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A C T S

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CHAPTER LXXVII.

AN ACT to Incorporate the Memphis Water Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas W. Brown, John S. Toof, John Gunn and Benjamin C. Brown, and such other persons who may associate themselves with them, be and they are hereby constituted a body corporate, under the name and style of the "Memphis Water Company;" and by that name shall have succession for ninety-nine years, and shall have power to contract and be contracted with; to sue and be sued; to have and use a common seal; to borrow money upon their bonds or other obligations, for such amount and upon such conditions as to time and place of payment and rates of interest as may be agreed upon between the contracting parties; to purchase and hold such real estate and personalty as may be necessary for the exercise and enjoyment of the powers and privileges by this Act conferred upon said company; to elect all necessary officers; to make and establish by-laws, and generally to exercise all the powers and privileges incident to corporations.

Corporators

Powers and privileges.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, which sum, when necessary, may be increased to two million dollars, by vote of the stockholders. Said stock shall be divided into shares of one hundred dollars each; and each share upon which all legal calls have been paid, shall entitle its holder to one vote in all elections of the company; *Provided,* that—except at the first election—no share of stock shall entitle its holder to a vote unless he shall have held the same in his own right at least sixty days previous to said election. Stock shall only be assigned upon the books of the company.

Capital stock.

Proviso.

SEC. 3. *Be it further enacted,* That the management of the affairs of said company shall be vested in five Directors, who shall be elected at a general meeting of the stockholders annually. Said Directors shall elect one of their number to be President of said company. They may also appoint a Secretary and Treasurer for said company, and may take from such officers a bond in such sum as they may deem sufficient, conditioned for the proper performance of his duties, and for correctly accounting for

Election of Directors.

all moneys which may come to his hands. All officers elected shall hold their offices until their successors are elected and qualified. Other officers.

SEC. 4. *Be it further enacted*, That said company shall be and is hereby authorized to establish and construct water works in and adjacent to the City of Memphis, in this State; and to supply the said city and the inhabitants thereof, with a plentiful supply of water; and for this purpose they are hereby authorized and empowered, and invested with the exclusive privilege to lay down pipes, and to extend aqueducts and conductors through all or any of the streets, lanes and alleys of the City of Memphis, and to supply the inhabitants of said city with water, by public works; and for the purpose of laying down such pipes, aqueducts and conductors, may take up the pavements or sidewalks upon such street; *Provided*, that said pavements and sidewalks shall be taken up in such manner as to give the least inconvenience to the inhabitants of said city; and that the same shall be replaced with all convenient speed, by and at the expense of said company. The privilege hereby granted to be exclusive for thirty years only—after which it is not to be exclusive. Purposes and powers.

SEC. 5. *Be it further enacted*, That the works and operations of said company shall be so constructed and managed as not to affect the health or comfort of the citizens of Memphis prejudicially; and nothing in this Act shall be so construed as to absolve the company from any legal proceeding to restrain or abate any nuisance arising from their operations. Proviso.

SEC. 6. *Be it further enacted*, That if any person shall injure or destroy any portion of the works, fixtures or other property of the company, such person or persons shall be liable to the company for all damages sustained by them in consequence of such act or proceedings, and in addition thereto shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than one hundred or more than one thousand dollars. Health of city.

SEC. 7. *Be it further enacted*, That said company shall be, and they are hereby empowered and authorized to condemn and take such lands as may be necessary for the establishment of their reservoirs and works; and the right of way through all lands between their reservoirs and the said city of Memphis, to lay their pipes, aqueducts or conductors, and to keep the same in repair, is hereby granted them; *Provided*, that such pipes and conductors shall be laid in such manner as to do as little injury to the property of private persons as possible; and *provided further*, that Injury of property, etc.

May condemn lands.

the company shall make compensation to the owner of the real estate so condemned or taken, or through which the pipes, conductors or aqueducts may be laid. If the owner and the company cannot agree upon the amount of compensation which should be paid, the same shall be assessed in the manner provided by the Code of Tennessee, section 1325 to 1348.

SEC. 8. *Be it further enacted*, That the stock of the company shall be paid up on such calls as the President and Directors may prescribe. Any stockholder who shall fail to pay any call made by the Directors, shall forfeit his stock and all payments made thereon; or the President and Directors may recover the amount of such calls by suit. The company shall have no power to release stockholders from payment of their stock, to the prejudice of creditors. Said company may organize whenever the sum of fifty thousand dollars is subscribed.

SEC. 9. *Be it further enacted*, That to secure payment of bonds issued or moneys borrowed, the President and Directors may mortgage all the property of the company existing at the date of the mortgage, as well as all property by the company to be afterwards acquired, and the franchises granted by this Act; and in case of foreclosure and sale of such mortgage, the purchaser or purchasers shall succeed to and be vested with all the powers and privileges, and be subject to all the duties and liabilities of said company.

SEC. 10. *Be it further enacted*, That said company shall furnish water to the City of Memphis, sufficient to supply the public offices, police stations, hospitals and engine houses, and for extinguishing fires, free of charge; but this section shall not be so construed as to authorize said city to use the water supplied by said company for cleaning or sprinkling the streets, or for any other such purpose, without paying therefor. Said company shall also furnish, free of charge, whenever required by the city, water sufficient to supply a fountain (to be erected by the city) in Court Square, and another in Market Square.

SEC. 11. *Be it further enacted*, That, at any time after twenty years after the passage of this Act, the City of Memphis, should the authorities thereof desire to do so, shall have the right to purchase the works, pipes and other property of the company, upon such terms as to price and mode of payment, as may be agreed upon. Should the parties be unable to agree upon a price, such works shall be valued by five disinterested persons—two to be appointed by each party, and the fifth to be selected by the

Provisos.

Capital stock,
organization,
etc.,

May mort-
gage property

Furnish city
with water
free.

May sell
works to city.

four thus appointed—and upon payment to the company of the valuation so assessed, the right to all such property and to the privileges granted by this Act, shall vest in said city.

SEC. 12. *Be it further enacted*, That all Acts in conflict with this Act be, and the same are hereby repealed; and that this Act shall take effect and be in force from and after its passage.

W. O'N. PERKINS,

Speaker of the House of Representatives.

D. B. THOMAS,

Speaker of the Senate.

Passed February 28, 1870.

CHAPTER LXXVIII.

AN ACT to Incorporate the Town of Waynesboro in the County of Wayne, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following boundaries shall constitute the limits of the corporation of the Town of Waynesboro in the County of Wayne, to wit: Beginning at the mouth of the Morris Branch; thence up said branch to a stake, the corner of Jonathan Morris' Lot; thence south to the south-east corner of said lot; thence on a direct line to the south-west corner of Alexander Jourden's Lot; thence on a direct line to the north-west corner of Mathew Collier's Lot; thence east to Green River; thence up said river with the west and south bank to the beginning. Boundaries.

SEC. 2. *Be it further enacted*, That the Town of Waynesboro aforesaid, and the inhabitants thereof, being a body politic and corporate by the name and style of the "Mayor and Aldermen of the Town of Wanesboro," shall have succession for ninety-nine years; and by their corporate name, may sue and be sued, plead and be impleaded, in all courts of law and equity. Privileges.

SEC. 3. *Be it further enacted*, That there shall be elected on the first Saturday in March in each and every year, by the qualified voters resident in the bounds of said cor- Election of Mayor and Aldermen.