

ACTS

OF THE

STATE OF TENNESSEE

PASSED BY THE

FIFTY-THIRD GENERAL ASSEMBLY

1903

PUBLISHED BY AUTHORITY

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1903.

pursuance of the general laws of this State authorizing the condemnation of private property for works of internal improvement as set forth in Sections 1326 to 1348, both inclusive, of the Code of 1858.

SEC. 3. *Be it further enacted*, That the powers and authority conferred by this Act are in addition to the powers and authority which railroad companies may have by virtue of their charters or by virtue of the general laws of the State.

SEC. 4. *Be it further enacted*, That nothing in this Act shall be so construed as to make it lawful for any railroad company to purchase or consolidate itself with any parallel or competing railroad company, whether constructed or in course of construction, and provided further, that nothing in this Act shall be construed to exempt railroad companies from paying State, County or Municipal taxes upon such improvements as may be made by virtue of the powers conferred by this Act.

SEC. 5. *Be it further enacted*. That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 5, 1903.

ED. T. SEAY,
Speaker of the Senate.

L. D. TYSON,
Speaker of the House of Representatives.

Approved February 11, 1903.

JAMES B. FRAZIER,
Governor.

CHAPTER 12.

HOUSE BILL NO. 28.

AN ACT to authorize the city of Knoxville to issue bonds to purchase and acquire the plant and property of the Knoxville Water Company, build extensions thereto and maintain and operate the same.

Whereas, Under and by virtue of a certain contract dated July 1, 1882, executed by the authorities of the city

of Knoxville (a municipal corporation) and the Knoxville Water Company (a corporation organized under Chapter 103 of the Acts of 1877) and an ordinance of said city passed October 20, 1899, and accepted by said Knoxville Water Company on the same day, said city of Knoxville has an option and the right to purchase all the property now owned or hereafter acquired up to the date of the purchase of said Knoxville Water Company, at a valuation to be fixed by an appraisement, if not agreed to, as provided in said contract of July 1, 1882, and carried forward and extended in the ordinance of October 20, 1899; and,

Whereas, The city of Knoxville desires to take up said option and purchase the plant and property of said Knoxville Water Company to the end that the same may be owned, operated and maintained by said city for the benefit of the people thereof.

Now, therefore, in order that said city may be enabled to purchase and acquire the plant and property of said Knoxville Water Company and build additions thereto that may be deemed necessary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the city of Knoxville, the corporate name of which is the Mayor and Aldermen of the city of Knoxville, be and hereby is, authorized to make the purchase of the plant and property of said Knoxville Water Company, and to make necessary extensions thereto, and for that purpose the said city of Knoxville is hereby authorized to issue bonds in such amount, number and denomination, and to run such length of time as may be determined by the Mayor and Aldermen of said city, at a rate of interest not exceeding 4 per cent., payable semi-annually, for such time as said Mayor and Aldermen of said city may determine, to enable it to acquire the plant and property of the Knoxville Water Company in accordance with the terms and provisions of the aforesaid contract of July 1, 1882, and the aforesaid ordinance contract of October 20, 1899.

Sec. 2. That authority is hereby conferred upon said corporate authorities of the city of Knoxville to issue such an amount of bonds as may be necessary to purchase and acquire the said plant and property of the said Knoxville Water Company upon the agreed valuation between the contracting parties, or in default of same, upon a valuation

Purchase
Knoxville
Water Co.
and issue
bonds.

Bonds—
denomina-
tion.

to be ascertained and fixed by appraisers in accordance with the provisions of the aforesaid contract of July 1, 1882, and the ordinance of October 20, 1899, between said city and said Water Company.

Sec. 3. That in addition to the bonds necessary to enable said city to acquire the plant and property of said Water Company, said city is hereby authorized to issue additional bonds in an amount not exceeding 10 per cent. of the amount of bonds necessary to purchase said plant and property of said Water Company to be used in making additions to said plant, including acquisition of such real estate or other property necessary in making such additions.

Bonds—
for ad-
dition to
plant

Sec. 4. The bonds shall be payable in gold coin of the United States, of standard weight and fineness, provided, however, that the city may either issue its own bonds in exchange for outstanding bonds of the Knoxville Water Company as part of the purchase price of said plant and property, or the said city may assume, as part of the purchase price, the bonded indebtedness now upon the plant and property of the Knoxville Water Company, or any part thereof, in lieu of the issuance and sale of a proportionate amount of its own bonds under the power herein granted.

Bonds—
how
payable.

Sec. 5. Before notice shall be given or an appraisal had in pursuance to the contract of July 1, 1882, and the ordinance of October 20, 1899, or issuance of bonds, an election shall first be called throughout the city of Knoxville under the general laws governing municipal elections in Knox County, and if two-thirds of the qualified voters of said city voting in said election shall vote in favor of the purchase of the property and plant of the Knoxville Water Company and the issuance of the bonds for the purposes of this Act, or exercise of other powers herein given, then the Mayor and Aldermen of the city of Knoxville shall forthwith give notice of the acceptance by the city of the option to purchase said plant, whereupon, unless the valuation of said plant is agreed upon by the contracting parties, an appraisal shall be had of all the property of the Knoxville Water Company, as provided for in the contract of July 1, 1882, and in the ordinance of October 20, 1899, after which bonds sufficient shall be issued as may be necessary under this Act for the purchase of said property and plant.

Election—
how and
when held

The said bonds to be under the management and control of the Commissioners to be hereinafter appointed, and to be sold, if sale is necessary, at not less than par; provided, however, that the city may exercise the power herein given to assume the bonds of the Knoxville Water Company to be credited at par upon the appraised value of said property.

Ballots.

Sec. 6. That the Commissioners of Election shall furnish according to the laws now existing and regulating elections in this State, tickets to be used in said election and upon such tickets shall be printed, first, "Bonds;" second, immediately below, "No Bonds," and persons voting for the issuance of bonds and for the purchase of the property and plant of the Knoxville Water Company and for the extension of same and the other provisions of this Act, shall mark their tickets with a cross opposite the word Bonds, and those voting against the same shall in like manner mark their tickets opposite the words No Bonds.

Condemnation.

Sec. 7. That the Mayor and Aldermen of the city of Knoxville shall have the power of eminent domain to take and appropriate in making extensions to said plant the grounds and other real property in the same manner as are now provided for condemnation in laying out streets, etc., in sub-Section 30 of Section 18 of the charter of the city of Knoxville.

Commissioners for operating plant.

Sec. 8. That for the purpose of controlling, managing and operating said water plant and for the disposal of the bonds or money realized therefrom, as provided in this Act in the event of a favorable election for the issuance of bonds, as hereinbefore provided, there is created a Waterworks Commission for said city, which shall be composed of three members, all to be reputable citizens and taxpayers of the city without any other official connection with the city, and without any connection whatever with the Water Company. Said Commissioners shall be elected by the City Council at its next regular session after it has been determined that the city has voted in favor of the issuance of bonds for the purchase of said plant, etc., by the majority herein designated.

Terms.

The said Commissioners so elected shall hold for a period of one, two and three years respectively from the date of their election and qualification, and until their successors are elected and qualified.

The Mayor and Aldermen of the city of Knoxville shall have the power to fill all vacancies in said Water-works Commission at any regular session of said Board after which vacancy occurs. Vacancies.

Said Commissioners shall take an oath of office to faithfully perform their duties before the City Recorder, who shall file in his office said oaths and preserve the same, and they shall likewise give bond in such sums as the Mayor and Aldermen of the city of Knoxville may prescribe, conditioned for the faithful discharge of their duties, which bond shall likewise be filed and preserved in the office of the Recorder of said city. Oath.

Said Commissioners are forbidden to have or take any interest, direct or indirect, in any contract or transactions relative to the purchase, extension or operation of said plant. Commission to be disinterested.

The compensation to be paid said Commissioners shall be determined by the Mayor and Aldermen of the city of Knoxville in such sum as said authorities may deem adequate, the same to be fixed before said Commissioners are elected. Said Commissioners will elect a Chairman and Secretary, and also such clerks as may be necessary for the work to be done, and also a Treasurer of the Commission, whose salary shall be fixed by the Mayor and Aldermen of the city of Knoxville. Compensation.

The said Commission shall require of such Clerks and Treasurer an adequate bond for the faithful discharge of their duties, which bond shall be approved by the Board of Mayor and Aldermen, and shall be filed and preserved in the Recorder's office of said city. Bonds of Clerk and Treasurer.

The powers and duties of said Commissioners shall be full and ample to make all contracts for the extension of said plant or the operation and maintenance of the same, but all contracts involving an expenditure of more than five thousand (\$5,000) dollars, shall be reported to the City Council, and approved by it before the same shall be final. The said Commissioners shall also have the power, subject to the foregoing limitations, of making all needed repairs deemed by them necessary to the proper operation and maintenance of said plant. Upon due notice any Commissioner guilty of misconduct or misfeasance in office shall be removed by the Mayor and Aldermen of the city of Knoxville.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it
Passed January 29, 1903.

L. D. TYSON,

Speaker of the House of Representatives.

ED. T. SEAY,

Speaker of the Senate.

Approved February 2, 1903.

JAMES B. FRAZIER,

Governor.

CHAPTER 13.

SENATE BILL No. 157.

AN ACT to amend an Act passed April 12, approved April 17, 1899, and amended April 2, approved April 2, 1901, being an Act to authorize Greene County to issue bonds for road purposes and to provide for the redemption of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 228 of the Acts of 1899, being an Act to authorize Greene County to issue bonds for road purposes and to provide for the redemption of the same, be amended by adding the words, "the Chairman of" in line two, Section 1, of the printed Acts, and after the word "that," and before the words, "the County Court."

Also by striking out the words "at any quarterly session" after the word "Greene" in the third line of Section 1 of the said printed Acts.

Also by striking out the words "Quarterly Court" before the word "the" in the sixth line of Section 1 in the said printed Acts, and inserting the word "Chairman" instead thereof.

Also by striking out the word "thirty" in line twenty-one, Section 1, of said Act, and after the word "least" and inserting instead thereof the word "twenty."

SEC. 2. *Be it further enacted*, That Section 2 of the said Acts of 1899 be amended by striking out "or at the