

subscribed, if the same shall have been done on or before the day last aforesaid, or on that day, if a less number but amounting to forty thousand shares or more shall have then been subscribed, the said subscription shall be closed, the subscribers shall thenceforth form a body politic as aforesaid and the declaration thereof shall be made and deposited in the office of the Secretary of State in manner as aforesaid. Subscription for stock received by the said central commission or their agents shall be accompanied with the certificate of some specie paying bank in some of the said States that an amount equal to five dollars on each share subscribed has been deposited therein by the subscriber, to the credit of the said company.

Subscriptions equalized

SEC. 7. In case more than sixty thousand shares shall have been subscribed on closing the books when they are first opened, the shares shall be reduced to that number by deducting the surplus shares from the higher subscribers, placing them on an equality of numbers as far as can be done; and after such reduction, the holders of the remaining shares shall form the company and be interested therein in proportion to the number of shares which they may then respectively hold.

Money returned on failure of full subscription

SEC. 8. If on closing the books on the first day of January in the year of our Lord one thousand eight hundred and thirty-seven, the number of forty thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by one or more of the commissioners endorsing on the receipt given for it; a check on the bank where it has been deposited, which the bank shall be bound to pay only in case the central commission or a majority of them shall have published a declaration that the formation of the company has failed for want of forty thousand shares being subscribed.

Corporate powers

SEC. 9. The said Cincinnati and Charleston Rail Road Company, so formed as aforesaid, shall have perpetual succession of members, may have a common seal, may sue and be sued, plead and be impleaded in any Court of law or equity in the States of Kentucky, Tennessee, North Carolina and South Carolina, and may make all such regulations rules and by-laws as are necessary for the government of the corporation or effecting the object for which it is created; *Provided*, such regulations, rules and by-laws shall not be repugnant to the laws and constitutions of the said States or of the United States.

Directors

SEC. 10. The affairs of the said company shall be managed and directed by a general board to consist of twenty-four directors, of whom three shall be elected from stockholders residing in each of the said States of Ohio, Kentucky, Tennessee, North Carolina and South Carolina, and the remaining nine shall be elected from among all the stockholders without regard to their place of residence.

SEC. 11 The president of the company shall be elected by the directors from among their own members in such manner as the regulations of the corporation shall prescribe. President

SEC. 12. As soon as the number of forty thousand shares shall have been subscribed in manner aforesaid, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet at Knoxville in the State of Tennessee, which they shall cause to be published in one or more newspapers published in each of the States of Ohio, Indiana, Kentucky, Tennessee, North Carolina and South Carolina, at which time and place the stockholders in person or by proxy shall proceed to elect the directors of the company, and to enact all such regulations rules and by-laws as may be necessary for the government of the corporation and the transaction of its business. The persons elected directors at this meeting shall serve for such period not exceeding one year as the stockholders may direct, and at this meeting the stockholders shall fix on the day and place or places where the subsequent elections of directors shall be held, and such elections shall thenceforth be annually made; but if the day of annual election should pass without any election, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such election in such manner as may be prescribed by a by-law of the corporation. Meeting of stockholders

SEC. 13. The board of directors may fill up all vacancies which may occur in it during the period for which their board shall have been elected, and in the absence of the President may fill his place by electing a President *pro tempore*. Vacancies filled

SEC. 14. The general board of directors may establish under them a local board in each of the said States of Kentucky, Tennessee, North Carolina and South Carolina, to be composed of a President and eight members, and may entrust to such local board so much of the business and affairs of the company as by the rules and regulations of the company may be prescribed. Local boards

SEC. 15. All contracts and agreements authenticated by the President and Secretary of the general or of a local board shall be binding on the company without seal, or such other mode of authentication may be used as the company by their by-laws may adopt. Of contracts

SEC. 16. The board of directors shall not exceed in their contracts the amount of the capital of the corporation and of the funds which the company may have borrowed and placed at the disposal of the board, and in case they should do so the President and directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made shall be jointly and severally liable for the excess both to the contrac- Contracts not to exceed capital

tor or contractors and the corporation; *Provided*, that any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded in the minutes of the board and giving notice thereof to the next general meeting of the stockholders.

Power to construct rail road

SEC. 17. That the said company shall have power and may proceed to construct as speedily as their means will permit, a rail road with one or more tracks to be used with steam, animal or any other power which shall pass through the States of Kentucky, Tennessee, North Carolina and South Carolina, so as to form a continuous line of rail road between the cities of Cincinnati and Charleston, the line of which road shall be established by the general board of directors subject to the control of the stockholders at a general meeting. The said company may use any section of the said rail road before the whole shall be completed, subject to the rates hereinafter mentioned.

Branches

SEC. 18: That said company may construct branches of their road; *Provided*, such branches shall not conflict with any chartered rights existing at the time of their construction, and *Provided*, they shall be attended with no exclusive privileges except the exclusive right of transportation of goods, wares, merchandise, produce and persons thereon, subject to the rates hereinafter mentioned.

Charges of transportation

SEC. 19. That the said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandise and produce over the said rail road by them to be constructed; *Provided*, the charge of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles and ten cents per cubic foot on articles of measurement for every hundred miles and five cents a mile for every passenger, and *Provided* also, that the said company may when they see fit, farm out their right of transportation on the said road subject to the rates above mentioned.

Liability as common carriers

SEC. 20. The said company and every person who may have received from them the right of transportation of goods, wares and produce on the said road shall be deemed and taken to be a common carrier as respects all goods, wares, merchandise and produce entrusted to them for transportation.

Instalments.

SEC. 21. The general board of directors may call for the payment of ninety-five dollars on each share of the stock, in sums not exceeding five dollars in every sixty days, except that after eighty dollars have been paid on each share, the remaining twenty dollars may be called for in two instalments which shall be at least sixty days apart, or the payment may be called for in smaller sums and at more distant periods. The call for such instalment shall be advertised in one or more newspapers in Cincinnati, Louisville,

Lexington, Frankfort, Knoxville, Ashville, Columbia and Charleston, where newspapers shall be published, and such other places as may be directed by the rules of the company, at least one month before the time the same is to be paid, and failure to pay or secure to be paid, according to the rules of the company any of the instalments so called for as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon, and the same shall rest in and belong to the company, and may be appropriated as they shall see fit.

SEC. 22. The stock of the said company may be transferred in such manner and form as may be directed by the by-laws of the company.

SEC. 23. The said company may at any time increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company on the mortgage of its charter and works, and the manner in which the same shall be done in either case shall be prescribed by the stockholders at a general meeting.

SEC. 24. It shall be lawful for the said company from time to time to vest so much or such parts of their capital, or of their profits as may not be required for immediate use, until it may be so required, in the public stocks of the States of Ohio, Indiana, Kentucky, Tennessee, North Carolina or South Carolina, or of any incorporated Bank in the said States; *Provided*, the sum so invested shall at no one time exceed one million of dollars.

SEC. 25. The board of directors shall once in every year at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener if directed by a by-law, and shall have the power to call a general meeting of the stockholders when the board may deem it expedient, and the company may provide in their by-laws for additional meetings being called, and prescribe the mode thereof, and the company may provide by a by-law, for the votes of stockholders being taken at more than one place, as also for taking their votes on any question relative to the repeal, alteration or amendment of, or addition to any of the rules, regulations or by-laws of the company, proposed by the general board of directors.

SEC. 26. No person but a citizen of the United States, and being bona fide stockholder in his own right of at least fifty shares, which he shall have held at least three months previous to his election, (except at the first election,) shall be a president or a director of the said general board, nor shall any stockholder vote in person or by proxy at any

general or other election, (except the first,) who shall not have held in his own right, the share on which he offers to vote, at least three months previous to such election.

SEC. 27. The stockholders may provide by a by-law as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at any regular or occasional meeting of stockholders or directors.

SEC. 28. No member of the general or local boards or officer or agent of the company, shall be directly or indirectly interested in any contract for work, nor shall any director vote on the passage of any bill for materials in which he is directly or indirectly concerned, nor shall any director, officer or agent, be interested directly or indirectly in the purchase of any lands, buildings or other property, immediately on the line of said road or any branch thereof, without first having offered to the board of directors in writing, the right of pre-emption, to all or any part of such lands, buildings or other property, which the said board may think proper to purchase for the use of the company, and every director, officer or agent, violating this provision, may be removed from the board, his office or employment, by vote of the directors, and every purchase made in violation of this rule shall enure to the benefit of the company, if the board of directors choose to avail themselves thereof.

SEC. 29. Any stockholder in the company may vote by proxy, who must be a resident citizen of the United States, and before he votes, he may be required by any stockholder, to swear that to his belief the stock bona fide belongs to the person whom he represents. Before any stockholder votes in his own right, or for an estate, he may be required by any stockholder to swear that he is the bona fide owner of the said stock, in his own right, or as the legal representative of the testator or intestate whom he represents, and that no other person but himself or the estate, is directly or indirectly interested therein to his belief. Any state holding stock, may vote by such person or persons as the Legislature or Governor thereof may appoint or as may be appointed in any other way, pursuant to the laws of the State made for that purpose.

SEC. 30. That in the election of directors and in voting on all questions which may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale; the owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares shall be entitled to two votes; the owner of not less than five nor more than six shares shall be entitled to three votes; the owner of not less than seven nor more than eight shares to

four votes; the owner of not less than nine nor more than eleven shares to five votes; the owner of not less than twelve nor more than fifteen shares to six votes; the owner of not less than sixteen nor more than twenty-six shares to eight votes; the owner of not less than twenty-seven shares nor more than thirty-three shares to nine votes; the owner of not less than thirty-four shares nor more than forty shares to ten votes; and the owner of every ten votes above forty shall be entitled therefor to one vote: *Provided*, that no individual, corporation nor State, holding stock in said company, shall be entitled to more than five hundred votes, and one vote for every fifty shares over five thousand shares; any person being a subscriber or stockholder who may offer to vote as a proxy, may be required by any subscriber or stockholder to swear that he has no interest directly or indirectly in the stock on which he so offers to vote as proxy; a trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que* trust holds other shares, either in his own name or in the name of any other trustee; but the *cestui que* trust may vote on all shares owned by him whether legally or equitably according to the scale aforesaid.

SEC. 31. The said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for the said road, or for the erection of depositories, store houses, houses for officers, servants or agents of the company, or for workshops or founderies to be used for the said company, or for procuring timber, stone or other materials necessary to the construction of the road or for effecting transportation thereon, and for no other purpose whatever.

SEC. 32. That the said company shall have the right when necessary to conduct the said rail road, across or along any public road or water course; *Provided*, that the said road and the navigation of such water course shall not be thereby obstructed.

SEC. 33. The said company may purchase, have and hold, any bridge or turnpike over which it may be necessary to carry said road, and when such purchase is made, to hold the said bridge or turnpike road on the same terms, and with all the rights, which belong to the individual, individuals or corporation from which such purchase may be made; *Provided*, that the said company shall not obstruct any public road without constructing another as convenient as may be.

SEC. 34. That where any lands or right of way may be required by the said company, for the purpose of constructing their road, and for want of agreement as to the value thereof or from any other cause, the same cannot be purchased from the owner or owners, the same may be ta-

ken at a valuation to be made by five commissioners or a majority of them, to be appointed by any court of record having common law jurisdiction, in the county or district where some part of the land or right of way is situated, and the said commissioners before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duties assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken or the right of way surrendered, and also the benefit or advantage he, she or they may receive from the erection or establishment of the rail road or works, and shall state particularly the nature and amount of each; and the excess of loss and damage over and above the benefit and advantage shall form the measure of valuation, of the said land or right of way. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain of record; in case either party to the proceedings shall appeal from the said valuation to the next session of the court, granting the commission, and giving reasonable notice to the opposite party of such appeal, the court upon satisfactory proof that the appellant has been injured by the said valuation, shall order a new valuation to be made by a jury who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, and the lands or right of way so valued by the commissioners shall vest in the said company in fee simple, so soon as the valuation may be paid, or when tendered, may be refused. Where there shall be an appeal as aforesaid, from the valuation of commissioners by either of the parties, the same shall not prevent the works intended to be constructed from proceeding: but where the appeal is made by the company requiring the surrender, they shall be at liberty to proceed in their work, only on condition of giving to the opposite party a bond with good security to be approved of by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of the said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court.

SEC. 35. In the absence of any contract or contracts with the said company, in relation to lands through which the said road may pass, signed by the owner thereof, or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presum-

Possession of
lands to confer
right

ed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner or owners thereof; and the said company shall have good right and title thereto, and shall have, hold and enjoy the same, so long as the same may be used only for the purposes of the said road and no longer; unless the person or persons owning the said land, at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said land as herein before directed, within five years next after that part of said road was finished, and in case the said owner or owners or those claiming under him, her or them, shall not apply for such assessment, within five years next after the said part was finished, he, she or they, shall be forever barred from recovering said land, or having any assessment or compensation therefor; *Provided*, nothing herein contained shall affect the right of *feme covert*s or infants, until two years after the removal of their respective disabilities.

SEC. 36. All lands not heretofore granted to any person nor appropriated by law to the use of the state, within one hundred feet of the centre of the said (road,) which may be constructed by the said company, shall vest in the company so soon as the line of the road is definitely laid out through it; any grant thereafter shall be void.

Varant lands
on line of road

SEC. 37. That if any person or persons shall intrude upon the said rail road or part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission or contrary to the will of the said company, he, she or they shall forthwith forfeit to the said company, all the vehicles that may be so intruded on the said road, and the same may be seized by the company or its agents, or recovered by suit at law, and the person or persons so intruding, may be also indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Intruders

SEC. 38. If any person shall willfully and maliciously destroy, or in any manner hurt, damage or obstruct, or shall willfully and maliciously cause, or aid, or assist, or counsel and advise, any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said rail road, or any bridge or vehicle used for, or in the transportation thereon, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of the court; *Provided*, that no individual shall be fined higher than fifty dollars under the provisions of this act, unless the said fine

Not to be ob-
structed

shall be assessed by a jury, before which such conviction shall take place, and shall be further liable to pay all expense of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was the owner, or agent or servant of the owner of the land, where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

SEC. 39. Every obstruction to the safe and free passage of vehicles on the said road, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the company; and the person causing such obstruction, may be indicted and punished for erecting a public nuisance.

SEC. 40. That the said company shall have right to take at the store houses they may establish on, or annex to their rail road, all goods, wares, merchandize and produce, intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage, as they by rules may establish, which they shall cause to be published, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation; *Provided*, storage shall not be charged on goods, wares, merchandize or produce, ordered for immediate transportation, and which it may be in the power of the company to transport immediately.

SEC. 41. The profits of the company or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

SEC. 42. That the capital stock of said company shall be forever exempt from taxation; and all their other property of every kind and description situated within this State, including the road and rails, shall be exempt from taxation, for and during the period of twenty years from the passage of this act but no longer: *Provided*, the property of said company shall never be taxed, at a higher rate than the property belonging to other individuals or corporations within this State.

SEC. 43. That the following officers and persons in the actual service of the said company, be and are hereby exempted from the performance of jury and ordinary militia duty, viz: the presidents of the general and local boards, the chief and assistant engineers, the secretaries, auditors and accomptants of the boards, keepers of the depositories, guards stationed on the road to protect it from injury, (not exceeding one man to every five miles,) and such persons as may be working the locomotive engines, and travelling

with cars, for the purpose of attending to the transportation of goods or passengers on the road, not exceeding one engineer and his assistant to each locomotive engine, and one person to each passenger car, and every five cars for transporting goods.

SEC. 44. The said company is hereby expressly prohibited from carrying on any banking operations, and from effecting any insurance on lives, or property, or goods, transported on the said rail road, or in the company's custody for or in consequence of such transportation.

SEC. 45. And the said company shall be entitled only to such powers and privileges, as shall be granted to it by all the Legislatures incorporating it, and the powers necessary and proper to give them effect; and shall be subject to all the restrictions and disabilities which may be imposed on it, by any of the said Legislatures, by the act of incorporation; so that all its powers, privileges and disabilities may be similar in the States of Kentucky, Tennessee, North Carolina and South Carolina.

SEC. 46. That nothing contained in this act, shall be construed to prevent the State from subscribing for ten thousand shares of the capital stock of the said company, and paying for the same, and the instalments which may be required thereon in bonds of the State, bearing a semi-annual interest at the rate of five and one quarter per cent per annum, payable at the expiration of twenty five years from the date thereof, to the said company or its assigns.

SEC. 47. This act shall be inoperative and void, unless acts for a similar purpose are enacted by the Legislatures of the States of South Carolina, North Carolina and Kentucky.

SEC. 48. That nothing in this act contained, shall be so construed as to confer on the said company, any exclusive privilege or monopoly so as to prevent this State or its citizens under its authority, from making at any time hereafter any similar public work, or intersecting or connecting with the road herein authorized, any branch or lateral rail road or public work of internal improvement, which they may deem proper; *Provided*, the same is done in such manner as not to injure the road or works hereby authorized: but full right is reserved to this State, or any individual or company it may authorize to that effect, to connect with said road, any branch or lateral rail road or other public work of internal improvement, in the manner above specified, extending to any part of this State.

SEC. 49. This act shall be regarded as a public Act, and may be given in evidence as such in all cases without special pleading.

SEC. 50. That whenever in the construction of said road, it shall be necessary to cross or intersect any estab-

Banking and insurance prohibited

Powers and privileges by charters from the other states

Of state subscription

Act void without concurrence of other states

Right of branches reserved

Act to be received in evidence

Cross ways provided for

lished road or way, it shall be the duty of the president and directors of said company to construct said road across such established road or way, as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways across said road or roads, from one part of his land to the other.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed January 21, 1836.

CHAPTER II.

An Act to incorporate the Tennessee and Coosa Rail Road Company.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That the following persons, to-wit: Samuel Rhea, Jesse Owen and Thomas White of Sullivan county, Elijah Embree, Wm. R. Blair and Daniel Kenny of Washington county, Wm. Gott, Robert W. Powel and James C. Simpson of Carter county, Absalom Kyle, Dicks Alexander and James Bradley of Hawkins county, Daniel Kennedy, James W. Wyly and Mordecai Lincoln of Green county, Benjamin Sewel, Peter Marcum and Wm. Houston of Claiborne county, Robert Massengale, Wm. E. Cocke and Benjamin Craighead of Granger county, Joseph Hart, Anthony N. Montgomery and Wm. Richardson of Campbell county, John McAdoo, Charles Y. Oliver and John Whitson of Anderson county, Wm. C. Roadman, John Stewart and Wm. D. Rankin of Cocke county, John Brabson, Alexander Preston and Micajah C. Rogers of Sevier county, John Fain, Shadrach Inman and Caswel Lea of Jefferson county, James Wilson, Joseph J. Walker and Wm. A. Spencer of Blount county, James King, Pleasant Crew and Drewry P. Armstrong of Knox county, Wm. McEwen, Wm. Clarke and Thomas Brown of Roane county, Samuel Edington, Silas Perry and John McCroskey of Monroe county, Randolph Carter, Wm. Lowry and Tidance Lane of McMinn county, Thomas McCally, Richard Waterhouse and Robert N Gillespie of Rhea county, Isaac Stephens, Scott Terry and Adam Lamb of Bledsoe county, Asahel Rawlings, James Smith and Wm. Smith of Hamilton county, David Oats, John Mitchell and Burgess Matthews of Marion county, Wm. Lynn, Perry Rogan and Robert Patton of Powel county, John

McAllen, Brinkly Hornsly and James Cowan of Meigs county, Thomas J. Lea, Jacob Reagan and John McCuing of Morgan county, be and are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Tennessee and Coosa Rail Road Company hereby incorporated, which commissioners, together with such other persons as may hereafter become associated with them, their successors and assigns shall constitute a body corporate, and they are hereby incorporated under the name of the Tennessee and Coosa Rail Road Company, and in that name they shall have perpetual succession, may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights, privileges and immunities of a corporation or body politic in law or equity, with power to make such by-laws or rules and regulations, not inconsistent with the laws and constitution of this State or the United States, as shall be necessary to the well ordering and conducting the affairs of the said company, and may by their laws declare vacant the place of any director for non-attendance and neglect of duty, except those representing different States, and that until the organization of the board of directors, the commissioners appointed by this act shall possess similar powers, and the said company shall be capable in law of purchasing, accepting, holding, selling, leasing and conveying estates, real, personal and mixed, to the end and for the purpose of facilitating the intercourse and transportation between the rivers of Tennessee and Coosa, by means of a rail road but for no other end or purpose whatsoever.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be five hundred thousand dollars in shares of one hundred dollars each, fifteen hundred shares of which shall be reserved for subscription for the State of Tennessee and fifteen hundred shares for the subscription of the State of Georgia, for the space of six months from and after the time the State of Georgia may pass an act to authorize the making of the part of the said road that will run through the territory of said State, and the remaining two thousand shares may be subscribed for by individuals or other corporations.

SEC. 3. *Be it further enacted,* That the above named commissioners or a majority of them, as soon as the State of Georgia shall have passed an act granting the same rights and privileges to the company hereby incorporated for the passage of said rail road through the territory of said State as are hereby granted within the territory of Tennessee, or such rights and privileges as shall in the opinion of the aforesaid commissioners be equivalent thereto or acceptable by them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving

Company established

Capital stock

Books to be opened

subscriptions to the capital stock of said company, after having given at least sixty days notice in four of the principal newspapers printed in the State of Tennessee, of the time and places of opening the same, and that upon the first opening of said books they shall be kept open for at least ten successive days from 10 o'clock A. M. to 2 o'clock P. M., and if any of said commissioners shall resign, die, or refuse to act during the continuance of the duties devolved on him by this act, another may be appointed in his stead by the remaining commissioners or a majority of them.

SEC. 4. Be it enacted, That if the shares of the capital stock herein before reserved for the States of Tennessee or Georgia, or any part of them shall not be subscribed for by the States respectively during the time the said stock is reserved for them, the president and directors of said company or a majority of them shall have power after giving the same notice prescribed by the third section of this act, to open books and receive subscriptions to any of the capital stock of said company which may thus remain unsubscribed for, or to sell or dispose of such unsubscribed stock for the benefit of the company for any sum not under its par value, and the purchasers or subscribers of said stock shall have all the rights, powers and privileges of original subscribers, and shall be subject to the same regulations.

SEC. 5. Be it further enacted, That if more than two thousand shares be subscribed to the capital stock of said company not reserved to the States herein before mentioned, the said commissioners or a majority of them or the directors or a majority of them, shall reduce the subscription to two thousand shares by striking off from the largest number of shares in any one subscription in succession until the whole subscriptions are reduced to two thousand shares.

SEC. 6. Be it enacted, That upon every such subscription, there shall be paid at the time of subscribing, to the commissioners or their agents appointed to receive said subscriptions, the sum of five dollars on every share subscribed, and the residue thereof shall be paid in such instalments and at such time as may be required by the president and directors of said company; *Provided,* that not more than one third of the subscriptions of the two thousand shares shall be demanded in any one year from the commencement of the work, nor any payment be demanded until at least sixty days public notice of such demand shall have been given by the president and directors, in four of the principal newspapers published in this State, and if any subscriber shall fail or neglect to pay any instalment or part of said subscription thus demanded, for the space of sixty days next after the period the same shall be due and payable as aforesaid, the stock on which it is demanded shall be forfeited to the company and may be sold by the president and directors for the benefit of the company.

SEC. 7. Be it enacted, That at the expiration of ten days for which the books are first opened, if two thousand shares of said capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, the said commissioners herein before named or a majority of them, shall form and constitute a board of directors to manage the affairs of said company, which said directors shall remain in office for the space of one year and until the arrival of the period for the annual election by the stockholders, and the new board be duly elected, and said directors or a majority of them shall have power to elect a president of said company, who shall be at the time of his election a citizen of the United States, either among the directors or other of the stockholders, and of allowing him such compensation for his services as they may deem proper, and that in all elections wherein a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share held by it, him or her, and any stockholder may depute any one person to vote for and act for it, him or her, as proxy.

SEC. 8. Be it further enacted, That to continue the succession of the president and directors of said company, five directors, all of whom shall be citizens of the United States at the time of their election, shall be chosen annually on the third Monday of January in every year at the town of Dallas in Hamilton county, Tennessee, by the stockholders of said company, and that the Governors of the States of Tennessee and Georgia may each appoint one additional director of said company for every five hundred shares of stock of said company by them respectively owned at the time of said election; but shall not be permitted to vote upon their stock in the election of directors by the stockholders in general meeting; and that the directors of said company or a majority of them shall have power to appoint judges of all elections and to elect a president from amongst the directors or other stockholders, and to allow him such compensation for his services as they may deem proper; and if any vacancy should occur by death, resignation or refusal to act or other cause, of any president or director before the year for which he was elected has expired, the persons to fill such vacancy for the residue of the year may be appointed by the president and directors of said company or a majority of them, and that the president and directors of the company shall hold and exercise their offices until the new elections, and that all elections which are by this act or by the by-laws of said company to be made on a particular day or at a particular time, if not made on such day or at such time, may be made at any other time.

SEC. 9. Be it further enacted, That a general meeting of the stockholders of said company shall be held annually

at the time and place appointed for the election of the president and directors of said company; that they may be called at any time during the interval between said annual meetings by the president and directors of said company or a majority of them, or by the stockholders owning at least one fourth of the whole stock subscribed, upon giving thirty days notice of the time and place of holding the same in four of the principal newspapers published in the State of Tennessee; and when any such called meetings are called by the stockholders, such notice shall specify the particular object of the call, and if (at) any such called meetings a majority in value of the stockholders of said company are not present in person or by proxy, such meetings shall be adjourned from day to day without transacting any business for any time not exceeding three days; and if stockholders having a majority in value of the stock subscribed do not then attend, such meeting shall be dissolved.

SEC. 10. *Be it further enacted,* That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company under such penalties as may hereafter be provided by law; and at any called meetings of the stockholders, a majority of those present may require similar statement from the president and directors, whose duty it shall be to furnish them when thus required, and at all regular meetings of the stockholders. A majority in value of all the stockholders in said company may remove from office any president or any of the directors of said company, and may appoint others in their stead.

SEC. 11. *Be it further enacted,* That the said president and directors or a majority of them may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they or a majority of them shall have power to determine by contract the compensation of all the engineers, officers, agents or servants in the employ of said company, and to determine by their by-laws the manner of adjusting and settling all accounts against the company, and also the manner and evidence of transfers of stock in said company.

SEC. 12. *Be it enacted,* That if the capital stock of said company shall be deemed insufficient for this work, it shall and may be lawful for the president and directors of said company or a majority of them, by and with the consent of a majority in value of the stockholders, first had from time to time, to increase the said capital by the addition of as many shares as they may deem necessary; *Provided,* that the whole number of shares shall never exceed

ten thousand, for which they may cause subscriptions to be received in the manner prescribed by the third section of this act for receiving subscriptions to the capital stock, or may sell the same for the benefit of the company, for any sum not under their par value; and the said president and directors or a majority of them shall have power to borrow money for the objects of this act, to issue certificates or other evidence of such loans and to pledge the property of the company for the payment of the same and its interest; *provided,* such company shall never exercise banking privileges.

SEC. 13. *Be it enacted,* That the president and directors of said company shall be and hereby are invested with all rights and powers necessary for the construction, repair and maintenance of a rail road from any part of the Tennessee river between the mouth of the Hiwassee and the Look out mountain in this State, to any point on the Coosa or Oostanally in the State of Georgia, which road to be located by said company within two years from the first day of March, if the assent of the State of Georgia through which it is necessary the said road shall pass, can be had and shall be obtained; the said road not to exceed one hundred feet in width, with as many set of tracks as the said president and directors may deem necessary; *Providing,* that in passing hills and valleys the said company are authorized to extend said width in order to effect said object, and the said president and directors or a majority of them may cause to be made or contract with others for making said rail road or any part thereof, and they, their agents or those with whom they may contract for making any part of the same, or their agents, may enter upon and use and excavate any land which may be wanted for the purpose of said road, as well as in the erection of ware houses or other works necessary for said road, or for any other purpose necessary and useful in the construction, repair or maintenance of said road or its works, and that they may build bridges, viaducts, and may lay rails, take and use any earth, timber, gravel, stone or other materials, being in their natural state or condition, that may be wanted for the construction, repair and maintenance of any part of said road or any of its works, and may make and construct all works whatsoever which may be necessary or expedient for the proper completion of said road and its successful operation; *provided,* however, if the said road should cross any navigable stream or water course, the said road shall be so constructed and arranged as not to obstruct the free navigation thereof; *provided,* that if said road shall not be commenced from the time this charter shall be concurred in by the State of Georgia, and shall not be finished within eight years therefrom, then this act shall be null and void; and *provided* also, that

if this charter shall not be concurred in by the State of Georgia within one year from and after the first day of June 1836, this charter shall be null and void.

On compensation for land and materials

SEC. 14. *Be it enacted*, That the president and directors of said company or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, stone, gravel or other materials or any improvements that may be wanting for the construction, repair or maintenance of any such road or any of its works for the purchase or occupation of the same, and if they cannot agree, or if the owner or owners of any such land be under legal disability to contract, or be absent or unknown when such land or other materials shall be wanted, the same may be entered on by the company and be estimated by the commissioners hereinafter mentioned, and provided for, and the said commissioners in estimating such damage shall take into the estimate the benefit resulting to the said owner or owners for conducting such rail road through, along or near the property of said owner or owners, but only in extinguishment of the claim for damages; said commissioners or a majority of them shall reduce their inquisition to writing and sign the same, and shall deposite the same with the clerk of the Circuit Court of the county in which the property may be situated, and such inquisition shall describe the property taken on the bounds of the land condemned, and such valuation when paid or tendered to the owner or owners of said property, or his, her or their legal representatives, or deposited with the said court for their use, shall entitle the said company to the estate and interest in the same thus valued as fully as if it had been conveyed by the owner or owners of the same; with a view to carry this act into full effect, the Governor, within twenty days after he is notified by the commissioners that a sufficiency of stock is subscribed to begin said road, shall nominate and appoint three commissioners who shall be disinterested free holders, at least two of whom shall be living in the county through which the larger part of said rail road shall pass, which commissioners or a majority of them, shall assess all such damages as may arise in the progress of the work; that said commissioners shall make all their valuations under oath; that whenever applied to either by the company or by any other person who may be interested, it shall be their duty to repair to the place or places necessary to review the land or materials to be valued, and proceed forthwith to assess the damages according to the provisions of this act; said commissioners shall be entitled to receive from said company three dollars each for each and every day they may be necessarily employed in their duties; *provided*, also, the said company shall not be compelled to arrest the progress of their work on account of any

delays in making the valuation aforesaid; that the said valuation or valuations made under this act after the return is made to the clerk's office as aforesaid, on application of any party interested, if regularly made, may be confirmed by said court, and such assessment shall be final and conclusive on all parties and persons whatsoever, married women and minors, unless an appeal be taken to the property tribunal within twenty days after said assessment and valuation shall be approved and confirmed by the court; and *provided* also, that should either of the commissioners appointed by this act die, refuse to act or resign before their duties shall have been completed under this act, that their places shall be filled by the Governor in the manner above pointed out.

SEC. 15. *Be it enacted*, That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company so to construct said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways across said road or roads from one part of his land to the other; that said company shall have power to place on any rail way constructed under this act, all machines, locomotives, vehicles, cars or carriages, of any description whatsoever, which they may deem necessary or proper for the purposes of transportation on said road, of goods, produce, merchandise, or other property and passengers, at such rate as the company may think proper to fix: *Provided, however*, that the rates shall be so fixed as not to allow annual dividends upon the nett profits of more than an average of twenty-five per cent per annum upon the amount paid in from the time the same is thus paid in; and the said road with all their works, improvements and profits, and all the machinery of transportation, are hereby vested in the said company incorporated by this act and their successors forever; the capital stock of said company shall be exempt from taxation, but their other property of every kind and description situated within this State, including the road and rails, shall be subject to taxation after the nett profits of said road, after paying expences, amounts to six per cent per annum upon the amount of all the money paid in.

SEC. 16. *Be it enacted*, That the board of directors shall annually or semi-annually declare and make such dividends as they may deem proper of the nett profits arising from the receipts of said company, after deducting necessary current and probable contingent expenses thereof.

SEC. 17. *Be it enacted*, That if any person or persons shall willfully, by any means whatever, injure or destroy

any part of said rail road, or attempt so to do, constructed by said company under this act, or any of their works, carriages, vehicles or machines, such person or persons so offending, shall each of them for every such offence be liable for all damages occasioned thereby, and may furthermore be proceeded against by indictment, on information, at any time within six months after such offence be committed, and be punished by fine not exceeding five hundred dollars, to be assessed by a jury, or imprisoned not exceeding twelve months, at the discretion of the court.

May accept
powers from
Georgia

SEC. 18. *Be it enacted*, That the board of directors of said company are hereby empowered to accept from the State of Georgia, such powers and privileges as may be offered to said company for the continuance and completion of said rail road from the boundary of this State onward to its point of destination.

State subscrip-
tion

SEC. 19. *Be it enacted*, That in case the State of Tennessee or Georgia should subscribe for the fifteen hundred shares of said company mentioned in the second (section) of this act, it shall be lawful for said State, instead of paying cash (for) the seven thousand five hundred dollars payable on subscribing to said stock, to give its bonds for the aforesaid sum, payable at twenty-five years from date, and bearing interest at the rate of five per cent per annum; that said interest shall be paid semi-annually at the office of the State Treasurer on presentation of the dividend warrants, and that for the balance due on said shares, the bonds of the State may be given in the manner above specified, from the day on which the payment shall be called for by the president and directors of said company as provided for in the sixth section of the present act.

Branches

SEC. 20. *Be it enacted*, That full right and privilege is hereby reserved to the citizens of this State, or any company hereafter to be incorporated under the authority of this State, to construct a road across or to connect with the road hereby provided for, any other rail road or public improvement: *Provided*, no injury shall be done to the works made and erected by said company hereby incorporated.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Passed February 19, 1836.

CHAPTER III.

An Act to incorporate the Hiwassee Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Park, Solomon D. Jacobs, Ebenezer Alexander, Wm. B. A. Ramsay, Drury P. Armstrong of Knoxville; Henry Liggett, Wm. S. M'EWen, — Hamilton, Joseph Bird of Kingston; Fidelio S. Hunt, Hugh Graham, Jas. Dickinson, Joseph Jones, Wm. Houston of Tazewell; Nicholas Fain, Willie B. Mitchell and Clinton Armstrong of Rogersville; William Dickson, George Jones and Valentine Sevier of Greenville; John Blair, Seth J. W. Lucky and John G. Eason of Jonesboro; Robert H. Hynds, John Roper, William Moore and Joseph Hamilton, Jr. of Dandridge; Micajah C. Rogers, James P. H. Porter, John Cannon of Sevierville; William Wallace, John Sample, J. H. Gillespie, Wm. A. Spencer of Maryville; James A. Coffin, James Greenway, Samuel Bicknell, William M. Stakey and Guilford Cannon of Madisonville; Matthew Nelson, Jacob Pearson, Robert Cleaveland, Hugh Smith and William Montgomery of Philadelphia; Solomon S. Bogart, Onslow G. Murrell, John W. M. Brazeale, John Crawford and Thomas Crutchfield of Athens; John L. M'Carty, Archibald K. Turk, Ezekiel Bates of Calhoun; John White, Hamilton Bradford, Henry Bradford of Columbus; John Locke, Richard Waterhouse, Thomas M'Cally, Robert N. Gillespie of Washington; Samuel L. Story, John Bridgeman and Samuel Robertson of Pikeville; John Kelly, James Francis and William Rice of Jasper; Madison Rawlings, Wm. S. Smith and Samuel Igone of Dallas; William Grant, William M'Millin and Henry Price of Bradley county, be, and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Hiwassee Rail Road Company hereby incorporated; which commissioners, together with such other persons as now are or may hereafter become associated with them, their successors and assigns, shall constitute a body corporate, and they are hereby incorporated under the name aforesaid, and in that name they shall have perpetual succession, may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights, privileges and immunities, with power to make such by-laws, ordinances, rules and regulations not inconsistent with the laws of this State and the United States, as shall be necessary to the well ordering and conducting the affairs of said company, and may, by their by-laws, declare vacant the place of any director for non-attendance or neglect of duty; and the said com-

Commissioners
appointed

pany shall be capable, in law, of purchasing, accepting, selling, leasing and conveying estates, real, personal and mixed, to the end and for the purpose of facilitating the intercourse and transportation from Knoxville, East Tennessee, through the Hiwassee district, to a point on the southern boundary of Tennessee, to be designated by the commissioners hereinafter mentioned as the most practicable route to intersect the contemplated rail road from Augusta to Memphis.

Capital stock SEC. 2. *Be it enacted*, That the capital stock of said company shall be six hundred thousand dollars, in shares of one hundred each, which shares may be subscribed for by corporations or individuals; but so soon as four thousand shares are subscribed, the subscription shall be binding, and the corporate powers of said company, as herein granted, shall commence and have as full operation as if the whole of the shares composing the capital stock were subscribed.

Amount of subscriptions may be reduced SEC. 3. *Be it enacted*, That if more than six thousand shares shall be subscribed to the capital stock, the commissioners, or a majority of them, shall reduce the subscription to six thousand shares by striking off from the highest subscription in succession in such manner that no subscription shall be reduced while one remains larger, estimating by shares instead of dollars, and if there shall be an excess, then lots shall be drawn by the commissioners to determine who are excluded.

Of payment on subscription SEC. 4. *Be it enacted*, That there shall be paid on each share subscribed, but not until four thousand shares shall have been subscribed, such sum as the president and directors hereinafter named, or a majority of them, may direct, and in such instalments not exceeding one fourth of the subscriptions in any one year: *Provided*, no payment shall be demanded until at least thirty days notice shall have been given by the said president and directors in the newspapers printed in the towns of Knoxville and Athens, of the time and place of payment; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription thus demanded, for thirty days next after the time it fell due, the stock on which it was demanded, together with the amount paid in, may, by the president and directors or a majority of them, be declared forfeited, and after due notice, shall be sold at auction for the benefit of the company, or they may waive the forfeiture after thirty days default and sue the stockholders for the instalments due, at their discretion.

Expenses provided for SEC. 5. *Be it enacted*, That if the subscription of four thousand shares herein made necessary for the incorporation of said company, shall not be obtained by the first day of January, 1838, the same, and all subscriptions under it, shall be null and void upon the stockholders paying to the

commissioners a sum not exceeding one dollar on each share, to defray the expenses of opening the books.

SEC. 6. *Be it enacted*, That on the 4th day of July, 1836, the said commissioners shall cause books for the subscription of stock to be opened in the towns of Knoxville, Tazewell, Rogersville, Jonesboro, Greeneville, Dandridge, Sevierville, Maryville, Madisonville, Columbus, Philadelphia, Athens, Calhoun, Washington, Dallas, Jasper, Pikeville and Kingston, and at such other places as they may deem advisable, which shall continue open for the space of ten days, or until four thousand shares of the capital stock shall have been subscribed; and as soon as it is ascertained that four thousand shares are subscribed, the said commissioners, or a majority of them, shall give notice by advertisement in the newspapers aforementioned, at least thirty days previous, of the time and place, that an election will be held for the election of nine directors to manage the affairs of said company; and at such time and place, each stockholder may attend in person or vote by proxy for the directors aforesaid, giving one vote for each share of which he may be the owner in that and all succeeding elections; and the directors thus elected shall elect one of their body president of the board, who shall, together with the other directors, continue in office until the first Monday of January ensuing and until their successors are elected and duly qualified: any three of the commissioners may act as judges of the first election, and none but a stockholder shall be eligible as a president or director.

SEC. 7. *Be it enacted*, That to continue the succession of president and directors of said company, nine directors shall be chosen annually on the first Monday in January, at such place as the board may designate by the stockholders; and the directors shall have power to appoint judges of elections. The president of the board shall be elected within three days after the board is organized. If any vacancy shall occur by death, resignation or otherwise, the vacancy shall be filled by the board, and the persons thus appointed shall hold their office until the next annual election. All elections required to be made at a particular time and place, if not then and there made, may be made at any other time or place by giving the usual notice of thirty days, and the old officers shall continue to exercise their functions until their successors are duly elected and qualified.

SEC. 8. *Be it enacted*, That a general meeting of the stockholders shall be held annually at the time and place appointed for the election of president and directors, at which time and place it shall be the duty of the president and directors in office to exhibit a clear and detailed state-

ment of the affairs of the company, and at such meetings a majority of the whole votes upon the stock shall be required to remove an officer, or to reverse decrees or acts of the directory.

SEC. 9. *Be it enacted,* That every officer of said company shall, previous to entering upon the duties of his office, take an oath or affirmation faithfully to discharge his duty according to the provisions of this act.

SEC. 10. *Be it enacted,* That if any of the six thousand shares shall remain unsubscribed for after the organization of said company, the board of directors shall have power to open the books for the sale of the balance of the stock, upon giving thirty days notice of the time and place, and the subscribers of such stock shall have all the rights and privileges, and be subject to the same regulations of the original share holders.

SEC. 11. *Be it enacted,* That said president and directors shall have power to appoint a cashier and all such officers, engineers, agents or servants whatsoever, deemed necessary for the transaction of the business of the company, and may remove any of them at pleasure; may fix the salary or compensation of such cashier, engineers, officers or servants, in the employ of said company, and to determine by their by-laws the manner of adjusting and settling all accounts against the company, and also the manner, effect and evidence of transfer of stock in said company.

SEC. 12. *Be it enacted,* That if the capital stock of said company shall be found insufficient for the purposes of this act of incorporation, it shall and may be lawful for the president and directors, or a majority of them, from time to time to increase said capital stock by an addition of shares to any amount, so that the whole capital shall not exceed one million five hundred thousand dollars, for which they may cause subscriptions to be received, giving notice in the manner herein before prescribed; the purchasers of which shall stand in the same relation to the company as the original stock holders.

SEC. 13. *Be it enacted,* That the president and directors of said company shall, and they are hereby vested with all the powers and rights necessary for the building, constructing and keeping in repair of a rail road from Knoxville, East Tennessee, through the Hiwassee district, to a point on the southern boundary of Tennessee, on the nearest, best, and most practicable route. The said road shall have as many tracks as may be deemed necessary by the board of directors, but shall not be more than two hundred feet wide, to which width the company may purchase and cause the same to be condemned for the use of said road, or any less breadth, at the discretion of the direc-

tory; and they may cause to be made, or contract with others for making of said road or any part thereof; and they or their agents, or those with whom they may contract for making any part of said road, or their agents, may enter upon, use, and excavate any land which may be laid out for the site of said road, or the erection of ware houses, engine arbors, reservoirs, booths, stables, officers and mechanics' shops, or other works necessary or useful in the construction and repair thereof or its works. They may fix scales and weights, build bridges, lay rails, make embankments and excavations, and may use any earth, ground, rock, timber or other material, which may be wanted for the construction and repair of any part of said road, and may construct and acquire all necessary steam engines, cars, wagons and carriages, for transportation on said road by horse or steam power, and all necessary apparatus appertaining to the same.

SEC. 14. *Be it enacted,* That whenever it shall become necessary after said road is laid out, to subject the land of individuals over which said road is laid out, to the use of said company, and if the right of soil of the owner cannot be had by gift or purchase, it shall be lawful for the president and directors, their agents, contractors, laborers and servants, to enter upon such lands and proceed in the opening and constructing said rail road through the same; the pendency of any proceeding in court, or before arbitrators, assessors or valuers, to estimate the damages that will be sustained by the owner or proprietor of said land by reason of opening said road, shall in no manner hinder or delay the progress of said work, and no order shall be made, nor shall any injunction or supersedeas be awarded by any judge or court to hinder or delay the progress of said work, the true intent of this act being, that all injury that may be done to any land without the consent of owners or proprietors thereof, by opening and constructing the rail road through the same, over and above the advantages of the road to the owners or proprietors of the lands, shall be fully and completely compensated for in damages when ascertained, so that a work of great public utility may not be delayed by law suits.

SEC. 15. *Be it enacted,* That the president and directors of said company, their officers, servants and agents, shall have full power and authority to enter upon all lands and tenements through which they may judge it necessary to make said road, and lay out the same according to their pleasure, so that neither the dwelling house, yard, garden, curtilage, be invaded without consent of the owner or proprietor thereof; and if the company cannot agree as to the value of the land, and the owner will not convey it in fee, either party may apply to the circuit court of the county

where the said land lies, by giving five days notice if the owner of the land resides in the county, and twenty days notice if he resides in any other county in this State, and by advertising in some newspaper printed in Knoxville, Athens or Madisonville, if he resides out of the State, or be a body corporate, to appoint commissioners to assess the value and condemn the land for the use of said road; and the court shall appoint five disinterested freeholders of said county, and who shall be sworn or affirmed justly and impartially to value the lands, who shall ascertain what damage the owner will sustain, if any, by the location of said road over his land, always taking into consideration the benefit the road may be of to the owner, and the tendency said road will have to enhance the value of the land; and said five freeholders, any three of whom concurring, shall report to said court as soon as practicable the damages, if any, and if none are sustained, they shall report the fact; which report, if unexcepted to, shall be recorded, and if any damages are assessed, the money shall be paid into court by the company. The fee simple of land so valued as aforesaid, shall vest in said company; and the description of the land and the report of the commissioners, shall be made a matter of record, and when registered, shall have the effect of a deed of conveyance in fee simple to the company: *Provided, however,* that when infants or persons *non-compos* are owners of the land, the guardian shall be notified of said proceedings in court, and if there be no regular guardian, said court shall appoint some person well qualified to defend and protect the interest of such infant or non-sane person.

May take materials

SEC. 16. *Be it enacted,* That the president and directors for the purpose of making said road or repairing the same after it shall have been made, shall be at liberty, by themselves or agents, to enter upon any adjacent land, and cut, quarry, dig, take and carry away therefrom any timber, stone, gravel or earth, which may be necessary: *Provided,* they shall not, without the consent of the owner, cut down any fruit-tree or trees preserved in any enclosure for shade or ornament, or take away any materials constituting any part of a fence or building. For all which materials, under the authority of this act, and for all incidental injuries done to ground, wood, enclosure, or crops, in carrying them away, the said company shall make to the owner a reasonable compensation; and if the parties cannot agree upon the price, it shall be ascertained by three impartial freeholders, to be appointed by a justice of the peace at the application of either party, the opposite party having three days notice of the application to the justice. The three freeholders shall be sworn to do impartial justice between the parties; their award shall be returned to the justice,

and shall stand as an award made by order of court upon the rights of the parties; upon which the justice may enter judgment and issue execution if within his jurisdiction, if over, he shall certify the proceedings as in other cases to the next court, to be proceeded upon as an award made by order of said court: *Provided,* either party may have the proceedings corrected by *certiorari*, and not by appeal; if the proceedings be quashed, the court may appoint other valuers, and cause justice to be done as contemplated before and by order of the court, quashing said proceedings.

SEC. 17. *Be it enacted,* That should said rail road pass over vacant and unappropriated lands, said company shall have the exclusive right of entering the land over which said road may be laid out, not exceeding two hundred feet in breadth, until the first day of January, 1839; and the entry taker of the district or county through which said road may be laid out, shall not receive any entry within that period for the benefit of any other person or persons than said company, under the penalty of five thousand dollars, to be recovered by action of debt in any court having cognizance thereof, at the suit of said corporation: *Provided,* said company shall notify the entry takers of the different counties through which said road may pass, of the route thereof.

May have preference of entry to vacant lands

SEC. 18. *Be it enacted,* That said rail road company shall have power to acquire and own as common stock of said company, lands near and connected with said road, on which to erect ware-houses, booths, arbors, stables, reservoirs, &c., for the purpose of constructing said road and keeping it in repair, and for the convenience of transportation and places of deposite, which improvements they are hereby authorized to construct. If the company cannot agree with the owners of the land necessary for the above purposes, they may have it condemned in the same manner as the land over which the road is laid out may be condemned by the 15th section of this act: *Provided,* that not more than five acres shall be taken at any one place, except by agreement with the owners.

May hold lands for warehouses, &c.

SEC. 19. *Be it enacted,* That the whole stock and property of said company, real, personal and mixed, and the issues, profits and proceeds thereof, shall be holden in law, and are hereby declared to be personal property; and the same shall be governed by the rules and laws governing personal property in all cases, and the said property and the profits arising therefrom, shall be vested in the respective share holders, their heirs and executors, administrators and assigns, in the proportion of their respective shares forever.

Property vested in stockholders

SEC. 20. *Be it enacted,* That whenever it shall become necessary in the construction of said road to cross

Not to obstruct other road

or intersect any public road now or hereafter established by law, it shall be the duty of said company so to construct said road, as not to impede the passage or transportation of persons or property along the same.

Of cross ways SEC. 21. *Be it enacted*, That when it shall be necessary to pass through the improved land of any individual, it shall be the duty of said company to provide such individual with a proper and suitable wagon way across said road from one part of his or her land to the other, if the same shall be required by said owner, at the time the route of said rail road (is) determined on, but the owner of such land may at any time after said rail road shall be opened and completed, construct and make such wagon way across the same at his or her own expense, under the supervision and direction of said company.

Limit of time SEC. 22. *Be it enacted*, That if said company shall not begin the rail road contemplated by this act or contract for the construction of some part thereof, on or before the first day of January, 1838, and complete the same on or before the first day (of) January, 1844, the interest of said company in said road shall be forfeited and cease, and also all right to take tolls.

Exempt from taxation SEC. 23. *Be it enacted*, That as soon as any section of five miles of said road shall be completed, the president and directors may transport all persons, produce and commodities, such person, or persons, or owners of such produce or commodities, first paying to said company or their agent the toll that may be demanded for that purpose. The capital stock of said company shall be forever exempt from taxation, and all their other property of every description situated within this State, including the road and rails, shall be exempt from taxation for and during the period of twenty years from the completion of said road and no longer.

Dividends SEC. 24. *Be it enacted*, That after said rail road shall be completed, or any five miles thereof, the president and directors shall, on the first Monday in January and July in each and every year, declare and make such dividends of nett profits, or the tolls, herein granted, as may be advisable to be divided among the proprietors.

Of injuries to road SEC. 25. *Be it enacted*, That if any person shall willfully injure, impair, or destroy any part of said road constructed under this act, or any of the necessary work, buildings, machines, wagons, cars, booths, reservoirs, bridges or viaducts, such person shall be subject to indictment, and on conviction, shall be fined and imprisoned at the discretion of the court and jury, and shall moreover be liable to an action of damages at the suit of said company in any court having cognizance thereof.

Tolls SEC. 26. *Be it enacted*, That said company shall be authorized to charge the following tolls, to wit: for every

passenger with not exceeding one hundred pounds of baggage, not exceeding six cents per mile; for every one hundred pounds of goods, wares, merchandise, or produce and commodities of every description, not exceeding one half cent per mile on heavy articles; and ten cents per cubic foot on articles of measurement.

SEC. 27. *Be it enacted*, That full right and privilege is hereby reserved to the citizens of this State, or any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for any other rail road or public improvement: *Provided*, no injury is done to the works made and created by said company hereby incorporated: *And provided, also*, that the same shall not interfere with the privileges herein before granted.

SEC. 28. *Be it enacted*, That if an amount of stock should not be subscribed sufficient to complete the whole work from Knoxville to the south boundary line of this State, as contemplated by this act, or if a majority of the board of directors should deem it advisable or expedient to begin the work at some point on Big Tennessee river, and should complete the road from such point to the south boundary line of the State of Tennessee, the work may be considered as completed: any thing in this act to the contrary notwithstanding. But the board of directors may, in their discretion, continue said road to Knoxville, should they begin the work at some other point.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

CHAPTER IV.

An Act to incorporate the Paris and Randolph Rail Road Company.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by rail road from Paris, in the county of Henry, to Randolph on the Mississippi river, the formation of a company, to be called the Paris and Randolph Rail Road Company, is hereby authorized, which, when formed, shall have corporate existence in perpetuity.

SEC. 2. Books for the subscription for nine thousand shares of the capital stock of said company, of one hundred dollars each, shall be opened on the first Monday in September next, and shall be kept open for ten days, between the hours of 10 o'clock in the morning and 4 o'clock in the evening, of each of those days, at the following

places, and by the following persons, viz: at Randolph, by Dan Vaught, John Postblewait, Nathan Potter and Edmund Booker, Sr.; at Covington, by James N. Smith, William C. Hazen and R. B. Clarkson; at Brownsville, by James Boyd, E. Sanders and Thomas Taylor, Sr.; at Trenton, by T. J. Caruthers, H. D. Neilson and Thomas Fite; at Dresden, by John A. Gardener, John T. Fonville and W. Bayless; at Paris, by T. Cooney, James Oakley and James Cowan; at Huntingdon, by A. M. Coleman, Samuel Ingram and John Smith; at Jackson, by Samuel Lancaster, Joseph H. Talbot and James Elrod, and at Nashville, by H. R. W. Hill, A. Hynes and H. L. Douglass.

SEC. 3. That the said commissioners, or a majority of them, at each of the places aforesaid, shall receive subscriptions for stock in the said rail road company during the times said books shall be kept open, as directed by this act, and on each share so subscribed shall demand and receive the sum of one dollar, without which the subscription shall be void.

One dollar on each share required

SEC. 4. That as soon as the time for receiving subscription as aforesaid shall have expired, the said commissioners shall respectively deposit all the money so received by them in some incorporated bank, redeeming its notes in specie, to the credit of the Paris and Randolph Rail Road Company; and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a central commission to be composed of the following persons, viz: Nathan Potter, Dan Vaught, H. D. Neilson, John Cromwell, James H. Talbot, Samuel Ingram and Samuel Lancaster, who, or a majority of whom, shall meet at Brownsville on the first Monday in November next, and ascertain the whole number of shares taken in said company, publish the same in the newspapers at Randolph, Jackson, Paris, and in some newspaper printed at Nashville, and such other places as they may deem proper, on or before the first Monday in January next; and if the number of two thousand shares shall have been subscribed, on each of which there shall have been paid the sum of one dollar, the Paris and Randolph Rail Road Company shall be regarded as formed, and the said central commission, or a majority of them, shall sign and seal a duplicate declaration to that effect, with the names of all the subscribers appended, and cause one of the duplicates to be deposited in the office of the Secretary of State of this State, and thenceforth and from the day of the closing of the books of subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate in deed and in law, in the State of Tennessee, by the name and for the purposes aforesaid.

Of central commission

SEC. 5. That in case any of the persons forming said

central commission should not attend at Brownsville on the said first Monday in November next, or attending, should refuse or be unable to act, the remaining member or members of the said central commission shall forthwith fill the vacancy, and the person or persons so appointed shall constitute a part of the said commission.

SEC. 6. If, however, on closing the books aforesaid, the number of two thousand shares shall not have been subscribed, then, and in that case, the said central commission, by themselves or their agents, may receive subscriptions from individuals or bodies corporate in any of the States of the United States until the number of six thousand shares shall have been subscribed: *Provided*, the same shall be done on or before the first day of December, 1837. And when the said number of six thousand shares shall have been subscribed, if the same shall be done on or before the day last aforesaid; or if on that day a less number, but amounting to two thousand shares or more, shall have been subscribed, the said subscription shall be closed, and the subscribers shall thenceforth form a body corporate as aforesaid, and the declaration thereof shall be made and deposited in the office of the Secretary of State in the manner aforesaid; subscription for stock received by the said central commission or their agents, shall be accompanied by the certificate of the commissioner for opening books, or a majority of them, or made out by their authority, or be accompanied by a certificate of the cashier or president of some specie paying bank, that an amount equal to one dollar on each share subscribed, has been deposited in (—) such bank, by the subscriber, to the credit of said company.

Central commission may re-open books

SEC. 7. In case more than nine thousand shares shall have been subscribed on closing the books when they are first opened, the shares shall be reduced to that number by deducting the surplus shares from the higher subscribers, placing them on an equality of numbers as far as can be done, and after such reduction, the holders of remaining shares shall form the company and be interested therein, in proportion to the number of shares which they may then respectively hold.

Surplus shares struck off

SEC. 8. If, on closing the books on the first day of December, 1837, the number of two thousand shares shall not have been subscribed, the money paid in by each subscriber shall be returned to him by one or more of the commissioners who received it, the commissioner endorsing on the receipt given for it, a check on the bank where it has been deposited: *Provided*, the central commission, or a majority of them, shall have published a declaration that the formation of the said company has failed for want of two thousand shares being subscribed.

Money returned on failure of subscriptions

SEC. 9. The said Paris and Randolph Rail Road Company so formed as aforesaid, shall have perpetual succession of members, may have a common seal, may sue and be sued, plead and be impleaded in any court of law or equity in this State, and may make all such rules, regulations and by-laws as are necessary for the government of the corporation, or effecting the object for which it is created: *Provided*, such rules, regulations and by-laws shall not be repugnant to the laws and constitution of this State or the United States.

SEC. 10. The affairs of said corporation shall be managed and directed by a general board, to consist of twenty directors, who shall reside within the State of Tennessee.

SEC. 11. The president of the company shall be elected by the directors from among their own members, in such a manner as the regulations of the corporation shall prescribe.

SEC. 12. So soon as the number of two thousand shares shall have been subscribed in the manner aforesaid, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet at Brownsville, which they shall cause to be published in one or more newspapers in the Western district and in Middle Tennessee; at which time and place, the said stockholders in person, or by proxy, shall proceed to elect the directors of the company and to enact such rules, regulations and by-laws as may be necessary for the government of the corporation and the transaction of its business. The persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places where the subsequent election for directors shall be held, and such election shall thenceforth be annually made; but if the day of the annual election of directors should pass without any election, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such elections, in such manner as may be prescribed by the by-laws of the corporation.

SEC. 13. The board of directors may fill up all vacancies which may occur in it during the period for which the board shall have been elected; and in the absence of the president, may fill his place by electing a president *pro tempore*.

SEC. 14. All contracts and agreements authenticated by the president and secretary of the board, shall be binding on the company without seal; or such other mode of authentication may be used as the company by their by-laws may adopt.

SEC. 15. The board of directors shall not exceed in their contracts, the amount of the capital of the corpo-

ration and the funds which the company have borrowed and placed at the disposal of the board; and in case they should do so, the president and directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made, shall be jointly and severally liable for the excess both to the contractor or contractors and to the corporation: *Provided*, that any one may discharge himself from such liability by voting against and causing such vote to be recorded in the minutes of the board and giving notice thereof to the next general meeting of the stockholders.

SEC. 16. The said company shall have power, and proceed to construct as speedily as their means will permit, a rail road with one or more tracks, to be used with steam, animal, or any other power, which shall pass from Paris, in the county of Henry, in a direction to Randolph, in the county of Tipton, so as to pass through the town of Trenton, in the county of Gibson, to connect with the western rail road at Brownsville, in the county of Haywood, in the event that the said western rail road is extended through Haywood county to Randolph; if not, then, and in that case, the road herein provided for shall be extended from the town of Brownsville, in the county of Haywood, to Randolph, on the Mississippi river, the line of which shall be established by the board of directors, subject to the control of the stockholders at a general meeting. The said company may use any section of said road before the whole is completed.

SEC. 17. The said company, and every person who may have received from them the right of transportation of goods, wares or produce, on the said road, shall be deemed and taken to be a common carrier, as respects all freight entrusted to them for transportation.

SEC. 18. The board of directors may call for the payment of ninety-nine dollars on each share of the stock, in such manner and at such times as they may deem best suited to the interests of the company; the call for each instalment shall be advertised in one or more newspapers in the Western district and in Middle Tennessee, and at such other places as the rules of the company may direct, at least one month before the time the same is to be paid; and failure to pay or cause to be paid, according to the rules of the company, any of the instalments so called for as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and the same shall vest in and belong to the company, and may be appropriated as they shall see fit.

SEC. 19. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of the company.

SEC. 20. The said company may at any time increase

Capital may be increased. its capital to a sum sufficient to complete said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, or mortgage of its charter and works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting.

Statements annually. SEC. 21. The board of directors shall, once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener if required by the by-laws.

Qualifications for President. SEC. 22. No person but a citizen of the United States, being a *bona fide* stockholder in his own right, of at least ten shares, which he shall have held at least three months previous to his election, (except at the first election) shall be president or a director of the Board; nor shall any stockholder vote in person or by proxy, at any general or other election, (except the first,) who shall not have held, in his own right, the share on which he offers to vote, at least three months previous to such election.

Quorum for business. SEC. 23. The stockholders may provide by a by-law, as to the number of stockholders and the amount of stock to be held by them; which shall constitute a quorum for transacting business at any regular or occasional meeting of stockholders or directors.

Directors not to be contractors. SEC. 24. No member of the board of directors, nor any officer or agent of the company, shall be directly or indirectly interested in any contract for work, nor any director vote on the passage of any bill for materials in which he is directly or indirectly concerned.

Proxy. SEC. 25. Any stockholder in the company may vote by proxy.

Voting. SEC. 26. In the election of directors and in voting on all questions which may come before a meeting of the stockholders, or be submitted to their decision, the owner of one share shall be entitled to one vote: *Provided*, the governor of the State shall appoint such a proportion of directors as the amount of the stock subscribed by the State bears to the capital stock of said company.

May hold property. SEC. 27. The said company may purchase, have and hold, in fee or for a term of years, any lands, tenements or hereditaments, which may be necessary for the said road or appertanances thereof, or for the creation of depositories, store-houses, houses for the officers, servants or agents of the company, or for work-shops or foundries, to be used for the said company, or for procuring timber, stone, or materials necessary to the construction of the road or its appertanances, or for effecting transportation thereon, and for no other purpose whatever.

SEC. 28. The said company shall have the right, when necessary, to conduct the said rail road across or along any public road or water course: *Provided*, that the said road and the navigation of such water course shall not be thereby obstructed. May cross other roads.

SEC. 29. Where any lands or right of way may be required by said company, for the purpose of constructing the road, and for want of agreement as to the value thereof, and the same cannot be purchased from the owner or owners thereof, the same may be taken at a valuation to be made by five commissioners or a majority of them, to be appointed by any court of record, having common law jurisdiction in the county or district where some part of the land or right of way is situated; and the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duties assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken, or the right of way surrendered, and also the benefit or advantage he, she or they, may receive from the erection or establishment of the rail road or works, and shall state the nature and amount of such, and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of said commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain of record. — In case either party shall appeal, giving reasonable notice to the opposite party, the court upon satisfactory proof of wrong, shall order a new valuation to be made by a jury, who shall be charged therewith as soon as practicable, and whose decision shall be final. When there shall be an appeal, the progress of the work shall not thereby be prevented. If the company be the appellant, they shall give bond with security, to be approved by the clerk of the court, when the valuation is returned, in a penalty equal to double the valuation, to pay the valuation if sustained, and if reversed, the assessment of the jury. Damages to land

SEC. 30. If any person or persons shall intrude upon the said rail road or any part thereof, by any manner of use thereof, or the right and privilege connected therewith, without the permission, or contrary to the will of said company, he, she or they, shall forthwith forfeit to said company the thing that may be so intruded on the road, and the same may be seized by the company or its agents, or recovered by suit at law; and the person or persons so intruding may also be indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction. Secure from intrusion.

SEC. 31. If any person shall wilfully and maliciously destroy or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause, or aid or counsel any other person or persons to destroy, or hurt, or damage, injure or obstruct the said rail road, or any vehicle used for transportation thereon, such person or persons shall be liable to indictment therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred nor less than twenty dollars, at the discretion of the court; and shall be further liable to pay all the expense of repairing the same; and it shall not be competent for any person so offending to defend himself, by pleading or giving in evidence that he was the owner, or agent, or servant of the owner of the land where such damage or injury was done, or caused to be done.

SEC. 32. Every obstruction to the safe passage of vehicles on the said road shall be deemed a public nuisance, and may be abated by any officer, agent or servant of the company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

SEC. 33. The rates of transportation shall not, for passengers, exceed six cents per mile, and for freight, seventy five cents per hundred for every hundred miles. And the said company are required to transport the mail of the United States as cheap, per mile, as it can at present be transported along the same route.

SEC. 34. The profits of the company, or so much thereof as the board may deem advisable shall, when the affairs of the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

SEC. 35. The capital stock of said company shall be forever exempt from taxation; and all their other property of every kind and description, situated within this State, including the road and rails, shall be exempt from taxation for twenty years from the passage of this act, but no longer.

SEC. 36. The following officers and persons in the actual service of said company, are exempt from jury, and ordinary militia duty, viz: The president of the board, the chief and assistant engineers, the secretaries, auditors and accountants of the board, keepers of the depositories, guard stationed on the road, and such persons as may be working the locomotive engines and travelling with cars for the purpose of attending to transportation of goods or passengers on the road.

SEC. 37. This act shall be regarded as a public act, and may be given in evidence without special pleading.

SEC. 38. *Be it enacted,* That a rail road may be extended from Paris to the mouth of Sandy, on the Tennessee river, and that said road may also be extended from Paris

Secured from injury.

Security from obstruction.

Rates of transportation.

Dividends

Exempt from taxation

Officers exempt from militia duty

Rail road from Paris to Kentucky line.

to the Kentucky line, in the direction to Mills' Point on the Mississippi river; and that Terrence Cooney, John W. Cooke, Andrew McCampbell, William R. Harris, James H. Moran, Benjamin Bonderant, Richard C. Williams, John L. Doxey, Benjamin Totten, John Hanna and Ephraim D. Dickson, shall be appointed on the part of the company for the purpose of opening books and managing the concerns thereof, from the mouth of Sandy, by Paris, to the Kentucky line, as aforesaid, and the capital stock for that purpose shall be one million of dollars—all to be conducted and managed on the same rules, regulations and restrictions, and shall have the same powers and authority as are given to the company for establishing the "Paris and Randolph Rail Road company," and the said company is hereby made a body politic and corporate, by the name and title of the "Paris and Mississippi Rail Road Company."

SEC. 39. *Be it enacted,* That the capital stock of the "Murfreesborough, Manchester and Winchester Turnpike Company," shall be one hundred thousand dollars and no more.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed February 20, 1836.

CHAPTER V.

An Act to incorporate the Lagrange and Memphis Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Eppes Moody, Eastin Morris, Robert Cotton, John T. Foster, Thomas Boothe, George Anderson, John Anderson, James F. Gaines, Henry Kirk, John Brown, Jared Hotchkiss, Robert A. Parker and James Gray, of Fayette county, and Eppy White, James Titus, James Frazier, Charles D. McLain, George Wyatt, William Tucker, David Dunn, John B. Hester, James Rose and Robert Lawrence, of Shelby county, and Meredith Thurman, Thomas Gilliam, Willie J. Riddle, Christopher C. Joy, Pitser Miller and John H. Bills, of the county of Hardeman, be and are hereby appointed commissioners, under direction of a majority of whom, subscriptions may be received to the capital stock of the Lagrange and Memphis Rail Road Company hereby incorporated; which commissioners, together with such other persons as now are, or may hereafter become associated with them, their successors and assigns, shall constitute a body corporate, and they are hereby incorporated under the name aforesaid, and in

Capital stock

Capital stock of M. M. & W. Turnpike

Commissioners

that name they shall have perpetual succession; may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights, privileges and immunities, with powers to make such by-laws, ordinances, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary to the well ordering and conducting the affairs of the said company, and may by their by-laws, declare vacant the place of any director for non-attendance and neglect of duty. And the said company shall be capable, in law, of purchasing, accepting, selling, leasing and conveying estates, real, personal and mixed, to the end, and for the purpose of facilitating the intercourse and transportation between the town of Lagrange, in the county of Fayette, and the town of Memphis in the county of Shelby, in this State, by means of a *Rail Road*, but for no other end or purpose whatsoever.

Capital stock

SEC. 2. *Be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, in shares of one hundred dollars each; which shares may be subscribed for by corporations or individuals. But so soon as two thousand shares are subscribed, the subscriptions shall be binding, and the corporate powers of said company, as herein granted, shall commence and have as full operation as if the whole of the shares, composing the capital stock, were subscribed.

Sundry subscriptions may be reduced.

SEC. 3. *Be it enacted*, That if more than three thousand shares shall be subscribed to the capital stock of said company, the commissioners, or a majority of them, shall reduce the subscriptions to three thousand shares, by striking off from the highest subscriptions, in succession, in such manner that no subscription shall be reduced while one remains larger, estimating by shares instead of dollars, and if there shall be an excess, then lots shall be drawn by the commissioners to determine who are excluded.

Amount to be paid annually

SEC. 4. *Be it enacted*, That there shall be paid on each share subscribed, (but not until two thousand shares shall have been subscribed) such sum as the president and directors hereinafter named, or a majority of them, may direct; and in such instalments, not exceeding one fourth of the subscriptions, in any one year: *Provided*, no payment shall be demanded until at least thirty days notice shall have been given by the said president and directors, in the newspapers printed in the town of Memphis, of the time and place of payment. And if any subscriber shall fail or neglect to pay any instalment or part of said subscription, thus demanded, for thirty days next after the time it fell due, the stock on which it was demanded, together with the amount paid in, may, by the president and directors, or a majority of them, be declared forfeited, and after due notice shall be sold at auction for the benefit of the company; or they

may waive the forfeiture after thirty days default, and sue the stockholders for the instalments due, at their discretion.

SEC. 5. *Be it enacted*, That if the subscription of two thousand shares, herein made necessary for the incorporation of said company, shall not be obtained by the first day of January, 1833, the same and all subscriptions under it shall be null and void upon the stockholders paying to the commissioners a sum not exceeding one dollar on each share, to defray the expenses of opening the books.

Provided if 2000 shares are not subscribed.

SEC. 6. *Be it enacted*, That on the first Monday of January next, the said commissioners shall cause books for the subscription of stock to be opened in the towns of Memphis, Moscow, Sommersville, Lagrange, and at such other places as they may deem advisable; which shall continue open for the space of ten days, or until two thousand shares of the capital stock shall have been subscribed; and as soon as it is ascertained that two thousand shares are subscribed, the said commissioners, or a majority of them, shall give notice by advertisement, in the newspapers aforementioned, at least thirty days previous to the time and place, that an election will be held for the election of nine directors, to manage the affairs of said company. And at such time and place each stockholder may attend in person or vote by proxy, for the directors aforesaid, giving one vote for each share of which he may be the owner, in that and all succeeding elections. And the directors thus elected shall elect one of their body president of the board, who shall, together with the other directors, continue in office until the first Monday of January ensuing, and until their successors are elected and duly qualified. Any three of the commissioners may act as judges of the first election; and none but a stockholder shall be eligible as a president or director.

First meeting of stockholders

SEC. 7. *Be it enacted*, That to continue the succession of president and directors of said company, nine directors shall be chosen annually, on the first Monday in January, at such place as the board may designate, by the stockholders. And the directors shall have power to appoint judges of elections. The president of the board shall be elected within three days after the board is organized. If any vacancy shall occur, by death, resignation or otherwise, the vacancy shall be filled by the board, and the persons thus appointed shall hold their offices until the next annual election. All elections required to be made at a particular time and place, if not then and there made, may be made at any other time and place, by giving the usual notice of thirty days, and the old officers shall continue to exercise their functions until their successors are duly elected and qualified.

Election of directors annually

Annual statements required

SEC. 8. *Be it enacted*, That a general meeting of the stockholders shall be annually held at the time and place appointed for the election of president and directors; at which time and place it shall be the duty of the president and directors in office, to exhibit a clear and detailed statement of the affairs of the company, and at such meetings a majority of the whole votes upon the stock shall be required to remove an officer, or to reverse the decisions or acts of the directory.

Officers to be sworn

SEC. 9. *Be it enacted*, That every officer of said company shall, previous to entering upon the duties of his office, take an oath or affirmation faithfully to discharge his duty.

Books may be re-opened

SEC. 10. *Be it enacted*, That if any of the three thousand shares shall remain unsubscribed for, after the organization of said company, the board of directors shall have power to re-open the books for the sale of the balance of the stock, upon giving thirty days notice of the time and place, and the subscribers of such stock shall have all the rights and privileges and be subject to the same regulations of the original shareholders.

May appoint officers

SEC. 11. *Be it enacted*, That said president or directors shall have power to appoint a cashier, and all such officers, engineers, agents or servants whatsoever, deemed necessary for the transaction of the business of the company, and may remove any of them at pleasure, may fix the salary or compensation of such cashier, engineers, officers or servants in the employ of said company, and to determine by their by-laws, the manner of adjusting and settling all accounts against the company; and also the manner, effect and evidence of transfers of stock in said company.

Capital may be increased

SEC. 12. *Be it enacted*, That if the capital stock of said company shall be found insufficient for the purposes of this act of incorporation, it shall and may be lawful for the president and directors, or a majority of them, from time to time, to increase said capital stock by an addition of shares to any amount, so that the whole capital shall not exceed five hundred thousand dollars, for which they may cause subscriptions to be received, giving notice in the manner herein-before prescribed, the purchasers of which shall stand in the same relation to the company as the original stockholders.

Powers

SEC. 13. *Be it enacted*, That the president and directors of said company shall, and they are hereby vested with all the powers and rights necessary for the building, construction and keeping in repair of a rail road from the said town of Lagrange to the said town of Memphis, on the nearest, best and most practicable route. The said road shall have as many tracks or rails as may be deemed necessary by the board of directors, but shall not be more than two hundred feet wide, to which width the company may

purchase land and cause the same to be condemned for the use of said road, or any less breadth at the discretion of the directory; and they may cause to be made, or contract with others for the making of said road, or any part thereof; and they or their agents, or those with whom they may contract for making any part of said road, or their agents, may enter upon, use and excavate any land which may be laid out for the site of said road or the erection of warehouses, engine arbors, reservoirs, booths, stables, offices and mechanics' shops, or other works necessary or useful in the construction and repair thereof, or its works. They may fix scales and weights, build bridges, lay rails, make embankments and excavations, and may use any earth, gravel, rock, timber or other material which may be wanted for the construction and repair of any part of said road, and may construct and acquire all necessary steam engines, cars, wagons and carriages for transportation on said road, by horse or steam power and all necessary apparatus appertaining to the same.

SEC. 14. *Be it enacted*, That whenever it shall become necessary, after said road is laid out, to subject the lands of individuals, over which said road is laid out, to the use of said company, and if the right of soil of the owner cannot be had, by gift or purchase, it shall be lawful for the president and directors, their agents, contractors, laborers and servants, to enter upon such lands, and proceed in the opening and constructing of said rail road through the same; the pendency of any proceeding in court, or before arbitrators, assessors or valuers, to ascertain the damages that will be sustained by the owner or proprietor of said land by reason of opening said road, shall in no manner hinder or delay the progress of said work; and no order shall be made, nor shall any injunction or supersedeas be awarded by any judge or court to hinder or delay the progress of said work; the true intent of this act being, that all injury that may be done to any land, without the consent of the owners or proprietors thereof, by opening and constructing the rail road through the same, over and above the advantages of the road to the owners or proprietors of the lands, shall be fully and completely compensated for, in damages, when ascertained; so that a work of great public utility may not be delayed by law suits.

SEC. 15. *Be it enacted*, That the president and directors of said company, their officers, servants and agents, shall have full power and authority to enter upon all lands and tenements through which they may judge it necessary to make said road and lay out the same according to their pleasure, so that neither the dwelling house, yard, garden, or curtilage be invaded, without consent of the owner or proprietor thereof; and if the company cannot agree as to

the value of the land, and the owner will not convey it in fee, either party may apply to the circuit court of the county where the land lies, by giving five days notice, if the owner of the land resides in the county, and twenty days notice, if he resides in any other county in this State, and by advertising in some newspaper printed in Memphis or La Grange, if he resides out of the State or be a body corporate, to appoint commissioners to assess the value and condemn the land for the use of said road; and the court shall appoint five disinterested freeholders of said county, and who shall be sworn or affirmed, justly and impartially to value the land, who shall ascertain what damage the owner will sustain, if any, by the location of said road over his land, always taking into consideration the benefit of the road to the owner, and the tendency said road will have to increase the value of the land; and said five freeholders, any three of whom concurring, shall report to said court as soon as practicable the damages, if any; and if none are sustained, they shall report the fact, which report, if unexpected to, shall be recorded; and if any damages are assessed, the money shall be paid into court by the company. The fee simple of land so valued as aforesaid, shall vest in said company, and the description of the land and the report of the commissioners shall be made a matter of record; and when registered, shall have the effect of a deed of conveyance in fee simple, to the company: *Provided, however*, that where infants, or persons *non compos* are the owners of the land, the guardian shall be notified of said proceeding in court; and if there be no regular guardian, said court shall appoint some person well qualified to defend and protect the interests of such infant or non-sane person.

Pay for materials

SEC. 16. *Be it enacted*, That the president and directors, for the purpose of making said road, or repairing the same after it shall have been made, shall be at liberty, by themselves or agents, to enter upon any adjacent land, and cut, quarry, dig, take and carry away therefrom, any timber, stone, gravel or earth, which may be necessary: *Provided*, they shall not, without the consent of the owner, cut down any fruit tree, or trees preserved in any enclosure for shade or ornament, or take away any materials constituting any part of a fence or building. For all which materials under the authority of this act, and for all incidental injuries done to grounds, woods, enclosures or crops, in carrying them away, the said company shall make to the owner a reasonable compensation; and if the parties cannot agree upon the price, it shall be ascertained by three impartial freeholders to be appointed by a justice of the peace at the application of either party, the opposite party having three days notice of the application to the justice;

the three freeholders shall be sworn to do impartial justice between the parties; their award shall be returned to the justice and shall stand as awards made by order of court upon the rights of the parties; upon which the justice may enter judgment and issue execution, if within his jurisdiction, if over, he shall certify the proceedings as in other cases, to the next court, to be proceeded upon as an award made by order of said court: *Provided*, either party may have the proceedings corrected by *certiorari*, and not by appeal; if the proceedings be quashed, the court may appoint other valuers, and cause justice to be done as contemplated by this act, before and by order of the court quashing said proceedings.

SEC. 17. *Be it enacted*, That should said rail road pass over vacant and unappropriated land, said company shall have the exclusive right of entering the land over which said road may be laid out, not exceeding two hundred feet in width, until the first day of January, 1838; and the surveyors general of the district through which said road may be laid out, shall not receive any entry within that period, for the benefit of any other person or persons than said company, under the penalty of five thousand dollars, to be recovered by action of debt in any court having cognizance thereof, at the suit of said corporation: *Provided*, said company shall notify said surveyors general of the route of said rail road, and have the same designated upon the general plans of said district.

SEC. 18. *Be it enacted*, That said rail road company shall have power to acquire and own as common stock of said company, lands near and connected with said road, on which to erect warehouses, booths, arbors, stables, reservoirs, &c. for the purpose of constructing said road and keeping it in repair, and for the convenience of transportation and places of deposit, which improvements they are hereby authorized to construct. If the company cannot agree with the owners of the land necessary for the above purposes, they may have it condemned in the same manner as the land over which the road is laid out may be condemned by the 15th section of this act: *Provided*, that not more than five acres shall be taken at any one place, except by agreement with the owners.

SEC. 19. *Be it enacted*, That the whole stock and property of said company, real, personal, and mixed, and the issues, profits and proceeds thereof, shall be holden in law, and are hereby declared to be personal property, and the same shall be governed by the rules and laws governing personal property in all cases; and the said property and the profits arising therefrom, shall be vested in the respective share holders, their heirs and executors, administrators and assigns, in the proportion of their respective shares, forever.

SEC. 20. *Be it enacted*, That whenever it shall become necessary, in the construction of said road, to cross or intersect any public road now or hereafter established by law, it shall be the duty of said company, so to construct said road as not to impede the passage or transportation of persons or property along the same.

SEC. 21. *Be it enacted*, That where it shall be necessary to pass through the improved land of any individual, it shall be the duty of said company to provide such individual with a proper and suitable wagon way across said rail road, from one part of his or her land to the other, if the same shall be required by said owner at the time the route of said rail road shall be determined on; but the owner of such land may at any time after said rail road shall be opened and completed, construct and make such wagon way across the same at his or her own expense, under the supervision and direction of said company.

SEC. 22. *Be it enacted*, That said company are authorized at any time hereafter, to extend said rail road to the Mississippi State line, so as to connect with any rail road established in that State, if they should think it expedient; and shall establish one lateral branch of the said road leading to Sommerville, from some eligible point at or near Moscow: *Provided*, that the citizens of Fayette county residing north of a due east and west line drawn through the county, five miles south of said town of Sommerville, will, during the time allotted for subscription of stock at the first opening of the books for the sale of shares, subscribe for as many as seven hundred and fifty shares. And if the said seven hundred and fifty shares are not subscribed as aforesaid, the president and directors of said company shall not be compelled to construct said lateral rail road, but may do so or not, at their discretion. But if the said seven hundred and fifty shares are subscribed for as aforesaid, in addition to the two thousand shares required by the second section of this act, to constitute a corporation, it shall be the duty of said president and directors, to put the said lateral rail road under contract at the same time, in the same manner, and under the same rules and regulations of the main road; said company, should they deem it expedient, shall have power to continue their road from La Grange to Bolivar, in Hardeman county, and they shall put the same under contract at the same time, and under the same rules and regulations as are herein before provided for constructing said road from La Grange to Memphis: *Provided*, the citizens of Hardeman county, and that part of Fayette county which lies east of La Grange, during the time allotted for subscription of stock at the first opening of the books for the sale of shares, shall subscribe for as many shares as will be sufficient to construct said road from La Grange to Bolivar.

SEC. 23. *Be it enacted*, That after said road is laid out and located, the president and directors of said company shall divide the same as near as practicable, into sections of five miles each, and shall so arrange the contracts for opening and grading the road, ready for the reception of the rails, that they will all commence and expire at the same time, so that the citizens along the route may have an assurance that they will be immediately benefitted by the location of the road, and thereby be induced to make liberal investments of stock.

SEC. 24. *Be it enacted*, That if said company shall not begin the rail road contemplated by this act, or contract for the construction of some part thereof, on or before the first day of January, 1838, and complete the main branch from Lagrange to Memphis, within five years from the first day of January next, the interest of said company in said road shall be forfeited and cease, and also all right to take tolls.

SEC. 25. *Be it enacted*, That as soon as any section of five miles of said road shall be completed, the president and directors may transport all persons, produce and commodities; such person or persons, or owners of such produce or commodities first paying to said company or their agent, the toll that may be demanded for that purpose. The capital stock of said company shall be forever exempt from taxation, and all their other property of every description, situated within this State, including the road and rails, shall be exempt from taxation for and during the period of twenty years from the passage of this act, and no longer.

SEC. 26. *Be it enacted*, That after said rail road shall be completed, the president and directors shall, on the first Monday of January and June, in each and every year, declare and make such dividend of nett profits, from the tolls herein granted, as may be advisable to be divided amongst the proprietors.

SEC. 27. *Be it enacted*, That if any person shall wilfully by any means injure, impair or destroy any part of said road, constructed by and under this act, or any of the necessary works, buildings, machines, wagons, cars, booths, reservoirs, &c. such person shall be subject to indictment, and on conviction shall be fined and imprisoned at the discretion of the court and jury, and shall moreover be liable to an action of damages at the suit of said company, in any court having cognizance thereof.

SEC. 28. *Be it enacted*, That said company shall be authorised to charge the following tolls, viz:—for every passenger with not exceeding one hundred pounds of baggage, not exceeding six cents per mile; for every one hundred pounds of goods, wares, merchandize or produce and commodities of every description, not exceeding one half a cent per mile.

May connect
with other
roads

SEC. 29. *Be it enacted*, That full right and privilege is hereby reserved to the citizens of this State, or any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for, any other rail road or public improvement: *Provided*, no injury is done to the works made and created by said company hereby incorporated, and provided, also, the same shall not interfere with the privileges herein before granted.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Passed December 14th, 1835.

CHAPTER VI.

An Act to incorporate the Middle and East Tennessee Rail Road Company.

Company au-
thorised

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by rail road from some point in Middle Tennessee, of the proposed route of the New Orleans and Nashville Rail Road, to the Virginia line, at the eastern boundary of Tennessee, the formation of a company, to be called "The Middle and East Tennessee Rail Road Company," is hereby authorised; which, when formed, shall have corporate existence in the State of Tennessee.

Commissioners
to open books

SEC. 2. Books for subscription, for forty-five thousand shares of the capital stock of the said company, of one hundred dollars each, shall be opened on the first Monday in September next, and shall be kept open for six days, between the hours of ten o'clock in the morning and four o'clock in the evening of each of those days, at the following places, and by the following commissioners, viz:— at Nashville, by Andrew Hynes, Harry L. Douglass, John P. Erwin; at Gallatin, by R. M. Boyers, J. J. White and Daniel Saffarrans; at Carthage, by Robert Allen, Timothy Walton and John G. Park; At Lebanon, by R. A. White, Wm. Cranshaw and Michael Yerger; at Gainsboro', by Thomas L. Bransford, Leroy B. Settle and Alexander Montgomery; at Clarksville, by James M'Clure, John H. Poston and Andrew Vance; at Charlotte,

_____ ; at Centreville, by John G. Easley, E. B. Hornbeck and Samuel H. Williams; at Lawrenceburg, by William McKnight, jr. William Davis, esq. and William A. Edmonston, esq.; at Franklin, by Andrew Park & Co. and B. S. Tappan & Co.; at Columbia by Edward H. Chaffin, H. Langtry and Allen Brown; at Mur-

freesboro', by Moses G. Reeves, Russell Dance and Marmion Spence; at Pulaski, by Thomas Martin, John K. Yeager and James Patteson; at Fayetteville, by William Dye, Samuel E. Gilliland and Robert H. C. Bagley; at Winchester, by Benjamin Deckerd, James Robeson and Mark Hutchins; at McMinnville, by Allen Shield, John S. Yancy and Buck White; at Sparta, by William Simpson, Wayman I estwich and William Glenn; at Springfield, by William Seal, George C. Conrad and Richard Cheatham; at Waynesboro', by Robert H. Mack, Robert Robinson and Thomas M. East; at Jamestown, by William H. McGee, Arthur R. Frogg and Joseph Scooner; at Monroe, by Geo. Christian, Joseph Bates and Ashly Dunagan; at Dallas, by A. M. Rawlins, Samuel Igoul and Benjamin B. Cannon; at Pikeville, _____ ; at Montgomery, by Thomas O. Lea, Jacob Ragan and Thos. Scott; at Jasper, by James Francis, James Chadoin and William Rice; at Kingston, by Thomas Brown, Henry Liggett and William McEwing; at Athens, by James H. Fyffe, Randolph Carter and John Crawford; at Washington, by Thomas McAllie, Robert N. Gillespie and James Berry; at Clinton, by Charles Y. Oliver, John Cross and William Stephens; at Madisonville, _____

_____ ; at Maryville, by Isaac Anderson, Samuel Pride and Samuel Wallace; at Knoxville, by Wm. Park, Matthew McClung and Solomon D. Jacobs; at Jacksboro', by Abraham Hayter, Thomas Wheeler and Silas Williams; at Tazewell, by Benjamin Sewel, B. F. Cloud and William Houston; at Rutledge, by Benjamin McFarland, Samuel Gill and Jacob Kline; at Sevierville, by Micajah C. Rodgers, Alexander Preston and William Henderson; at Newport, by George M. Porter, Thomas Rodgers and R. B. D-witt; at Dandridge, by P. J. G. Lea, Joseph Hamilton and Shadrach Loman; at New Market, by William Brazelton, J. Chase and T. D. Knight; at Greeneville, by Wm. Dickson, V. Sevier and George Jones; at Rogersville, by Clinton Armstrong, Charles H. Coffin and William Simpson; at Blountville, by Samuel Rhea, John Fain and David Shaver, jr.; at Jonesborough, by William Blair, Samuel Greer and John Ryland; at Elizabethton, by William Galt, Hiram Day and T. A. R. Nelson; at Shelbyville, by John T. Neit, Thomas Davis and William F. Long.

SEC. 3. That the said commissioners, or a majority of them, at each of the places aforesaid, shall receive sub-^{One dollar to}scriptions for stock in the said rail road company, during ^{be paid on each} the time the said books shall be kept open, as directed by this act, and on each share so subscribed, shall demand and receive the sum of one dollar, without which the subscription shall be void.

Central Com'rs
duty

SEC. 4. That as soon as the time for receiving subscriptions as aforesaid, shall have expired, the said commissioners shall respectively deposit all the money so received by them, in some incorporated bank redeeming its notes in specie, in the State, to the credit of the Middle and East Tennessee Rail Road Company, and shall also forward a correct list of all the subscriptions to the said stock, with the number of shares each subscriber has taken, to a central commission, to be composed of the following persons: Andrew Hynes, David A. Deaderick, Wm. B. A. Ramsey, John Shelby and Drury P. Armstrong, who, or a majority of whom, shall meet at Knoxville on the first Monday in November next, ascertain the whole number of shares taken in the said company, and publish the same in the newspapers at Knoxville, Jonesborough, New Market, Maryville, Athens and in some newspaper at Nashville, Franklin, Columbia, and in such other papers as they may deem proper, on or before the first Monday in December next; and if the number of ten thousand shares shall have been subscribed, on each of which there shall have been paid the sum of one dollar, the Middle and East Tennessee Rail Road Company shall be regarded as formed, and the said central commission, or a majority of them, shall sign and seal a duplicate declaration to that effect, with the names of all the subscribers appended, and cause one of the duplicates to be deposited in the office of the Secretary of State of this State, and thenceforth and from the day of the closing the books of subscription, as aforesaid, the said subscribers to the stock shall form a body politic and corporate, in deed and in law, in the State of Tennessee, by the name and for the purpose aforesaid.

Vacancies in
central com-
mission

SEC. 5. That in case any of the persons forming the said central commission, shall not attend at Knoxville on the said first Monday in November next, or attending, shall refuse or be unable to act, the remaining member or members of the said central commission, shall forthwith fill the vacancy, and the person or persons, so appointed, shall constitute a part of the said commission.

Central com-
missioners may
re-open books

SEC. 6. If, however, on closing the books aforesaid, the number of ten thousand shares shall not have been subscribed, then and in that case the said central commission, by themselves or their agents, may receive subscriptions from individuals or bodies corporate, in any of the States of the United States, till the number of fifteen thousand shares shall have been subscribed: *Provided*, the same shall be done on or before the first day of May, eighteen hundred and thirty-seven; and when the said number of fifteen thousand shares shall have been subscribed, if the same shall be done on or before the day last aforesaid, if on that day a less number, but amounting to ten thousand shares or more,

shall have been subscribed, the said subscription shall be closed, and the subscribers shall thenceforth form a body corporate as aforesaid, and the declaration thereof shall be made and deposited in the office of the Secretary of State, in manner as aforesaid; subscriptions for stock received by the said central commission or their agents, shall be accompanied by the certificate of the commissioners for opening books, or a majority of them, or made out by their authority, or be accompanied by the certificate of some specie paying bank, that an amount equal to one dollar on each share subscribed, shall have been deposited in such specie paying bank, by the subscriber, to the credit of the said company.

SEC. 7. In case more than fifteen thousand shares shall have been subscribed on closing the books when they are first opened, the shares shall be reduced to that number by deducting the surplus shares from the higher subscribers, placing them on an equality of numbers as far as can be done; and after such reduction the holders of such remaining shares shall form the company, and be interested therein in proportion to the number of shares which they may then respectively hold.

SEC. 8. If on closing the books on the first day of May, 1837, the number of ten thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by one or more of the commissioners who received it, the commissioners endorsing on the receipt given for it, a check on the bank where it has been deposited, *Provided*, the central commission, or a majority of them, shall have published a declaration that the formation of the company has failed, for want of ten thousand shares being subscribed.

SEC. 9. The said Middle and East Tennessee Rail Road Company so formed, as aforesaid, shall have perpetual succession of members; may have a common seal; may sue and be sued, plead and be impleaded, in any court of law or equity in this State, and may make all such regulations, rules and by-laws, as are necessary for the government of the corporation, or effecting the object for which it is created: *Provided*, such regulations and by-laws shall not be repugnant to the laws or constitution of this State or of the United States.

SEC. 10. The officers of the said company shall be managed and directed by the general board, to consist of twenty directors; who shall reside within the State of Tennessee.

SEC. 11. The president of the company shall be elected by the directors from among their own members, in such manner as the regulations of the corporation shall prescribe.

SEC. 12. So soon as the number of ten thousand shares shall have (been) subscribed, in manner aforesaid, it shall be

Surplus shares
reduced

Mon'y return'd
on failure of
subscription

Powers

Officers man-
g'd by direct'rs

President

Meeting of
share holders

the duty of the commissioners appointed, to declare the same; to appoint a time for the stockholders to meet at Knoxville, which they shall cause to be published in one or more newspapers in East Tennessee and Middle Tennessee; at which time and place the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such rules, regulations and by-laws as may be necessary for the government of the corporation and the transaction of its business. The persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places, when the subsequent election of directors shall be held, and such elections shall thenceforth be annually held; but if the day of annual elections shall pass without any election of directors, the corporation shall not (be) thereby dissolved; but it shall be lawful on any other day, to hold and make such election, in such manner as may be prescribed by a by-law of the corporation.

Vacancies in
board of direc-
tors

SEC. 13. The board of directors may fill up all vacancies which may occur in it during the period for which their board shall have been elected, and in the absence of the president may fill his place by electing a president *pro tempore*.

Contracts

SEC. 14. All contracts and agreements authenticated by the president and secretary of the board, shall be binding on the company without seal; or such other mode of authentication may be used as the company, by their by-laws, may adopt.

Contracts not
to exceed capi-
tal

SEC. 15. The board of directors shall not exceed in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the board; and in case they shall do so, the president and directors who may be present at the meeting, at which such contract or contracts, so exceeding the amount aforesaid, shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors and to the corporation: *Provided*, that any one may discharge himself from such liability by voting against such contract or contracts, and causing such votes to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

Power to con-
struct road

SEC. 16. The said company shall have power, and may proceed to construct as speedily as their means will permit, a rail road with one or more tracks, to be used with steam, animal, or any other power, which shall pass from some point, in Middle Tennessee, of the proposed line of the Nashville and New Orleans rail road, to the eastern boundary of the State, on the Virginia line;

the line of which road shall be established by the board of directors, subject to the control of the stockholders at a general meeting. The said company may use any section of the said rail road before the whole shall be completed.

SEC. 17. The said company, and every person who may have received from them the right of transportation of goods, wares and produce on the said road, shall be deemed and taken to be a common carrier, as respects all freight entrusted to them for transportation. Liable as com-
mon carriers

SEC. 18. The board of directors may call for the payment of ninety-nine dollars on each share of the stock, in such manner and at such times as they may deem best suited to the interest of the company; the call for each instalment shall be advertised in one or more newspapers in East and Middle Tennessee, and at such other places as the rules of the company may direct, at least one month before the time the same is to be paid, and failure to pay or secure to be paid according to the rules of the company, any of the instalments so called for as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and the same shall vest in and belong to the company, and may be appropriated as they shall see fit. Instalments

SEC. 19. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of the company. Transfers

SEC. 20. The said company may at any time increase its capital to a sum sufficient to complete the said road or its branches, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, or the mortgage of its charter and works, and the manner in which the same shall be done in either case, shall be prescribed by the stockholders at a general meeting. May increase
capital

SEC. 21. The board of directors shall, once in every year at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener if directed by a by-law. Annual state-
ments required

SEC. 22. No person but a citizen of the United States, and being *bona fide* a stockholder in his own right, of at least ten shares, which he shall have held at least three months previous to his election, except at the first election, shall be president or a director of the board; nor shall any stockholder vote in person or by proxy, at any general or other election, except the first, who shall not have held in his own right the share on which he offers to vote at least three months previous to such election. Qualification of
directors and
voters

SEC. 23. The stockholders may provide by a by-law as to the number of stockholders and the amount of stock to be held by them, which shall constitute a quorum for trans- Quorum

acting business at any regular or occasional meeting of the stockholders or directors.

SEC. 24. No member of the board of directors, nor any officer or agent of the company, shall be directly or indirectly interested in any contract for work, nor any director vote on the passage of any bill for materials in which he is directly or indirectly concerned.

SEC. 25. In the election of directors, and in voting on all questions which may come before a meeting of the stockholders or be submitted to their decision, the owner of one share shall be entitled to one vote, and for each share a stockholder shall be entitled to one vote.

SEC. 26. The said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments, which may be necessary for the said road, or for the erection of depositories, store houses, houses for the officers, servants or agents of the company, or for work shops or foundries, to be used for the said (road,) or for procuring timber, stone, or other materials necessary to the construction of the road, its branches or appertenances, or for effecting transportation thereon, and for no other purpose whatever.

SEC. 27. The said company shall have the right when necessary, to conduct the said rail road across or along any public road or water course: *provided*, that the said (road) and the navigation of such water course, shall not be thereby obstructed.

SEC. 28. When any lands or right of way may be required by said company for the purpose of constructing the road, and for want of agreement as to the value thereof, or if from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation, to be made by five commissioners or a majority of them, to be appointed by any court of record having common law jurisdiction in the county or district where some part of said land or right of way is situated; and the said commissioners, before they shall act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duties assigned them in making the said valuation; the commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land being taken or the right (of) way surrendered, and also the benefit and advantage he she or they may receive from the erection or establishment of a rail road or works, and shall state the amount of each; and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way; proceedings of the said commissioners, accompanied with a full description of the land or right of way, shall be returned

under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record in case either party shall appeal, giving reasonable notice to the opposite party; the court, upon satisfactory proof of wrong, shall order a new valuation to be made by a jury, who shall be charged therewith so soon as practicable, and whose decision shall be final; when there shall be an appeal, the progress of the work shall not thereby be prevented; if the company be the appellant they shall give bond with security, to be approved by the clerk of the court, when the valuation is returned, in a penalty equal to double the valuation, to pay the valuation if sustained, and if reversed, the assessment of the jury.

SEC. 29. If any person or persons shall intrude upon the said rail road or any part thereof, by any manner or use thereof, or of the rights and privileges connected therewith without the permission or contrary to the will of said company, he, she or they, shall forthwith forfeit to the said company whatever may (be) so intruded on the road, and the same may be seized by the company or its agents, or recovered by suit at law, and the person or persons so intruding, may be indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

SEC. 30. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct, or shall willfully and maliciously cause or aid, or conceal any other person or persons to destroy, or hurt, or damage, injure, or obstruct the said rail road or any vehicle used for transportation thereon, such person or persons shall be liable to indictment therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred nor less than twenty dollars, at the discretion of the court, and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending to defend himself by pleading or giving in evidence, that he was the owner, or agent, or servant, of the owner of the land, when such damage or injury was done or caused to be done: *Provided, however*, that no person shall be fined exceeding fifty dollars under the provisions of this act, unless said fine shall be assessed by a jury.

SEC. 31. Every obstruction to the safe and free passage of vehicles on the said road, shall be deemed a public nuisance, and may be abated by any officer, agent or servant of the company, and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

SEC. 32. The rates of transportation shall not exceed six cents per mile for passengers, nor seventy-five cents per

Contractors and voters shall not be interested

One vote for each share

May hold lands and build depots

May cross roads and water courses

Right of way and payment of damages to land

Secured from intrusion

Secured from obstruction

Obstructions deemed a nuisance

Rates of transportation

hundred for every hundred miles; and the said (company) is required to transport the mail of the United States as cheap per mile as it is at present transported along the same route.

Dividends

SEC. 33. The profit of the company, or so much thereof as the board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to (the) stock each may hold.

Exempt from taxation

SEC. 34. The capital stock of the said company shall be forever exempt from taxation, and all their other property of every description situated within this State, including the road and rails, shall be exempt from taxation for and during the period of twenty years from the passage of this act, but no longer.

Officers exempt from military duty

SEC. 35. The following officers and persons in the actual service of the said company are exempt from jury and ordinary militia duty: The president of the board, the chief and assistant engineers, the secretaries, auditors and accountants of the board, keepers of the depositories, guards stationed on the road, and such persons as may be working the locomotive engines and travelling with cars for the purpose of attending of goods or passengers on the road.

SEC. 37. This act shall be regarded as a public act, and may be given in evidence without special pleading.

Atlantic and Mississippi rail road company

SEC. 36. The capital stock of the Atlantic and Mississippi rail road company shall be increased to nine hundred thousand dollars.

Branches may be constructed

SEC. 38. The State shall have power to grant charters to any company or companies, to construct a branch or branches to connect with the said road, so as not to injure said road or its property.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Passed February 17, 1836.

CHAPTER VII.

An Act to incorporate the Clarksville and Russellville Rail Road Company.

Commissioners incorporated

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That J. P. Moore, William J. Martin, M. B. Morion, John B. Bibb, A. Byrne, Thomas S. Slaughter, William Norton, James R. Whitaker, Doctor Willcox, John Roberts, William P. Sevier, Doctor Daniel Caldwell, William Erwin, John Harland, Thomas Cross, Edmond O. Hawkins, J. C. Huey, Thomas Greenfield, Samuel Owens, Richard Browder, John Small, Ed-

ward Gray, R. W. Buston, James McClure, John H. Poston, G. A. Henry, Eli Lockert, Samuel Hinton, Thomas Barksdale, Andrew Vance, David Broddie, Joshua Elder, Charles M. Barker, Samuel Lyon, James B. Reynolds, Patrick Henry, William S. White, Robert Dudley, Wm. Dudley, Charles Minor, Edward S. Walton, Matthew Lygan, Samuel McFall, George McDaniell, J. B. McClure, Needham Farrier, James Morrison, Col. ——— Yates, David T. Scott, Joseph Chilton, John Stewart, Henry F. Beaumont, Sam. Grant and G. A. Davie, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Clarksville and Russellville Rail Road Company, hereby incorporated; which commissioners, together with such other persons as now are, or may hereafter be, associated with them, their successors and assigns shall constitute a body corporate; and they are hereby incorporated under the name of the Clarksville and Russellville Rail Road Company, and in that name they shall have perpetual succession; may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights, privileges and immunities of a corporation or body politic, in law or equity, with power to make such by-laws, or rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary to the well ordering and conducting the affairs of said company; and may, by their by-laws, declare vacant the place of any director, for non-attendance or neglect of duty, and that until the organizing of the board of directors, the commissioners appointed by this act, shall possess similar powers, and the said company shall be capable in law, of purchasing, accepting, holding, selling, leasing and conveying estates, real and personal and mixed, to the end and for the purpose of facilitating the intercourse and transportation between the town of Clarksville and the town of Russellville, by means of a rail road, but for no other purpose or end whatever.

SEC. 2. *Be it enacted,* That the capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars each, of which shall be reserved for subscription, by the State of Tennessee, eight hundred shares, until the first day of January, 1837, and for the State of Kentucky, eight hundred shares, until the first day of January, 1837, and the remaining shares may be subscribed for by individuals or other corporations.

SEC. 3. *Be it enacted,* That the above named commissioners, or a majority of them, as soon as the State of Kentucky shall have passed an act granting the same rights and privileges hereby granted to the company, for the rail way through the territory of said State, as hereby granted

by the State of Tennessee, or such rights and privileges as shall, in the opinion of the commissioners, be equivalent thereto, or acceptable to them, may cause books to be opened, at such times and places as they may direct, for the purpose of receiving subscription to the capital stock of said company, after having given thirty days notice in at least one newspaper printed in the State of Kentucky and one in the State of Tennessee, of the times and places of opening the same; and that upon the first opening of said books, they shall be kept open for at least two successive days, and if any of said commissioners shall die or resign, or refuse to act during the continuance of duties devolved on him by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them.

Books may be re-opened for reserved shares

SEC. 4. *Be it enacted*, That if the shares of the capital stock herein before reserved for the States of Tennessee and Kentucky, or any part of them, should not be subscribed for by the States aforesaid, during the time said stock is reserved for them, the president and directors of said company, or a majority of them, shall have power, after giving the same notice required by the third section of this act, to open books and receive subscriptions to any of the capital stock of said company, which may thus remain unsubscribed for, or to sell or dispose of the same as to them may seem best, for the use of the company; and the purchasers or subscribers of said stock shall have all the rights, powers and privileges of original subscribers, and shall be subject to the same regulations.

Instalments.

SEC. 5. *Be it enacted*, That upon every such subscription, there shall be paid at the time of subscribing, to the commissioners, or their agents appointed to receive said subscriptions, the sum of five dollars on every share subscribed; and the residue thereof shall be paid in such instalments and at such time as may be required by the president and directors of said company: *Provided*, that not more than one third shall be required in any one year from the commencement of the work, nor any payment demanded until at least 30 days notice shall be given by the president and directors, in some newspaper printed in the State of Tennessee, and one in the State of Kentucky; and if any subscriber shall fail or neglect to pay any instalment or any part thereof, thus demanded, for the space of sixty days next after the period the same shall be due and payable, as aforesaid, the stock upon which it is demanded shall be forfeited to the company, and may be sold by the president and directors for the benefit of the company.

Commissioners made directors

SEC. 6. *Be it enacted*, That after the expiration of ten days, for which the books are first opened, if one thousand shares of the capital stock shall have been subscribed for, or as soon thereafter as the same shall be subscribed

for, the said commissioners shall form and constitute a board of directors, to manage the affairs of said company; which said directors shall remain in office for the space of one year, and until the arrival of the period for the annual election by the stockholders, and the new board be duly qualified; and said directors, or a majority of them, shall have power to elect a president of said company, who shall be, at the time of his election, one of the stockholders, and of allowing him such compensation for his services as they may deem proper; and in all elections wherein a vote of the stockholders is to be taken, each stockholder shall be allowed a vote for every share he or she may hold, and any stockholder may depute any other person to vote for and act for him or her as proxy.

SEC. 7. *Be it enacted*, That to continue the succession of the president and directors of said company, ten directors shall be chosen annually, on the first Saturday in every year, at Graysville, in the county of Todd and State of Kentucky, by the stockholders of said company; and that the States of Tennessee and Kentucky may each appoint one additional director for each and every fifty shares of stock of said company, by them respectively owned at the time of said election; and if any vacancy shall occur by death, resignation or otherwise, before the expiration of the year for which he was elected, the president (and) directors, or a majority of them, may fill such vacancy for the unexpired time; and the president and directors shall hold and exercise their office until a new election is held under this act, or by such by-laws as may be adopted by the company.

Annual elect'n of directors

SEC. 8. *Be it enacted*, That a general meeting of the stockholders of said company shall be held annually at the time and place specified in this act; but they may be called at any time during the interval, between the annual meetings by the president and directors, or a majority of them, upon giving thirty days notice as aforesaid; and when any such called meetings are called by the president and directors as aforesaid, such notice shall specify the particular object of the call.

Meetings of stockholders

SEC. 9. *Be it enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office, for the preceding year, to exhibit a clear and distinct statement of the affairs of the company, under such penalties as may be prescribed by the by-laws of said company; *Provided*, that at any meeting of the stockholders, a majority, in value, of the stockholders being present, may remove from office any president or director of said company, and may appoint others in their stead.

Annual statements required

SEC. 10. *Be it enacted*, That the president and directors, or a majority of them, may appoint all such officers, engi-

Powers & duties
of directors

neers, agents or servants whatever, that they may deem necessary for the transaction of the business of the company, and may remove them at their pleasure; that they shall have power to determine by contract, the compensation of such agents, engineers or servants, and to determine by their by-laws, the manner of adjusting and settling all accounts and claims against the company, and also the manner and evidence of transferring the stock, as to them may seem best for the use and benefit of said company; and the said president and directors, or a majority of them, shall have power to borrow money for the object of this act; to issue certificates or other evidences of such loans, and to pledge the property of the company for the payment of the same, or the interest thereof.

Power to make
road

SEC. 11. *Be it enacted*, That the president and directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repair and maintenance of a rail road from the town of Clarksville, in the State of Tennessee, to the town of Russellville, in the State of Kentucky, whenever the assent of the State of Kentucky shall have been obtained; and the said president and directors, or a majority of them, may cause to be made, or contract with others for making said rail road, or any part thereof; and they, their agents or those with whom they may contract for making any part of the same, or their agents, may enter upon, use and excavate any land that may be wanted for the purpose of said road, or for any other purpose necessary and useful in the construction, repair or maintenance of said road or its works, and that they may build bridges, viaducts, and may lay rails, take and use any earth, timber, gravel, stone or other materials, then being in their natural state or condition, that may be wanted for the construction, repair and maintenance of any part of said road or any of said works, and may make and construct all works whatsoever, which may be necessary and expedient for the proper completion of said road and its successful operation: *Provided*, that in the construction of said road, it should cross any navigable stream, the said road shall be so constructed and arranged as not to obstruct the free navigation thereof: *Provided, also*, that said road shall not pass through any street of Clarksville or Russellville without the consent of the mayor or aldermen first had and obtained.

Jury to estimate
damages
to land

SEC. 12. *Be it enacted*, That the president and directors of said company, or a majority of them, or any person or persons authorised by a majority of them, may agree with the owner or owners of any earth, timber, gravel, stone or other materials, or any improvements that may be wanted for the construction, repair or maintenance of said road or any of its works; and if they cannot agree, or if the owner

or owners of any such land, be under any legal disability, or be absent or unknown when such land or other materials shall be wanted, the same may be entered on by the company, and the damages shall be estimated by a jury of twelve men, to be appointed by the county court of the county where the lands or materials lie, under the same rules and regulations that now are prescribed by law, to condemn the land of another, for the purpose of a public road passing over it, and the said jury, in estimating the damages, shall take into estimate the benefit resulting to said owner, from conducting such rail road through, along or near the property of said owner or owners, but only in extinguishment of the claim for damages, and the said jury shall describe the land or other property condemned; and the value thereof, and such valuation, when paid or tendered to the owner or owners of said property, or his or her legal representative, or deposited with the court for their use, shall entitle the said company to the estate, and interest in the sum thus valued, as fully as if it had been conveyed by the owner or owners of the same; *Provided*, that the president, directors and company, pay to each of the jury, the sum of one dollar for each and every day that they may be employed in the business contemplated by this act; and *Provided, further*, that either party may pray an appeal to the circuit court of the county.

SEC. 13. *Be it enacted*, That whenever in the construction of said road it shall cross any established road, it shall be the duty of the president and directors of said company so to construct said road across said established road, as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of another, it shall be the duty of the president and directors, to provide for such individual, a proper wagon way across said road; and the said company shall have power to place on the rail way, constructed by this act, all machines, locomotives, vehicles, cars or carriages of any description whatever, which they may deem necessary or proper for the purpose of transportation on said road, of goods, produce or other property and passengers at such rate as they may think proper to fix: *Provided, however*, that the rates so fixed shall not exceed an annual dividend, on the capital stock paid in, fifteen per centum per annum, and the said road with all their works, improvements and profits, and all the machinery of transportation are hereby vested in the said company incorporated by this act and their successors forever. The capital stock of said company shall be forever exempt from taxation; and all their other property, of every kind and description, situated within this State, including the road and rails, shall be

May not obstruct
roads

Privileges

exempt from taxation for and during the period of twenty years from the passage of this act, but no longer.

Dividends

SEC. 14. *Be it enacted*, That the board of directors shall annually or semi-annually declare, or make such dividends as they may deem proper, of the nett profits arising from the receipts of the said company, after deducting the necessary and probable contingent expenses thereof.

Secur'd against malicious injury

SEC. 15. *Be it enacted*, That if any person or persons shall wilfully, by any means whatever, injure or destroy any part of said road, or attempt so to do, or any of their works, vehicles or machines, such person or persons, so offending, shall, for every such offence, be liable for all damages occasioned thereby, and may furthermore be indicted in the circuit court of the county, and upon conviction shall be fined in a sum not exceeding one thousand dollars, and imprisoned at the discretion of the court not exceeding twelve months.

Provision for laterals

SEC. 16. *Be it enacted*, That full right and privilege is hereby reserved to the citizens of this State, or any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for, any other rail road or public improvement: *Provided*, that no injury shall be done to the work made and erected by said company hereby incorporated, and *Provided, also*, that the same shall not interfere with the exclusive privileges herein before granted.

State may regulate tolls

SEC. 17. *Be it enacted*, That the general assembly shall have power to regulate the tolls on said rail road, after the expiration of ten years from the completion of said road: *Provided*, the tolls shall never be reduced so low as to bring the annual dividends of nett profits below the legal rate of interest for the time being.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed February 3rd, 1836.

CHAPTER VIII.

An Act to authorize the New Orleans and Nashville Rail Road Company to extend their contemplated rail road into the State of Tennessee.

WHEREAS, the Legislature of the State of Louisiana, by an act passed and approved the thirtieth day of January, one thousand eight hundred and thirty-five, in the words

and figures following, to wit: "An Act to incorporate the New Orleans and Nashville Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened*, That Maurice W. Hoffman, Clark Woodrooff, Samuel J. Peters, Joshua Baldwin, Laurent Millaudon, William A. Gasquet, James A. Caldwell, Matthew Morgan, Horace C. Cammack and Denis Prieur, be, and are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the New Orleans and Nashville Rail Road Company hereby incorporated; which commissioners, together with such other persons as now are, or may hereafter become associated with them, their successors and assigns, shall constitute a body corporate, and they are hereby incorporated under the name of the New Orleans and Nashville Rail Road Company; and in that name they shall have perpetual succession, may sue and be sued, plead and be impleaded; and shall possess and enjoy all the rights, privileges and immunities of a corporation or a body politic, in law or equity; with power to make such by-laws or rules and regulations, not inconsistent with the laws of this State, or of the United States, as shall be necessary to the well ordering and conducting the affairs of the said company; and may, by their by-laws, declare vacant the place of any director for non-attendance and neglect of duty, except those representing different States or the city of New Orleans; and that until the organization of the board of directors, the commissioners appointed by this act shall possess similar powers. And the said company shall be capable in law of purchasing, accepting, holding, selling, leasing and conveying estates, real, personal and mixed, to the end and for the purpose of facilitating the intercourse and transportation between the city of New Orleans (Louisiana) and Nashville (Tennessee), by means of a rail road, but for no other end or purpose whatsoever.

SEC. 2. *And be it further enacted*, That the capital stock of said company shall be six millions of dollars, in shares of one hundred dollars each, five thousand shares of which shall be reserved for subscription for the city of New Orleans, and five thousand shares for the subscription of each of the States of Louisiana, Mississippi, Tennessee and Alabama, for the space of twelve months from the first day of June next, 1835, and the remaining thirty-five thousand shares may be subscribed for by individuals or other corporations.

SEC. 3. *And be it further enacted*, That the above named commissioners, or a majority of them, as soon as the State of Mississippi shall have passed an act granting the same rights and privileges to the company hereby incorporated,

for the passage of said rail way through the territory of said State, as are hereby granted within the territory of Louisiana, or such rights and privileges as shall in the opinion of the aforesaid commissioners be equivalent thereto or acceptable by them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given at least sixty days notice in the English and French languages, in three of the principal newspapers printed in the city of New Orleans, of the time and places of opening the same; and that upon the first opening of said books, they shall be kept open for at least ten successive days, from ten o'clock A. M. to two o'clock P. M.; and if any of said commissioners shall resign, die, or refuse to act, during the continuance of the duties devolved on him by this act, another may be appointed in his stead by the remaining commissioners or a majority of them.

SEC. 4. *And be it further enacted*, That if the shares of the capital stock herein before reserved for the city of New Orleans, or the States herein before mentioned, or any part of them, shall not be subscribed for by the said city or the States respectively, during the time said stock is reserved for them, the president and directors of said company, or a majority of them, shall have power after giving the same notice prescribed by the third section of this act, to open books and receive subscriptions to any of the capital stock of said company which may thus remain unsubscribed for, or to sell or dispose of such unsubscribed stock for the benefit of the company, for any sum not under its par value; and the purchasers or subscribers of said stock shall have all the rights, powers and privileges of original subscribers, and shall be subject to the same regulations.

SEC. 5. *And be it further enacted*, That if more than thirty-five thousand shares shall be subscribed to the capital stock of said company, not reserved to the city of New Orleans and the States herein before mentioned, the said commissioners, or a majority of them, or the directors, or a majority of them, shall reduce the subscription to thirty-five thousand shares, by striking off from the largest number of shares in any one subscription, in succession, until the whole subscriptions are reduced to thirty-five thousand shares.

SEC. 6. *And be it further enacted*, That upon every such subscription, there shall be paid at the time of subscribing, to the commissioners or their agents appointed to receive said subscription, the sum of five dollars on every share subscribed; and the residue thereof shall be paid in such instalments, and at such time, as may be required by the president and directors of said company: *Provided*,

that not more than one third of the subscription to the thirty-five thousand shares above mentioned, shall be demanded in any one year from the commencement of the work, nor any payment be demanded until at least sixty days public notice of such demand shall have been given by the president and directors, in the English and French languages, in three of the principal newspapers published in New Orleans; and if any subscriber shall fail, or neglect to pay any instalment, or part of said subscription thus demanded, for the space of sixty days next after the period the same shall be due and payable as aforesaid, the stock on which it is demanded shall be forfeited to the company, and may be sold by the president and directors for the benefit of the company.

SEC. 7. *And be it further enacted*, That at the expiration of the ten days for which the books are first opened, if twenty thousand shares of said capital stock shall have been subscribed (or if not, as soon thereafter as the same shall be subscribed) the said commissioners, to wit: Maurice W. Hoffman, Clarke Woodrooff, Samuel J. Peters, Joshua Baldwin, Laurent Millaudon, William A. Gasquet, James H. Caldwell, Matthew Morgan, Horace C. Cammack and Denis Prieur, shall form and constitute a board of directors to manage the affairs of said company, which said directors shall remain in office for the space of one year, and until the arrival of the period for the annual election by the stockholders, and the new board be duly elected; and said directors, or a majority of them, shall have power of electing a president of said company, who shall be, at the time of his election, a citizen of the United States, either amongst the directors or other of the stockholders, and of allowing him such compensation for his services as they may deem proper; and that in all elections wherein a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share held by it, him, or her, and any stockholder may depute any other person to vote for, and act for it, him or her as proxy.

SEC. 8. *And be it further enacted*, That to continue the succession of the president and directors of said company, ten directors, all of whom shall be actual citizens of the United States at the time of their election, shall be chosen annually, on the third Monday of January in every year, at the city of New Orleans, by the stockholders of said company; and that the city of New Orleans, and the States of Louisiana, Mississippi, Tennessee and Alabama, may each appoint one additional director of said company for every five thousand shares of stock of said company, by them respectively owned at the time of said election, but shall not be permitted to vote upon their stock in the

election of directors by the stockholders in general meeting; and that the directors of said company, or a majority of them, shall have power to appoint judges of all elections, and to elect a president from amongst the directors or other stockholders, and to allow him such compensation for his services as they may deem proper. And if any vacancies shall occur by death, resignation, or refusal to act, or other cause, of any president or director, before the year for which he was elected has expired, the person to fill such vacant place for the residue of the year may be appointed by the president and directors of said company, or a majority of them, and that the president and directors of the company shall hold and exercise their offices until the new election; and that all elections which are by this act, or by the by-laws of said company to be made on a particular day, or at a particular time, if not made on such day or at such time, they may be made at any time thereafter.

SEC. 9. *And be it further enacted*, That a general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of the president and directors of said company; that they may be called at any time during the interval between said annual meetings, by the president and directors of said company, or a majority of them, or by the stockholders owning at least one fourth of the whole stock subscribed, upon giving thirty days notice of the time and place of holding the same, in the English and French languages, in three of the principal newspapers published in the city of New Orleans; and when any such called meetings are called by the stockholders, such notice shall specify the particular object of the call; and if at any such called meetings a majority (in value) of the stockholders of said company are not present in person or by proxy, such meetings shall be adjourned from day to day without transacting any business for any time not exceeding three days; and if stockholders, having a majority in value of the stock subscribed, do not then attend, such meeting shall be dissolved.

SEC. 10. *And be it further enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors, in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company under such penalties as may hereafter be provided by law. And at any called meeting of the stockholders, a majority of those present may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, a majority, in value, of all the stockholders in said company,

may remove from office any president or any of the directors of said company, and may appoint others in their stead.

SEC. 11. *And be it further enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine the contract, the compensation of all the engineers, officers, agents or servants, in the employ of said company, and to determine by their by-laws, the manner of adjusting and settling of all accounts against the company, and also the manner and evidence of transfers of stock in said company.

SEC. 12. *And be it further enacted*, That if the capital stock of said company shall be deemed insufficient for this work, it shall and may be lawful for the president and directors of said company, or a majority of them, by and with the consent of a majority, in value, of the stockholders first had, from time to time to increase the said capital by the addition of as many shares as they may deem necessary: *Provided*, that the whole number of shares shall never exceed eighty thousand, for which they may cause subscriptions to be received, in the manner prescribed by the third section of this act for receiving subscriptions to the capital stock, or may sell the same for the benefit of the company, for any sum not under their par value; and the said president and directors, or a majority of them, shall have power to borrow money for the objects of this act, to issue certificates or other evidence of such loans, and to pledge the property of the company for the payment of the same and its interest.

SEC. 13. *And be it further enacted*, That the president and directors of said company shall be, and are hereby invested with all rights and powers necessary for the construction, repair and maintenance of a rail road from the city of New Orleans to any suitable point on the boundary line between the States of Mississippi and Louisiana, to the end that the same may be continued in the direction of Nashville (Tennessee), whenever the assent of the State of Mississippi, or other States through which it is necessary the said road shall pass, shall have been obtained: the said road not to exceed one hundred feet in width, with as many set of tracks as the said president and directors may deem necessary: *Provided*, that in passing hills or valleys, the said company are authorized to extend said width, in order to effect said object; and the said president and directors, or a majority of them, may cause to be made, or contract with others for making said rail road, or any part

thereof; and they, their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon and use and excavate any land which may be wanted for the purpose of said road, as well as in the erection of ware houses or other works necessary for said road, or for any other purpose necessary and useful in the construction, repair or maintenance of said road, or its works; and that they may build bridges, viaducts, and may lay rails, take and use any earth, timber, gravel, stone, shells or other materials, then being in their natural state or condition, that may be wanted for the construction, repair, and maintenance of any part of said road, or any of its works; and may make and construct all works whatsoever, which may be necessary and expedient for the proper completion of said road, and its successful operation; and that they, or a majority of them, may make, or cause to be made, lateral rail roads or branches, in any direction whatsoever, in connection with the said main route: *Provided, however,* that (if) the said road, its laterals, or branches, should cross any navigable stream, canal, or other water course, the said road shall be so constructed and arranged as not to obstruct the free navigation thereof. And it is hereby stipulated and agreed, that for and during the space of twenty years from and after the completion of the rail road from New Orleans to the boundary line aforesaid, this corporation shall have the exclusive right and privilege of constructing or using a rail road leading to and from the city of New Orleans, its faubourgs, or its incorporated limits, to and from the boundary line between the States of Louisiana and Mississippi, in all its extent from the Amite to the mouth of Pearl river, or from the Amite to the Mississippi, only as the company may select the one or the other route, and that during that period, no other body corporate, or person or persons, shall make or use any similar road for the transportation of passengers or property between said city and boundary line aforesaid: *Provided, however,* that the exclusive privilege hereby granted and secured, shall not apply to any rail road which may join or unite with the road of the company hereby incorporated, at a point not less than thirty-five miles from said city, and the passengers and freight thereof shall be transported to and from said city by the company hereby created, on payment of the same rates which are charged for the passengers and freight conveyed over the road hereby authorized: *And provided, also,* that said exclusive privilege shall not apply to any rail road that may hereafter be constructed or made along the southern shore of lake Ponchartrain, and extending in an easterly direction, having for its object the connection of New Orleans and Mobile, or any of the Atlantic States, by the route described as aforesaid, which

route is hereby excepted from said privilege; and it shall and may be lawful for this company to extend its road or roads to any point within the said city of New Orleans, its faubourgs, or its incorporated limits, with like rights and privileges: *Provided, always,* the said rail road be constructed and made so as not to prevent the use of traveling on the streets: *And provided, also,* that said rail road shall not pass through the streets of said city without the consent of the Mayor, Aldermen, and inhabitants of said city first having been obtained; that if said rail road shall not be commenced within two years from the time that this charter shall be concurred in by the State of Mississippi as before mentioned, and shall not be finished to the boundary line herein before mentioned, in six years therefrom, then this act shall be null and void: *And provided, also,* that if this charter shall not be concurred in by the State of Mississippi within one year from and after the first day of June, 1835, this charter shall be null and void.

SEC. 14. *And be it further enacted,* That the president and directors of said company, or a majority of them, or any person or persons authorised by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, stone, shells, or other materials, or any improvements that may be wanted for the construction, repair or maintenance of any such road or any of its works, for the purchase or occupation of the same; and if they cannot agree, or if the owner or owners of any such land be under any legal disability to contract, or be absent or unknown, when such land or other materials shall be wanted, the same may be entered on by the company, and be estimated by the commissioners herein after mentioned and provided for; and the said commissioners, in estimating such damages, shall take into the estimate the benefit resulting to the said owner or owners from conducting such rail road through, along or near the property of said owner or owners, but only in extinguishment of the claim for damages; said commissioners, or a majority of them, shall reduce their inquisition to writing and sign the same, and shall deposit the same with the clerk of the district court of the parish in which the property may be situated; and such inquisition shall describe the property taken, or the bounds of the land condemned; and such valuation, when paid, or tendered to the owner or owners of said property, or his, her or their legal representatives, or deposited with the said court for their use, shall entitle the said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same. With a view to carry this act into full effect, the governor, within twenty days after the passage of this act, shall nominate, and by and with the advice and consent of the Senate, appoint three

commissioners, who shall be disinterested freeholders, at least two of whom shall be domiciliated in the district through which the larger part of said rail road shall pass; which commissioners, or a majority of them, shall assess all such damages as may arise in the progress of this work; that the said commissioners shall make all their valuations under oath; that whenever applied to, either by the company or by any other person who may be interested, it shall be their duty to repair to the place or places necessary to view the land or materials to be valued, and proceed forthwith to assess the damages, according to the provisions of this act. Said commissioners shall be entitled to receive from said company, six dollars each, for each and every day they may be necessarily employed in their duties, together with one dollar for each and every twenty miles over which it is necessary for them to travel in the execution of their duties: *Provided, also*, the said company shall not be compelled to arrest the progress of their work on account of any delays in making the valuation aforesaid; that the said valuation or valuations made under this act, after the return is made to the clerk's office, as aforesaid, on application of any party interested, if regularly made, may be confirmed by said court, and such assessment shall be final and conclusive on all parties and persons whatsoever, married women and minors, unless an appeal be taken therefrom to the proper tribunal, within twenty days after the said assessment and valuation shall be approved and confirmed by the court; and *Provided, also*, that should either of the commissioners, appointed by this act, die, refuse to act or resign before their duties shall have been completed, under this act, that their places shall be filled by the governor and senate in the manner above pointed out, and should any vacancy occur during the recess of the senate, the governor shall fill the same, subject to confirmation by the senate when they may convene.

SEC. 15. *And be it further enacted*, That whenever in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company, so to construct said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways, across said road or roads, from one part of his land to the other—that the said company shall have power to place on any rail way, constructed under this act, all machines, locomotives, vehicles, cars or carriages of any description whatsoever, which they may deem necessary or proper for the purposes of transportation on said road, of goods, produce,

merchandise or other property and passengers, at such rates as the company may think proper to fix: *Provided*, however, that the rates shall be so fixed as not to allow annual dividends upon the nett profits, of more than an average of fifteen per cent per annum, upon the amount paid in, from the time the same is thus paid in; but this limitation shall cease at the expiration of three years after the exclusive privilege herein secured, shall have expired, and the said road or roads, with all their works, improvements and profits, and all the machinery of transportation, are hereby vested in the said company incorporated by this act, and their successors forever. The capital stock of said company shall be forever exempt from taxation; and all their other property, of every kind and description, situated within this State, including the road and rails, shall be exempt from taxation, for and during the period of twenty years from the passage of this act, but no longer.

SEC. 16. *And be it further enacted*, That the board of directors shall, annually or semi-annually, declare and make such dividends as they may deem proper, of the nett profits arising from the receipts of the said company, after deducting the necessary current and probable contingent expenses thereof.

SEC. 17. *And be it further enacted*, That if any person or persons shall, wilfully, by any means whatever, injure or destroy any part of said rail road, or attempt so to do, constructed by said company, under this act, or any of their works, carriages, vehicles, or machines, such person or persons, so offending, shall each of them, for every such offence, be liable for all damages occasioned thereby; and may furthermore be proceeded against, by indictment or information, at any time within six months after such offence be committed, and be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding twelve months, or both, at the discretion of the court.

SEC. 18. *And be it further enacted*, That the board of directors of said company are hereby empowered to accept from any other State, such powers and privileges as may be offered to said company, for the continuance and completion of said rail road, from the boundary line of this State, aforesaid, onward to its point of destination.

SEC. 19. *And be it further enacted*, That in case the State of Louisiana should subscribe for the five thousand shares of said company, mentioned in the second section of this act, it shall be lawful for said State, in case it would be thought proper, instead of paying cash the twenty-five thousand dollars, payable on subscribing to said stock, to give its bonds for the aforesaid sum, payable at twenty years from date, and bearing interest at the rate of five per cent per annum; that said interest shall be payable semi-annually.

at the office of the State Treasurer, on presentation of the dividend warrants, and that for the balance due on said shares, the bonds of the State may be given, in the manner above specified, from the day on which the payments shall be called for by the president and directors of the said company, as provided for in the sixth section of the present act.

SEC. 20. *And be it further enacted*, That full right and privilege is hereby reserved to the citizens of this State, or any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for, any other rail road or public improvement; *Provided*, no injury shall be done to the works made and erected by said company hereby incorporated: and *Provided*, also, the same shall not interfere with the exclusive privilege herein before granted.

Signed,

ALCEE LABRANCHE,
Speaker House of Representatives.

Signed,

C. DERBIGNY,
President of the Senate.

Approved, January 30th, 1835.

Signed, A. B. ROMAN,
Governor of the State of Louisiana."

And another act, passed 24th March of the same year, to wit:

"An Act, supplementary to an act, entitled 'an act to incorporate the New Orleans and Nashville Rail Road Company,' approved thirtieth January, one thousand eight hundred and thirty-five.

Whereas, by the third section of the act to which this is a supplement, the said company are not empowered to open books for receiving subscriptions to the capital stock thereof, until the State of Mississippi shall have passed an act, granting to said company such rights and privileges within the limits of that State as may be acceptable; and whereas, it has been made known that the legislature of the State of Mississippi have been adjourned by the executive, until the first Monday of January next, thereby rendering it impracticable for said company to obtain legislative action upon their act of incorporation, in that State, until the ensuing year; and whereas, it has been further made known, that the board of commissioners have received information upon which they rely, that the rights and privileges, above mentioned, will be accorded to the company, as soon as the legislative authorities of the State of Mississippi can act upon the subject, and that the progress of their underta-

king ought not to be arrested on account of the delays occasioned as aforesaid. Whereupon,

SECTION 1. *Be it enacted, by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That the commissioners appointed by the act to which this is a supplement, may and they are hereby authorized to cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company—they complying with all the formalities prescribed by the third section of the said act; and that instead of the sum of five dollars, to be paid on each share at the time of subscribing, as provided for in the sixth section of said act, there shall be thus paid the sum of one dollar on each share, so subscribed; *Provided*, that no further instalments on said subscriptions shall be called in by the said company, until the State of Mississippi shall have accorded the rights and privileges to the said company, which are contemplated by the act to which this is a supplement.

SEC. 2. *Be it further enacted*, That the Governor of this State be authorized to transmit copies of the present act, and the act to which this is a supplement, to the Executive of the State of Mississippi, in order that the same may be presented by him to the general assembly of that State.

SEC. 3. *Be it further enacted, &c.* That this act shall be in force from and after the passage thereof.

(Signed)

ALCEE LABRANCHE,
Speaker of the House of Representatives.

(Signed)

C. DERBIGNY,
President of the Senate.

Approved, March 24th, 1835.

(Signed)

E. D. WHITE,
Governor of the State of Louisiana."

Whereby the said company were invested, within the limits of the State of Louisiana, with certain rights, privileges and powers for the construction, repair, and maintenance of a rail road from the city of New Orleans to the State of Mississippi, to the end that the same should be continued in the direction of the city of Nashville in this State, whenever the assent of the States through which it should necessarily pass, shall have been obtained, for the purpose of facilitating intercourse and transportation between the two cities aforesaid, and intermediate points; and whereas, by the terms of the recited charter, an opportunity is proffered to the State of Tennessee, and her citizens, to co-operate in this work and partake of its advantages in common with our sister States and on equal terms; and whereas, it is deemed in strict accordance with the true

policy and interests of our State, and also in accordance with the constitution which calls to our attention, and recommends to our care the interests of internal improvement; that this, with all similar works should be encouraged and promoted by just legislative aid on the part of the State. Therefore,

Rights and privileges

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the same rights and privileges shall be and are hereby granted to the aforesaid company, within the territory of Tennessee as are granted to them in the territory of Louisiana; subject, however, to the restrictions, modifications and provisions which are mentioned and provided in this act, and that nothing in this act shall be construed to authorise the obstruction of such roads as cross the line on which the aforesaid rail road may be located, or to authorise the construction of lateral rail roads by the company herein incorporated, except such as are necessarily connected with the main road, without charters to that effect from this State.

May make surveys and construct road

SEC. 2. *Be it enacted,* That the said company, their officers, engineers or assistants, may make such examinations and surveys of, and upon the territory of this State, lying and being in a direction from the city of Nashville to the Tennessee river, as will be necessary to enable the said company to make a proper and judicious location of the route of the proposed rail road; and after the route shall have been so located, the said company may proceed to make, construct, complete, use and maintain the said road, on the said route so located and fixed, in the direction aforesaid, upon the same and like principles and plans in all respects, and under and subject to the same regulations, powers, immunities, privileges, conditions and restrictions of what kind soever as are given, granted, enjoined, enacted and provided for in the said acts of the State of Louisiana, so far as the same, or any clause or part thereof, may not be inconsistent with this act.

Of damages

SEC. 3. *Be it further enacted,* That the mode of assessing or ascertaining damages that may be sustained by persons, in consequence of the said rail road or its works being laid upon their lands, or by the taking of materials for the construction or repair of the same, as contemplated in the thirteenth and fourteenth sections of the first recited act, shall be the same in the State of Tennessee as is provided for in the State of Louisiana, by three "commissioners of appraisement;" and with a view to carry this part of the act into effect, the governor of this State shall, in due time, after the passage of this act, appoint three commissioners, who shall be disinterested freeholders and citizens of this State; who shall make their valuations in all respects in the same form, and under the same directions and limitations,

and receive like compensation as provided for by the said act, recited as aforesaid; and that the said commissioners, or a majority of them, shall deposit their valuations with the clerk of the circuit court of the county wherein the land or other things valued shall be found and situated; and the amount of such valuation, when paid or tendered to the owner or owners of said property, or his, her or their legal representatives, or deposited with the said court for their use, shall entitle the said company to the fee simple and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same; that the said valuations made under this act, after the return is made to the clerk's office as aforesaid, on application of any party interested, if regularly made, may be confirmed by the court; and such assessment shall be final and conclusive on all parties, married women and minors, unless an appeal be taken therefrom, to the proper tribunal, within twenty days after the said assessment and valuation shall be approved and confirmed by the court—that the company shall not be compelled to arrest the progress of their work, on account of any delays in making the valuations aforesaid; and should either of the commissioners of appraisement, appointed under this act, die, resign or refuse to act, before their duties shall have been completed under this act, their places shall be filled by the governor, as above pointed out.

SEC. 4. *And be it further enacted,* That the rates of tolls, and of transportation, to be charged at any time upon that part of the rail road situated within the limits of the State of Tennessee, of any kind of property or upon persons, shall not be greater than the rates of tolls and transportation respectively charged at the same time, for the same or like kinds of property or persons, passing in the same direction, on that part of the rail road situated within the limits of Louisiana, or either of the other States, through which the same may pass.

SEC. 5. *And be it further enacted,* That if any person or persons shall wilfully, by any means whatever, destroy or injure any part of the rail road authorised by this act, or any of its works, carriages, vehicles or machines, or shall attempt so to do, such person or persons shall, on conviction thereof, for every such offence, forfeit and pay to the use of said company, the sum of one hundred dollars, to be sued for before any court of competent jurisdiction, and shall moreover be liable for all damages occasioned thereby, and may furthermore be proceeded against by indictment, at any time within six months after such offence be committed, and be punished by fine and imprisonment, or both, at the discretion of the court.

Provision against injury

SEC. 6. *And be it further enacted,* That in all cases where the matters in controversy shall have originated and

Of service of
process

arisen in this State, the said company may sue or be sued here, in like manner as other bodies corporate may sue and be sued within this State; and in any suit, action or proceeding at law, against the company, the process may be served within the proper county or district, upon any known officer or agent of said company.

Taxation

SEC. 7. *And be it further enacted*, That the exemption from taxation, of the capital stock and property of said company, shall be the same within this State and for the same period as is granted by the State of Louisiana, by the before recited act of incorporation; *Provided*, the property of said company shall never be taxed at a higher rate than the property belonging to other individuals or corporations within this State; and that if the rail road, by this act authorised, shall not be completed in all its extent, as contemplated, within this State, so far as to transport freight and passengers, within the space of ten years from the passage of this act and its acceptance by the said company, then this act shall be null and void.

Of reserved
stock

SEC. 8. *Be it further enacted*, That should the State of Tennessee hereafter, and within the time allowed, determine to subscribe for the five thousand shares of the capital stock of said company, reserved for her by the second section of the act of incorporation, aforesaid, this State will be allowed, instead of paying cash on the instalments as they become due, to give her bonds, payable at the same time and in the same manner, with like interest, as is allowed to the State of Louisiana by the nineteenth section of the said act.

Branches pro-
vided for

SEC. 9. *And be it enacted*, That nothing in this act shall be so construed, as to confer on the New Orleans and Nashville rail road company, any exclusive privilege or monopoly, so as to prevent this State or its citizens under its authority, from making, at any time hereafter, any similar public work, or intersecting or connecting with the road herein authorised, any branch or lateral rail road or public work of internal improvement, which they may deem proper; *Provided*, the same is done in such manner as not to injure the road or works hereby authorised; but full right is reserved to this State, or any individual or company she may authorise to that effect, to connect with said road any branch or lateral rail road, or other public work of internal improvement, in the manner above specified, extending to any part of this State.

Subscriptions

SEC. 10. *Be it further enacted*, That upon the acceptance of this act, on the part of the New Orleans and Nashville Rail Road Company, the president and directors thereof shall cause books of subscription to the capital stock of said company, to be opened at Nashville, Franklin and Columbia, and at such other points within this State,

as they may deem proper, after having given public notice thereof, for the purpose of receiving subscriptions to the amount of ten thousand shares, or one million of dollars, on the same terms and subject to the same regulations as the subscriptions that have been already received; and the books thus opened shall be kept open for six successive days, (Sundays excepted,) from ten o'clock, A. M. until two o'clock, P. M.; and at the end of said six days, should the amount subscribed within this State exceed the ten thousand shares, the same shall be reduced to that number, by striking off from the largest number of shares, until the reduction is effected. It is hereby expressly declared and provided, however, that the citizens and corporations (except banks and insurance companies,) of the State of Tennessee, shall have a preference over all others, for three days after the books for subscription are opened as aforesaid, to take ten thousand shares; and after that time the same may be taken by the citizens or corporations of any other State or territory.

SEC. 11. *And be it further enacted*, That should the amount of the capital stock, authorised in the original charter of this company, be found insufficient to complete the contemplated work, the same may be increased by the legislature which incorporated said company, to such amount as shall be necessary to complete the same. Capital may be increased

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed, November 6th, 1835.

CHAPTER IX.

An Act to amend "an act to incorporate the inhabitants of the town of Nashville, in the county of Davidson."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the mayor and six of the aldermen, to be chosen, one from each ward, by the mayor and aldermen, at the first meeting after their election and taking the oaths of office, shall each be vested with the power of a justice of the peace, within the town of Nashville; and the said mayor and six aldermen, or any two of the aldermen together with the mayor, shall have the power to hold a mayor's court, on the first Wednesday in every month, at the city hall, in said town of Nashville, and to continue from day to day, as long as shall be necessary for the dispatch of the business pending in said court. Mayor's court established

recorder shall be chosen as heretofore, and shall act as clerk of said court, and shall receive the same fees as are or shall be allowed to the clerk of the circuit court of Davidson county for similar services. The mayor and aldermen of said town shall have authority to allow the mayor and the six aldermen holding the courts, such compensation as said mayor and aldermen may prescribe, to be paid out of the treasury of said corporation. The town constable shall attend said courts, and serve the process thereof; and shall have the power and be subject to the liabilities of a sheriff, and receive the fees therefor which are by law allowed to the sheriff of a county, and the fees of the clerk and town constable shall be collected and accounted for in the same manner as the fees of clerks and sheriffs are or shall be by the laws of this State. The sheriff of the county, and constables that may be elected within said town, according to the laws of this State, shall also serve the process of said court, under the same rules, regulations and penalties as are or shall be prescribed by law in relation to the circuit courts.

Jurisdiction

SEC. 2. The jurisdiction of said courts shall extend to all crimes, offences and misdemeanors committed within the limits of the corporation, which are not capital; and of all offences against the by-laws of the corporation: whether by indictment, presentment or actions for penalties, and in all suits for penalties enacted by laws of this State, where the violation of the laws may have occurred within the limits of the corporation; *Provided*, that the circuit court of Davidson county shall have concurrent jurisdiction in all the cases before specified. Said corporation court shall have jurisdiction of all crimes and offences whatever, committed by slaves within the limits of said town.

Of powers

SEC. 3. The said court shall issue all such writs and processes, and execute all such powers as may be necessary or proper, for the discharge of their duties, in like manner as may be done by the circuit courts; and all such writs and processes may run into any county, and shall be obeyed and executed throughout the State.

Grand jurors

SEC. 4. The grand-jurors shall be appointed by the mayor and aldermen of the town, from the citizens of said town, in the same manner as the grand-jurors are appointed for the circuit courts, and they shall serve for three terms of said corporation court; and the mayor and aldermen shall have power to supply any vacancies that may exist, from death, sickness or otherwise; and upon application by the clerk of said court, founded upon an order of the court, the mayor and aldermen shall have a meeting for that purpose. The petit-jurors shall be drawn and returned by the mayor and aldermen, in the same manner that petit-jurors are designated by the county courts for the circuit courts,

and shall serve for three terms, and a jury of by-standers, citizens of the town, may, at any time, be summoned by the sheriff of the county, or town constable, as the court may direct. The grand and petit-jurors shall not be entitled to any compensation unless the same is allowed by an ordinance of said mayor and aldermen.

SEC. 5. A solicitor shall be elected by the mayor and aldermen, to attend and prosecute in the name of the State, ^{Solicitor to be elected} in all cases in said courts, who shall receive such compensation, to be paid out of the treasury of the town, as may be fixed by the laws or ordinances of said corporation, and it shall also be the duty of said solicitor, to prosecute in the name of the corporation, all suits for penalties executed by the laws of this State, or by-laws of the town, which, by this act are made cognizable in said corporation court.

SEC. 6. Such a tax as the circuit court is by law authorized to assess in similar cases, shall be collected in every ^{Defendants to pay tax} criminal prosecution or suit for a penalty, to be paid by the defendant or defendants, when he or they are convicted, or judgment is rendered against them; and executions shall be returnable to the first day of the succeeding term of the court from that at which they issue. Such taxes shall be paid into the treasury of the corporation, and the proceeds of the same shall be applied to defray the expenses of the court.

SEC. 7. The clerk and town constable shall give bond ^{Officers to give bond} and security for the due execution of the duties of their respective offices, in such manner and for such sums as the mayor and aldermen of said town shall, by their ordinances prescribe.

SEC. 8. For all crimes and offences not cognizable in said courts, the said courts or either of the justices thereof, shall have power to bind over the offenders to appear at the circuit court; and shall take recognizances or bonds for their appearances at the next ensuing term of the circuit court, after the examination has taken place. ^{Recognizances}

SEC. 9. From every final sentence or judgment of said court, an appeal, in nature of a writ of error, shall lie to the supreme court of errors and appeals, under the same rules, regulations and restrictions as may be prescribed by law for appeals and writs (of) error, from the circuit court to said supreme court. ^{Appeals}

SEC. 10. Said court shall be a court of record, and the ^{Co't of record} clerk shall perform similar duties and be exposed to the same liabilities as the clerks of the circuit courts of this State, so far as the laws may apply.

SEC. 11. That the mayor and aldermen of the town of Nashville shall have power to regulate foot-pavements and side-walks in the streets of said town; and if the owner or ^{Corporation to regulate side-walks} owners of lots shall fail to comply with the provisions of

such by-laws, within such time as may be prescribed thereby, the corporation may contract with some suitable person or persons, on the best terms that can be made, for the construction of such side-walks or pavements, and pay for the same; and the amount paid by said corporation shall constitute a charge against the owner or owners of the lots; to be recovered against them by suit, in the name and for the use of the corporation, before the corporation court, or before any circuit court or justice of the peace; but in case the latter only, where the same is within the amount of a justice's jurisdiction as given by law, and the amount paid by the corporation shall be a lien on said lot.

SEC. 12. That in all cases that may be brought before any court of law or equity, in which the mayor and aldermen of the town of Nashville shall be a party, it shall be no exception to a witness, that he is an inhabitant of said town, or an owner of taxable property within the same.

SEC. 13. That said mayor and aldermen of the town of Nashville, shall have power and authority to make by-laws or ordinances, providing for the laying and collecting of taxes for corporation purposes; *Provided*, that all property shall be taxed according to its value, from the principles established by law, and by the constitution of this State; and the collector of taxes appointed within said corporation, by the mayor and aldermen, shall have the same authority to collect the said taxes within said corporation, and the same remedies as the collector of taxes for the State and county shall have by law for the collection of State and county taxes; and shall also have further power and authority to make ordinances or by-laws for preventing accidents by fire, and preventing the erection of wooden houses or buildings, that may endanger the property adjoining; and to cause any such building, now within the corporation, to be removed upon making compensation therefor.

SEC. 14. That the said mayor and aldermen shall have power and authority to rent, erect or repair work-houses and hospitals for the reception of persons infected with contagious diseases, and other public buildings for the benefit of said town; to pay the charges of removing such infected persons to the hospitals; to provide doctors, nurses and other necessary attendants, as well as guards to prevent the spreading (of) such diseases; and they shall also have power to purchase land in Davidson county, beyond the limits of such town, for the erection of a work-house, poor-house or hospital, and exercise jurisdiction over the same, and send all paupers, vagrants, and persons affected with contagious diseases, to such public building as shall be owned by said town, beyond the limits of the corporation.

SEC. 15. *Be it enacted*, That the mayor and aldermen of the town of Franklin, in (the) county of Williamson, be

Witnesses

Taxes

Work-houses
and hospitalsMayor's court
in Franklin

and they are hereby authorised to hold a mayor's court, in said town of Franklin, under the same rules and regulations and restrictions, and vested with the same powers as are given and vested by this act, for the formation and holding of the mayor's court in the town of Nashville; the circuit court of Williamson county having concurrent jurisdiction in all cases specified in this act, and given to the mayor's court at Franklin; *Provided*, a majority of the citizens of, or within the corporation of said town of Franklin, entitled to vote for aldermen, shall agree thereto; which fact shall be ascertained, by an election to be held in said town of Franklin, at such time and place as may be designated by the aldermen, by giving at least ten days' public notice thereof.

SEC. 16. *Be it enacted*, That in the event a majority of the citizens of said town of Franklin, shall vote against giving the jurisdiction specified in this act, to the mayor and aldermen of Franklin, holding the mayor's court as provided for in this act; then and in that case the mayor and aldermen of said town of Franklin shall have all the powers and privileges that are given to the mayor's court at Nashville, in this act, except that of trial by jury.

SEC. 17. *Be it enacted*, That the mayor and aldermen of the town of Memphis, in the county of Shelby, be and they are hereby incorporated, and authorised to hold a mayor's court in said town of Memphis, under the same rules, regulations and restrictions, and vested with the same powers that are given and vested by this act, for the formation and holding of a mayor's court in the town of Nashville, except the part of the first section which gives to the aldermen of Nashville the power and jurisdiction of justices of the peace; also, that part of said first section which requires that the aldermen shall act with the mayor in holding a court; which said provisions shall not apply to the mayor's court at Memphis. The circuit court of Shelby county shall have concurrent jurisdiction in all cases specified in this act, and given to the mayor's court at Memphis; *Provided*, a majority of the citizens within the corporation of said town of Memphis, entitled to vote for aldermen, shall agree thereto; which fact shall be ascertained by an election, to be held in said town of Memphis, on the first Monday in June, 1836, by the sheriff of Shelby county, who shall give at least ten days notice thereof.

SEC. 18. *Be it enacted*, That in the event a majority of the citizens of the town of Memphis, entitled to vote, shall vote in favor of giving the jurisdiction specified, to said corporation of Memphis—if not, the act so far as it applies to the town of Memphis, shall be null and void.—The said mayor and aldermen of Memphis shall have power to cause to be erected a court house and jail in said town of

Memphis, and shall have power to appoint a jailor and keeper thereof; who shall be governed by the same rules and regulations that govern the keepers of county jails, and the expenses of the same for keeping prisoners, shall be defrayed in the same manner.

Limits

SEC. 19. *Be it enacted*, That the limits of the corporation of Memphis shall be extended to and over all that part of the John Rice grant, which was originally laid off and designated as the interest of the proprietors of the town of Memphis; *Provided*, it shall not extend more than one mile from the Mississippi river; and all laws now in force exempting the lots of the proprietors of Memphis from taxation, are hereby repealed.

Authority to borrow money

SEC. 20. *Be it enacted*, That the said mayor and aldermen of the town of Memphis, should they deem it advisable, are hereby authorized to pledge the faith and revenue of the corporation of the town of Memphis, for the purpose of borrowing money to construct their public works; *Provided*, the same does not exceed twelve thousand dollars; and for the purpose of more effectually enabling them to collect the corporation tax, they are authorized to make such by-laws as will enable them to cause the tax on property to be collected—not inconsistent with the constitution and laws of this State, or of the United States.

Dresden

SEC. 21. *Be it enacted*, That the mayor and aldermen of the town of Dresden, in the county of Weakley, and their successors in office, be and they are hereby authorized to sell any or all that part of said town, known and designated in the original plan of the town as the "town commons."

Deeds of conveyance

SEC. 22. In making deeds of conveyance for said land, it shall be sufficient for the mayor of the town, for the time being, to sign said deed; which shall be good and valid against the corporation.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Passed, February 20th, 1836.

CHAPTER X.

An Act to incorporate the Nashville Marine Fire Insurance and Life and Trust Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Insurance and Life and Trust Company shall be established in Nashville with a capital stock of three hundred thousand dollars, to be in-

Capital stock &c

creased at the pleasure of the stockholders to five hundred thousand dollars, divided into shares of fifty dollars each, to be subscribed for in the manner hereafter specified; which body politic shall have perpetual succession, by the name and style of the Nashville Marine Fire Insurance and Life and Trust Company, and shall so continue until the first day of January, one thousand eight hundred and sixty-six.

Subscriptions

SEC. 2. *Be it enacted*, That Jno. Sommerville, C. C. Trabue, Anthony W. Johnson, C. C. Norvell, Jno. Williams, Tho. W. Erskine, Robt. W. Greene, A. A. Caseday, Saml. D. Morgan, Jno. W. Walker, Thomas Smith, Nicholas Hobson, Geo. S. Smith, Jas. M'Clure, Jno. H. Poston and G. A. Henry, or any three of them, be, and they are hereby authorized to open subscriptions in Nashville for the capital stock of said company, on Monday the 2d day of May next, and to keep them open the whole of said week, from 10 o'clock A. M. until 4 o'clock P. M., unless the said stock should be taken sooner; if within said week or six days three hundred thousand shares shall be subscribed for, it shall be lawful for the stockholders to meet as hereafter directed, and choose their directors; who may at any time, after having given thirty days notice in two of the newspapers published in the city of Nashville, cause the subscription to be re-opened, and to continue open until the whole amount of the residue of stock shall be taken. If, however, within the said week or six days, more than six thousand shall be subscribed, the surplus shall be deducted from the last subscriptions: *Provided*, that no preceding subscriber retains a subscription of more than fifty shares.

Corporate powers

SEC. 3. *Be it enacted*, That said corporation is hereby authorized and empowered to hold, possess and acquire, and the same to sell and convey, all such real estate as shall be necessary for the convenience for the transaction of its business, or which may be conveyed to said company for the security of any debt which may become due and owing, or in satisfaction of any judgment or decree rendered in favor of said company; and may have and use a common seal, and the same alter or change at pleasure; and may make regulations as shall be necessary and proper for the good government of the said company.

Securities

SEC. 4. *Be it enacted*, That the stock subscribed shall be secured to the president and directors, in the manner following, to wit: Five dollars on each share, whenever the said president and directors shall give ten days notice of the time and place of payment in two of the newspapers printed in Nashville, and five dollars on each, shall, at the same time and place, be secured by negotiable notes with security, to be approved by the president and direc-

fors aforesaid, payable in one of the Banks in the city of Nashville, in ninety days from the date, to the President and Directors and Company of the said Insurance and Life and Trust Company; the balance of said stock shall be secured by negotiable notes, not having more than six months to run, with personal security, to be approved by the president and directors, or a mortgage on real estate of twice the amount of the amount of the stock to be secured, with power to sell without redemption in default of any payments that may be required by the said president and directors, or by a pledge of bank stock to the satisfaction of the president and directors as aforesaid. ●

Authority to make insurance
SEC. 5. *Be it further enacted,* That the said Insurance and Life and Trust Company shall have full power and authority to make insurance upon ships and other sea vessels, and upon steam boats, flat boats, and other river boats, upon freight, seamen's wages, goods, wares, and merchandize, and gold and silver bullion, or money, against all maritime risks or risks of the rivers, and upon houses, stores, and other buildings, goods, wares and merchandize, furniture and other articles, against fire and upon bottomry and respondentia, and to fix a premium thereon; and the said company shall have the power: 1st, to make insurance on lives; 2nd, to accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, or may be transferred to them; 3rd, to receive and hold land under grants with general or special covenants, so far as the same be necessary for the transaction of their business, or where the same may be taken in payment of their debts or purchased upon sale made under any law of this State, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey and dispose of; and generally to do and perform all other things necessary to promote those objects.

Investment of stock
SEC. 6. *Be it enacted,* That it shall be lawful for said company to invest any part of its capital stock, money, funds, or other property, in any public stock or funded debt created, or to be created by or under any laws of the United States, or this or any other State, or in the stock of any chartered bank in this State or of the United States; and the same to sell or transfer at pleasure, and again to invest the same whenever and so often as the exigencies of said company or due regard for the safety of its funds shall require, or they may loan the same or any part thereof to individuals or public corporations, on real or personal security, for such periods of time as the directors for the time being shall deem prudent and best for the interest of said company.

SEC. 7. *Be it further enacted,* That the real and per-

sonal estate, business, property and funds of said company, and the administration of its affairs, shall be under the direction, management and control, of a board of eleven directors; each of whom shall be owners in their own names of not less than fifty shares of the capital stock of said company, citizens of the United States and of this State; and also that the individual property, both real and personal, of every stockholder in said institution, shall be held and bound for the payment of the debt of said corporation to the full amount of his or her stock in said corporation.

Election of directors
SEC. 8. *Be it further enacted,* That an election shall be held after the first election, for the election of the board of directors of said company, at the office of said company, in the city of Nashville, on the first Monday in May, in each and every year; of which, ten days notice shall be given in at least two of the newspapers printed in Nashville, each share holder giving one vote for each share of which he may be the owner, but no share holder shall be entitled to more than thirty-five votes, and the persons so elected shall serve as directors for the next succeeding twelve months; and if at any time an election shall not be held as herein provided for, the said company shall not be dissolved, but the board of directors for the time being shall serve until another election takes place, which may be at any time thereafter the board for the time being, giving at least ten days notice thereof in two of the newspapers printed in Nashville, and the said directors are hereby authorized to fill any vacancy which may happen through death, resignation or other cause.

Election of president
SEC. 9. *Be it further enacted,* That the directors so elected shall elect one of their body president of said company, who shall serve until the next annual election, and in case of his death, resignation or removal, the board shall appoint a president *pro tempore*; they shall fill all vacancies which may occur in their own body, and shall appoint a secretary and all subordinate officers, clerks, agents and servants, of said corporation, fix their compensation and define their powers, and prescribe their duties, who shall hold their office during the pleasure of the board.

Quorum to effect insurance
SEC. 10. *Be it further enacted,* That the president, with four directors, or five directors in the absence of the president, shall have full power and authority, in the name of said corporation, to insure upon all and every description of property herein before mentioned, and may receive for the amount of premium, such security, and payable at such times as they may deem satisfactory, and in conformity with the regulations which may be from time to time established by the board.

Transfer of stock
SEC. 11. *Be it enacted,* That the stock of said company shall be held and considered personal property, and

that it shall not be assigned or transferred, except by the consent of a majority of two thirds of the directors, and in the manner and forms which shall be prescribed by the board of directors, nor shall any transfer be made for a less number of shares than the whole amount owned, unless the directors agree to an assignment of part; yet such stock to be liable for the satisfaction of debts as now prescribed by law to render stocks liable.

SEC. 12. Be it further (enacted), That on the first Monday in May and November of each year, half yearly statements shall be made of the situation of the capital and of the state of the accounts of the company, which shall be laid before the share holders with the amount, number and risks undetermined, and such dividends of the profits may be made, as the president and directors may think advisable, but they shall in no case diminish the capital stock.

SEC. 13. Be it further enacted, That if at any time a stockholder shall fail to pay such instalments on his stock as may be called for at the time and in the manner prescribed; the board of directors for the time being shall have full power to declare such stock forfeited, and shall, after giving ten days notice thereof, offer the same for sale at public auction to the highest bidder, for cash; and the number of shares so sold, shall be transferred by the president of the board of directors to the highest bidder, who shall, by virtue of such transfer, become a member of said company; and if the same bid be not equal to the amount paid and the call for which it is sold, the company may proceed to collect the residue from the original stockholder, by suit in any court or tribunal of this State having jurisdiction thereof; and judgments rendered for instalments of stock shall not, if rendered by a justice of the peace, be subject to stay of execution.

SEC. 14. Be it further enacted, That the board of directors shall have power at any time, when in their opinion the interests of the company require it, to demand of any stockholder additional security for such part of his stock as may remain unpaid, and if such stockholder shall fail or refuse to give such additional or other security, to the satisfaction of the board of directors, they may declare such stock forfeited, and sell the same as provided for in the preceding section.

SEC. 15. Be it further enacted, That so soon as the amount of stock mentioned in the second section in this act is subscribed for, and after five days notice in two of the newspapers published in Nashville, signed by any three members of the company, the share holders shall meet at such time and place as may be appointed within the city of Nashville, and elect by ballot the first board of directors. A plurality of votes given shall elect, and the persons so

elected shall, at their first meeting, elect one of themselves president of the board, who, with the said directors, shall serve until the first Monday in May, 1837, or until another board of directors is elected.

SEC. 16. Be it further enacted, That nothing herein contained shall be so construed as to give the company hereby created, the power of issuing bills of credit, or exercising banking privileges. Banking powers prohibited

SEC. 17. Be it further enacted, That nothing herein contained shall be so construed as to prevent the Legislature from granting similar powers and privileges to similar associations. No exclusive privileges

SEC. 18. Be it enacted, That said company shall have power to insure any personal property not named in the above act. Power to insure personal property

SEC. 19. Be it enacted, That the president and directors of said company may have power to establish two agencies in the State of Tennessee, one in the eastern part of the State, and one in the western part of the State, if to them it may seem proper and advantageous to the stockholders. Agencies

SEC. 20. Be it enacted, That the powers granted in the fifth section of this act, to accept and execute all such trusts as may be committed to them by any person or persons, whatsoever, or may be transferred to them, shall not extend to any trusts for any insurance company, bank, or any other corporation which is not chartered by and under the authority of the laws of this State; and said Nashville, Marine, Fire Insurance and Life and Trust Company shall not have power to act as trustee for any insurance company, bank, or any other corporation which is not chartered by the laws of this State, or for the agent or agents of any such insurance company, bank, or other corporation. Limit of trusts

SEC. 21. Be it enacted, That all rights and privileges granted by this act, which have not heretofore been granted to the Tennessee Marine and Fire Insurance Company, by the act of November 15, 1833, and to the Memphis Insurance Company, by the act passed during the present session of the General Assembly, shall be, and the same is hereby granted to the said Tennessee Marine and Fire Insurance Company, and to the Memphis Insurance Company; and that in lieu of the bonus required to be paid by the charter of the Tennessee Marine and Fire Insurance Company, the last mentioned company shall pay annually one quarter of one per cent upon the amount of the whole capital stock, and the same is hereby appropriated to the use of common schools, to be divided among the several counties of the State, in proportion to their free white population; and the company hereby incorporated, shall pay the same tax as the

Rights of former companies extended

said Tennessee Marine and Fire Insurance Company, which shall be appropriated in the same manner, and to the same purpose.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed February 20, 1836.

CHAPTER XI.

An Act to incorporate the Memphis Marine and Fire Insurance Company.

Capital stock

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an insurance company shall be established in Memphis, with a capital stock of three hundred thousand dollars, which may be increased at the will of the stockholders, to any amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed for in the manner hereinafter specified; which body politic shall have perpetual succession by the name and style of the Memphis Marine and Fire Insurance Company; and shall so continue until the first day of January, eighteen hundred and sixty-six.

Committee for Subscriptions

SEC. 2. *Be it enacted,* That William T. Gholson, Peter W. Lucas, Archibald Walker, Beverly White, Marcus V. Winchester and Edwin Hickman, or any three of them, be and they are hereby authorized to open subscriptions, in Memphis, for the capital stock of said company, on the first day of April 1836, and to keep them open every d. y, between the hours of 10 A. M. and 4 P. M. for three days, Sundays excepted, when the same shall be closed; if within said three days, one thousand shares shall be subscribed for, it shall be lawful for the stockholders to meet as hereinafter directed, and to choose their directors; who may, at any time, after having given thirty days notice in the newspapers published in Memphis, cause the subscriptions to be re-opened, and to continue open until the whole amount of stock shall be taken; if, however, within the said three days, more than three thousand shares shall be subscribed, the surplus shall be deducted from the last subscriptions.

Corporate powers

SEC. 3. *Be it enacted,* That said corporation is hereby authorized and empowered to hold, possess and acquire, and the same to sell and convey all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or payment of any debt which may become due

and owing, or in satisfaction of any judgment or decree rendered in favor of said company; and may have and use a common seal, and the same alter or change at pleasure; and may make, ordain and establish such by-laws, ordinances, rules and regulations, as shall be necessary and proper for the good government of said company.

SEC. 4. *Be it enacted,* That the stock subscribed shall be secured to the president and directors in the manner following, to wit: five dollars on each share, whenever the said president shall give ten days notice of the time and place of payment, in the newspaper printed at Memphis, and five dollars on each share shall, at the same time and place, be secured by negotiable notes, with security, to be approved of by the president and directors aforesaid, payable at the Farmers' and Merchants' Bank of Memphis, in ninety days from the date, to the president, directors and company of said insurance company; the balance of said stock shall be secured by negotiable notes, not having more than six months to run, with personal security, to be approved of by the president and directors, or a mortgage on real estate of twice the amount in value of the stock to be secured, with power to sell without redemption, in default of any payments that may be required by the said president and directors, or by a pledge of bank stock to the satisfaction of the president and directors, aforesaid; or it shall be lawful for the president and directors—the stockholders owning a majority of stock, voting for the same at a general meeting of the company—in lieu of the above provision, to require all the stock to be paid on such instalments, and such times as they may deem best for the interest of the company.

SEC. 5. *Be it further enacted,* That said insurance company shall have full power and authority to make insurances upon ships and other sea vessels, and upon steam boats, flat boats, and other river boats, upon freight, seamen's wages, goods, wares and merchandise, and gold and silver bullion and money, against all maritime risks, or risks of the rivers, and upon houses, stores and other buildings, and goods, wares and merchandise, furniture and other articles, against fire; and upon lives, bottomry, and respondentia, and to fix a premium thereon, and generally to do and perform all other things necessary to promote these objects.

SEC. 6. *Be it enacted,* That it shall be lawful for said company to invest any part of its capital stock, money, funds, or other property, in any public stock or funded debt, created or to be created, by or under any laws of the United States, or this or any other State, or in the stock of any chartered bank or rail road, in this State or of the United States, and the same to sell or transfer at pleasure; and again to invest the same, whenever and so often as the

exigencies of said company, or due regard for the safety of its funds shall require; or they may loan the same or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, as the directors for the time being shall deem prudent and best, for the interest of the company.

Government

SEC. 7. *Be it enacted*, That the real and personal estate, business, property and funds of said company, and the administration of its affairs, shall be under the direction, management and control of a board of eleven directors, each of whom shall be owners in their own names, of not less than fifty shares of the capital stock of said company, citizens of the United States and of this State, and also that the individual property, both real and personal, of any stockholder in said institution, shall be held and bound for the payment of the debts of said corporation, to the full amount of his or her stock in said corporation.

Election of directors

SEC. 8. *Be it further enacted*, That an election shall be held after the first election, for the election of a board of directors for said company, at the office of said company, in the town of Memphis, on the first Monday in January, in each and every year; of which ten days notice shall be given in some newspaper, published in Memphis; each share holder, giving one vote for each share of which he may be the owner, and the persons so elected shall serve as directors for the next succeeding twelve months; and if at any time an election shall not be held, as herein provided, the said company shall not be dissolved, but the board of directors, for the time being, shall serve until another election takes place, which may be at any time thereafter, the board for the time being, giving at least ten days notice thereof, in some newspaper printed in Memphis; and the said directors are hereby authorised to fill any vacancy which may happen through death, resignation or other cause.

Election of president

SEC. 9. *Be it enacted*, That the directors so elected, shall elect one of their body to be president of said company, who shall serve until the next annual election; and in case of his death, resignation or removal, the board shall appoint a president, *pro tempore*; they shall fill all vacancies which may occur in their own body, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation; fix their compensation, define their powers and prescribe their duties; who shall hold their offices during the pleasure of the board.

Quorum

SEC. 10. *Be it further enacted*, That the president with four directors, or five directors in the absence of the president, shall have full power and authority, in the name of said corporation, to insure upon all and every description of property herein before mentioned, and may receive for the amount of premium, such security, and payable at such times as they may deem satisfactory, and in conformity with

the regulations, which may be from time to time established by the board.

SEC. 11. *Be it enacted*, That the stock of said company shall be held and considered personal property, and that it shall not be assigned or transferred, except by the consent of a majority of two thirds of the directors, and in the name and form which shall be prescribed by the board of directors; nor shall any transfer be made for a less number of shares than the whole amount owned, unless the directors agree to an assignment of part; yet such stock to be liable for the satisfaction of debts, as now prescribed by law to render stock liable. Transfer of stock

SEC. 12. *Be it further enacted*, That on the first Monday in July and January, in each year, half yearly statements shall be made, of the situation of the capital, and of the state of the accounts of the company; which shall be laid before the share holders, with the amount, number and character of the risks undetermined; and such dividends of the profits may be made as the president and directors may think advisable; but they shall in no case diminish the capital stock. Statement of accounts

SEC. 13. *Be it further enacted*, That if at any time a stockholder shall fail to pay such instalments as may be called for on his stock, at the time and in the manner prescribed, the board of directors for the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days' notice thereof, offer the same for sale at public auction for cash, to the highest bidder; and the number of shares so sold, shall be transferred by the president of the board of directors, to the highest bidder, who shall, by virtue of such transfer, become a member of said company; and if the sum bid shall not be equal to the amount paid, and the call for which it is sold, the company may proceed to collect the residue from the original stockholder, by suit in any court or tribunal in this State, having cognizance thereof, and judgments rendered for instalments of stock, shall not, if rendered by a justice of the peace, be subject to a stay of execution. Instalments

SEC. 14. *Be it further enacted*, That the board of directors shall have power at any time, when in their opinion the interest of the company requires it, to demand of any stockholder additional security, for such part of his stock as may remain unpaid; and if such stockholder shall fail or refuse to give such additional or other security, to the satisfaction of the board of directors, they may declare such stock forfeited, and sell the same as provided for in the preceding section. Additional security

SEC. 15. *Be it further enacted*, That so soon as the amount of stock mentioned in the second section of this act is subscribed for, and after five days' notice in the newspapers printed at Memphis, signed by any three of the Directors, &c.

commissioners, the stockholders shall meet at such place and time as may be appointed, in the town of Memphis, and elect, by ballot, the first board of directors. A plurality of votes given shall elect, and the persons so elected shall, at their first meeting, elect one of themselves president of the board, who, with the said directors, shall serve until the first Monday in January, eighteen hundred and thirty-seven, or until another board of directors is elected.

SEC. 16. *Be it further enacted*, That nothing herein contained shall be so construed as to give the company hereby created the power of issuing bills of credit or exercising banking privileges.

No banking powers

SEC. 17. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent the legislature from granting similar powers and privileges to similar associations.

No exclusion

SEC. 18. *Be it further enacted*, That said company shall have power to insure any personal property not named in the above act.

Insure personal property

SEC. 19. *Be it further enacted*, That in consideration of the privileges conferred by this charter, the company shall pay to the president and directors of the Memphis Hospital Company, as a bonus, annually, seven hundred and fifty dollars, during the time the company shall exist, on the first Monday in June, in each and every year, and which said bonus shall be used by the hospital company for the benefit of the hospital; *Provided*, should the Congress of the United States hereafter make an adequate appropriation for the support of the hospital at Memphis, then and in that event, the bonus appropriated for the support of said hospital, shall be appropriated to the use of common schools, and shall be paid over to the treasurer of the State, by the president and directors of said company.

Pay bonus

E. H. FOSTER, *Speaker House of Rep.*

JONA' WEBSTER, *Speaker of the Senate.*

Passed February 15th, 1836.

CHAPTER XII.

An Act to incorporate the inhabitants of Lexington in the county of Henderson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Lexington, in the county of Henderson, and the inhabitants thereof be, and are hereby constituted a body politic and corporate, by the name and style of the Mayor and Aldermen of the town of Lexington, and shall, by their corporate name, have perpetual succession, and sue and be sued, plead and be impleaded, by the name and style aforesaid; and by the name and style aforesaid, may grant, receive, purchase, hold, possess and enjoy, real, mixed and personal property, or dispose of

Incorporation

the same for the benefit of said town, and may have and use a common seal.

SEC. 2. *Be it enacted*, That the corporation aforesaid shall have full power and authority to enact and pass all laws and ordinances necessary and proper to preserve the health of the town, prevent and remove nuisances, to provide for licensing and regulating auctions, taxing auctions, except book auctions, which shall not be taxed, taxing, regulating and restraining theatrical and other public amusements and shows, within the bounds of the said corporation; to restrain and prohibit gambling, to establish night watches and patrols, to ascertain, when necessary, the boundaries and location of streets, lots and alleys; to appoint a surveyor of said town, who shall, whenever directed, proceed to survey and designate the lots by fixing a stone or some other lasting monument at the corner of each; he shall also make, or cause to be made out, a plan of said town upon a large scale, in which shall be marked the number of each lot, and the name of the person who originally possessed the same, which said plan he shall deposit with said mayor and aldermen; to establish new streets, lanes and alleys, with the consent of the proprietors of the lots or houses adjoining such streets, lanes and alleys, to pave and keep in repair the streets, to pass all laws necessary for the same; to cause to be built a market house, on some suitable part of the public square, the situation of which shall be at least fifty feet from any private lot; to regulate markets; to provide for the establishing and regulating of a fire company, and the sweeping of chimneys; to procure water on the public square by digging wells or otherwise, to erect and regulate pumps; to impose and appropriate fines, penalties and forfeitures, for a breach of their by-laws and ordinances; to appoint a treasurer, recorder and town constable; to lay and collect taxes for carrying all necessary regulations into effect for the benefit of the town; to restrain tippling houses; to impose a fine on any of the inhabitants of said town for keeping more than a certain number of swine running at large in said town; and to pass all laws and ordinances necessary to carry into effect the true intent and meaning of this act: *Provided*, said laws and ordinances are not incompatible with the constitution and laws of this State and of the United States.

Power and authority,

SEC. 3. *Be it enacted*, That all fines, forfeitures and penalties, imposed by the by-laws and ordinances of said corporation, if not exceeding twenty dollars, may be sued for and recovered by action of debt before the mayor of said corporation, or before any justice of the peace of Henderson county; and the mayor of said town shall have concurrent jurisdiction with a justice of the peace in all suits, civil and criminal, wherever the cause of action shall arise, or any offence be committed within the limits of the cor-

Fines, how recovered.

poration; and said Mayor shall have full power and authority to issue process in all cases of which he has jurisdiction by this act, and to send the town constable into any part of the county to execute such process, or the same be executed by any constable of the county; and officers shall be under the same rules and regulations in regard to the execution and return of process issued by the said mayor, that constables now are in the execution of process issued by a justice of the peace; and they shall be subject and liable to the same forfeitures and penalties and recoveries, that constables are liable to, for failing to execute and return process issued (by) a justice of the (peace) and to be sued for (and) recovered before the same tribunals. All fines, forfeitures and penalties imposed by the by-laws and ordinances of said corporation, exceeding twenty dollars, shall be sued for and may be recovered by action of debt in the circuit court of Henderson county. And in all cases where the mayor shall render any judgment under the provisions of this act, any person dissatisfied with such judgment shall be entitled to an appeal to the circuit court of the county, upon giving bond and security, as in cases of appeals from the judgment of a justice of the peace.

SEC. 4. *Be it enacted*, That the sheriff of Henderson county, shall, by himself or deputy, hold an election at the court house, in the town of Lexington, on the second Monday in September, eighteen hundred and thirty-six, and the same Monday in each succeeding year thereafter, for the purpose of electing seven persons to serve as aldermen of the corporation of said town of Lexington for one year, commencing on the first Monday next succeeding their election; and all persons owning freeholds, and all persons who have resided six months within the limits of said corporation, and who would be entitled to vote for members of the General Assembly, shall be entitled to vote for aldermen of said corporation, and all persons residing in said corporation, and having a legal or equitable interest in and to any real estate in said corporation, shall be eligible to the appointment of aldermen of said town.

SEC. 5. *Be it enacted*, That the seven persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be taken as duly elected, and the sheriff of Henderson county shall, within three days thereafter, give to each of the seven aldermen elect, a certificate of his election; and it shall be the duty of the persons so elected, to meet at the court house on or before the second Tuesday next succeeding their election, five of whom shall constitute a quorum, and they shall proceed to elect by ballot, one of their own body, to be Mayor of said corporation for the same (time) for which the aldermen were elected as aforesaid; and when any mayor of said corporation shall die, remove out of said town, or resign,

Elections of
aldermen

Mayor

another election shall be held by the aldermen in manner aforesaid, for another person to fill the office of Mayor for the time unexpired, until the next general election for aldermen; and when any alderman shall die, remove out of said town, or resign, such vacancy shall be filled by the mayor and aldermen at any regular meeting, and the person or persons so appointed by them, shall serve until the next general election.

SEC. 6. *Be it enacted*, That the said mayor and aldermen shall, before they enter upon the duties of their office, take the following oath: I, A B, do solemnly swear, or affirm, as the case may be, that I will faithfully and impartially execute and discharge the duties of my office to the best of my skill and abilities—so help me God.

SEC. 7. *Be it enacted*, That the treasurer appointed for said corporation, shall hold his office for the term of two years, and shall, before entering upon the duties of his office, enter into bond with good security, payable to said mayor and aldermen in the sum of five hundred dollars, conditioned for the faithful performance of his duty; and said treasurer shall keep a regular and just account of all moneys received and paid out by him, in (a) bound book kept for that purpose, which said book, with the moneys then in the treasury, and all papers appertaining to said office, he shall deliver up to his successor; and the recorder of said corporation shall be appointed annually, and it shall be his duty to keep in a bound book, to be kept for that purpose, a true and regular account of the proceedings of the said mayor and aldermen, and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary; and said treasurer and recorder shall receive a compensation for their services, which shall be fixed upon by said mayor and aldermen.

SEC. 8. *Be it enacted*, That when any tax or duty shall be imposed and laid on any real property lying within the bounds of said corporation, and not paid by the owner or occupier of the same, and there shall not be any personal property of the owner or occupier of such lot within the bounds of the corporation, on which an execution could be levied, then it shall be the duty of the recorder to certify the same to court of Henderson county, at the time to which the sheriff or tax collector of said county is required by law to report land in his county, upon which the State and county tax have not been paid; and upon said report at said term, it shall be the duty of said court to enter up judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non-payment of the taxes due the State and county within the county, and the (same) shall be sold at the same time, and in the same manner, and subject to the same rules and restrictions, that are by law required for the sale of lands lying

Land liable to
be sold for
taxes

Term of office

within the bounds of said county, on which the county and State tax have not been paid; which tax, when collected by said sheriff or tax collector, shall be by him paid into the hands of the treasurer for the use of said corporation, which sale, when made in the manner aforesaid, shall vest the same right and title in the purchaser as if the same had been made for the tax due the State.

Constable

SEC. 9. *Be it enacted*, That the town constable appointed by said corporation shall continue in office twelve months from the time of his appointment, and till (his) successor is elected and qualified; and shall, before entering upon the duties of his office, give bond and sufficient security to the mayor and aldermen for the time being for the faithful discharge of the duties of his appointment, and accounting for all moneys by him collected.

Judges of elections

SEC. 10. *Be it enacted*, That the sheriff of Henderson county shall, previous to holding an election for mayor and aldermen, as provided for in the fourth section of this act, appoint three respectable citizens of said town qualified to vote for aldermen, who shall act as judges of said election.

Sheriff to hold elections

SEC. 11. *Be it enacted*, That if said sheriff should fail to hold an election, as pointed out in the fourth section of this act, on the second Monday in September as aforesaid, he may, and he is hereby required to hold said election at any time within thirty days thereafter, on giving notice of said election by advertising on the court house door, at least three days previous to holding such election; and if said sheriff shall fail or refuse to comply with the requisitions of this or the 4th section of this act, he shall forfeit for every such offence fifty dollars to the corporation of the town of Lexington, to be recovered by action of debt, in the name of the mayor and aldermen, in the circuit court of Henderson county, for the use of said corporation. And if it should so happen that there is no sheriff at the time said election is required to (be) held, then it shall be the duty of the coroner of said county to hold said election under the same rules, regulations and restrictions, and subject to the same penalties and forfeitures, as the sheriff of said county. And the said corporation shall not be dissolved by reason of failure to hold an election at or within (the) time prescribed by this act; but the mayor and aldermen in office at the time of any such failure, shall remain in office and continue to discharge the duties thereof till the next regular election for aldermen in the next succeeding year.

Former laws repealed

SEC. 12. *Be it enacted*, That all laws heretofore passed, incorporating said town of Lexington, which are inconsistent (with) the provisions of this, be, and the same are hereby repealed.

E. H. FOSTER, *Speaker House of Rep.*
JON'A. WEBSTER, *Speaker of Senate.*

Passed February 20, 1836.

CHAPTER XIII.

An Act to incorporate the Ashport Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Armour, John W. Campbell, William Conner, James Hubbard, Harrod J. Anderson, Ebenezer Young and Robert C. Campbell, be, and they are hereby appointed commissioners, under the directions of whom subscriptions may be received to the capital stock of the Ashport Turnpike Company, hereby incorporated. And they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice by advertisement for at least three successive weeks in the newspapers printed at Jackson and Randolph, of the times and places of opening the same. Upon the first opening of said books, they shall be kept open at least ten days; and if, at the expiration of that time, such subscription to said capital stock, as is necessary to the incorporation of said company, shall not have been attained, the said commissioners, or a majority of them, may cause the said books to be re-opened for subscription at proper places, from time to time, for the space of three years after the passage of this act, or until the sum necessary to its incorporation shall be subscribed.

Commissioners for opening books.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be twenty thousand dollars, in shares of one hundred dollars each. No soon as fifty shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns shall be, and they are hereby declared to be incorporated into a company and body corporate by the name of the Ashport Turnpike Company, and by that name shall be capable in law of purchasing, holding, selling, buying and conveying estates, real, personal, and mixed, so far as the same shall be necessary for the purpose hereinafter named, and shall have perpetual succession, and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have the power to renew or alter at their pleasure, and shall have and exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Capital stock.

SEC. 3. *Be it enacted*, That if more than two hundred shares shall be subscribed to the capital stock of said company, the said commissioners, or a majority of them, shall reduce the subscriptions to two hundred shares, by striking off from the highest subscriptions in succession.

Subscriptions to be equalized.

SEC. 4. *Be it enacted*, That there shall be paid on each

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Of payment on share subscribed (but not until fifty shares shall have been instalments. subscribed) such sum as the president and directors hereinafter named, or a majority of them, may direct, and in such instalments not exceeding one half of the subscription in any one year: *Provided*, no payment shall be demanded until at least twenty days notice shall have been given by the said president and directors of said company in some newspaper printed in Jackson and Randolph, of the time and place of payment; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription thus demanded, for thirty days next after the same shall be due and payable, the stock on which it is demanded, together with the amount paid in, shall be forfeited to the company, and may be sold by the president and directors for the benefit of said company.

Stockholders—meeting of.

SEC. 5. *Be it enacted*, That as soon as the commissioners shall ascertain that fifty shares of the capital stock has been taken, it shall be their duty to call a meeting of the stockholders at the town of Brownsville, of which they shall give at least twenty days notice in the newspapers printed in Jackson and Randolph, and at such meeting, the commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, shall elect five directors by ballot to manage the affairs of said company; and said directors, or a majority of them, shall elect a president of said company from amongst said directors, and allow such compensation for his services as they may deem just. In all elections where a vote of the stockholders of said company is taken, each stockholder shall be allowed one vote for every share owned by him, her or them, and may vote by proxy; and none but stockholders shall be eligible for president or director.

Election of Directors.

SEC. 6. *Be it enacted*, That to continue the succession of the president and directors of said company, five directors shall be chosen annually, on the first Monday in October in every year, at such place as a majority of the stockholders may direct. If any person shall refuse to qualify as a director, or a vacancy occur by death or otherwise, the president and directors, or a majority of them, shall appoint some other person to fill such vacancy until the next annual election; and the president and directors shall hold their offices until a new election of directors, and until they are organized.

Directors to be sworn.

SEC. 7. *Be it enacted*, That every president and director, before he acts as such, shall, before some judge or justice of the peace, take an oath that he will well and truly discharge the duties of such office to the best of his skill and ability.

SEC. 8. *Be it enacted*, That said president and directors

shall have power to appoint a cashier, and all such officers, engineers, agents, or servants whatsoever, as they may deem necessary, for the transaction of the business of said company, and may remove any of them at pleasure, and may fix their salaries, and determine by their by-laws the manner of adjusting and settling all accounts against the company, and also the manner and evidence of transfers of stock in said company, and may pass all by-laws not contrary to the laws of the United States or the State of Tennessee.

Powers of Directors.

SEC. 9. *Be it enacted*, That the president and directors of said company shall, and they are hereby vested with all the powers and rights necessary for the construction and repair of a turnpike road from Ashport, on the bank of the Mississippi river, in Lauderdale county, the most practicable route to the bluff or high land of old Cole Creek, the ground over which the said road is to lie, and its direction to be determined by the president and directors of said company; the said road shall be built above high water mark, but not more than one hundred feet wide, to which width the company may purchase land and cause the same to be condemned for the use of said road; and they may contract with others for the making of said road or any part thereof, and they or their agents may enter upon and use and excavate any land which may be laid out for the site of said road, or for the erection of stables, mechanical shops, or other works necessary to said road, or useful in the construction or repair thereof: they may build bridges, and may use earth, stone, gravel, timber, or any other material necessary to its construction or repair, and may construct all necessary apparatus appertaining to the same.

Power of company.

SEC. 10. *Be it enacted*, That whenever it shall become necessary, after said road is laid out, to subject the lands of individuals over which said road is laid out, to the use of said company, and if the right of the owner cannot be obtained by gift or purchase, it shall be lawful for the builders of said road to enter upon such lands and proceed in the opening and constructing of said road through the same. The pendency of every proceeding in court, or before assessors or valuers to estimate the damages that will be sustained by the owner or proprietor of said land, by reason of opening said road, shall in no manner hinder or delay the progress of said road, the true intent and meaning of this act being, that all injury that may be done to any land without the consent of the owner or proprietor thereof, by the opening and constructing said road through the same, over and above the damages of the road to the owners and proprietors of the lands, shall be fully and completely compensated for in damages, when ascertained, so that the work may not be delayed by lawsuits.

May use land on rout.

Of damages to
owners of land.

SEC. 11. *Be it enacted*, That if the company and owners cannot agree as to the value of the land over which the road passes, either party may apply to the county court of Lauderdale county, by giving five days notice, if the owners reside in the county, and twenty days if they reside in any other county in this State and by advertising in some newspaper printed in Jackson; if he reside out of this State, to appoint valuers to condemn the land for the use of the road, and the court shall appoint three disinterested freeholders of said county, and who shall be sworn justly and impartially to value the land, who shall ascertain what damage the owner will sustain (if any) by the road passing through or over said tract of land, always taking into consideration the benefit the road will be to the owner, and the tendency the road will have to increase the value of the land; and the said freeholders shall report as soon as practicable to the court aforesaid, which report shall be recorded, and the damages, (if any,) paid by the company to the owner; the report shall describe the land condemned, and shall have the effect of a deed to the company.

When to erect
gate.

SEC. 12. *Be it enacted*, That so soon as the bottom is levied and bridged from the bluffs or high land across Cole Creek, the company shall have the right to erect a toll gate and charge half price, except for foot passengers.

Divid ds.

SEC. 13. *Be it enacted*, That after the road shall be completed, the president and directors shall semi-annually declare and make such dividends of nett profits, from the tolls herein granted, as may be advisable to be divided amongst the proprietors of the stock of said company in proportion to their respective shares.

Of damages to
road.

SEC. 14. *Be it enacted*, That if any person shall willfully impair or destroy any part of said road constructed by this act, such person shall be subject to be indicted, and on conviction shall be fined in a sum not exceeding one hundred dollars, and imprisoned not exceeding twelve months, and moreover shall be liable to an action for damages at the suit of said company, in any court having cognizance thereof.

Tolls.

SEC. 15. *Be it enacted*, That said company shall be authorized to charge the following tolls, to wit: For every hog or sheep, one cent; for every beef cattle, two cents; for any loose horse, mule, jack or jenny, six and one fourth cents; for any foot passenger, six and one quarter cents; for a man and the animal he rides, twelve and one half cents; for any two wheel carriage with one or two horses, twenty-five cents; for any carryall twenty-five cents; for a pleasure carriage of four wheels, seventy-five cents; for a wagon and team of three or four horses, seventy-five cents, two horses fifty cents, over four horses one dollar, and the same

price for each if drawn by mules or oxen; for each mail stage, with driver and passengers, one dollar.

SEC. 16. *Be it enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company; that at any called meeting a majority of the stockholders present may require a similar statement.

Annual state-
ments required

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed December 11, 1835.

CHAPTER XIV.

An Act to incorporate the Franklin and Columbia Turnpike Road Company.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of the Franklin and Columbia Turnpike Company, and shall so continue and have perpetual succession.

Company in-
corporated

SEC. 2. *Be it enacted*, That the corporation hereby created, shall possess all the powers and privileges, and be subject to all the liabilities, which are enjoyed and incurred by the Franklin Turnpike Company, as prescribed in an act incorporating said company, passed December 31st, 1829, and amended by an act passed, December 15th, 1831, except so far as the said act may be inconsistent with this act.

Rights and
powers

SEC. 3. *Be it enacted*, That the capital stock of said corporation shall consist of four thousand shares of twenty-five dollars each; and William P. Campbell, Benjamin S. Tappan and Robert P. Curran, of Williamson county; David Looney, James Walker, and Edward W. Dale, of Maury county; and H. R. W. Hill, H. L. Douglass and Andrew Hynes, of Davidson county, shall be commissioners, who shall open books respectively in Franklin, Columbia and Nashville, after having given fifteen days notice, in at least one newspaper, in each of the three named places, and receive subscriptions for stock.

Commissioners
appointed

SEC. 4. *Be it enacted*, That William P. Campbell, Thomas Hardeman, and William Fleming of Williamson county, and John Watson, William McKissack, Garret S. Voorhies, John Smiser and Thomas Mahoon of Maury

Commissioners
to lay off road

county, shall be commissioners, to designate the rout, along which the road shall run; *Provided*, that said commissioners shall be bound to run it along the shortest and best rout between the towns of Franklin and Columbia.

Toll gates

SEC. 5. *Be it enacted*, That the said corporation may establish toll gates, not exceeding five; but no toll gate shall be erected within less than two miles of the said towns of Franklin and Columbia.

Pulaski turn-
pike.

SEC. 6. *Be it enacted*, Joseph Brown, Richard H. V. Wilks, Benjamin Thomas, David Looney and James Walker, of the county of Maury; and George Mahlone, Samuel E. Tomilson, Alfred Flournoy, James Buford, James W. Wheeler, Giles Reynolds, James Patterson, Thomas Patterson, Thomas Martin, W. F. Mason, M. A. M. Ballentine, David Yarborough, German Lester, Charles A. Abernethy, Lewis G. Upshaw, James Payne, Early Benson, Jefferson W. Kyle, Thomas Batts, Robert Haney, Gillam Harwell, Richard G. Scroggins, Carson P. Reed, William R. Brown and Isaac Mason, of the county of Giles, be and they are hereby appointed commissioners, to open books, for the purpose of receiving subscriptions, to the amount of one hundred and fifty thousand dollars, to be applied to the purpose of making a turnpike road from Columbia, in Maury county, to the South boundary line of the State, in the direction of Huntsville, Alabama, by the way of Pulaski and Elkton, in Giles county, which sum of one hundred and fifty thousand dollars shall be divided into shares of fifty dollars each, and the subscription shall be in person or by attorney regularly authorized, but if a larger sum be necessary to build the road, the capital may be increased to two hundred and fifty thousand dollars if necessary; said commissioners shall proceed to open the books for subscription, in the towns of Pulaski, Columbia, and Elkton, at such time as they may think most expedient, giving at least fifteen days notice in one of the newspapers, printed at Columbia and Pulaski; as soon as fifty thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Pulaski, in Giles county, of which meeting the managers of the subscription shall give thirty days notice, in some paper printed in Columbia or Pulaski, after which first meeting the subscribers shall be and are hereby constituted a body corporate and politic, by the name of the Columbia, Pulaski, and Elkton, and Alabama, Turnpike Company, together with all those who may afterwards subscribe for or purchase stock, shall so continue and may own, buy and sell property, and sue and be sued in their corporate name and character, and have, enjoy and possess all the rights privileges and powers appertaining to bodies corporate and politic, and shall have perpetual succession; the subscribers or a majority of them being present at their first

meeting, shall elect seven directors who shall be stockholders, who shall elect one of their own number president of the board of directors, and the president and directors thus chosen shall continue in office for two years, and until another election shall take place, to fill the places, of which election, notice shall be given in some newspapers printed in Columbia and Pulaski; the president and directors thus chosen, shall have power to open books and receive subscription as they may think best, for the remainder of the said sum of one hundred and fifty thousand dollars, or any amount sufficient to construct said road, and by themselves or some other suitable persons to be appointed by them, to view and mark out the road, the nearest and best rout from Columbia to Pulaski, and from thence to the Alabama line, in a direct line to Huntsville, Alabama, by the way of Elkton, in Giles county; they shall also make contracts for the opening and construction of said road; they may from time to time, require such advances on the shares subscribed as the wants of the company may require; *Provided*, that no call shall be made for more than five dollars, on each share at any one time, of which twenty days notice shall be given in some newspaper printed in Columbia or Pulaski; said president and directors, shall have power in all cases of emergency, to call a meeting of the subscribers or stockholders, by giving thirty days notice of the time and place, in some newspaper, printed in the places aforesaid; they may also appoint and elect a Treasurer, and such other officers as may be necessary, and transact all the business of said company; they may prescribe the duties and fix the pay of all their officers or agents.

SEC. 7. *Be it enacted*, That the President, Directors and Company, of the Columbia, Pulaski, Elkton, and Alabama turnpike company, shall be subject to the same exemptions, privileges, and benefits, and liabilities, that the Franklin turnpike company is subject to, in the preceding part of this act; *Provided*, there shall not be more than five toll gates between Columbia and Pulaski, and between Pulaski and Elkton, and one between Elkton and the State line; *Provided*, also, that no gate shall be set up, until the said road is under contract, or one hundred and fifty thousand dollars of the stock actually taken; and, *Provided further*, that the commissioners or persons reviewing or marking out said road, shall determine what elevation shall be allowed in the uneven part thereof, and in no part shall more than five degrees be permitted.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Same powers
as Franklin
Turnpike

CHAPTER XV.

An Act to incorporate a Company, to be called the Lebanon and Nashville Turnpike Company.

Commissioners
and power

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Andrew Jackson, senr. Joseph Clay, Stanley Donelson, H. L. Douglass, W. McMurray, Wm. P. Sinis, Richard Buchanan, Thomas Hardin, James H. Foster, Edward D. Hicks, W. G. M. Campbell, Charles I. Love, H. R. W. Hill, Philip Lindsley, W. G. Hardin and Foster G. Crutcher, of Davidson county; and James W. Haggard, M. A. Price, Paulding Anderson, Turner Vaughn, James Jones, Alfred McClain, Ramsey L. Mason, Joseph Johnson, George Williamson, John Hearn, Robert Hallum, Robert M. Burton, Samuel C. McWhorter, O. G. Finley, L. W. White, Stith Harrison, Isaac Golladay, of the county of Wilson, are hereby appointed commissioners, to open books for the purpose of receiving subscriptions, to the amount of one hundred thousand dollars, to be applied to the purpose of making a turnpike road, from Nashville to Lebanon, which sum of one hundred thousand dollars, shall be divided into shares of fifty dollars each, and the subscription shall be in person or by attorney regularly authorized; but if a larger sum shall be necessary to build the road, the capital may be enlarged to one hundred and fifty thousand dollars; as soon as twenty-five thousand dollars shall be subscribed, a meeting of the stockholders shall be held at the house now occupied by Ramsey L. Mason, in the county of Wilson, of which meeting the managers of the subscription shall give thirty days notice, in some paper printed in Nashville and Lebanon. After which first meeting, the subscribers shall be and are hereby constituted a body politic and corporate, by the name of the Lebanon and Nashville Turnpike Company, and together with those who may afterwards subscribe for or purchase stock, shall so continue and may own, sell and buy property, sue and be sued, in their corporate name and character, and have, enjoy and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law, and shall have succession for ninety-nine years. The subscribers or a majority of them being present at the first meeting, shall elect seven directors who shall be stockholders, who shall elect one of their number president of the board of directors, and the president and directors thus chosen shall continue in office two years, and until another election shall take place, to fill their places; of which election notice shall be given in some newspaper, printed in Nashville and Lebanon. The president and di-

rectors thus chosen, shall have power to open books, and receive subscription as they may think best, for the remainder of the said sum of one hundred thousand dollars, or an amount sufficient to construct said road; and by themselves or other suitable persons to be appointed by them, to view and mark out the road, the nearest and best rout from Lebanon to Nashville, so as to intersect any of the streets of Nashville and Lebanon, or the turnpike road from Nashville to Murfreesborough; *Provided*, they can make a contract to that effect with the said company. They shall also make contracts for the opening and construction of said road; they may from time to time, require such advances on the shares subscribed, as the wants of the company may require; *Provided*, that no call shall be made for more than five dollars on each share at any one time, of which twenty days notice shall be given in some newspaper, printed in Nashville and Lebanon. Said president and directors shall have power in all cases of emergency to call a meeting of the subscribers, or stockholders, by giving thirty days notice of the time and place in some newspaper printed in the places aforesaid; they may also appoint a clerk, Treasurer, and such other officers as may be necessary, and transact all the business of said company. They may prescribe the duties and fix the pay of all the officers or agents.

SEC. 2. If any subscriber shall fail to pay any calls that are made by advertisement as aforesaid, his stock shall be sold for the amount of said call, and the purchaser shall have all the rights, and be subject to all the liabilities of the original owner; if the stock does not bring the amount, the owner shall be liable to be sued for the balance before any jurisdiction having cognizance thereof, and if it brings more than the call and cost, the overplus shall be paid over to the original owner.

SEC. 3. The president and directors or any five of them shall be sufficient to transact ordinary business; and all vacancies that shall happen in the board between the regular meetings of the share holders, shall be supplied by the directors, two thirds of them being present.

SEC. 4. The clerk shall keep a regular journal of all the proceedings at the meeting, and enter the ayes and noes when called for by any director. He shall furnish to each subscriber a printed certificate signed by the president, and by him attested, of the number of shares held by each subscriber; such certificate may be transferred by an assignment attached to the same and witnessed by two persons, and the same being acknowledged by the vender, or proved before the board or clerk, shall vest in the vender all the rights, and subject him to all the liabilities of the original subscribers.

SEC. 5. Immediately after the first meeting of the subscribers

bers and the election of directors, the said directors or a majority of them, or such persons as they may appoint, shall proceed to mark out the most direct and fit rout for said road; each director or other person engaged in marking out said road, shall be allowed two dollars to be paid by the company, for every day he may be necessarily engaged in performing that duty.

SEC. 6. If any person over whose land said road may run, claims damages for the same, and he and the company cannot agree on the amount, he may apply to the circuit court at its next or any subsequent term, by petition, setting forth the nature of the case, and the court shall appoint a jury of five disinterested persons, to go upon the ground, and after being sworn by the sheriff, to assess the amount of damages which in their judgment, the petitioner has sustained, by the said road running through his or her land, or the land of his or her ward or wards in case of minors, which assessment of damages shall be made out and signed by the said jury, and returned to the next term of said court, and a judgment, shall be entered and execution issued for the same, against the said president and directors, in favour of the person entitled to the same. In making out their reports, the said jury shall take into view the advantages of said road to the petitioner. The property in the said road when completed, shall vest in the said company and their successors, for the purpose of a high way, which shall be free for all persons on the terms and conditions herein prescribed and the same shall not be liable to taxation.

SEC. 7. The president and directors may purchase for the use of the company, any quantity of land, not exceeding one hundred acres, adjacent to each toll gate, and take conveyances therefor, to themselves and their successors. And for the purpose of making said road, and keeping it in repair, the said president and directors, or their agents or servants, may cut, dig, quarry and take, from any land adjoining said road, such timber, gravel, stone or earth, as may be necessary for constructing and keeping said road in repair. If any person from whose land any timber may be taken, shall conceive himself injured, and the amount of damages cannot be agreed upon, between himself and the company, the matter shall be settled in the same manner, prescribed in the fifth section of this act.

SEC. 8. The said road shall be opened at least thirty feet wide, with sufficient ditches on each side to carry off the water, or drain the road. The surface of the road shall gradually descend from the centre to the ditches on each side; it shall be substantially gravelled or paved with stone, and have substantial and sufficient bridges wherever they are necessary, and in all respects shall be completed in a faithful and substantial turnpike road manner, in all re-

spects equal to the turnpike road, now constructing from Nashville to Murfreesborough. And when the said road shall be thus finished for the distance of seven miles from Nashville or Lebanon, the president may apply to the Governor, who shall appoint three discreet and disinterested persons to view said road, and on the report of any two of them, that the road has been completed for the distance aforesaid, in the manner prescribed by this act, it shall be the duty of the Governor to issue his certificate under the seal of the State, authorizing the company to erect two toll gates, one not nearer than one mile of the limits of the corporation of Nashville or Lebanon, and the other not nearer than within five miles of the first, and to appoint a toll gatherer for each gate.

SEC. 9. The rate of toll to be taken at each gate shall be as follows, to-wit: for every twenty head of sheep or hogs twenty cents; for every twenty head of cattle fifty cents; for every horse or mule not in a drove, nor employed in drawing a carriage or wagon, five cents, if in a drove two cents, and so in proportion for any greater or less number of said animals; for every four wheeled carriage twenty-five cents; for every two wheeled riding carriage twenty-five cents; for every loaded wagon twenty-five cents; for every empty wagon twelve and a half cents; for every cart loaded twelve and a half cents, empty six and a fourth cents; for every hogshead of tobacco, not in a wagon or cart, drawn by horses, mules, or oxen twelve and a half cents; for every man and horse six and a fourth cents; which tolls shall be paid at each gate that may be set up under the provisions of this act; and they shall be applied as fast as they are received to the finishing of the residue of said road; and no dividends shall be declared till after said road is completed or all under contract; and so soon as said road shall be completed five miles from the second gate as herein directed, a similar application shall be made to the Governor, and the same proceedings had, as before directed; and so on for every five miles until said road shall be completed; *Provided*, there shall not be more than six gates between Nashville and Lebanon; *Provided*, also, that no gate shall be set up until all the road is under contract, or one hundred thousand dollars of the stock actually taken.

SEC. 10. Should any person refuse to pay the toll hereby granted, at the time of offering to pass any gate, the toll gatherer may refuse a passage to such person or animal liable to toll, and if any person or thing liable to toll, shall pass without payment of toll, the toll gatherer may by warrant before any justice of the peace, recover from the owner or person liable for toll, five dollars for each offence.

SEC. 11. If said company should fail to keep said road in repair at any time, for the space of twenty days, upon in-

formation thereof, to any justice of the peace of the county, he shall issue a warrant to some constable, commanding him to summon three freeholders, to meet at a certain time and place therein specified, five days notice having been given to the keeper of the next toll gate, or the president of the company, and if by said freeholders or any two of them in the presence of the justice, the said road shall be found out of repair, according to the intent and meaning of this act, the toll hereby granted shall cease to be demanded at the nearest gate, until said defective part of the road shall be put in good repair; the person intrusted with said repair thereof, shall be subject to a fine of ten dollars with cost, to be recovered before any justice of the peace, which fine shall go one half to him who will sue, and the other half to the county.

To commence within two years

SEC. 12. If said company shall not begin the said road within two years from the passage of this act, and complete the same in seven years thereafter, in the manner herein directed, this charter shall be forfeited.

Duty of commissioners

SEC. 13. The commissioners or persons reviewing and marking out said road, shall determine what elevation shall be allowed in the uneven parts thereof, and in no part shall more than three degrees be permitted. They shall designate the places where bridges are to be erected, and the kind thereof; they shall also, decide upon the depth and width of the rock pavement on said road, in the different parts thereof. They shall keep a written statement of all the foregoing matters and things, and preserve one copy thereof, and deliver the other to the company, and the said road shall be made to conform to the requisitions of the commissioners in every particular.

Of by-laws

SEC. 14. The said company shall have power to make all such rules and regulations for their government, and the management and control of their affairs, as a majority of the stockholders or the president and directors may think proper; and the same shall be written in the books of the secretary, and be open to the inspection of all who may desire to see them; *Provided*, that rules made to affect others shall be published before they shall take effect.

Meeting of stockholders

SEC. 15. There shall be a meeting of the stockholders, at such point in the county of Wilson or Davidson, as may be agreed upon at the first meeting, on the first Saturday in July, every two years. At which meeting directors shall be elected for the next two years; and such other measures adopted for the promotion of the interests of the corporation, as a majority present may think best. In the election of directors or any other question, every share shall entitle the holder to one vote; but, members may vote by proxy, under such regulations as may be established by the company. If members holding a majority of the shares at-

tend, they shall be competent to do business, but a less number shall not. Directors shall continue in office two years, and until successors are appointed. The directors shall render a fair and full account of their proceedings, and the disbursement and receipt of money to each of the general meetings. A fair and full record of all the proceedings of the president and directors shall be kept, and shall be free for the inspection of any shareholder at any time it may be desired. The time and place of meeting of the president and directors, shall be fixed and regulated by themselves.

SEC. 16. *Be it enacted*, That any person or persons who may become subscribers for stock in said road, may be permitted to discharge the whole or any part thereof, in work and labour on said road, in building the same upon such terms, and in such way as may be agreed upon by such subscriber or subscribers, and the president and directors: *Provided*, that such stockholder will construct any particular portion of said road on as good terms as any other person, in which case a stockholder shall have a preference over any other person in a contract, to construct any portion of said road which he may select.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed, February 12th, 1836.

CHAPTER XVI.

An Act to amend an act entitled "an act to incorporate a company for opening a Turnpike road from Nashville to the top of the ridge, about one mile from Elijah Robertson's, in a direction from Nashville via Charlotte, to the Western District and for other purposes.

Whereas, on the 20th day of December, 1831, it was enacted that the term of four years be allowed to said company for the completion of said road, and said term of years being insufficient, therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said company shall be allowed four years from and after the passage of this act to complete the same.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed November 13, 1835.

CHAPTER XVII.

An Act to appoint additional commissioners to William P. Gillet's Turnpike road in Cocke county.

Commissioners SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Isaac Smith and Thomas Burnett be, and they are hereby appointed commissioners in addition to those heretofore appointed on said road.

Proprietor to give notice. SEC. 2. *Be it enacted,* That when the proprietor of said road shall notify said commissioners that the same is cut out and completed for use, it shall be the duty of said commissioners, or any two of them, to examine said road, and if in their opinion it is in the order contemplated by the act authorizing said William P. Gillet to open said road, passed November 1st, 1833, they shall license said proprietor to keep a toll gate, as contemplated by said act.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed October 21, 1835.

CHAPTER XVIII.

An Act to amend the charter of the Nashville, Murfreesborough and Shelbyville Turnpike Company.

May borrow money. SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That it shall and may be lawful for the president and commissioners of the Nashville, Murfreesborough and Shelbyville Turnpike Company, (a majority of the board consenting thereto) to contract for the loan of money in behalf of said company, not exceeding the sum of thirty thousand dollars, for the purpose of paying off the debts of said company incurred in the completion of said road, and that the bonds or notes of said company, signed by the president and commissioners, in pursuance of the provisions of this act, shall be binding and obligatory, to the amount of the whole capital stock of said company.

May pledge income. SEC. 2. *Be it enacted,* That the president and commissioners aforesaid, shall moreover have power to stipulate for and pledge all the proceeds of the gates for the payment of any loans obtained by virtue of this act, except so much as may be necessary to defray the expenditures of gate keepers and repairs of said road.

Of avoiding toll SEC. 3. *Be it enacted,* That in all cases where any person or persons, shall aid, assist or afford facilities for the

passage around any gate on said road, such person or persons shall be subject to the same penalties as are by law allowed to be recovered against those who may pass around the gates for the purpose of avoiding the payment of toll.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed, October 24, 1835.

CHAPTER XIX.

An Act to incorporate the Murfreesborough, Manchester and Winchester Turnpike company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Andrew Hynes, Andrew Erwin and John P. Erwin, of Davidson county, Russell Dance, William Ledbetter and Logan Henderson, of Rutherford county, William S. Watterson, John Hickerson and Lecil Bobo, of the county of Coffee, Benjamin Deckard, George Gray and James Sharp, of the county of Franklin, be, and they are hereby appointed commissioners to open books at any place they may think proper, for the purpose of receiving subscriptions to the amount of two hundred thousand dollars, to be applied to making a turnpike road from Murfreesborough, *via* Manchester, in the county of Coffee, to Winchester, in the county of Franklin, which sum of two hundred thousand dollars shall be divided into shares of fifty dollars each, and as soon as ten thousand dollars shall have been subscribed, a meeting of the stockholders shall be held at the town of Manchester, in Coffee county; the managers of the subscription shall give thirty days notice in one or more newspapers printed in Middle Tennessee, and the subscribers, from and after the first meeting, shall (be) and they are hereby constituted a body politic and corporate, by the name of the Murfreesborough, Manchester and Winchester Turnpike company.

SEC. 2. *Be it enacted,* That the corporation hereby created shall possess all the powers and privileges and be subject to all the liabilities which are enjoyed and incurred by the Franklin Turnpike company, as prescribed in an act to incorporate said company, passed the 31st December, 1829, except so far as the same shall be altered by this act.

SEC. 3. *Be it enacted,* That the commissioners shall appoint six commissioners, two of whom shall reside in Rutherford, two in Coffee, and two in Franklin counties, who, or a majority of them, are hereby authorized and required

to proceed forthwith, after the first meeting of the company, to mark out the most direct and fit route for said road.

Of toll gates.

SEC. 4. *Be it enacted*, That there shall not be more than one toll gate for every five miles of said road, and should said six commissioners be equally divided in their votes touching their duties herein specified, they shall choose one other person for the time being, whose vote shall determine the same.

Rates of toll.

SEC. 5. *Be it enacted*, That said company shall be authorized by their proper officers to demand and receive the same rates of toll as are now received at the different toll gates on the Nashville, Murfreesborough, and Shelbyville turnpike road.

When to erect gates.

SEC. 6. *Be it enacted*, That so soon as five miles of said road shall have been completed between Murfreesborough and Noah's fork of Duck river, said company shall have permission to erect a gate and demand toll as above specified in this act, and in like manner for every five miles until said road shall be completed between the two last named points.

Construction of road.

SEC. 7. *Be it enacted*, That said company shall in all respects construct said road between the points aforesaid, as specified in the act referred to in the second section of this act.

Of balance of road.

SEC. 8. *Be it enacted*, That said company shall be, and they are hereby authorized to construct the balance of said road south of Noah's fork of Duck river in the same manner and shall have the same privileges as are pointed out in the 12th section of an act to incorporate a company for opening a turnpike road from Nashville to Murfreesborough, passed January the 4th, 1830.

Limit for completion.

SEC. 9. *Be it enacted*, That said company shall be allowed ten years from and after the passage of this act, to complete said road, but nothing in this act contained shall be so construed as to work a forfeiture of that part of said road which shall have been completed.

May borrow money.

SEC. 10. *Be it enacted*, That it shall and may be lawful for the president and commissioners of the said company, the majority of the board consenting thereto, to contract for a loan of money in behalf of said Murfreesborough, Manchester and Winchester turnpike company, not exceeding the sum of fifty thousand dollars, for the purpose of enabling the said company to make said road according to the provisions of this act, and that the bonds or notes of the president and commissioners of said company, and signed by them in pursuance of this act shall be binding and obligatory to the amount of the whole capital stock of said company.

May pledge income.

SEC. 11. *Be it enacted*, That the president and commissioners aforesaid shall moreover have power to stipulate for and pledge all the proceeds of the gates for the payment

of any loans obtained by virtue of this act, except so much as may be necessary to defray expenditures of gate keepers and repairs of said road.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed, February 3, 1836.

CHAPTER XX.

An Act to incorporate and charter a Turnpike company in Warren county.

SECTION 1. *Be it enacted by the General Assembly of Commissioners the State of Tennessee*, That William Armstrong, Jacob Woodley, and Abner Woodley, of the county of Warren, in the State of Tennessee, are hereby appointed commissioners to let out to the highest bidder the opening of a turnpike road, commencing at or near where the Pinnacle road now goes up the Cumberland mountain, and running the nearest and best way to the foot of the mountain in Warren county, in the direction of Ross' Ferry or Dallas: *Provided*, that said road shall be constructed within three years from and after the passage of this act.

SEC. 2. *Be it enacted*, That said road shall be formed at least twenty feet wide except in steep hills or mountain sides, which shall be fifteen feet wide, free from every thing that will in any wise obstruct the passage of carriages, wagons or horsemen, and all the streams to be bridged, when necessary, with good substantial wooden or stone bridges, at least fifteen feet wide.

SEC. 3. *Be it enacted*, That Aaron Moffit, of Warren county, and William Rankin, of Warren county, are hereby appointed commissioners to view said road at least once in every six months, at such times as may be deemed proper, and at any other time when they may receive satisfactory information that the same is out of repair; and if said commissioners shall at any time find said road out of repair, they shall direct the gate to be opened and kept open until said road shall be put in repair, and give notice in writing in at least three public places on said road, that no toll shall be collected at said gate until said road shall have been put in good order, and the certificate of said commissioners to that effect obtained; and if said undertaker or undertakers shall permit said road at any one time to remain out of repair for the space of twelve months, then and in that case all their rights hereby conferred shall revert to the State.

SEC. 4. *Be it enacted*, That the undertaker or underta-

Notice to commissioners.

kers of said road shall give notice to said commissioners when said road shall be completed, whose duty it shall be to review the same, and should they find it in the order contemplated by this act, then they shall give the undertaker or undertakers a license to erect a toll gate on said road at some suitable place, and receive from persons passing the same, the following rates of toll, to wit: For each wagon and team, fifty cents; for each four-wheeled pleasure carriage, one dollar; for each cart, twenty-five cents; for each two-wheeled pleasure carriage, seventy-five cents; for each carryall, thirty-seven and a half cents; for each mail-stage, twenty-five cents; for each man and horse, twelve and one half cents; for each taxable person, six and one fourth cents; for each led horse or mule, if not in a drove, six and one fourth cents, and if in a drove, two cents; for each head of cattle, two cents; for each hog or sheep, one cent: *Provided*, that no toll shall be demanded from persons going to or returning from preaching, muster, mill, or blacksmith shop.

Toll.

Avoiding toll.

SEC. 5. *Be it enacted*, That if any person shall forcibly or secretly pass said gate, or within one mile thereof, to avoid paying toll, such person shall forfeit and pay twenty-five dollars for every such offence to the undertaker or undertakers of said road, to be recovered before any justice of the peace in this State.

Pay of commissioners.

SEC. 6. *Be it enacted*, That the commissioners appointed by this act shall receive at the rate of two dollars per day for every day they may necessarily serve in discharging the duties by this act imposed on them, to be paid by said undertaker or undertakers of said road, recoverable before any justice of the peace in this State.

Of construction of road.

SEC. 7. *Be it enacted*, That if in the construction of said road the undertaker or undertakers shall find that said road cannot be opened at particular points as much as fifteen feet wide without extraordinary expense and inconvenience, to be judged of by the commissioners, and if a width less than fifteen feet at particular points shall be considered sufficient for the safe transportation of four wheeled carriages and wagons, then and in that case said undertaker or undertakers are permitted to construct particular points on said road under the direction and with the concurrence of said commissioners, of a less width than fifteen feet.

Part to School Commissioners of Warren county

SEC. 8. *Be it enacted*, That the amount for which said road may be bid off, shall be divided into thirty equal parts, one thirtieth part of which shall be annually paid over to the board of common school commissioners of Warren county.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.

JONATHAN WEBSTER,

Passed February 17, 1836. Speaker of the Senate.

CHAPTER XXI.

An Act to incorporate the Nashville and Kentucky Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders, pursuant to this act, shall be, and they are hereby constituted a body corporate by the name of the Nashville and Kentucky Turnpike Company, and shall so continue for ninety-nine years. Stockholders incorporated.

SEC. 2. *Be it enacted*, That the corporation hereby created, shall possess all the powers and privileges, and be subject to all the liabilities, which are enjoyed and incurred by the Franklin Turnpike Company, as prescribed in an act incorporating said company, passed December 31, 1829, and amended by an act passed December 13th, 1831, except so far as said acts may be inconsistent with this act. Powers and privileges.

SEC. 3. *Be it enacted*, That the capital stock of said corporation shall consist of five thousand shares, of twenty-five dollars each, and Thomas Crutcher, Robert Weakley, William Williams, William Neely, E. P. Connell, Isaac Walton and Andrew Hynes, at Nashville, Charles Lewis, Felix Chenault, Y. N. Douglass and P. H. Martin, at Gallatin, Richard Cheatham, George C. Conrad, Wm. Seal, and Thomas Farmer, at Springfield, shall be commissioners, who shall open books respectively in Nashville, Gallatin and Springfield, Tennessee, after giving fifteen days notice in a newspaper printed in Nashville and Gallatin, and receive subscriptions for stock. Capital stock & commission-ers.

SEC. 4. *Be it enacted*, That Thomas Crutcher, Robert Weakley, William Williams, Enoch P. Connell, Isaac Walton, William Neely and Andrew Hynes, shall designate the route, commencing at or beyond Morgan's, on the road from Nashville to Gallatin, along which the road shall run, so as to meet the Louisville and Nashville turnpike road at the line of the State of Kentucky, in the direction of Bowling Green and Louisville, Ky. Commissioners to lay off route

SEC. 5. *Be it enacted*, That the said corporation may establish toll gates, not exceeding seven in number, at such points as the directors may designate. Gates.

SEC. 6. *Be it enacted*, That the commissioners or directors of the Gallatin and Nashville, and of the Nashville and Kentucky turnpike companies, be authorized to consolidate and make a joint road so far as they run together from the Nashville Bridge to Morgan's or beyond, on consent being had by agreement for this purpose, of a majority of the stockholders of each road voting for the same. May unite with Nashville and Kentucky turnpike company.

SEC. 7. *Be it enacted*, That the following named persons be, and they are hereby appointed directors of this company. Directors appointed.

ny until others are elected by the stockholders, to wit:—
 Thomas Crutcher, Robert Weakley, Francis B. Fogg,
 William Williams, William Neely, Enoch P. Connell,
 Harry L. Douglass, Andrew Hynes and Anthony W. John-
 son.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
 JONATHAN WEBSTER,
Speaker of the Senate.

Passed February 19, 1836.

CHAPTER XXII.

An Act to establish the Forked Deer Turnpike Company.

*Company in-
 corporated.* SECTION 1. *Be it enacted by the General Assembly of
 the State of Tennessee,* That a company is hereby estab-
 lished and incorporated by the name of the Forked Deer
 Turnpike Company, for the purpose of erecting and build-
 ing of a turnpike across the Middle fork of Forked Deer
 river and the bottom thereof, at or near Eaton, and also
 across the South fork of said river, and the bottom thereof,
 at such point as may be in the direction to the town of Rip-
 ley in the county of Lauderdale.

Capital stock. SEC. 2. *Be it enacted,* That the capital stock of said
 company shall be twenty thousand dollars, or such sum un-
 der that amount as may be necessary to make said turnpike
 in shares of one hundred dollars each.

*Commissioners
 to open books.* SEC. 3. *Be it enacted,* That William W. Lea, Simp-
 son Shaw, Samuel Oldham, Harrod J. Anderson, Green Ro-
 gers, Moses Woodfin, Sparrel Hale, Griffith L. Rutherford,
 George Pate, James Miller, Benjamin Porter, and John P.
 Byrne, are hereby appointed commissioners to receive sub-
 scriptions for said stock; and the books for subscription to
 said stock shall be opened at such times and in such places
 as said commissioners, or a majority of them may direct be-
 fore opening the books for subscription. Said commission-
 ers shall give notice in some newspaper at least one month
 before said books are opened; on the opening of said books
 they shall be kept open for ten days, and if at the expira-
 tion of that time a sufficient sum is not subscribed to com-
 plete said work, the said commissioners, or a majority of
 them, may cause said books to be reopened from time to
 time, for the space of three years.

*Stockholders'
 meeting.* SEC. 4. *Be it enacted,* That so soon as a sum sufficient,
 in the opinion of the commissioners, to build said turnpike
 shall be subscribed, they shall call together the stockhold-
 ers therein, who may forthwith proceed to elect such offi-

cers for the management of the business of said turnpike
 as they may deem necessary, each share entitling the own-
 er thereof to one vote.

SEC. 5. *Be it enacted,* That said company shall have *Common seal
 and succession.* perpetual succession and a common seal, shall be capable
 in law to sue and be sued, of holding such estates, real,
 personal and mixed, as may be necessary to carry on the
 business of the company.

SEC. 6. *Be it enacted,* That there shall be paid on each *Of instalments.*
 share such sum as the officers of said company may direct,
 and in such instalments not exceeding one half of said sub-
 scription in one year: *Provided,* that no payment shall be
 required until twenty days notice shall have been given by
 the officers of said company, and if any subscriber shall
 fail to pay any instalment thus demanded for thirty days next
 after the same is due and payable, the stock on which it is
 demanded with the money paid thereon; shall be forfeited
 to the company and may be sold by the officers thereof for
 the use of the company.

SEC. 7. *Be it enacted,* That the officers of said com- *Officers.*
 pany shall have power to appoint all such engineers, agents,
 or servants whatever, as they may deem necessary for the
 transaction of the business of said company, and may re-
 move any of them at pleasure, and may, by a by-law of
 said company fix their salaries, the manner of keeping the
 accounts of said company, the mode and evidence of trans-
 fers of stock, and all other things relating to said company,
 non inconsistent with the laws of this State and the provis-
 ions of this charter.

SEC. 8. *Be it enacted,* That the said company is here- *Power to use
 land.* by vested with full power and authority for the construction
 of a turnpike across the aforesaid rivers and their bottoms
 as herein before mentioned, at such places as the officers of
 said company may consider the most practicable; that said
 turnpike shall be raised above high water mark, and shall be
 at least eighteen feet wide; and said company is hereby au-
 thorized to enter upon any lands adjoining to said turnpike,
 and use the soil and timber necessary for the construction,
 being responsible to the owners of said soil and timber for
 the value thereof; and whenever it is necessary to obtain ti-
 tle to any land for the use of said road, and said company
 cannot get the same by purchase, it shall and may be lawful
 for the county court of the county in which said land is sit-
 uated, to award a writ of inquiry to ascertain the value of
 said land, and on return thereof, and the payment of the mo-
 ney assessed, the title of said land is hereby vested in said
 company.

SEC. 9. *Be it enacted,* That so soon as said turnpike *Of gates and
 dividends.* is finished, said company shall have power to erect a toll
 gate or gates on said road, and shall make semi-annual divi-

dends of as much of the profits of said company as they may deem expedient.

Of damages to road. SEC. 10. *Be it enacted*, That if any person shall willfully impair or destroy any part of said turnpike, such person shall be liable to be indicted, and on conviction shall be fined in a sum not exceeding one hundred dollars, and shall be liable to an action at the suit of the company.

Toll. SEC. 11. *Be it enacted*, That said company are hereby authorized to charge the following tolls, to wit: For each hog or sheep, one cent; for each head of cattle, horse, mule or jack, six and one fourth cents; for a foot passenger, six and one fourth cents; for man and horse, twelve and one half cents; for a two wheeled carriage, twenty-five cents; carryall, twenty-five cents; four wheeled carriages, seventy-five cents.

Statements to be made annually. SEC. 12. *Be it enacted*, That annual meetings of the stockholders shall be held, and it shall be the duty of the officers of said company at that time to give full and distinct statements of the condition and affairs of said company.

Of bridges. SEC. 13. *Be it enacted*, That the bridges crossing the North and South fork shall be built of sufficient height and in all other respects so as not to interfere with the navigation of said rivers.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed, February 17th, 1836.

CHAPTER XXIII.

An Act to incorporate the Fayetteville and Shelbyville Turnpike Company.

Commissioners to open books SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Parker Campbell, Joel Yowell, Zadoc Motlow, Thomas L. D. Parks, Britain Phelps, Henry Moores, Benjamin Rives, Samuel E. Gilleland, William Norris, George W. Dennis, John V. McKinney and John Lanier, of the county of Lincoln; and Robert Cannon, Senr. William F. Long, Jordon C. Holt, Jacob Greer, Reason Smith, John Blackwell, William Boon and Kindred Pearson, of the county of Bedford, be and they are hereby appointed commissioners to open books, for the purpose of receiving subscriptions, to the amount of one hundred and fifty thousand dollars, to be applied to making a turnpike road from Shelbyville, in Bedford county, via Fayetteville in Lincoln county, to the Alabama line, at or

near where the Meridian road crosses the same, which sum of one hundred and fifty thousand dollars, shall be divided into shares of one hundred dollars each; and as soon as thirty thousand dollars shall be subscribed, a meeting of the subscribers shall be held at Fayetteville, of which meeting the managers of the subscription shall give thirty days notice, in the newspapers printed in Shelbyville and Fayetteville, and the subscribers from and after the first meeting, shall be and they are hereby constituted a body politic and corporate, by the name of the Fayetteville and Shelbyville Turnpike Company.

SEC. 2. *Be it enacted*, That the corporation hereby created, shall possess all the powers and privileges, and be subject to all the liabilities, which are enjoyed or incurred by the Franklin turnpike company, as prescribed in an act incorporating said company, passed December 31st, 1829, except so far as the same shall be altered by this act. *Powers and privileges*

SEC. 3. *Be it enacted*, That the commissioners named in the first section of this act, shall appoint four commissioners, two of whom shall reside in Bedford and two in Lincoln counties, who, or a majority of whom, are hereby authorized and required to proceed forthwith, after the first meeting of said company, to mark out the most direct and fit route for the said road. *Commissioners to mark route*

SEC. 4. *Be it enacted*, That there shall not be more than one toll gate, for every five miles of said road, and should said four commissioners be equally divided in their votes, touching their duties as herein specified, they shall choose a fifth person for the time being, whose vote shall determine the same. *Gates*

SEC. 5. *Be it enacted*, That said company shall be entitled to demand and receive the same rates of toll, as are now received at the different toll gates on the Nashville, Murfreesborough and Shelbyville turnpike road. *Toll*

SEC. 6. *Be it enacted*, That so soon as five miles of said road shall be completed, next Shelbyville or Fayetteville, the said company shall have permission to erect a gate, and demand and receive the toll as above specified, and in like manner for every five miles until said road shall be completed. *When to erect gates*

SEC. 7. *Be it enacted*, That said company shall construct said road as specified in the act referred to, in the first section of this act. *Description of road*

SEC. 8. *Be it enacted*, That said company shall be allowed eight years, from and after the passage of this act, to complete said road. *Limit for completion of road*

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed November 26th, 1835.

CHAPTER XXIV.

An Act to incorporate the Obion Turnpike Company.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That a company is hereby established and incorporated, and declared to be a body corporate and politic, by the name and style of the "Obion Turnpike Company," for the purpose of building and establishing a cause-way and bridge, across the Obion river and bottom, in a direction from Trenton in the county of Gibson, to Troy in the county of Obion; and said company shall be incorporated upon the same terms, and with the same powers and privileges as were given to the Forked-deer Turnpike Company, passed at the present session of this General Assembly.

SEC. 2. Be it enacted, That Thomas J. Caruthers, Hugh D. Nelson, Thomas Fite, Benjamin P. Tyson, Thomas Spite, William U. Watson, Jubilee M. Bedford, John Parr, Joel S. Enloe, Alfred Lomax and Joseph Wilson, are hereby appointed commissioners to carry this act into effect, and said company is hereby incorporated, and declared to be in all respects, on the same footing with the the said Forked-deer Turnpike Company.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

CHAPTER XXV.

An Act to incorporate a company called the Nolensville Turnpike Company, and for other purposes.

SECTION 1 Be it enacted by the General Assembly of the State of Tennessee, That Doct. Samuel Morton, James C. Copeland, Capt. James M. Green, James Johnson, Col. William M. Battle, Hays Blackman, William Ramsey, Jr. Hinchey Petway, Edward Ewing, Enoch Ensley, Felix R. Rains, John Hay, be and they are hereby appointed commissioners, to open books for the purpose of receiving subscriptions, to the amount of seventy-five thousand dollars, to be applied to making a turnpike road, from Nashville in Davidson county, to the top of the ridge above Nolensville in Williamson county: which sum of seventy-five thousand dollars, shall be divided into shares of twenty-five dollars each, and the subscription shall be in person or by attorney; and as soon as five thousand dollars shall be subscribed, a meeting of the subscribers shall be held at No-

lensville, of which meeting the managers of the subscription shall give thirty days notice, in some newspaper printed in Nashville and Franklin, and the said subscribers from and after the first meeting, shall be, and they are hereby constituted a body politic and corporate, by the name of the Nolensville turnpike company, and shall so continue, and as such may sue and be sued, plead and be impleaded, answer and be answered, sell and purchase, and have a common seal. The subscribers or a majority of them, who shall be present at the first meeting, shall elect seven directors, being shareholders, who shall elect one of their body president of the board of directors, and the president and directors thus chosen, shall continue in office one year, and until another election shall take place. The president and directors thus chosen, shall have power to receive subscriptions for the residue of the seventy-five thousand dollars, until the whole sum shall have been subscribed for, and to make contracts with any person, for opening, clearing and marking said road, along the route which shall have been marked out by commissioners hereinafter appointed, and for performing such other work thereon, as they may think proper and necessary, and to require from time to time from the subscribers, such advances on the respective shares as the wants of said company may require and demand, until the whole subscription shall be advanced; *Provided*, that no call shall be made for more than five dollars at any one time on each share, of which thirty days notice shall be given, in some newspaper printed in Nashville and Franklin. Said directors shall have power upon all emergencies to call a general meeting of the subscribers, giving thirty days notice in a newspaper printed in Nashville and Franklin, to appoint a Treasurer, Clerk, and such other officers as may be necessary, to sign and settle all accounts and to transact all business of said company, during intervals between the general meetings.

SEC. 2. Be it enacted, That the aforesaid Nolensville turnpike company, shall have and possess all the rights, privileges and exemptions, which are by the charter granted in eighteen hundred and twenty-nine, given to the Franklin turnpike company, and further, shall be subject to all the laws governing the same and no more.

SEC. 3. Be it enacted, That James Johnson, Doctor Samuel Morton and Sutherland M. Champ, of Williamson county, Enoch Ensley, Hays Blackman and Edwin Ewing, of Davidson county, be commissioners to designate the route along which the road shall run, and said commissioners are required to locate said road, the most direct and practicable route from Nashville to Nolensville.

SEC. 4. Be it enacted, That said corporation may establish toll gates, not exceeding four; but no toll gate shall

be erected within less than two miles of the said towns of Nashville and Nolensville.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed February 17th, 1836.

CHAPTER XXVI.

An Act to revive an act to incorporate the Gallatin Turnpike Company.

Act revived SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That "An Act to incorporate the Gallatin Turnpike Company," passed the 5th day of January 1830, and the first and third sections of an Act, to amend said act, passed the 28th November, 1831, be and the same are hereby revived and declared to be in full force.

Limit of time SEC. 2. *Be it enacted,* That in case said turnpike road shall not be commenced within two years and finished as far as from Nashville to Gallatin, within five years from the passage of this act, all privileges hereby granted, shall forever be null and void.

Commissioners SEC. 3. *Be it enacted,* That Robert Weakley, Josiah F. Williams, Andrew Hynes, Reuben Payne, Elijah Boddie, James Saunders, Robert M. Boyers, Thomas A. Baber, Daniel Saffarans, John J. White, Jesse Cage, Smith C. Franklin, and John M. Anderson, be and the same are hereby appointed Commissioners of the Gallatin Turnpike Company, instead of those appointed by the act of 1830.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed, November 30, 1835.

CHAPTER XXVII.

An Act to authorize the opening and keeping in order a turnpike road.

Commissioners of the State of Tennessee SECTION 1. *Be it enacted, by the General Assembly* That John Lovelady and Samuel Hammel, of the county of Hamilton, Richard Blevings, Raphord Shelton, and James Chaudon, of the county of Marion, shall be, and are hereby established as a board of commissioners, to let out and superintend the construction

and keeping in repair, of a turnpike road, in said counties of Hamilton and Marion, which right here conferred shall terminate at the end of thirty years; and said commissioners and their successors, shall have right and authority, to superintend and let out to the lowest bidder said road as hereafter directed; shall hold their offices during good behaviour, and when a vacancy shall happen by death, resignation or removal, such vacancy shall be filled by the court of the county, where such vacancy occurs. The said road to commence on the east side of the Lookout mountain, near where Pleasant Butler lives, running thence the most direct and practicable rout to Col. David Oats, or to Belcher's ferry on Tennessee river, in Marion county, as a majority of the commissioners may direct, leaving the location of said road, on either of the routs to the discretion of the commissioners.

SEC. 2. *Be it enacted,* That said road shall be opened *Description of road* eighteen feet wide, where the situation of the country will admit of it, clear of stumps, trees, and other obstructions, and where required shall be causewayed in a substantial manner at least twelve feet wide; and good and sufficient bridges at least twelve feet in width, shall be built over all the streams on said road, where the same may be required for the convenience and safety of persons passing on said road.

SEC. 3. *Be it enacted,* That said road shall be opened *To be kept in repair* and put in complete order, as is directed by this act, within three years from and after the passage thereof; and if it shall be permitted to remain out of repair for one month, after the road shall be opened and established by the commissioners, said commissioners shall immediately make report to the county court of Marion or Hamilton county, (if it should be six months before the session of the Legislature,) and when said court shall receive said report, they shall order it to be recorded; and said commissioners shall also proceed to open said turnpike gate, and keep the same open until the same shall be adjudged by them, to be in good and sufficient order: they may then grant license under their hands and seals to said proprietors, to shut such gate for the purpose of exacting toll; and if said proprietors shall directly or indirectly exact, take or receive any toll, during the time said commissioners may set said gate open, said proprietors shall forfeit for every such offence, the sum of thirty dollars, to be recovered before any justice of the peace in this state, by any person who will sue for the same. And if the said road shall be permitted to be, and remain out of repair one month, (at any one time, within six months before the session of the Legislature,) said commissioners, after setting open said gate, shall report to the General Assembly, whose duty it shall be to elect a new

proprietor or proprietors, as the case may be, who shall when so elected, be entitled to receive all the toll rates in this act, and shall be bound to the same duties, regulations, restrictions and penalties, as are prescribed by this act, for the original proprietors to do and perform.

Bond required SEC. 4. *Be it enacted*, That the proprietors shall give bond with sufficient security, in the sum of two thousand dollars, to the Governor for the time being and his successors in office, conditioned for the true and faithful performance of the duties enjoined on them by this act, which bond shall be lodged in the clerks office of the county court of Marion or Hamilton county, and the commissioners may direct suit to be commenced against proprietors on said bond, if satisfactory proof, either by report of commissioners or otherwise, should be given them, that said road has been out of repair one month, at any one time.

Gate SEC. 5. *Be it enacted*, That said commissioners when called on by proprietors, to proceed to view and examine said road, shall do so; and if in their opinion said road is in the order contemplated by this act, they shall proceed to license said proprietors to keep a toll gate, which license shall be under their hands and seals, and said proprietors shall proceed to erect a toll gate, on the most convenient part of said road; *Provided*, the road hereby chartered should be located by the commissioners, on the route terminating at Col. David Oats,—that said Kelly, shall remove his toll gate off the road heretofore chartered to him, so soon as the road contemplated in this act shall have been, put into successful operation.

Toll SEC. 6. *Be it enacted*, That when a license shall have been granted to said proprietors as contemplated by this act, and a toll gate shall have been erected as aforesaid, they shall be entitled to receive the following rates of toll, to wit: for each wagon and six horse team one dollar; for each wagon and four horse team seventy-five cents; each cart and driver fifty cents; each four wheeled pleasure carriage one dollar and fifty cents; each two wheeled pleasure carriage seventy-five cents; man and horse, or mule twelve and one half cents; loose horse, mule, or jack not in a drove six and one fourth cents; each horse, mule, or jack in a drove three cents; each head of cattle two cents; and each head of hogs or sheep one cent.

Commissioners to be sworn SEC. 7. *Be it enacted*, That the commissioners herein appointed by this act, shall each take and subscribe before some justice of the peace, before they enter upon the duties of their appointment, an oath that they will well and truly perform the duties enjoined on them by this act, and shall each be entitled to receive at the rates of two dollars per day, for every day they may be necessarily engaged in

performing the duties enjoined on them by this act, to be paid by the proprietors.

SEC. 8. *Be it enacted*, That if any part of said road shall be so out of repair at any time, after it is received by the commissioners, as that any person or persons by reason thereof, shall sustain any damage either in person or property, he, she, or they, may have and sustain an action on the case against the said proprietors.

SEC. 9. *Be it enacted*, That if any person or persons shall pass by said gates, or within a mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay, for every such offence, the sum of seventy-five dollars to the proprietors, to be recovered by action of debt, before any justice of the peace in this State.

SEC. 10. *Be it enacted*, That the provisions contained in this act, shall not be so construed as to require the proprietors of said road, to keep up ferries over the Tennessee river, without receiving from persons crossing at said ferries the usual charges in addition to the tolls authorized by this act.

SEC. 11. *Be it enacted*, That the commissioners here-in appointed, shall, by advertisement in said counties of Marion and Hamilton, give at least twenty days notice of the time and place, where they will receive proposals for constructing said road, and keeping the same in repair, and shall accept the proposals of him or them, who will construct said road, for the use and privilege of the same, and the tolls thereof for the shortest period of time; *Provided*, said road shall be constructed within the limits of Tennessee.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Passed February 20, 1836.

CHAPTER XXVIII.

An Act to establish the county of Lauderdale.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established between the Big Hatchee and Forked Deer rivers, and west of the county of Haywood, to be known and distinguished by the name of LAUDERDALE, in honor of, and to perpetuate the memory of Colonel James Lauderdale, who fell at the battle of New Orleans on the night of the 23d December, 1814; beginning where the west boundary line of Haywood county crosses the Big

Hatchee river, running thence down the said river with its main channel, and with the main channel of the upper mouth of said river, to the main channel of the Mississippi river; thence up the said river to the old channel at Needham's cut off; thence up the said old channel to the mouth of the canal connecting the Forked Deer river with said old channel; thence in a direct line east to the Forked Deer river; thence up said Forked Deer river to a point one mile due north of the two sycamores known as the Key Corner; thence due east to the South fork of the Forked Deer river; thence up the same to the northern boundary line of Haywood county; thence in a south-western direction, through said county of Haywood, so as to cut off so much of said county of Haywood as will reduce it to six hundred and twenty-five square miles, to the west boundary line of said county; thence with said west boundary line to the beginning.

SEC. 2. *Be it enacted*, That for the due administration of justice, the different courts to be holden in said county of Lauderdale, shall be holden at the house of Samuel Lusk, until the seat of Justice for said county shall be located, and a suitable house erected for that purpose. The county court shall, in the intermediate time have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice when in their judgment the necessary arrangements are made; and all writs and other precepts returnable to either place, shall and may be returnable to the place to which the said courts may have been removed by the county court aforesaid. And the said courts to be holden in and for the said county of Lauderdale, shall be under the same rules regulations and restrictions, and shall have, hold, exercise and possess the same powers and jurisdiction as is possessed by said courts in other counties in this State.

SEC. 3. *Be it enacted*, That all officers, civil and military, in said county, shall continue to hold their offices and exercise all the powers and functions thereof, until others be elected under the provisions of the amended constitution and the laws made in pursuance thereof; and said county of Lauderdale shall elect her officers, civil and military, under the amended constitution, at the same time and under the same rules and regulations, and in the same manner, that may be provided by law for the election of officers in other counties in this State; and the said county of Lauderdale, shall be placed upon an equal footing, possess equal powers and privileges in all respects, as other counties in this State; *provided*, nothing in this act contained, shall be so construed as to deprive the counties of Tipton, Haywood and Dyer from having, holding and exercising jurisdiction

Temporary location of courts

County officers

over the territory composing said county of Lauderdale, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers under the amended constitution: *Provided*, also, nothing in this act contained shall be so construed as to prevent the counties of Tipton, Haywood and Dyer from entering up judgments, or the sheriffs of said counties from selling under such judgments, any lands within the bounds of said county of Lauderdale, for taxes, costs and charges for the present or any preceding year, nor to prevent the sheriffs of either of said counties of Haywood, Tipton or Dyer from collecting from the citizens of said county of Lauderdale any taxes due for the present or any preceding year.

SEC. 4. *Be it enacted*, That the citizens of the county of Lauderdale, in all elections for governor, for members of Congress, and for members of the General Assembly, shall vote with the counties from which they may have been stricken off, until the next apportionment of members of the General Assembly, agreeable to the provisions of the 5th section of the 10th article of the amended constitution.

SEC. 5. *Be it enacted*, That Blackman Coleman, David Hay, Nicholas T. Perkins, Samuel Owen and Howell Taylor, all of Haywood county, be, and they are hereby appointed commissioners, (a majority of whom can act) who shall, on or before the first Monday in January next, proceed to fix on a place as near the centre of said county as an eligible site can be procured, at least within five miles of the centre of said county, at which site said commissioners shall procure by purchase or otherwise at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warrantee; and the said commissioners shall report and return all their proceedings relative to and concerning said county, to the county court of said county, and it shall be the duty of the clerk of said court to record the same.

SEC. 6. *Be it enacted*, That it shall be the duty of the county court of said county to appoint five commissioners, to whom the commissioners appointed by this act shall convey the land acquired for the use of said county, on which it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off, with as many streets and of such width as they may deem necessary, reserving at least four acres for a public square, and a lot sufficient for building a jail. And the said town, when so laid off, shall be known by the name of Ripley.

SEC. 7. *Be it enacted*, That the commissioners of said county shall sell the lots in said town, on a credit at least of twelve months, first giving due notice thereof in one or more newspapers printed in this State, and shall take bond with sufficient securities, from the purchasers of said lots, pay-

Of voting.

Com'rs for seat of justice.

Town to be laid off.

Sale of lots.

ble to themselves and successors in office, and shall make titles in fee simple as commissioners to the respective purchasers of said lots.

Proceeds of sales. SEC. 8. *Be it enacted,* That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners for defraying the expenses incurred in the purchase of said tract of land on which the said county seat is located, and also for defraying the expenses of erecting public buildings.

Of public buildings. SEC. 9. *Be it enacted,* That the said commissioners shall superintend the building of the court house, jail, and other necessary public buildings; and shall let out such buildings as the county court in said county shall order to be built, upon such terms and conditions as the said court shall direct, and shall take bond with sufficient securities from the person or persons to whom the same is let, payable to themselves and their successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his or their contracts.

Com'rs to take oath and give bond. SEC. 10. *Be it enacted,* That the said commissioners, before they enter upon the duties of their office assigned them by this act, shall take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgment, and, moreover, shall enter into bond with approved security, payable to the chairman of the county court of Lauderdale county, and his successors in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon them by this act, which bond shall be deposited in the clerk's office in said county, and shall not be so construed as to make one of the commissioners security for another.

Statements to be made. SEC. 11. *Be it enacted,* That the said commissioners shall keep a fair and regular statement of all monies by them received and expended, which statement, when required, shall from time to time, be laid before the county court; but said commissioners shall not be called on oftener than once a year, and when the necessary public buildings are completed, the said commissioners shall, by order of the county court, pay over all surplus money to the county trustee for county purposes, and they shall be allowed by the county court a reasonable compensation for their services.

Compensation SEC. 12. *Be it enacted,* That the first five commissioners mentioned in this act shall each be entitled to receive as compensation for their services, the sum of three dollars for each day they may be absent from home and necessarily employed in performing the duties required of them by this act, to be paid by the said county of Lauderdale, out of any monies in the treasury not otherwise appropriated.

SEC. 13. *Be it enacted,* That John R. Howard, of Hen-

ry county, be, and he is hereby appointed to run and mark the dividing line between the said counties of Haywood and Lauderdale, and to reduce the said county of Haywood to six hundred and twenty-five square miles, and the line between the counties of Dyer and Lauderdale, and that he have full power to employ chain carriers, who shall receive a reasonable compensation for their services, to be paid by the said county of Lauderdale; and the said Howard shall receive the sum of two dollars and fifty cents for each day he may be necessarily employed in the business required by this act, to be paid by the county of Lauderdale. *Survey to be made.*

SEC. 14. *Be it enacted,* That should the county court of Lauderdale not be organized in time to appoint the commissioners to lay off the town and sell the lots, it shall and may be lawful for the county court of Tipton to appoint them, and the said county court of Tipton shall take the bonds and securities of said commissioners payable to the chairman of the county court of Lauderdale and his successors in office, and do and perform any other act or acts required by this act until the organization of said county court of Lauderdale, and it shall be as good and binding as if done by the county court of said Lauderdale. *Loss of time provided ag'nt*

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed November 24, 1835.

CHAPTER XXIX.

An Act to establish the County of Powel.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a new county be, and the same is hereby established by taking a part of the counties of Sullivan, Hawkins, Washington and Greene, to be known and distinguished by the name of Powel county, in honor of Samuel Powel, one of the Judges of the Circuit Courts. *Established*

SEC. 2. *Be it enacted,* That the beginning corner of the county of Powel shall be on the Washington county line, south of Joshua Shipley's ferry; the line shall run thence through Sullivan county, so as not to approach the town of Blountville nearer than ten miles to the Virginia line, then west with the Virginia line to the north fork of Holston river, then with the meanders of the said north fork to its junction with the main river, thence down the meanders of the said main river on the south side to the mouth of Shoal Branch or to a point twelve miles distant from Rogersville. *Boundaries*

in Hawkins county, thence to a point twelve miles from Greenville in Greene county, so as to include all the territory which can be taken from the counties of Greene and Hawkins under the provisions of the Constitution, thence to the beginning so as to include all the territory which can be taken from the county of Washington; *Provided*, that (should) there not be three hundred and fifty square miles in said bounds, then the deficiency is to be supplied by taking from the upper end of Hawkins county on the north side of the river, a sufficient quantity of territory to supply the deficiency, and *further provided*, that said Commissioners shall run down on the north side of the river in Hawkins county, to a point one mile north of Philip S. Hales, thence running so as to cross the main stage road between the house of William Bradley and the place where William Armstrong formerly lived, in a southern direction to the point twelve miles distant from Rogersville; *Provided*, that a majority of the citizens residing on the north side of the river Holston in Hawkins county, and voting, shall vote for an admission in said new county.

Consent of citizens to be obtained.
 SEC. 3. *Be it enacted*, That no part of the citizens of Hawkins, Greene or Washington counties shall be stricken off to constitute a new county, without the consent of a majority of the qualified voters within the bounds so stricken off.

Temporary place of hold'g court.
 SEC. 4. *Be it enacted*, That for the due administration of justice, the different courts to be holden in the said county of Powel, shall be holden at or near the store-house of George Gammon & Co., until the seat of justice for said county shall be located and a suitable site erected for that purpose. The county court shall, in the intermediate time have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same and for the public convenience, and to adjourn to the seat of justice, when in their judgment the necessary arrangements are made, and all writs and other precepts returnable to either place shall and may be returned to the place to which the said courts may have been removed by the county court aforesaid; and the said courts to be holden in and for the said county of Powel shall be under the same rules, regulations and restrictions, and shall have, hold, exercise and possess the same powers and jurisdiction, as is prescribed by said courts in other counties in this state.

Jurisdiction of present officers.
 SEC. 5. *Be it enacted*, That all officers, civil and military, in said county, shall continue to hold their offices and exercise all the powers and other functions, until others be elected under the provisions of the amended constitution, and the laws made in pursuance thereof; and said county of Powel shall elect her officers under the amended constitu-

tion on the first Saturday in June next, and under the same rules and regulations and in the same manner, they may be provided by law for the election of officers in other counties in this state; and the said county of Powel shall be placed upon an equal footing, possess equal powers and privileges in all respects as other counties in this state: *Provided*, nothing in this act contained shall be so construed as to deprive the counties of Washington, Greene, Sullivan and Hawkins from having, holding and exercising jurisdiction over the territory composing said county of Powel, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers, under the amended constitution: *Provided*, also, nothing in this act contained shall be so construed as to prevent the counties of Washington, Greene, Sullivan and Hawkins from entering up judgments, or the sheriffs of said counties from selling under such judgments, any lands within the bounds of said county of Powel, for taxes, costs and charges for the preceding year, nor to prevent the sheriff of either of said counties of Washington, Greene, Sullivan, (and) Hawkins from collecting from the citizens of said county of Powel, any tax due for the present or any preceding year.

Of voting
 SEC. 6. *Be it enacted*, That the citizens of said county of Powel, in all elections for Governor, for members of Congress, and for members of the General Assembly, shall vote with the counties from which they may have been stricken off, until the next apportionment of the members of the General Assembly, agreeable to the provisions of the 5th section of the 10th article of the amended constitution.

Commis'rs to select c'ty seat.
 SEC. 7. *Be it enacted*, That William Hall, Elijah Headerick, Alexander English and Robert Hays of the county of Greene, J. J. James and Terry White of the county of Washington, John Peoples and Nathan Baughman of the county of Sullivan, Reuben Bernard and Samuel Morebeck and James Francisco of the county of Hawkins, be and they are hereby appointed commissioners, a majority of whom can act, who shall, on or before the first Monday in May next, first giving twenty days' notice at four of the most public places in said county of Powel, open and hold an election for the purpose of fixing upon an eligible site for the county seat of said county of Powel. All those entitled to vote for members of the General Assembly shall be entitled to vote in selecting said site; if there be two or more places put in nomination and voted for, the one having the highest number of votes shall be selected by said commissioners as the county seat of the said county of Powel. Said commissioners shall procure by purchase or otherwise, a sufficient quantity of land on which to erect all necessary public buildings for said county at the place so selected by

the qualified voters as aforesaid, for which they shall cause a deed or deeds to be made to themselves and their successors in office by general warranty; and the said commissioners shall report and return all their proceedings relative to and concerning said county to the county court of said county, and it shall be the duty of the clerk of said county to record the same.

SEC. 8. *Be it enacted,* That it shall be the duty of the commissioners appointed by this act, to cause a town to be laid off at the site selected with as many streets and of such width as they may deem necessary, reserving a sufficient quantity of land for a public square, and a lot sufficient for building a jail, and the said town when so laid off shall be known by the name of Ridleyville; *Provided,* they deem the same necessary and proper.

SEC. 9. *Be it enacted,* That the commissioners of said county shall sell the lots in said town, *Provided* any town shall be laid off, on a credit of at least twelve months, first giving due notice thereof in one or more newspapers printed in this state, and shall take bond with sufficient securities, from the purchasers of said lots, payable to themselves and their successors in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

SEC. 10. *Be it enacted,* That the proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners for defraying the expenses incurred in the purchase of the said tract of land on which the said county seat is located and also for defraying the expenses of erecting public buildings; *Provided,* any town be laid off by said commissioners.

SEC. 11. *Be it enacted,* That the said commissioners shall superintend the building of the court house, jail, and other necessary public buildings, and shall let out such buildings as the county court in said county, shall order to be built, upon such terms and conditions as the said court shall direct, and shall take bond with sufficient securities from the person or persons to whom the same is let, payable to themselves and their successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his or their contracts.

SEC. 12. *Be it enacted,* That the said commissioners before they enter upon the duties of their office, assigned them by this act, shall take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined on them according to the best of their judgment, and moreover shall enter into bond with approved security, payable to the chairman of the county court of Powel county and his successors in office, in the

sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon them by this act, which bond shall be deposited in the clerk's office in said county, and shall not be so construed as to make one of the commissioners security for another.

SEC. 13. *Be it enacted,* That the said commissioners shall keep a fair and regular statement of all monies by them received and expended, which statement, when required, shall from time to time be laid before the county court, but said commissioners shall not be called on oftener than once a year; and when the necessary public buildings are completed, the said commissioners by order of the county court, (shall) pay over all surplus money to the county trustee for county purposes, and they shall be allowed by the county court a reasonable compensation for their services.

SEC. 14. *Be it enacted,* That said commissioners shall have power to appoint some person qualified to run and mark the line, who shall receive a reasonable compensation for his services, to be paid by the county of Powel.

SEC. 15. *Be it enacted,* That should a vacancy happen by death, resignation or otherwise, the county court of said county is hereby authorized to fill such vacancy by the appointment of other commissioners, who shall take the same oath and perform the same duties as prescribed by this act.

SEC. 16. *Be it enacted,* That Andrew English, Esq., George Hays of the county of Greene, Campbell Smith and James Francisco of the county of Hawkins and Abram Hulse of the county of Sullivan be and they are hereby appointed commissioners to lay off the county of Powel into civil districts, agreeable to the existing laws.

SEC. 17. *Be it enacted,* That the sheriffs of the county of Greene and Hawkins, in case said county is established, shall by themselves or deputies which they are authorized to appoint for the purpose of holding an election at the different places fixed on in the civil districts so laid off, on the first Saturday in June next, for the election of all the county officers for said county, who are to be elected by the people agreeable to the provisions of the existing laws, and that the sheriff of Sullivan county shall in like manner hold an election at the different precincts in Sullivan county, fixed on in the civil districts so laid off, and shall also have power to appoint suitable persons to hold said elections.

SEC. 18. *Be it enacted,* That the circuit court for the county of Powel shall be held on the first Monday of May, September and January.

SEC. 19. *Be it enacted,* That the commissioners mentioned in the fifth section of this act shall on the second Saturday in April, 1836, after giving ten days' notice in five of the most public places in the bounds of said county,

Comm'rs to
make statem't
to court.

Line to be
marked.

Vac'ncies pro-
vided against.

Civil districts
to be laid off.

Duty of sh'ff
of Greene and
Hawkins.

Circuit court.

Voice of the
people to be
obtained.

proceed to hold an election at some suitable place or places in the part or parts of each of the counties proposed to be stricken off, to ascertain by a vote of all persons residing in the bounds of each of the counties to be stricken off, and voting, who are entitled to vote for Governor, members of congress, and the civil officers of this state, whether they are willing to be stricken off, and the commissioners aforesaid shall each take an oath that they will conduct said election fairly and make a true return of the votes given, and in case a majority of the citizens in the part of either of the counties so proposed to be stricken off and voting, shall vote against such division and striking off, then the citizens residing in said part, and so refusing, shall not be stricken off to form said county.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

CHAPTER XXX.

An act providing for the division of Humphreys county, and to lay off the county of Benton.

Humphreys divided. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the first day of January, 1836, the county of Humphreys shall be and the same is hereby declared divided, making the Tennessee river the dividing line of said county.

Benton laid off. SEC. 2. *Be it enacted,* That there shall be a new county laid off including all that part or section of country, west of the Tennessee river, formerly included in the county of Humphreys, to be called, known and designated in this State by the county of Benton, to have and possess all the rights and privileges, known to any other county in this state, by any general law or usage.

Comm'rs to lay off county seat. SEC. 3. *Be it enacted,* That George Camp, sen., Green Flowers, Ephraim Perkins, Lewis Brewer, and John F. Johnson, be and they are hereby appointed commissioners for said county, whose duty it shall be to purchase and fix on some suitable situation within two miles of the centre of said county of Benton, for the purpose of locating a town, which shall be the county seat of said county, and called and known by the name of Camden, and it shall be the duty of said commissioners or a majority of them to purchase said situation, and take a deed of conveyance to themselves and their successors in office for the use of the

said county of Benton, for any number of acres not exceeding forty, and they shall lay off said town on the said situation so purchased, in lots of a convenient size, with a public square and such streets and alleys as they may deem most convenient and suitable for purchasers and a location of said town.

Sale of lots. SEC. 4. *Be it enacted,* That it shall be the duty of said commissioners or a majority of them, so soon as said town shall be laid off, and the lots surveyed, to advertise in some two newspapers in this state, the sale of the lots of said town at least two months previous to the sale thereof, when it shall be the duty of said commissioners to offer said lots for sale on a credit of one and two years to the highest bidder, and take from the purchasers such security for the purchase money as they shall deem most expedient to secure the purchase money; which purchase money, when paid, the commissioners shall appropriate to the erection of public buildings, and give to the purchasers such deed or deeds of conveyance as will invest the purchasers or their assigns, with the fee simple to said lot or lots; *Provided,* nothing herein contained, shall prevent said commissioners from taking bond and security for the purchase money, and making a deed of conveyance at the time of the sale. Proceeds applied to public purposes.

SEC. 5. *Be it enacted,* That said commissioners shall take all bonds and notes arising from the sale of said lots payable to themselves and their successors in office which notes may be assignable as other promissory notes are by the existing laws, and it shall be the duty of said commissioners to superintend the building of the court house and jail, and other necessary public buildings, and shall let out such buildings as the county court of said county shall order to be built, upon such terms and conditions as the said court shall direct, and shall take bond with sufficient securities from the person or persons to whom the same is let, payable to themselves and their successors in office, in double the amount of their contract or contracts, conditioned for the faithful performance thereof; and the proceeds of the sale of the lots aforesaid and such tax as may be collected in pursuance of this act shall be a fund in the hands of said commissioners for the payment of the purchase money for the tract of land on which said town shall be located, and defraying the expenses of erecting public buildings; and when said buildings are completed, said commissioners shall by order of the county court pay over all surplus moneys to the county trustee for county purposes. Provision for public build'gs.

SEC. 6. *Be it enacted,* That it shall be the duty of said commissioners, before they enter on any of the duties required of them by this act, to enter into bond and security, in the penalty of one thousand dollars each, payable to the Comm'rs to give bond and take oath.

chairman of the county court of Humphreys county and his successors in office, to faithfully and honestly discharge all the duties of a county commissioner for said county; and they shall moreover take an oath before some justice of the peace, to faithfully and honestly discharge all the duties enjoined on them by this act, which bonds shall be filed in the county court clerk's office, of the county of Benton, and suit may be brought on the same for a breach thereof, in the name of the chairman of the county court of Benton county.

Place of holding court.

SEC. 7. *Be it enacted*, That it shall be the duty of the county and circuit courts to hold their terms of said Court, at the house of Samuel H. Burton on Cypress creek in said county, until a courthouse shall be erected; and all writs, process returns, recognizances, and other proceedings shall be made returnable at the house of the said Samuel H. Burton, until a majority of the county court shall certify and order that the court house of said county is ready for the transaction of business when they shall be returned at the court house in the town of Cambden.

Vacancies filled

SEC. 8. *Be it enacted*, That in case either or any of said commissioners shall die, resign, remove or refuse to act, it shall be the duty of the county court to supply such vacancy as they shall occur; and the said commissioners shall, from time to time, when required, to lay before the county court detailed statements of all the money, notes or other instruments received by them as commissioners, with a full statement of the disbursements and how the same has been applied and for what purposes.

Tax authorized

SEC. 9. *Be it enacted*, That the county court of said county shall have full power and authority to lay a tax on all taxable property in said county to the full amount of the state tax for the purposes of building said court house and jail, and the money, when collected, shall be paid over to said commissioners for the purposes aforesaid.

Compensation of commis'rs.

SEC. 10. *Be it enacted*, That the county court of said county shall allow said commissioners from time to time such compensation for their services as they may deem sufficient

Of officers of county.

SEC. 11. *Be it enacted*, That all officers, civil and military, in said county shall continue to hold their offices and exercise all the powers and functions thereof until others are elected under the provisions of the amended constitution and the laws made in pursuance thereof; and the said county of Benton shall elect her officers, civil and military, under the amended constitution, at the same time and under the same rules and regulations prescribed by law for the election of officers in other counties in this state, and the citizens of the said county of Benton, in all elections for Governor, members of congress and members of the gene-

ral assembly shall vote with the county of Humphreys until the next apportionment of members of the General Assembly, agreeably to the provisions of the fifth section of the tenth article of the amended constitution.

SEC. 12. *Be it enacted*, That nothing in this act contained shall be so construed as to prevent the county of Humphreys from entering up judgments, or the sheriffs of said county from selling under such judgments, any lands or other property within the bounds of the said county of Benton for taxes and charges that are due from the citizens of said county of Benton, for the present or any preceding year.

Jurisdiction

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed December 19, 1835.

CHAPTER XXXI.

An Act to establish the county of Johnson, on the east of Carter county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new and distinct county be and the same is hereby established, to be known and distinguished as the county of Johnson; beginning at the line of Sullivan county, at a place called the Rich End, where the cross ridge commences that divides the waters of Beaver Dam and Stoney creeks; thence running with the heights of said ridge to the Iron mountain; thence with the extreme heights of said mountain to a point opposite the ridge running from said mountain between Dugger's and Vanhouse's; then with said ridge to the Watauga river; then up said river to the mouth of Elk creek; then with the ridge dividing Elk creek from the Watauga river, to the North Carolina line; then with the line between Carter county and North Carolina line to the Virginia line; then with the Virginia line to the corner between Carter and Sullivan counties, from thence to the beginning.

Boundaries

SEC. 2. *Be it enacted*, That William Gott, Robert Reeve and James O'Brien be and they are hereby appointed commissioners under this act to designate a proper place for the permanent location of the seat of justice for said county, (with due regard to population and territory,) and the said commissioners shall proceed, on or before the first day of March, to the selection of said site.

Commis'rs for county seats

SEC. 3. *Be it enacted*, That the county courts shall, at their first or second session, appoint five or seven at their

Taylorville to be laid off . discretion, good and lawful men, citizens of said county, commissioners, who shall proceed and procure, by purchase or otherwise, from ten to one hundred acres of land, at such place as the commissioners named in this act may designate, upon which the county seat shall be located, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warrantee; and said county seat, when so located, shall be called Taylorville; and the said commissioners, under the direction of said county court, shall proceed to lay off the town into lots, sell the lots, collect and appropriate the monies, and do all other things touching said county or county seat, not mentioned in nor incompatible with this act or the amended constitution.

Temporary place for holding courts SEC. 4. *Be it enacted*, That for the due administration of justice, the different courts to be holden in said county of Johnson, shall be held at the house of Thomas Johnson, deceased, until the county seat shall be located, and a house erected for that purpose; the county court shall, in the intermediate time, have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice, when in their judgment the necessary arrangements are made, and all writs and all other precepts returnable to either place, shall and may be returned to the place to which the said court may have been removed by the county court aforesaid; and the said court to be holden in and for said county of Johnson, shall be under the same regulations and restrictions, and shall have, hold, exercise and possess the same power and jurisdiction as is provided by said court in other counties in this State.

Officers and jurisdiction SEC. 5. *Be it enacted*, That all officers, civil and military, in said county, shall continue to hold their offices and exercise all the powers and functions thereof until others are elected under the provisions of the amended constitution, and the laws made in pursuance thereof; and the said county of Johnson shall elect her officers, civil and military, under the amended constitution, at the same time and under the same rules and regulations, and in the same manner that may be provided by law for the election of officers in the other counties of this State; and the said county of Johnson shall be placed upon an equal footing, possess equal powers and privileges in all respects, as other counties in this State; *Provided*, that nothing contained in this act shall be so construed as to deprive the county of Carter from holding and exercising jurisdiction over the territory of the said county of Johnson and the citizens thereof, in as full and ample a manner as it now has, until the election of county officers under the amended constitution; *Provided*,

also, that nothing in this act contained shall be so construed as to prevent the county of Carter from entering up judgments, or the sheriff of said county, from selling under such judgments, any lands or other property within the bounds of said new county, and for collecting taxes, costs and charges, for the present or any preceding year.

SEC. 6. *Be it enacted*, That the citizens of Johnson county, in all elections for governor, members to congress, and for members of the general assembly, shall vote with the county of Carter, until the next apportionment of members of the general assembly, agreeable to the provisions of the 5th section of the tenth article of the amended constitution. To vote with Carter county

SEC. 7. *Be it enacted*, That the commissioners appointed by this act, and such as may be appointed by the county court, shall, before entering upon the discharge of the duties assigned by this act, take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined, according to the best of their judgment; and those appointed by the court shall enter into bond, with approved security, payable to the chairman of the county court of Johnson and his successors in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined by this act, and the court of said county of Johnson; which bond, when so taken, shall be deposited in the county clerk's office in said county. Com'rs to take oath and give bond

SEC. 8. *Be it enacted*, That the said commissioners, appointed by the court aforesaid, shall keep a fair and regular statement of monies, by them received and expended; which statement, when required, shall, from (time) to time, be laid before the county courts; and if, after erecting public buildings, there should be a surplus of money, the said commissioners shall pay over the same to the county trustee, to be used for county purposes. Com'rs to make statements

SEC. 9. *Be it enacted*, That the commissioners appointed by this act, and such as may be appointed by the court of said county, shall receive for each day that they may be necessarily employed in performing the duties assigned or required of them by this act, such sum as the said court may consider a fair compensation for their services, to be paid by the trustee of said county, out of the first monies not otherwise appropriated. Compensation

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed, January 2d, 1836.

CHAPTER XXXII.

An Act establishing the county of Bradley.

Established

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory contained in the lines herein after mentioned, shall constitute a county to be called the county of Bradley, in honor of and to perpetuate the memory of Col. Edward Bradley, late of Shelby county.

Boundaries

SEC. 2. The said county of Bradley shall be bounded as follows, to wit:—Beginning at the point on the south bank of Hiwassee river, where the Rhea county line terminates; thence along said line until it strikes the Hamilton county line, at Wilson Evans's; thence along said line to the White-Oak mountain; thence along the extreme height of said mountain and the Hamilton county line entire, until it strikes the five mile point of Hamilton county line, on the dividing line between the States of Georgia and Tennessee; thence along said line until it strikes the main channel of the Hiwassee river; thence down the said main channel with the centre thereof, including such islands as there may be therein, to the beginning.

Temporary place for courts

SEC. 3. For the administration of justice in said county of Bradley, the county court shall be held at the methodist camp ground, near the head of Chatatee creek, until the last Saturday in May next; at which time, a vote shall be taken by the qualified voters of said county, between some two or more places, which shall be put in nomination by the justices of the county court, at their first term in May; and the place which shall receive the largest number of votes shall be the place of holding the different courts, in said county, until further provided for by law; *Provided*, said justices shall not designate any Indian reservation, without the consent of the Indian residing thereon, at the times it is required to be held in the counties now established; and the circuit courts shall also be held at the same place, on such days as may be designated in an act to be passed at the present session, on the subject of circuit courts. The said courts shall be held at the place aforesaid, until a seat of justice be established, and then the same shall be held at such seat of justice. Said courts shall be under the same rules, regulations and restrictions, and shall exercise the same power and authority and jurisdiction that are possessed by said courts in other counties of this State.

Election of officers provided for

SEC. 4. The deputy sheriff of McMinn county, Joseph W. McMillan, or in case he should die, remove, or refuse to act, the sheriff of the said county of McMinn, with the power to appoint as many deputies as may be necessary, shall hold an election at the times and places as may be designated in the general laws to be passed at the present ses-

sion of the general assembly, for the election of all county and district officers, as well as militia officers, for said county; and the said officers, when elected, shall be commissioned in the same manner and have the same powers, duties and emoluments, as other officers of the same grade and denomination.

SEC. 5. The militia of the said county shall compose one regiment, and be numbered and attached to such brigade as may be provided in the militia law of the present session.

SEC. 6. The said county of Bradley shall be attached to the county of McMinn, for the election of representatives and senators in the General assembly, and members of congress, and the election of electors of president and vice president until otherwise ordered by law.

SEC. 7. The justices of the peace to be elected by said county, shall be qualified by some justice of the peace, of any adjoining county, at the first term of their court, after their election, or the said oaths may be administered by any circuit judge of this State. When the county seat is established said town shall be called Cleaveland, in honor of Col. Benjamin Cleaveland; *Provided*, nothing in this act contained, shall extend to authorize any further jurisdiction over the Cherokee Indians, than such as is authorized by the act of 1833.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed, February 10th, 1836.

CHAPTER XXXIII.

An Act to establish a new county of the name of Cannon, to be composed of parts of the counties of Warren, Rutherford and Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a new county is hereby established, to be called and known by the name of Cannon; east of Rutherford, north west of Warren and south of Wilson and Smith counties, and composed of parts of the said counties of Warren, Rutherford and Smith;—beginning on the ridge, the dividing line between Bedford and Rutherford counties, where Trott's survey strikes the same, near the house of Thomas Bruce; running from thence north to the twelve mile tree marked by Joseph Fowler, near Readyville, in Rutherford county, and continuing the same course to the Wilson county line; thence north-east with

the several lines of Wilson county, to the line between Smith and Wilson; thence with the line between Wilson and Smith, four miles to a point on the line heretofore run by Henry Trott, jr.; thence north eighty degrees east, with said line, seven and a half miles to the line between Warren and Smith; thence north eighty degrees east, nine and a half miles, to the Smith county line; thence the same course seven and a half miles, to the line between Warren and Smith counties; thence with the line dividing Warren and Smith counties, seven miles, to the Caney fork of Cumberland river; thence up the meanders of the Caney fork to the mouth of Lick creek; running from thence to Perry G. Magnus's, leaving the dwelling house of said Magnus in the county of Warren; thence to a point a westwardly course, so as to run not nearer than twelve miles of McMinnville; thence to John Martin's, esq. on a line heretofore run by Henry Trott; thence south, thirty degrees west, seven miles and one hundred and ninety two poles; thence south, twenty degrees west, two miles; thence south five miles and one hundred and eighty six poles; thence south, seventy-one degrees west, six miles and seventy poles; thence north, eleven degrees west, three miles and seventy poles; thence with the dividing ridge between Rutherford and Bedford counties, to the beginning.

SEC. 2. *Be it enacted*, That for the due administration of justice, the different courts to be holden in said county of Cannon, shall be holden at the house of Henry D. Mc-Broom, until the seat of justice for said county shall be located and a suitable house erected for that purpose. The county court shall, in the intermediate time, have full power to adjourn the courts to such other place in the said county as they may deem better suited for the holding of the same, and for the public convenience; and to adjourn to the seat of justice whenever in their judgment the necessary arrangements are made; and all writs and other precepts returnable to either place, shall and may be returned to the place to which said courts may have been removed by the county court aforesaid; and the said courts to be holden in and for said county of Cannon, shall be under the same regulations and restrictions, and shall have, hold, exercise and possess the same powers and jurisdiction as is possessed by said courts in other counties in this State.

SEC. 3. *Be it enacted*, That all officers, civil and military, in said county, shall continue to hold their offices, and exercise all the powers and functions thereof, until others be elected under the provisions of the amended constitution and the laws made in pursuance thereof; and the said county of Cannon shall elect her officers, civil and military, under the amended constitution, at the same time, under the same rules and regulations, and in the same manner that may

Place of courts
and their juris-
diction

Officers

be provided by law for the election of officers in other counties in this State; and the said county of Cannon shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; *Provided*, nothing in this act contained, shall be so construed as to prevent the counties of Warren, Rutherford and Smith, from having, holding and exercising jurisdiction over the territory composing said county of Cannon and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers under the amended constitution; *Provided*, also, nothing in this act contained, shall be so construed as to prevent the counties of Warren, Rutherford and Smith from entering up judgments, or the sheriffs of said counties from selling, under such judgments, any lands within the bounds of said county of Cannon, for taxes, costs and charges, for the present or any preceding year; nor to prevent the sheriffs of either of said counties from collecting, from the citizens of said county of Cannon, any taxes due for the present or any preceding year.

SEC. 4. *Be it enacted*, That the citizens of the county ^{Where to vote} of Cannon, in all elections for governor, for members of congress, and for members of the general assembly, shall vote with the counties from which they may have been stricken off, until the next apportionment of members of the general assembly, agreeably to the provisions of the fifth section of the tenth article of the amended constitution.

SEC. 5. *Be it enacted*, That George Elliott, of the county of Sumner, Jonathan Webster of the county of Coffee, and John S. Russwurm, of the county of Williamson, ^{Com'rs to locate c'ty seat} be and they are hereby appointed commissioners, a majority of whom can act, who shall, on or before the first Monday in May next, proceed to fix on a suitable and eligible site for the seat of justice and for the county town, within five miles of the town of Danville. And said commissioners shall procure, by purchase or otherwise, at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves or their successors in office, by general warranty; and the said commissioners shall name the county town, and report all their proceedings relative to and concerning said county, to the county court of said county—and it is hereby made the duty of the clerk to record the same.

SEC. 6. *Be it enacted*, That it shall be the duty of the county court of said county, to appoint five commissioners, ^{Com'rs to lay off town} to whom the commissioners appointed by this act, shall convey the land acquired for the use of the county aforesaid, on which it shall be the duty of the commissioners appointed by the county court, to cause a town to be laid off, with as many streets, and of such width as they may deem neces-

sary, reserving at least three acres for a public square, and a lot sufficient for building a jail; and the said town, when so laid off, shall be known by such name as may be given to it by the commissioners herein appointed.

SEC. 7. *Be it enacted,* That the commissioners of said county shall sell the lots in said town on a credit, at least, of twelve months; first giving due notice thereof in one or more newspapers printed in this State; and shall take bonds with sufficient security for the purchase money, payable to themselves and their successors in office; and shall make titles, in fee simple, as commissioners, to the respective purchasers of said lots.

SEC. 8. *Be it enacted,* That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners, for defraying the expenses incurred in the purchase of the said tract of land on which the said county seat is located, and also for defraying the expenses of erecting public buildings.

SEC. 9. *Be it enacted,* That the said commissioners shall superintend the building of the court house, jail and other necessary public buildings, and shall let out such buildings as the county court in said county shall order, to be built upon such terms and conditions as the said court shall direct, and shall take bond with sufficient securities, from the person or persons to whom the same is let, payable to themselves and their successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his or their contracts.

SEC. 10. *Be it enacted,* That the said commissioners, before they enter upon the duties of their office assigned them by this act, shall take an oath or affirmation, that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgment; and moreover, shall enter into bond with approved security, payable to the chairman of the county court of Cannon county, and his successors in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon them by this act; which bond shall be deposited in the clerk's office in said county, and shall not be so construed as to make one of the commissioners security for another.

SEC. 11. *Be it enacted,* That said commissioners shall keep a fair and regular statement of all moneys by them received and expended; which statement, when required, shall, from time to time, be laid before the county court. But said commissioners shall not be called on oftener than once a year. And when all the necessary public buildings are completed, the said commissioners shall, by order of the county court, pay over all surplus money to the county trustee, for county purposes; and they shall be allowed by

the county court a reasonable compensation for their services.

SEC. 12. *Be it enacted,* That the first commissioners mentioned in this act, shall each be entitled to receive, as compensation for their services, the sum of three dollars for each day they may be absent from home, and necessarily employed in performing the duties required of them by this act, to be paid by the said county of Cannon, out of any moneys in the treasury not otherwise appropriated.

SEC. 13. *Be it enacted,* That the commissioners that may be appointed to lay off the town, shall also reserve as many lots as they may deem necessary, to be given to the different religious denominations, on which to erect houses of public worship, and also a lot for a public burying ground; and said commissioners shall also reserve lots for a male and female academy, of such size as they may think necessary.

SEC. 14. *Be it enacted,* That the surplus territory in the southern part of the county of Smith, shall be attached to and made a part of the county of Cannon, on the following conditions, to wit:—Abraham Overall, Moses Allen, Leonard Lamberson, John Fite and Joel Cheatham, are hereby appointed commissioners, who, or a majority of whom, shall proceed, on or before the first day of May next, and ascertain, by actual survey, the territory attached to the southern extremity of the county of Smith, over and above six hundred and twenty-five square miles, excepting the fifteen square miles above included in Cannon; not running the line nearer than within twelve miles of the town of Carthage; so soon as said fact shall be ascertained, it is hereby made the duty of said commissioners, to hold an election at some suitable time and place, to be designated by the commissioners, and advertised at four of the most public places, at least ten days in said surplus territory, for the purpose of ascertaining whether a majority of the citizens in such surplus territory, are willing to be attached to the county of Cannon; and if upon counting the votes it shall appear that a majority of all the voters, competent to vote for members of the general assembly, have voted to be attached to the county of Cannon, then the said commissioners shall report the fact to the first term thereafter, of the county court to be held for the county of Cannon; which report shall be entered on the minutes of said county court; and in that event said territory shall be attached to and form a part of the county of Cannon; the citizens thereof shall be entitled to all the rights, privileges, immunities and exemptions conferred by this act on the citizens of Cannon.

SEC. 15. *Be it enacted,* That nothing herein contained shall be so construed as to exempt that portion of the citizens of Warren county, included in the county of Cannon,

from the payment of their rateable proportion of the subsisting county debt of Warren county.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JONATHAN WEBSTER,
Speaker of the Senate.

Passed January 31, 1836.

CHAPTER XXXIV.

An act to establish the county of Meigs, in honor of Colonel Return J. Meigs, deceased; a patriot and soldier of the American Revolution of 1776.

Boundaries established

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a new county be, and the same is hereby established, between the county of McMinn and the Tennessee river, to be known by the name of Meigs county, in honor of Colonel Return Jonathan Meigs, deceased, a patriot and soldier of the revolution of 1776; to be composed of that part of Rhea county lying south of Tennessee river, and bounded as follows:—beginning at a point below William Blythe's, on the Tennessee river, where the line divides the counties of Rhea and Hamilton; thence running a south east course, with said line, dividing the counties of Rhea and Hamilton, to Wilson Nevins', where the Rhea county line intersects the McMinn county line; thence a north east course with said McMinn line, to a large ridge above the mouth of Price's creek; thence with said dividing line between the counties of Rhea and McMinn, to the eight mile tree or stake, near Bottom's mills, on Suea creek; thence a north west course with the line dividing the counties of Rhea and Roane, at or near the mouth of White's creek, on the Tennessee river; thence down the main channel of said river to the beginning.

SEC. 2. *Be it enacted,* That for the due administration of justice, the county court and the circuit court in said county shall be holden at the house of John Stewart, until otherwise provided for, under the same regulations and restrictions, and shall exercise and possess the same power and jurisdiction as possessed by said courts in other counties in this State.

SEC. 3. *Be it enacted,* That all officers, civil and military in said county of Meigs, shall continue to hold their offices, and exercise all the powers thereof, until others are elected under the provisions of the amended constitution and the laws made in pursuance thereof; and the said county of Meigs shall elect her officers, civil and military, un-

der the amended constitution, at the same time, and under the same rules and restrictions, and in the same manner that may be provided for the electing of officers in other counties in this State; and the said county of Meigs shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; *Provided,* nothing in this act contained shall be so construed as to deprive the county of Rhea from having, holding and exercising jurisdiction over the territory composing said county of Meigs, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers, under the amended constitution; *Provided,* also, nothing in this act contained shall be so construed as to prevent the county of Rhea from entering up judgments, or the sheriff of said county from selling, under such judgments, any lands within the bounds of said county of Meigs, for taxes, costs and charges, for the present or any preceding year, nor to prevent the sheriff of said Rhea county, from collecting from the citizens of said county of Meigs, any taxes due for the present or any preceding year.

SEC. 4. *Be it enacted,* That the citizens of the county of Meigs, in all elections for governor, members of congress and for members of the general assembly, shall vote as heretofore, with the county of Rhea, until the next apportionment of members of the general assembly, agreeable to the provisions of the fifth section of the tenth article of the amended constitution.

SEC. 5. *Be it enacted,* That James Blevins, James Lillard, William Keer, Andrew Kincannon, John Randals and Elisha Sharp, all within the county of Meigs, be and they are hereby appointed commissioners, a majority of whom can act, who shall, on or before the first Monday in May next, proceed to fix on a place, as near the centre of said county as an eligible site can be procured, at least within three miles of the centre of said county; at which site the said commissioners shall procure, by purchase or otherwise, at least fifty acres of land; for which they shall cause a deed or deeds to be made to themselves and successors in office, by general warranty; and the said commissioners shall report and return all their proceedings relative to and concerning said county, to the county court of said county; and it shall be the duty of the clerk of said court to record the same.

SEC. 6. *Be it enacted,* That it shall be the duty of the county court of said county to appoint five commissioners, to whom the commissioners appointed by this act, shall convey the land acquired for the use of said county, on which it shall be the duty of the commissioners, appointed by the county court, to cause a town to be laid off, with as many streets and of such width as they may deem neces-