

ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE

FIRST SESSION

OF THE

THIRTY-FIRST GENERAL ASSEMBLY,

FOR THE YEARS

1855-6.

PUBLISHED BY AUTHORITY.

**NASHVILLE:
PRINTED BY G. C. TORBETT AND COMPANY.**

1856

impleaded, by the name and style of the "Mayor and Aldermen of the town of Cottage Grove;" and that they, by that name, be authorized and empowered to receive and hold property, real, personal, or mixed, by deed, gift, or otherwise; and that they be entitled to all the rights and privileges, and subject to the same rules and restrictions of the corporation of the town of Dukedom, in Weakley County, Tennessee.

SEC. 22. *Be it further enacted*, That the corporate limits of the said town of Cottage Grove shall be as follows:—Beginning at E. G. Banden's gate post, and running south one hundred rods to a black oak sapling, including the school-house and Masonic Lodge; thence east seventy-two rods to a stake; thence north one hundred rods to a black oak tree, with a post oak pointer; thence east to the beginning.

NEILL S. BROWN,
Speaker of the House of Representatives.
EDWARD S. CHEATHAM,
Speaker of the Senate.

Passed February 22, 1856.

CHAPTER 139.

AN ACT to authorize the establishment of the Memphis Water-works Company; to incorporate the Chattanooga Water-works Company; to incorporate the Smelter Manufacturing Company; to incorporate a Law School in the city of Memphis; to incorporate the Knoxville Water-works Company; for the benefit of the town of Murfreesboro; to incorporate the Decherd and Winchester Turnpike Company; to incorporate the Polk Law School of Maury County; to amend an act to charter the Sevier Turnpike Road, passed January 30, 1846.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Company, to be entitled the "Memphis Water-works Company," shall be, and is hereby, established, with a capital of one hundred thousand dollars; which, if expedient and necessary, may be increased to the sum of two hundred thousand dollars; that the stock of said Company shall be divided into shares of fifty dollars each—to be subscribed with the Commissioners hereinafter named—to be paid in as the Directors to be elected may demand.

SEC. 2. *Be it enacted*, That the subscribers for said stock, their successors and assignees, are hereby created a body politic and corporate, by the name and style of the "Memphis Water-works Company;" and in and by said name, shall have the power to contract and to be

contracted with; to sue and be sued; to have and use a common seal; to borrow money upon their bonds, for such amounts, conditions, time, and rates of interest, as may be agreed upon between the contracting parties; shall have authority to elect all necessary officers, and to pass and establish by-laws, rules, and regulations for the successful management of the affairs of said Company.

SEC. 3. *Be it enacted*, That the business of said Company shall be to establish and construct water-works in the city of Memphis, for the purpose of furnishing the population thereof with a plentiful supply of water, by means of Artesian wells, or otherwise; and they may purchase and hold as much real estate as may be necessary and expedient for said business, and to secure any debt that may be due them.

SEC. 4. *Be it enacted*, That, to enable the Company to construct such works, they are hereby authorized and empowered to lay down pipe, and extend aqueducts or conductors, and all other necessary apparatus for that purpose, through all or any of the streets, lanes, or alleys of the city of Memphis, in such manner as to cause the least possible inconvenience to the public, and to take up the pavement or sidewalk: *Provided*, they shall afterwards repair the same with the least possible delay.

SEC. 5. *Be it 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, their agents or officers, from any legal proceedings to restrain or abate any nuisance arising from such works or operations.

SEC. 6. *Be it enacted*, That if any person shall injure or destroy any portion of the works, fixtures, or other property of said Company, such person or persons shall be liable for all damage sustained by such proceedings, and also to a fine not exceeding five hundred dollars, upon indictment or conviction—the person or persons committing such act or offence, being deemed guilty of a misdemeanor, and punishable as in other cases of misdemeanor.

SEC. 7. *Be it enacted*, That D. M. Leatherman, J. B. Lamb, R. C. Brinkley, and William F. Barry, or any of them, shall be Commissioners to open books for the subscription of stock in said Company, which shall be kept open until they may deem a sufficient amount has been subscribed. They shall then, by advertising in some one of the Memphis newspapers, give twenty days' notice to the Stockholders, to hold a meeting for the election of

Commissioners
appointed
to open books.

a Board of five Directors, to whom shall be entrusted the management of the affairs of the Company, and who shall elect a President from their own number. The election of President and Directors of said Company shall be held annually, at the office of the Company, at such time as the Stockholders shall determine; and said President and Directors may fill any vacancies that may occur in their body, and hold their offices until superseded by a new election. To entitle a person to act as a member of the Board of Directors, or as President, he must be a citizen of Tennessee, and a Stockholder in said Company. The Stockholders, in the election of Directors shall be entitled to one vote for each and every share of their stock, and their votes may be given by proxy. The transfer of stock must be upon the books of the Company.

SEC. 8. *Be it enacted*, That the stock of said Company shall all be paid in within such period, and upon such times, places, and calls, as may be required by the Directors; and any Stockholders who fail to pay any such instalments or calls as may be required, as aforesaid, by the Directors, shall incur such forfeitures of their stock as the said President and Directors, may, by a by-law, prescribe; and the said President and Directors may institute suit, at their discretion, for the purpose of enforcing payment of the calls of stock that any Stockholder may suffer to remain due and unpaid. The Company shall have no right to release Stockholders from payment of their shares of stock, to the prejudice of the creditors of said Company.

SEC. 9. *Be it enacted*, That the Memphis Water-works Company hereby chartered, shall exist and have succession for the period of fifty-five years from the passage of this act.

Chattanooga
Water-works
Company.

SEC. 10. *Be it further enacted*, That William D. Fulton, Spence Rogers, Jonathan M. Lees, Robert Cravens, Robert M. Hooke, and Joseph L. Gillespie, their associates and successors, be, and they are hereby, incorporated a body politic and corporate, by the name and style of the "Chattanooga Water-works Company," with a capital of fifty thousand dollars, with the power of increasing it to two hundred thousand dollars, for the purpose of supplying the city of Chattanooga with water, by means of Artesian wells, or otherwise.

SEC. 11. *Be it enacted*, That said Company shall have the same rights, powers, and privileges, and be subject to the same liabilities and restrictions, as are given and imposed in the foregoing sections to the Memphis Water-works Company; shall have the same powers and pro-

tection in the city of Chattanooga, that said Memphis Water-works Company have in the city of Memphis.

SEC. 12. *Be it further enacted*, That James A. Blackmore, William McMurry, Samuel McMurry, W. H. Crutcher, Carson Dobbins, William Cantrell, John Bell, Enoch Steadman, Robert W. Guthrie, A. C. Franklin, Wm. H. Solomon, Bennett Lane, Jeremiah Bentley, Jno. J. White, John Parker, Z. W. Baker, Raymond Head, B. M. Jenkins, R. J. Goostree, Ben. F. Allen, Chas. E. Boddie, Henry. B. Vaughn, B. Bender, Jacob Yoost, J. R. A. Tompkins, May McMurry, Wm. Henley, J. B. Wallace, Wm. H. Blackmore, Rockhill & Co., and such other persons as they may choose to associate with them, and their successors, are hereby incorporated and constituted a body politic and corporate in fact, and in name, to be known by the name and style of "The Sumner Manufacturing Company," to have succession for ninety-nine years, for the purpose of manufacturing cotton and woolen goods, or either, and for the establishment of flouring or grist mills; and by that name they, and their successors, shall be, and are hereby, made capable in law of suing and being sued, pleading and being impleaded, and answering and being answered unto, in all courts whatsoever, and of having and using a common seal, and the same to alter and renew at pleasure; and they, and their successors and assigns, in their corporate name, shall be, and they are hereby, made capable, in law, to purchase and hold any lands or tenements, goods or chattels, necessary or convenient for carrying on the manufacturing purposes as aforesaid, and the establishment of flour and grist mills as aforesaid, and the same to use and employ, grant and dispose of, as they shall deem proper; and to have all the rights and privileges pertaining to corporate bodies necessary for the purposes of their incorporation.

Sumner Manu-
facturing Com-
pany.

SEC. 13. *Be it enacted*, That the capital stock of said Company shall be twenty thousand dollars, and the same may be extended to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

Capital stock.

SEC. 14. *Be it enacted*, That said Company may allot and divide the different shares among themselves as they may see proper; and that the books of said Company shall show what amount of stock is owned and held by each Stockholder; and any Stockholder may transfer, upon the books of said Company, such stock as he or she may own in said Company, in such manner as shall be prescribed by the by-laws of said corporation.

SEC. 15. *Be it enacted*, That the capital stock, prop-

Directors. erty, and business, of said corporation, shall be managed by five Directors—being Stockholders—to be elected as aforesaid; and they shall hold their office for one year, and until others are elected and qualified in their places; and the Stockholders may vote either in person or by proxy; and all elections shall be by ballot, allowing each share one vote. The Stockholders shall appoint three persons from among themselves, to be inspectors and judges of the first election; and the said Directors, when elected, shall choose one of their number President; and the said President and Directors annually, thereafter, by public notice as aforesaid, shall call meetings of the Stockholders for electing Directors of said Company, and shall appoint three Stockholders as inspectors and judges of elections; and if the President and Directors shall fail, refuse, or neglect, to call annual meetings for the election of Directors as herein prescribed, the Stockholders, or a majority of them, may give the notice, call meetings, and elect Directors, in like manner as if the said President and Directors had given notice as prescribed in this act. But if it shall happen that two or more Stockholders have an equal number of votes, then the Directors for the time being, shall, by ballot, determine which of said Stockholders shall be Director or Directors; and the said President and Directors, or a majority of them, may, from time to time, make, ordain, and execute, such by-laws and regulations, for the government of said corporation in its proceedings, and for the management of the stock and property of said Company, as may by them be deemed necessary and convenient; *provided*, the same be not repugnant to the Constitution and laws of this State, or of the United States. And the said President and Directors, or a majority of them, may appoint such agents, clerks, and secretaries, as they shall think proper and useful for the purposes of said Company; and may take of them such bond or bonds, with security, for the faithful performance of the duties assigned them, as shall be thought necessary—allowing said agents, clerks, and secretaries, such compensation as shall be agreed upon—and may remove them, or any of them, at pleasure. And if any vacancy shall happen among the Directors, by death, resignation, or otherwise, such vacancy may be filled until the next annual election, by such person or persons, as the other Directors may appoint.

SEC. 16. *Be it enacted*, That, if it should happen that an election of Directors should not be made on the day designated in the notice, the said corporation shall not, for that cause, be deemed dissolved; but it shall

and may be lawful to make and hold an election for Directors on some other designated day—of which notice may be given.

SEC. 17. *Be it enacted*, That a dividend of the profits of said corporation shall be made annually, or semi-annually, as shall be thought best by said President and Directors, among the Stockholders; and that the Directors may make such calls for stock due, as the Stockholders may direct, or the interest of the corporation demand.

SEC. 18. *Be it enacted*, That said President and Directors shall keep, or cause to be kept, proper books of account of the business and affairs of said Company, which shall be subject at all times, to the inspection of each and all the Stockholders; and the President and Directors, on going out of office, shall account to their successors, and pay over all moneys, assets, and effects, of the Company in their hands.

SEC. 19. *Be it further enacted*, That all those who shall become Stockholders therein, are hereby incorporated as a body corporate and politic, by the name and style of the "West Tennessee Law School of the City of Memphis;" with power to sue and be sued, in all the courts of law and equity in this State; and with the powers incident to such corporations.

West Tennessee Law College of the City of Memphis.

SEC. 20. *Be it enacted*, That the said West Tennessee Law School shall be under the control of five Trustees—one of whom shall be President of said College, who shall have full power to all things pertaining to the management of said institution; to appoint all professors and agents of said school; and to regulate all matters in relation to the financial affairs of said school; and to receive bequests, grants, gifts, for the use and benefit of the same; and to dispose of or sell the same; and to buy, receive, by gift or otherwise, real estate or other property, which may be necessary for said school.

SEC. 21. *Be it enacted*, That Leroy Pope, Milton A. Haynes, D. M. Leatherman, E. M. Yerger, John F. Soule, John Pope, and George L. Holmes, be appointed Commissioners—any three of whom may open books to receive subscriptions, donations, &c., for the benefit the school; and that, when the sum of five thousand dollars shall have been raised, the school may be organized by the election of trustees, and the establishment of one or more professorships.

SEC. 22. *Be it enacted*, That George W. Harris, James H. Cowan, Samuel T. Atkin, William G. Swan, and Samuel A. White, their associates and successors, be, and they are hereby, created a body politic, under the

Knoxville Water-works.

name and style of the "Knoxville Water-works Company;" and that they have the same privileges, and be subject to the same restrictions, that are given or imposed by the preceding sections of this act, to the Memphis Water-works Company.

SEC. 23. *Be it enacted*, That George M. White, A. A. Barnes, and C. W. Jones, be, and they are hereby, appointed Commissioners to open books for the subscription of stock in said Company, as hereinbefore provided for the Memphis Water-works Company; and that all the provisions of this act in relation to said Company shall be held applicable to the the Knoxville Water-works Company.

Murfreesboro'. SEC. 24. *Be it further enacted*, That the Board of Mayor and Aldermen of the city of Murfreesborough, Tennessee, shall have full power and authority to pass any ordinance or regulation whatever, not inconsistent with the Constitution of Tennessee, or of the United States, which in their judgment may be deemed necessary for the interest of said city, as well as to preserve the good morals, order, peace, and safety, of the inhabitants thereof.

SEC. 25. *Be it enacted*, That the corporate authorities of said city of Murfreesborough, shall further have the power and authority, to prescribe and annex or define all penalties, for the violation of any of the laws, ordinances, or regulations, which they may see proper to pass, ordain, or enact; and shall in like manner, have the power to define or declare the mode of proceedings; to enforce any and all of said ordinances, laws, and regulations; and the mode of punishing such person or persons as may violate any of the same.

SEC. 26. *Be it enacted*, That the said corporate authorities shall have the power to erect and establish a prison-house, or calaboose, or work-house, to be used in the punishment, or for the safe-keeping of offenders against any of said ordinances, laws, or regulations; or, they may for that purpose, have the use of the common jail of Rutherford County: *Provided*, the said County Court for said County, at a Quarterly, or Quorum Term thereof, shall first give their assent to such use of said jail, upon such terms and conditions as to said Court may seem proper.

Decherd and
Winchester
T.
P. Company.

SEC. 27. *Be it further enacted*, That William G. Brooks, Hu. Francis, C. C. Garner, William Darmin, and John March, and their successors, are hereby constituted a body politic and corporate, under the name and style of the "Decherd and Winchester Turnpike Company," for the purpose of constructing a turnpike

road from Decherd's Depot to Winchester, in Franklin County; and for such purpose, shall enjoy all the rights and privileges, and be subject to all the liabilities, of the Shelbyville, Flat Creek, Mulberry, and Fayetteville Turnpike Company.

SEC. 28. *Be it further enacted*, That all those who shall become stockholders therein are hereby incorporated as a body corporate, by the name and style of the "Polk Law School of Maury County;" with power to sue and be sued, in all the courts of law or equity in this State; and shall have other powers incident to corporations of like character.

Polk Law School

SEC. 29. *Be it further enacted*, That the said Polk Law School shall be under the control of seven trustees, who shall have full power to do all things pertaining to the management of said school—appoint all professors and agents of said school, and to regulate all matters in relation to the financial affairs; to receive bequests, grants, gifts, for the use and benefit of the same, and to dispose of or sell the same.

SEC. 30. *Be it enacted*, That James H. Thomas, Samuel D. Frierson, Leonard D. Mayes, George Gault, A. M. Hughes, M. S. Frierson, and W. J. Sykes, be appointed Commissioners, any three of whom may open books to receive subscription, donations, &c., for the benefit of the school; and whenever, in the opinion of said Commissioners, a sufficient sum is subscribed, said school may be organized by the election of trustees, and the establishment of one or more professorships.

Whereas, It would be highly conducive to the interest of a respectable portion of the citizens of this State, whose region—rich though it is in mineral wealth, in agriculture and grazing interests—is shut out by natural obstructions of railroads, by the ordinary cost of such thoroughfare; and, whereas, it is desired to extend to them, in some degree, the liberal aid heretofore granted to other sections of the State, by assisting the citizens of said sections to build railroads, McAdam and turnpike roads, thus contributing to the revenue of the State, by increasing the wealth of a portion of her citizens, developing the resources of valuable mines, fertile soils, and luxuriant pasturage, and by emulating the praiseworthy example of the bordering State of North Carolina, and meeting her in a liberal spirit at her own line—by this means, opening up to the citizens of this State the trade and intercourse of the people inhabiting the adjoining counties of that State; therefore,

SEC. 31. *Be it further enacted*, That an act passed

Amending the
charter of Se-
vier Turnpike
Road.

March 1, 1854, entitled "An act to revive and amend an act passed January 30, 1846, entitled An act to charter the Sevier Turnpike Road, &c, and for other purposes," be, and the same is hereby, amended as to the Company or Commissioners named in said acts, there be added the following persons, to wit., John McMahan, Robert H. Hodsden, J. T. Havis, Jas. McNeely, W. H. Cannon, A. J. Bradley, John Mullenden, P. H. Toomy, Jos. M. Sharp, Radford Gatlin, Jos. Ogle, Wm. Whaley, Wm. Huskey, Fred. Emet, W. C. Murphy, Wm. Henderson, Sr., Daniel Ragan, of Sevier County, and R. M. Stephens, O. P. Temple, James Campbell, Jerry Johnson, and Wm. Warren, of Knox County; and that the capital stock of said Company may be increased to twenty thousand dollars.

SEC. 32. *Be it enacted*, That the County Court of the Counties of Knox and Sevier may, respectively, at any quarterly session of their Court, in addition to the above Commissioners, elect any number of other Commissioners, not to exceed eleven in each County, who are hereby vested with powers similar, and are authorized to act in all respects, with the individuals mentioned in the acts which this act is intended to amend.

Additional Com-
missioners.

Additional sub-
scriptions.

SEC. 33. *Be it enacted*, That any three of the Commissioners in the foregoing acts which this is intended to amend, or those mentioned in this act, or who may hereafter be appointed as provided for in the second section of this act, by the County Courts of Knox and Sevier, respectively, be, and they are hereby, authorized to open books and receive subscriptions to said turnpike road, at any point or points, in either or both of said Counties of Knox and Sevier, at any time, having given reasonable notice thereof, they may deem proper.

Further time
to commence &
complete road.

SEC. 34. *Be it enacted*, That said Company shall have five years after the passage of this act, to procure subscriptions for, and commence said road, and ten years to complete.

Commissioners
to lay off road—
Compensation.

SEC. 35. *Be it enacted*, That the Company, when properly organized, may proceed to definitely locate said road; *provided*, they make said road from the North Carolina State line to the town of Sevierville; and for this purpose, they may secure the services of a competent engineer, or of Commissioners appointed from their own body, who shall perform his or their duty with a view to the best interest of the Company, and the County through which the road passes, and who shall receive reasonable compensation therefor, to be fixed by the Company.

SEC. 36. *Be it enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,
Speaker of the House of Representatives.
 EDWARD S. CHEATHAM,
Speaker of the Senate.

Passed February 23, 1856.

CHAPTER 140.

AN ACT to incorporate the Ashport and Ripley Plank Road Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That B. Embry, William Conner, James A. Lackey, Milton G. Turner, and Henry L. Pettis, of the County of Lauderdale, are hereby authorized as Commissioners to open books, at such times and places as they may think proper, for the purpose of receiving subscriptions, to the amount of fifty thousand dollars, or less if sufficient, to be applied to the making of a plank turnpike road from Ashport, in the County of Lauderdale, to the top of the Bluff, or high-lands, in the direction of Ripley, in said County; which sum shall be divided into shares of fifty dollars. Said Commissioners shall, so soon as twenty thousand dollars are subscribed, call a meeting of the Stockholders for the purpose of organizing said Company; and the Stockholders shall proceed to elect from their body five Directors; and in voting for said Directors, each Stockholder shall be entitled to one vote for each share. And the Directors, when elected, shall elect from their own body a President, and, also, to elect such other officers as they may deem necessary, for the term of two years, and until their successors are elected and qualified; which said Directors and their successors, are hereby created a body politic and corporate, by the name and style of the "Ashport and Ripley Plank Road Company;" and by that name, to sue and be sued, plead and be impleaded, in any court of law or equity in this State, and have a common seal, and have succession for ninety-nine years.

Commissioners
to open books.

Election of Di-
rectors.

SEC. 2. *Be it further enacted*, That, so soon as may