

~~a half mile each way from the court house in said town, provided that no lands outside of the original corporate limits of said town which is not laid out in town lots, shall be taxed for corporate purposes, until the same shall have been laid out into lots, to be used as town lots.~~

~~SEC. 13. *Be it enacted*, That said act be so amended as to give the Mayor and Aldermen, Recorder and other officers of said corporation, the same jurisdiction and powers that the Mayor and Aldermen, and other officers of the city of Chattanooga have, and be governed by the same rules and regulations, so far as their by-laws may agree.~~

~~SEC. 14. *Be it enacted*, That this act shall take effect from and after its passage.~~

~~DANIEL S. DONELSON,~~

~~*Speaker of the House of Representatives*~~

~~JOHN C. BURCH,~~

~~*Speaker of the Senate.*~~

~~Passed January 28, 1858.~~

CHAPTER 40.

AN ACT to authorize the building of the Mt. Pleasant and Hampshire Turnpike road ; to incorporate the Beersheba Springs and Tracy City Turnpike Company ; to incorporate the Statesville and Gainesville Turnpike Company ; to revive the Charter of the Spring Hill and Lewisburg Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mt. Pleasant and Hampshire Turnpike Company, as organized under the act passed 7th of February, 1850, and the act amendatory thereto, passed 10th of January 1854, are hereby authorized to build a turnpike road from the town of Mt. Pleasant, in Maury county, Tennessee, to Hampshire, in said county.

SEC. 2. The bed of said road shall be twenty-four feet in width ; sixteen feet thereof shall be of gravel or broken stone, nine inches deep in the center and tapering to four and a half inches on the sides. The grade of said road shall be no more than five degrees of a level.

SEC. 3. Said Company shall have authority to place one toll-gate between Mt. Pleasant and Hampshire, provided the distance between said points is not less than six miles. Said gate shall not, however, be placed nearer either place than one mile and a half.

SEC. 4. In locating their said road, building the same, collecting toll, and in all other things, said Company shall

have all the rights, privileges, immunities, &c., and be subject to all the liabilities, penalties, &c., given to and required of companies which may be organized under said acts of February 7th, 1850, and January 10, 1854, and other acts amendatory thereto: *Provided*, that said Company shall pay damages to any person through whose land said road runs, the damages to be assessed by a jury.

Memphis and
Somerville Turn-
pike Company.

SEC. 5. *Be it further enacted*, That the charter of the Memphis and Somerville Turnpike Company be so amended as to allow said Company hereafter to keep their road in good repair as a dirt turnpike, and they shall not be required to cover any part of their road with plank except the bridges, and culverts on said road.

Carthage, Alex-
andria and Red
Sulphur Springs
Turnpike Com-
pany.

SEC. 6. *Be it further enacted*, That the further time of one year be given to the Carthage, Alexandria and Red Sulphur Springs Turnpike Company to complete their road.

Beersheba
Springs and Tracy
City Turnpike
Company.

SEC. 7. *Be it further enacted*, That John Armfield and M. A. Price and their associates shall be and are hereby constituted a body politic and corporate by the name and style of the Beersheba Springs and Tracy City Turnpike Company, and by that name they shall sue and be sued, plead and be impleaded, may have and use a seal, and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate, by law, for the term of thirty years, and shall have succession.

SEC. 8. The capital stock of said Company shall be fifteen hundred dollars, with the privilege of increasing the same to five thousand dollars, should said Company deem it necessary, and so desire, to complete said road; which sum shall be divided into shares of ten dollars each, to be applied to the construction and keeping in repair said road.

SEC. 9. William C. Hill, James M. Bouldin, William P. Barnes, S. P. Tipton, John Northcutt, William D. Dorris and Daniel Fults are hereby appointed commissioners to open books and receive subscriptions for stock in said Company, any three of whom are hereby empowered to do the same at such times and places as they may deem most suitable; said books to be opened within six months from and after the passage of this act. Such subscription may be made in money, materials or labor. If in material or labor, the same to be made at its cash valuation, to be ascertained by disinterested persons, which shall be deemed so much stock in said Company. Said road to commence at Beersheba Springs, on the top of Cumberland Mountain, in Grundy county, running thence by way of Altamont to Tracy City, at the terminus of the Sewanee Railroad in said county. Said Company in laying out said

road, may, at their option or selection, run the road over the present road bed from Beersheba Springs to Altamont, and from Altamont to Tracy City, on the route laid out and partly built by order of the County Court of Grundy county, or change the same wherever they may think it best to do so.

SEC. 10. Whenever five hundred dollars of said capital stock shall have been subscribed, a meeting of the stockholders may be called at Beersheba Springs, of which due notice shall first be given by written advertisement at Tracy City, Altamont and Beersheba Springs, posted up at least ten days prior to said meeting; and when said stockholders shall have assembled, they may proceed to elect three Directors, who shall be stockholders, any two of whom shall constitute a quorum to do business, to pass by-laws and organize the Company, and commence the construction of said road, and shall have power to employ an engineer to lay out said road and mark the same, whenever necessary, or deemed so, by said Board of Directors.

SEC. 11. Said Directors at their first meeting shall elect one of their body President, secretary and treasurer, if deemed necessary, who shall hold their offices for the term of two years from the date of their election and until their successors are appointed; and said election shall be held every second year after the first election, on the first Saturday in January, or at such other time as may be thought best by said Company, if failed to be done then. The President shall give at least ten days notice in writing, posted up at conspicuous places, of the time and place of holding said election, and in such election each stockholder shall have one vote for each share of stock subscribed by him or her, and it shall be the duty of said President and Directors, to have the said road constructed and shall have the entire control and management of the same.

SEC. 12. *Be it enacted*, That said road shall be a dirt turnpike, and constructed in the following manner: the road to be graded so as not to exceed ten feet in every one hundred in length, the grade to be made regular from the foot to the highest points of ascent; not to be less than twenty feet wide, except where, from the nature of the road bed and the surrounding circumstances, it is impracticable; then, in that case, not less than fifteen feet, clear of all obstructions, thrown up to the center on all the hill sides, sufficiently high to throw the drains on each side, as well as at all points on the same, where it is liable to become muddy from standing water; and where necessary to be well ditched on each side of said road, as well as

culverts under the same to drain and keep said road free from standing water; to construct a suitable and safe bridge across Big Creek, with good and safe abutments to the same, and to build suitable bridges and causeways on all other creeks, branches and swamps on said road, where, from the nature of the circumstances, it may be necessary.

SEC. 13. When said road shall have been constructed, in manner and style as provided for in section twelve of this act, the said President and Directors shall have power to erect a toll-gate at any point on said road south of where the Chattanooga road, leading from Altamont, leaves the same, at which gate the following rates of toll may be charged and collected, to wit: fifty cents for all the two horse pleasure carriages, and loaded four horse or ox wagons, and if empty, half price; twenty-five cents for all one horse pleasure carriages; twenty-five cents for every two horse, or ox wagon, or cart, and if empty, fifteen cents; twenty-five cents for every loaded one horse or ox wagon, carryall or cart, and if empty, ten cents; ten cents for every single horseman or beast of burthen, and one cent per head for all loose stock. *Provided*, That the citizens of Grundy county may pass to and fro over said road and, through said gate, with their carriages, carts, vehicles and stock, at all times, free of toll.

SEC. 14. William C. Hill, L. D. Mercer, and John Northcutt, are hereby constituted Commissioners, any two of whom may act, who shall, at the request of the President and Directors of said Company, on their reporting that said road has been completed, go over and examine the same, and if they shall find said road to be constructed and in the condition as provided in the twelfth section of this act, receive the same and give a certificate of that fact to the said President and Directors, and said President and Directors shall not be authorized to erect a toll gate and charge toll at the same on said road, until they shall first have obtained the certificate as aforesaid.

SEC. 15. For the purpose of constructing and keeping in repair the said road, the Directors or their agents may cut, dig or quarry, and take from the lands of any person or persons, within one mile of said road, such, and so much timber, rock or gravel, as may be necessary for said purpose. And if any person, over whose lands said road shall pass, or from whose lands such material may be taken, shall desire compensation therefor, and in the event they cannot agree with the said Directors, as to the damages done their lands, or the value of such materials, he, she or they, may apply to the nearest magistrate in the county, whose duty it shall be to appoint three disinterested persons,

they being freeholders, whose duty it shall be to estimate the damages of such land, if any, and the value of such material, and make out a report or certificate thereof, in writing, upon oath, to the injured party or parties, always taking in view the advantages and disadvantages of such road to said lands, in making such assessment of damages, if any, or valuation of materials, and if any the same may be recovered before any tribunal, having cognizance of the same. *Provided*, that no person or persons shall be allowed damages for their lands, where the old road bed is used by said Company, and that either party may have the right of appeal.

SEC. 16. Should said road not be kept in repair for the space of twenty days in succession, as required by the twelfth section of this act, it may be lawful for any person to apply to a justice of the peace, of said county, in the vicinity of said road, and inform him of the fact, and it shall be the duty of said justice to appoint three disinterested persons, resident and freeholders of the county, who shall go over said road, or that portion of the same, complained of, and examine the same, and make report, under oath, of the condition of said road to said justice, any two of whom may perform the duties aforesaid, and if they report that said road is not in good repair as required by this act, the said justice of the peace shall direct the Sheriff or any constable of the county, to open the toll-gate, and stop the collection of tolls thereat until the same shall be put in good repair, the fact of which, to be ascertained by the report of at least two freeholders as aforesaid, appointed by some justice of the peace of said county, at the request and cost of the President and Directors of said Company, as well as the cost of causing said gate to be thrown open. But, if it should appear from the report of said freeholders, that said road has not been for fifteen successive days out of repair, as provided in this act, the cause shall be dismissed at the cost of the informant.

SEC. 17. If any person or persons shall neglect or refuse to pay the toll hereby granted, the toll-gatherer may lawfully refuse said person or persons a passage through said gate; and if any person or persons shall force his, her or their way through said gate without paying the toll aforesaid, or shall in traveling said road, go round the gate for the purpose of evading the payment of the tolls, as provided in this act, the toll-gatherer or any other agent of the Company, may, by warrant, recover from such person or persons the sum of five dollars for each and every such offence, for the use of the Company.

SEC. 18. The stockholders shall have the right of trans-

ferring their stock by sale, gift or otherwise, as they may desire, and the assignee of said stock so transferred, shall be entitled to all the rights, privileges and immunities, and subject to all the restrictions and liabilities of the original members of the Company.

SEC. 19. *Be it further enacted*, That the charter of the Spring Hill and Lewisburg Turnpike Company, as contained in the act of incorporation, passed March 1st, 1854, chapter 272, sections 35, 36, 37, 38, 39 and 40, be and the same is hereby revived and put in full force, with the following additions and restriction, to wit: 1st. The name and style of said corporation shall hereafter be the Spring Hill and Rally Hill Turnpike Company. 2d. Instead of the Commissioners appointed in the 35th section of said last mentioned act, W. P. Parham, James H. McBlair, J. W. Brown, W. H. Dodson, B. F. Crockett, Duncan McRae and F. A. Thompson, be and they are hereby appointed Commissioners with all the powers and privileges vested in said original Commissioners. 3d. Said Company shall have the time of six years, from and after the passage of this act, within which to begin and complete the building of their said road.

Spring Hill and
Rally Hill Turn-
pike Co.

SEC. 20. *Be it further enacted*, That William A. Jennings, Dr. W. H. Meconnekin, Thomas C. Word, T. B. Harris and C. C. Craddock, or any three of them, are hereby appointed Commissioners, to open books at any time and place they may think best for the subscription of stock, which shall be used in building a turnpike road, beginning at Statesville, crossing the ridge at Frederic Pennel's or near T. M. Allerson's, intersecting the Cainesville and Valley road at any point north of Cainesville.

Statesville and
Cainesville Turn-
pike Company.

SEC. 21. So soon as three thousand dollars shall have been subscribed, a meeting may be held at any time and place said Commissioners may designate, of which meeting, twenty days' notice shall be given in writing, at Cainesville and Statesville. Said stockholders shall then, or at some subsequent meeting by them appointed, elect a board of five directors, who shall be stockholders, and who elect a president and such other officers as they may think necessary.

SEC. 22. Said subscribers for stock when thus organized shall constitute a body corporate, by the name of the Statesville and Cainesville Turnpike Company, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and make all necessary rules and regulations for the successful operation of said Company.

SEC. 23. Said Company shall make said road not less than twenty feet wide, sixteen feet of which shall be made