously contracted for the same with the said President and Directors, shall forfeit and pay to said company, the sum of fifty dollars, to be recovered before any Justice of the Peace, in the same manner as other debts are now collected by law; *Provided*, that nothing herein contained, shall be construed to compel the inhabitants of said City of Chattanooga to use the water so introduced by said company, or to prevent them from using water obtained in any other way. Using water without permission.

SEC. 30. *Be it further enacted*, That any person or persons, who shall wilfully destroy or injure, in any manner, the pipes, acqueducts, tanks, dams, cisterns, reservoirs, hydrants, buildings or machinery of said company, erected in pursuance of this Act, or now erected, or shall wilfully corrupt, or permit any thing to run into, or fall into, any stream or reservoir from which the said company shall take water, to be introduced into the City of Chattanooga, which shall corrupt the same, or to render it unpalatable, unwholesome, or unfit for domestic or manufacturing use, or for the supplying of stationary or locomotive engines, or shall bathe in any dam or reservoir of said company, or throw, lead or enter any animal into the same, on being convicted thereof, before any Justice of the Peace of the County of Hamilton, shall pay a fine of not less than ten nor more than fifty dollars, one-half to the use of said company, and one-half to the use of the informer; and shall, moreover, remain liable to said company for all damages. Injuring machinery, or corrupting water.

SEC. 31. *Be it further enacted*, That the City Council of Chattanooga, be, and it is hereby, authorized to sub- City Council.

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scribe, on behalf of said city, and any other incorporated company having occasion to use the water that may be supplied by the Chattanooga Water Company, are hereby authorized to subscribe to the capital stock of said company, any number of shares each of them, respectively, may deem proper; in which event, said city and incorporated companies shall have the right to vote at the elections of said company, under the same provisions as individual subscribers or stockholders; and are hereby authorized to issue their bonds, payable at such times as they may deem proper, to such an amount as will produce enough of money to pay for the shares of stock they may each subscribe for, respectively; *Provided*, that no bond or certificate shall be issued of less denomination than one hundred dollars.

May take Stock.

Bonds.

SEC. 32. *Be it further enacted*, That said company is hereby authorized and empowered to borrow any sum or sums of money, not exceeding twenty-five thousand dollars, for the purpose of extending their works, or liquidating or funding any debts already contracted in extending the same; and to secure the amount so borrowed, may make and execute a mortgage or mortgages, pledge or pledges, of the property and effects of said company, or give such other evidences of debt as may be agreed on; or may issue the bonds of the company to that amount; *Provided*, that no bond, certificate or other evidence of indebtedness, shall be issued by said company, for less than one hundred dollars.

Comp'ny may borrow mon'y

Issue Bonds, etc.

SEC. 33. *Be it further enacted*, That the stockholders of said company shall be liable to the creditors of said company, for the amount due by them for stock subscribed and not paid, and no further; and that wages due to the employés of said company, to the extent of one hundred dollars each, shall be a lien on all the property of said company to that amount, superior to all other liens; and that the stockholders shall be personally and individually liable for all wages due to employés.

Liability of Stockholders.

SEC. 34. *Be it further enacted*, That the Legislature reserves the right to alter, amend or repeal the charter granted by this Act; and that this Act take effect from and after its passage.

Repeal, etc.

F. S. RICHARDS,
Speaker of the House of Representatives.
D. W. C. SENTER,
Speaker of the Senate.

Passed March 11, 1868.

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