

PUBLIC ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE

THIRTY-THIRD GENERAL ASSEMBLY

FOR THE YEARS 1859-60.

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1860.

CHAPTER 69.

AN ACT for the relief of Rachel F. Henry, and to change the name of James A. Sikes to James A. Love, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Rachel F. Henry, of the county of Rhea, formerly Rachel F. Baker, be, and she is hereby declared the legitimate child of Newton Locke, with all the rights of his lawful heirs as though she had been born in wedlock, and hereafter to be deemed and taken, both in law and equity as his lawful child in every respect; this act being passed at his special instance and request.

SEC. 2. *Be it enacted*, That James A. Sikes of the county of Rhea, have his name changed to James A. Love, and as such be, and he is hereby adopted as heir at law of Joseph Parks at his instance and request, with all the rights of his children born in lawful wedlock. This act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 20, 1860.

CHAPTER 70.

AN ACT to amend the charter of the city of Memphis, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all acts and parts of acts of the General Assembly of this State heretofore passed, requiring the county revenue of Shelby county, collected within the corporate limits of Memphis, in said county, to be paid to the corporate authorities of said city, and also all acts requiring the corporate authorities of said city to pay the costs and expenses of the Criminal and of the Common Law and Chancery Courts, of the city of Memphis, be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That in conformity with a contract between the city of Memphis, and county of Shelby, and made on the 4th and 5th of April, 1859, that from and after the passage of this act, the County Court and officers of Shelby county shall collect, keep and dis-

burse all county revenue collected or arising within said county, whether within or without the limits of the city of Memphis, and also, all fines and forfeitures, except in cases of indictment for felonies, collected or arising in the present Criminal Court of said city, or of any court hereafter created of the same or similar jurisdiction, as county revenue, according to law; and the corporate authorities of said city of Memphis shall have no part thereof nor interest therein, and said county of Shelby shall be charged with and provide, through its County Court and proper county officers for the future for all the costs and expenses of the Criminal and Common Law and Chancery Courts of the city of Memphis, or any other courts of similar general criminal, law or chancery jurisdiction, which may be hereafter established in said city, or any part of said county, and shall furnish and provide all necessary rooms and buildings, furniture and fixtures for the accommodation and holding of said courts, and for clerk's offices, and other necessary offices connected therewith; and, at the expense of the county shall furnish and provide a jail or county prison at Memphis, sufficient for the confinement and safe-keeping of all offenders charged with offences against the State, cognizable now or at any time hereafter in the courts held at Memphis, and shall provide for all paupers and destitute persons of unsound minds, and for the burial of such as well within as without the city, according to, and to the extent required by the general laws of the State; and the city of Memphis shall be, and is entitled to the possession, control and ownership of the city jail and prison in the said city of Memphis, which was erected by the city, and the officers of Shelby county shall deliver possession of the same to said city, and the county provide elsewhere for the safe keeping of State prisoners, unless the city and county authorities can agree on terms on which the latter may continue in the use and occupation of the same.

SEC. 3. *Be it further enacted*, That the Board of Mayor and Aldermen of said city of Memphis, shall have power to issue time bonds of said city, having not over thirty years to run, payable in such city in the United States as, in the discretion of said board, will enable them to be negotiated on the best terms, having interest coupons attached, at not exceeding ten per centum per annum, within the following limits, and for the following purposes, to wit: 1st. To an amount not exceeding five hundred thousand dollars, for the purpose of erecting permanent water works in said city; 2d. To an amount not exceeding five hundred thousand dollars for the construction and pavement of the principal streets and wharves, or either, of said city with iron,

Board of Mayor
and Aldermen to
issue bonds.

cobble stone, or some system of construction and pavement of equal merit ; 3d. To an amount not exceeding four hundred thousand dollars, to aid in the construction of a railroad connection between Memphis and St. Louis, Missouri, on as near an air line as practicable ; 4th. To an amount not exceeding two hundred and fifty thousand dollars, to aid in the completion of the Mississippi and Tennessee Railroad ; 5th. To an amount not exceeding two hundred and fifty thousand dollars, to aid in the completion of the Memphis and Ohio Railroad ; and to the same amount for the Memphis and Little Rock Railroad ; and 6th. To an amount not exceeding two hundred and fifty thousand dollars for the purpose of funding all or any of the present due debt of the city, or that not yet due, but for which city bonds may have been heretofore issued : *Provided, however,* That no such bonds shall be issued for either of the purposes specified, in this section, or any other purpose, unless upon at least thirty days' notice of the time and places of election; the qualified voters of the city of Memphis shall instruct the Board of Mayor and Aldermen of said city to issue the same by a majority of votes cast at such election : *And provided further,* That then no such bonds as specified in first, second, third and sixth classes above shall be issued until, and unless said board of mayor and aldermen first, before such issue, provide, by ordinance, for the regular and prompt payment of the annual interest on such bonds, and also provide an annual sinking fund, to commence at least within six years after the issue of the bonds, and sufficient in amount to retire or redeem the same by maturity : *And, provided further,* That no such bonds shall be issued to aid in the construction of a railroad to connect said cities of Memphis and St. Louis, until at least fifty miles of such road, from or opposite Memphis, northward, shall be graded, bridged, and made ready for the iron rails, and then, only, for the purpose of furnishing iron and equipments for so much of said road as is so graded, bridged, and ready; said Railroad Company to secure the payment of the principal and interest of such bonds, at least one-half by endorsing the bonds, and by first class mortgage on their road bed, fixtures, iron and equipments, and the balance by an issue of stock in the road to the city, to the amount of the face of the bonds, which are used in payment for such stock ; *And, provided further,* No such bonds shall be issued, as in this section before provided, for aid to said Memphis and Ohio, or Memphis and Little Rock Railroad Company, until the company for whose benefit they are to be so issued, shall first have made ample and full provision to secure the payment, as

Sinking Fund.

fast as it matures, of both interest and principal of the same.

Police.

SEC. 4. *Be it further enacted*, That so much of section twelve, article 3, of the amended charter of the city of Memphis, passed the 13th of February, 1854, as requires the captains of the day and night police to be elected by the voters of the city, be, and the same is hereby repealed, and hereafter the captains of the day and night police shall be elected or appointed by the board of mayor and aldermen, as are now the lieutenants and privates of the police; and said section shall be further amended, so as to change the name or title of the "city marshal" to chief of police of said city, the duties of the office to remain as heretofore.

Scholastic census.

SEC. 5. *Be it further enacted*, That the board of mayor and aldermen of Memphis shall have power, by ordinance, to provide, during the last half of the corporate year, to have assessments of property made, and a census of the population, and number of children within the ages that entitle them to share in the State school fund, and to attend the Memphis city schools, taken, preparatory to the levying of all taxes of the corporation for the ensuing year, immediately after each annual election, upon the organization of the new board of mayor and aldermen; and shall have power, by ordinance, to provide and make all such taxes due from the first day of the corporate year, for which they were assessed.

Tax Collector.

SEC. 6. *Be it further enacted*, That hereafter the tax collector of the city of Memphis, elected for any one corporate year, shall have power, after the expiration of the corporate year for which he was elected, to collect all unpaid taxes which were assessed, or became due during the year for which he was elected, and shall continue, for that purpose alone, to have all the powers of tax collector for the period of two years after his year or term of office expires; and shall have concurrent power with his successor or successors in office to make tax sales and tax deeds for, or in pursuance of the same, for the purpose of collecting the unpaid taxes of the year for which he was elected, unless the board of mayor and aldermen of said city shall order otherwise, and direct the same to be done by his successor, or by some other person by them authorized to collect the same; and the tax collector's bond shall be conditioned accordingly.

SEC. 7. *Be it further enacted*, That as another mode for the construction of permanent streets in said city of Memphis, the board of mayor and aldermen shall have power, upon the owners and holders of two-thirds or more of the

real estate fronting on any street, or part of street, asking or petitioning in writing, that the same shall be done, to provide by ordinance for the levying, assessing and collection of a uniform special tax per foot on all the property fronting on each side of such street or part of street, for the purpose of paying for the construction and paving of such street or part of street, with stone, iron or such other durable and lasting material as shall be designated by the petitioners; said Mayor and Aldermen shall further have power to provide, by ordinance, that any amount, but not exceeding one fourth of the cost of such pavement shall be paid from the general revenues of the city; the special tax above provided to be in addition to the other corporation taxes on such property, and additional levies and assessments may be made from time to time, until a sufficient sum is raised to pay for the work, and all assessments of special taxes levied on property for the purposes in this section specified, shall be a lien thereon prior and superior to all other liens except the liens in favor of the State for State taxes, and may be enforced by judgment of condemnation and sale, as in other cases of city tax sales, or by bill in chancery, as said board may direct.

Pavements.

Pay of the Board of Aldermen.

SEC. 8. *Be it further enacted*, That the members of the Board of Aldermen of Memphis, may hereafter be paid for their services as such by the consent of the voters of the city, to be obtained as follows: At least one month before each municipal election the Board of Aldermen shall determine, by resolution, the amount which in their judgment members of the board shall receive for their services for the ensuing year, of which the sheriff shall give notice in his notices of the election, and in the election, voters who are in favor of aldermen for the next year being paid the amount thus fixed by the retiring board, will have written or printed on their tickets, "for paying aldermen," and those opposed thereto on theirs, "against paying aldermen," and aldermen for the next year shall be paid or not the amount fixed by the retiring board, according as for or against their payment receives a majority of votes, and the sheriff shall certify the vote on this question with the election returns: *Provided, however*, All fines against aldermen, during their respective terms of service, either under the city charter or ordinances, or rules of the board, shall be deducted, and retained from their pay, if they are paid, and only the balance paid each respectively: *And provided further*, Aldermen serving part of the year shall be paid *pro rata* for the time served, if those serving the full time are paid therefor.

How determined.

Bethel incorpo-
rated.

SEC. 9. *Be it further enacted*, That all buildings and grounds owned by said city of Memphis and used exclusively for public purposes, such as for fire companies and fire engines, city water works, markets, and market houses, and their grounds, and such parts of the navy yard as are not leased to private parties, be, and the same are hereby declared free and exempt from all State and county taxes so long as owned by the city, and so used for public purposes.

Boundaries:

SEC. 10. *Be it further enacted*, That the town of Bethel, in the county of Giles, and the citizens and inhabitants thereof, are hereby incorporated by the name and style of the Mayor and Aldermen of Bethel, and shall have succession for ninety-nine years; and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real and personal property, and sell and dispose of the same at pleasure, for the benefit of said town, and may have and use a town seal.

SEC. 11. *Be it further enacted*, That the territory comprised within the limits of said town or corporation shall be as follows, to wit: Beginning at a point where John A. Smith and C. C. Reagen's spring branch empties into Jenkin's creek; thence north to a point west of the north-east corner of John C. Harmon's lot; thence west passing the said corner with the north boundary of R. R. Meadow's lot, to Samuel Hughes' line; thence south to a stake; thence east to the beginning.

Election of May-

SEC. 12. *Be it further enacted*, That there shall be elected by the qualified voters of said town, seven Aldermen, who shall elect one of their number Mayor; said Mayor and aldermen to hold their office until the first Monday in January next following their election; but after the first election, every subsequent election for aldermen shall be on the first Monday in January of each succeeding year, after giving ten days' public notice of the time and place of holding the same; the said Mayor and aldermen may elect a Constable, Recorder and Treasurer of said town at any regular meeting of the said board, who, before entering upon the duties of their offices shall give bond and security for the faithful discharge of the same in such sum as may be required by said Board of Mayor and Aldermen.

SEC. 13. *Be it further enacted*, That five of said aldermen shall constitute a board for the transaction of business. The Mayor shall have the casting vote on all questions before them; and said Mayor and aldermen shall take an oath before entering upon the duties of their respective

offices before some Justice of the Peace of said county, to faithfully and impartially demean themselves during their continuance in office.

SEC. 14. *Be it further enacted*, That no person shall be eligible to the offices of mayor and aldermen unless he be a citizen of the State of Tennessee and an actual resident in said town.

SEC. 15. *Be it further enacted*, That it shall be the duty of the sheriff of said county to advertise, open and hold the first election for aldermen, giving ten days' notice of the time and place of holding the same; but all subsequent elections for aldermen shall be advertised, opened and held by the existing Board of Mayor and Aldermen, at such time and in such manner as heretofore prescribed. All persons in said town, residents, and paying taxes therein, shall be qualified to vote at said elections. All vacancies in the Board of Aldermen shall be filled by a vote of the majority of the remaining members.

SEC. 16. *Be it further enacted*, That the said mayor and aldermen shall have power, by ordinance, in said corporation— Powers.

First.—To levy and collect taxes upon all property taxable by law for State purposes.

Second.—To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

Third.—To appropriate money and provide for the debts and expenses of the town.

Fourth.—To make regulations for the general health of the town, and to prevent and remove nuisances.

Fifth.—To open, widen, extend, and establish streets, lanes and alleys in said town.

Sixth.—To establish a patrol for the maintenance of order in said town.

Seventh.—To license, tax and regulate auctioneers, grocers, merchants, retailers of liquors, taverns, negro traders, peddlers and confectioners.

Eighth.—To regulate or prohibit and suppress all disorderly houses.

Ninth.—To regulate the police of the town; to impose fines, forfeitures, and penalties for the breach of any ordinances, and to provide for their recovery and appropriation, and to do all things necessary for the suppression of riotous and disorderly conduct, not inconsistent with the laws of the State.

Tenth.—To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbances or disorderly assemblies in any street, house, or place in said town, by day or night.

SEC. 17. *Be it further enacted*, That the constable of said town shall have the same fees as are allowed to other constables of the State for similar services; and it shall be his duty to execute all warrants and other processes growing out of the corporation laws, and issued by the mayor or a Justice of the Peace, either of whom shall have jurisdiction to hear and determine all questions, warrants, suits, complaints or prosecutions growing out of any violations of the by-laws or ordinances of said town.

SEC. 18. It shall be the duty of said Board of Mayor and Aldermen to see that the public streets within the limits of said town be kept in good repair.

SEC. 19. This act may be altered or repealed whenever the Legislature may deem expedient for the public good.

SEC. 20. *Be it further enacted*, That the charter of the Clarksville Gas Light Company be so amended that from and after the passage of this act, each and every stockholder in said company shall be eligible to hold the position of director in said company, without reference to the amount of stock by him owned.

Clarksville Gas
Light Company.

Constable of
Kingston in
Roane county.

SEC. 21. *Be it further enacted*, That the town constable of the corporation of the town of Kingston, in the county of Roane, shall have full power and authority to arrest any person or persons charged with a violation of the by-laws of said corporation anywhere in said county, and bring them before the mayor of said corporation, or before any Justice of the Peace of said county, to answer the penalties imposed by the Board of Mayor and Aldermen of said corporation for the violation of their by-laws.

SEC. 22. *Be it further enacted*, That said constable shall have full power and authority to collect all fines, forfeitures and costs which may have been or may hereafter be imposed upon any person or persons by the Board of Mayor and Aldermen of said corporation, for any violation of the by-laws of said corporation, and shall have the same power and authority in the collection of the same anywhere in the said county of Roane as are now had and enjoyed by any other civil officer for said county.

SEC. 23. *Be it further enacted*, That the act incorporating the town Salisbury, in the county of Hardeman, be so amended as to establish the boundary of said corporation as follows: To begin at a point in the centre of the railroad track one-fourth of a mile west from the west boundary of the depot grounds; thence running north one-fourth of a mile; thence east two-thirds of a mile; thence south one-half of a mile; thence west two-thirds of a mile; thence north one-fourth of a mile to the point of beginning.

Salisbury.

SEC. 24. *Be it further enacted,* That the election for Aldermen for the corporation of the town of Lebanon, Lebanon. shall hereafter be held on the second Saturday in December instead of the first Saturday in January, and the new board shall meet for the purpose of organizing on the Saturday next succeeding the day of election.

SEC. 25. *Be it further enacted,* That the act of 1857-8, to establish a Mayor's Court at Lebanon, be so amended that the Recorder of the corporation shall be invested with the same powers as a court, that are conferred on the Mayor in all cases in which the Mayor is incompetent to act, and in his absence from the town.

SEC. 26. *Be it further enacted,* That the limits of the corporation shall be extended so as to include all the citizens, lots, lands and improvements within the following boundaries, viz: Beginning at the bridge on the Nashville and Lebanon turnpike, one hundred and eighty-two poles west from the centre of the square, running thence north Boundaries. forty-two poles, to a stake; thence east sixty-two poles, to a stake in the old corporation line; thence north with said old line seventy-eight poles, to a stake in the centre of the Lebanon spring branch, near an elm, cedar and persimmon on the bank, marked as pointers; thence north one hundred poles, to a stake; thence east, passing on the north side of Wm. Parish's house, fifty-two poles to the Lebanon and Cumberland river turnpike, and from thence continuing east twenty poles, to a stake; thence south ninety-five poles, to a stake in the fence on the north side of the Campbell Academy lot; thence east one hundred and fifty-two poles, crossing the Big Spring pike, to a stake; thence south, running on the north side of Dr. John Owen's residence, one hundred and twenty-six poles, to the centre of the east street; thence south, crossing the Sparta pike east of Cave Spring, one hundred and twenty poles, to a stake; thence west, passing the old south-east corner at sixty-two poles, and the Lebanon and Murfreesboro' pike at two hundred and seven poles, in all, three hundred and two poles, to a stake, the old south-west corner; thence north ninety-eight poles, to a stake; thence west sixty-two poles, to a stake; thence north twenty-two poles, to the beginning. That all laws, rules and regulations, rights, privileges and duties now in force in said corporation shall extend to and cover the extension as if the same had been originally a part of said corporation.

SEC. 27. *Be it further enacted,* That the act incorporating the town of Greenville be so amended that on the first Saturday in December of each and every year the Sheriff Election of officers of the town of Greenville. of Green county, by himself or deputy, shall open and hold

an election, at the court house in the town of Greenville, after giving ten days' notice, for a Mayor and six Aldermen, (one of said aldermen to reside in each of the wards as heretofore provided,) a Town Constable and a Recorder of said corporation, who shall respectively hold their offices for twelve months, and until their successors shall have been elected and qualified; and the persons receiving the highest number of votes respectively for mayor, aldermen, constable and recorder shall be declared elected; and it shall be the duty of the officers holding said election to make out and deliver to the recorder elect a certificate of their election within three days thereafter, which certificate shall be produced at the first meeting of the board, (which meeting shall be held on the first Saturday after the election,) and a minute thereof made upon the records of the corporation; and if the said sheriff shall fail to hold said election at the time herein mentioned, it shall be his duty to hold it as soon thereafter as may be, after giving the requisite notice, and for his failure to hold the election as prescribed in this section he shall forfeit and pay the sum of fifty dollars to said corporation, to be recovered by action of debt in the name of the Mayor and Aldermen of the town of Greenville; and if there should be no sheriff of said county, or no election held, then the election shall be held as provided in the original charter.

SEC. 28. *Be it further enacted,* That the mayor and aldermen of Greenville shall lay off said town into six convenient wards, and one of the several aldermen hereafter to be elected shall reside in each of the wards so laid off; and the Board of Aldermen may fill all vacancies which may occur in the Board by death, resignation or removal from the ward in which alderman resided when elected; and in the event of a vacancy occurring in the office of mayor, constable or recorder, by death or otherwise, the aldermen shall fill such vacancy until the next regular election for mayor, aldermen, constable and recorder.

SEC. 29. *Be it further enacted,* That the Mayor and Aldermen of the town of Jasper have all the powers and privileges conferred upon the Mayor and Aldermen of the town of Gallatin by sections fourth, eighth, ninth, tenth and eleventh of the act of February 29th, 1856, chapter 163 the terms "Gallatin," "Sumner," and "High Constable," used in said act, to apply with equal force to Jasper, Marion, and the constable of the town of Jasper.

SEC. 30. *Be it further enacted,* That the Mayor of Jasper shall have original and exclusive jurisdiction in hearing and determining all offences arising under the laws and ordinances of the corporation, except as qualified by this

Jasper.

act, and the act this is intended to amend; and shall have concurrent jurisdiction with Justices of the Peace of Marion county in all cases of the violation of the laws of Tennessee within the corporate limits of Jasper.

SEC. 31. *Be it further enacted*, That the constable of the town of Jasper shall have all the powers conferred upon the constable of the town of Unionville by the act of February 22d, 1856, chapter 131, section three.

SEC. 32. *Be it further enacted*, That so much of the act of January 23d, 1852, chapter 258, section 6, incorporating the town of Jasper, as limits the penalty of the constable's and treasurer's bond to two hundred dollars, be, and the same is hereby repealed, and said mayor and aldermen are at liberty to fix the penalty of said bonds at their discretion so as amply to secure said corporation and its inhabitants in the premises.

SEC. 33. *Be it further enacted*, That David Rankin and Wm. S. Griffith be authorized to extend the corporate limits of said town by laying off forty acres in town lots, north of said town, and that said lots shall not be taxed as other town lots until they are laid off and sold.

SEC. 34. *Be it further enacted*, That any free white male citizen of the age of twenty-one years, living within the corporate limits of the town of Centreville, in Hickman county, shall be eligible for mayor or alderman in said corporation. Centreville.

SEC. 35. *Be it further enacted*, That the mayor and aldermen of said town may sell such streets as may not be needed for the public, and appropriate the same to building a bridge across Duck river at Centreville.

SEC. 36. *Be it further enacted*, That the town of Brighton, in the county of Lincoln, and the inhabitants thereof, be, and they are hereby constituted and appointed a body politic and corporate by the name of the Mayor and Aldermen of the town of Brighton, and shall have continued succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal, and all other qualities of property, or may dispose of the same for the benefit of said town or corporation, and may have and use a town seal. Brighton incor-
porated.

SEC. 37. That the corporation of the town of Brighton shall include all lands within half mile of the railroad depot.

SEC. 38. *Be it further enacted*, That this act take effect from and after its passage. W. C. WHITTHORNE,

Speaker of the House of Representatives

B. L. STOVALL,

Speaker of the Senate

Passed, February 20, 1860.