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ACTS

OF THE

STATE OF TENNESSEE

PASSED BY THE

FIFTY-FOURTH GENERAL ASSEMBLY

1905

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1905.

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ACTS

OF THE

GENERAL ASSEMBLY of the STATE OF TENNESSEE

PASSED BY THE

FIFTY-FOURTH GENERAL ASSEMBLY,

WHICH WAS BEGUN AND HELD AT NASHVILLE, ON THE FIRST MONDAY IN JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FIVE.

CHAPTER 1.

SENATE BILL No. 41.

AN ACT to incorporate Watertown, Wilson County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Watertown, in the county of Wilson, and the inhabitants thereof are hereby constituted and declared a body politic and corporate by the name and style of the Mayor and Aldermen of Watertown, and by that name shall have perpetual succession, shall sue and be sued, plead and be impleaded in all the courts of law and equity and in all actions whatsoever, may purchase, receive, and hold real, personal, and mixed property in said town, and sell, lease, and dispose of the same for the benefit of the said town; and may purchase, receive, and hold real, personal, and mixed property beyond the limit of said town, to be used for the burial of the dead, and for the establishment of a hospital, poorhouse, workhouse, or house of correction, to have and use a common seal, and change it at pleasure.

SEC. 2. *Be it further enacted,* That the corporate limits of said town shall embrace the territory within the following boundaries—to-wit:

Boundaries.

Beginning at a stake in the South line of the right-of-way of the Tennessee Central Railroad at a point directly opposite and in line with the west boundary line of Hardin Davis; thence with said Davis' west line to a stake on the north side of the Lebanon and Sparta pike; thence east with said turnpike to the southwest corner of J. P. Blankenship's lot; thence north with said Blankenship's west line to his northwest corner; thence with the western boundary line of the lots in what is known as the Maddux Addition to Watertown to the northwest corner of L. A. Phillips lot No. 14; thence in an easterly direction to the northwest corner of J. L. Bryan's lot in Bryan Addition to Watertown; thence in an easterly direction with the south boundary of J. L. Bryan, the same being the north line of all the lots facing on Woodland Street, to the northeast corner of W. H. Lincoln's lot; thence north 500 feet to a stake; thence east to the west line of the Commerce road; thence north with said road to a point opposite Mrs. Bell's northwest corner; thence with said Bell's north boundary to the northeast corner of same; thence in an easterly direction to an elm in the northwest corner of L. A. Phillips yard; thence east 200 feet to a stake; thence to the northwest corner of the Christian Church lot; thence to the northeast corner of said church lot; thence south with the east line of the church lot and with the east line of the Catamount road to a stake in the south boundary of the Tennessee Central Railroad at pike crossing; thence with said right-of-way to the northeast corner of the Watertown Rolling Mill lot; thence south with said lot and to the Round Lick Creek; thence in a westerly direction with the meanderings of said creek to the eastern line of the Watertown and Statesville road; thence north with said road's eastern line to the south line of the Tennessee Central Railroad right-of-way; thence with south line of said right-of-way to the beginning, and shall embrace all lands in the said boundaries.

Certain lands exempt from taxes.

SEC. 3. *Be it further enacted,* That all parcels of land within the foregoing boundaries not improved and used for farming purposes, or that are uncultivated, exceeding one acre, shall be free from municipal taxation until improved, and when an improvement shall have been made, one acre, together with the improvements thereon, may be subjected to taxation.

SEC. 4. *Be it further enacted,* That the government of said town shall be invested in a Mayor and six Aldermen,

to be chosen every year by the qualified voters of said town; and all persons residing in said town, and all persons owning real estate in their own name in said town, but residing without its limits, who would be qualified to vote for the members of the General Assembly, shall be qualified to vote for Mayor and Aldermen and in all town elections. Officers.

SEC. 5. *Be it further enacted,* That the Mayor shall hold his office for two years and until his successor shall be elected and qualified. No person shall be elected a Mayor who is not at the time a citizen of the State of Tennessee, a qualified voter, one year a bona-fide resident of said town, and shall be a freeholder to the assessed valuation of five hundred dollars. The Mayor shall be ex-officio Recorder, but may decline to perform the duties of Recorder, in which case the Recorder shall be appointed as hereinafter provided. He may fill all vacancies occurring in offices except that of Aldermen, until the same shall be filled in the manner provided by this act, and shall receive no compensation or salary as such Mayor. It shall be the duty of the Mayor, unless relieved by the Board of Aldermen, to preside at all meetings of the Board, but he will not be permitted to vote for any officer or agent, nor upon any measures, proposition, or ordinances before the Board, except in case of a tie, and he shall then give the casting vote. In the event he is absent, or does not preside, such member of the Aldermen shall preside as they may determine by majority vote or ordinance. It shall be the duty of the Mayor to take care and see that all ordinances and laws of the town are duly enforced, observed, and obeyed, and he shall, on application, instruct officers in their duty. Before entering upon the duties of his office, he shall take an oath to faithfully demean himself in office and discharge the duties thereof. It shall be his duty, from time to time, to lay before the Board of Aldermen in writing all matters and things that he may deem it important to have acted upon, accompanied with suitable recommendations, and to call special sessions of the Board of Aldermen whenever he may deem it necessary and expedient, at which special session no other business than that for which the session is called shall be transacted. He may remit wholly or in part fines, costs, forfeitures, and penalties imposed by the corporate courts, but shall make a report of such remissions at the next meeting of the Mayor and Aldermen, to- Mayor; Duties. Duties of Mayor.

gether with his reasons therefor. For any malfeasance or misfeasance in his office as Mayor he shall be subjected to be charged by the Board of Aldermen and fined and dismissed from his office as the Aldermen may in their wisdom determine for the best; and on such trial the Aldermen shall elect by ballot one of their number to preside, and shall take an oath to faithfully and impartially try and render judgment on such trial.

Aldermen.

SEC. 6. *Be it further enacted,* That no person shall be an Alderman unless he be a citizen of the State of Tennessee, a qualified voter, and shall be a freeholder to the assessed value of two hundred dollars, and for one year a bona-fide resident of said town. Each Alderman before entering upon the duties of his office shall take an oath to faithfully demean himself in office and discharge the duties thereof.

The Board of Mayor and Aldermen shall have full power and authority to appoint and elect all officers, servants, and agents of the corporation, and they shall have power for sufficient causes to dismiss and discharge any officer or agent that they may appoint by a majority vote of the Aldermen present. Four Aldermen shall constitute a quorum to transact business, and Aldermen shall hold their office for one year, and until their successors are elected and qualified.

Every Alderman guilty of malfeasance or misfeasance in office shall be subject to be charged and tried by the Board of Aldermen and fined or dismissed from their office as in their wisdom they may deem for the best; and on such trial the Mayor shall preside and have the casting vote. Before entering on such trial, each Alderman and the Mayor shall take an oath to faithfully and impartially try the accused and pass judgment.

Powers of Mayor and Aldermen.

SEC. 7. *Be it further enacted,* That the Mayor and Alderman of Watertown shall have full power and authority by ordinance within the town; first to levy and collect taxes for school and corporation purposes, and to dispense the same, upon all property taxable by law for State purposes, provided that the ad valorem asssessment on property for the purpose of meeting the current expenses of the corporation, shall not exceed fifty cents.

2. To levy and collect taxes upon all privileges and polls taxable by law for State purposes provided, however, that all taxes collected from poll tax shall be for school purposes only.

3. To appropriate money and provide for the payment of the debts and expenses of the town.

4. To make regulations and laws to secure the health, safety, peace, and comfort of the town, determining what shall be deemed nuisances, and removing, preventing, and abating the same.

5. To make regulations and laws to prevent the introduction and spreading of contagious diseases, and to establish pest houses and hospitals.

6. To alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and repair streets, alleys, sidewalks, pavements; and to fix and determine the boundaries and location of lots, streets, and alleys; and to declare and determine what streets shall be opened and graded and what sidewalks and pavements shall be built and the width and quality of the same.

And if the owner of the ground shall fail to comply with the provisions of such laws and ordinances as may be prescribed thereby, the corporation may contract with some suitable person, the best terms that can be made, for the construction and repairing of such sidewalks and pavements, and pay for the same, and the amount so paid and expended shall constitute a charge against the owner of the ground on which said work shall be done, to be recovered by suit, in the name and for the use of the corporation before any court of law having jurisdiction of the amount, and the amount so paid shall be a lien on said lots or grounds; provided that a reasonable compensation shall be paid to such persons whose ground may be taken or right effected in widening or extending streets and pavements; and such grounds shall not be taken and used for the purposes aforesaid unless by consent of the owner, until such compensation and damages have been fixed, declared and paid or secured or an offer to secure and pay the same, and a refusal to receive said pay or damages by the owner; and provided that said compensation or damages may be fixed by three disinterested persons, to be selected by the Mayor and Aldermen and the person owning the ground, each selecting one and the two selecting the third. And in case of the refusal of one of the parties to select such disinterested person, then the party desiring the valuation or assessment of damages shall select five disinterested persons to make and report the same.

Powers of Mayor and Aldermen.

7. To establish, support, and regulate a night watch and day police.

8. To regulate the vending of meats, poultry, fish, and vegetables belonging to the town, in or out of the corporate limits.

9. To license, tax, and regulate auctioneers, grocers, merchants, druggists, retailers, taverns, brokers, shavers, bankers, confectioners, coffee houses, restaurants, professions, insurance companies and agents, hawkers, peddlers, artists, livery stables, billiards, ninepin and tenpin alleys, drays, hacks, wagons and omnibusses, and all other businesses and occupations lawful to be carried on and conducted within the corporate limits of the town and which are taxable by the State; provided, that no tax shall be imposed on any business or calling or property exempt by taxation by the State.

10. To license, regulate, and suppress theatricals and other shows, exhibitions and amusements, and to regulate and suppress all disorderly houses and assemblies.

11. To prohibit gaming and gaming houses in the corporate limits, and to prohibit by ordinance the sale by retail or wholesale for beverage purposes, or the giving away for beverage purposes, of intoxicating liquors, including ale, wine, and beer, within the limits of said corporation, and to provide by ordinance suitable penalties for the violation of such ordinance, and to prevent the sale or giving such liquors to minors, within the limits of such corporation, and to provide suitable penalty for the prevention of same.

12. To prohibit gaming and gaming houses in the corporate limits, and to prohibit the selling of liquor and abolish, close, and fill up sinks.

13. To impose fines, forfeitures, and penalties for the breach of any law or ordinance of the town, and to provide for the recovery of the same.

Powers of Mayor and Aldermen.

14. To provide for the arrest and confinement until trial of all rioters, drunken and disorderly persons in the town by day or night, and to authorize the arrest and detention of all persons found violating any ordinance of said town.

15. To prevent and to punish by pecuniary fines and penalties all breaches of the peace, fighting, drunkenness, disorderly conduct, and disturbances by day or night, and within the corporate limits.

16. To prevent and remove all filth in the town and all encroachments into and obstructions upon all streets, lanes, alleys, sidewalks, and pavements, and for the cleaning of the same.

17. To erect and establish a workhouse or house of correction and organize the same in or near the town, and any person who shall fail or neglect to pay any fine and cost or to secure the same or give bond to appear to work out his fine that may be required, shall be committed to the workhouse until such fine and costs are paid or secured, and for such time as may be adjudged. And every person so committed shall work for the town at such labor as his or her health shall permit, within or without said workhouse, not exceeding ten hours each day, and for such work shall be allowed, exclusive of board, a credit upon such fine and cost of such amount as may be fixed by the Mayor and Aldermen for each day of work until the whole is discharged, when such person shall be released.

18. To appoint a city marshal or police officer, a Recorder in case the Mayor declines to serve as Recorder, a Treasurer, a Secretary, who may also be collector of taxes, a Health Officer, and all such other officers and agents as the necessities of the incorporation may require, and as the Board of Aldermen shall determine are needed, and fix and declare their pay and compensation, provided that no officer of this corporation shall receive compensation for services rendered except the city marshal or police officer, whose salary shall in no case exceed twenty-five dollars per month, and that of Secretary and collector of taxes who shall receive not more than fifty dolars per year, and provided further that the Recorder shall receive such fees for cases tried by him as are allowed Justices of the Peace for like cases.

19. To designate and inclose a plat of ground in or near the town, not to the annoyance of any citizen, where all speeding of horses or other animals and where all exhibitions and shows of stock and jockeyings may be conducted, and prohibiting the same in other portions of the town under penalties prescribed by ordinances.

20. To pass all by-laws and ordinances for the government of the town and the rightful enjoyment of the power herein conferred, as may be deemed necessary, and possess and exercise the power to pass all reasonable ordinances, for the regulation and preservation of public morals the health and peace and good order of the town conferred by the code on municipal corporations, provided they be not incompatible with the constitution and laws of the land. Powers of Mayor and Aldermen.

Sec. 8. *Be it further enacted,* That the marshal of the city of Watertown shall take an oath to perform well and Marshal.

truly the duties of his office, and he shall have full power and authority to execute within the corporate limits all State warrants which may come into his hands, as may be done by district constables under existing laws.

Recorder.

SEC. 9. *Be it further enacted,* That the Board of Aldermen shall have power and authority in the event the Mayor shall decline to perform the duties thereof, to elect and appoint a Recorder, who shall be invested with the powers of the Justice of the Peace, and hold his election for one year from his appointment or election. He shall have jurisdiction in all cases for violation of the criminal laws of the State as other Justices of the Peace, and shall hear and determine all breaches of the law and violations of the ordinances of the town, and be empowered to impose fines and costs, and preserve and enforce order in his court as other Justices of the Peace may do. The Recorder shall take the oath of office as prescribed for justices before entering upon the duties of his office. The Recorder, if not the Mayor, may be an Alderman, a Justice of the Peace, or other person the Aldermen may elect. Appeals shall lie from the judgments of the Recorder as are now allowed by law from Justices of the Peace.

Taxes; how assessed.

SEC. 10. *Be it further enacted,* That all taxes levied and assessed by the Mayor and Aldermen on property shall have the same lien (subject to State taxes), as is prescribed by law for State taxes; and in assessing and imposing taxes the basis and mode of assessment prescribed by law for State taxes may be observed, with such modifications as may be deemed suitable and proper for the town. All taxes shall be collected, upon the certificate of the town collector, in the same manner as the state taxes are collected by law when parties shall fail to pay.

Bonds of officers.

SEC. 11. *Be it further enacted,* That the corporation shall take from its officers and agents bonds in such amounts and such conditions as may be lawful, for the faithful discharge of duty and the sure accounting for the paying over of all moneys that may come into their hands, and it shall be unlawful for the Treasurer, Collector, Marshal, or other officer or agent empowered to receive the moneys of the corporation to enter on their offices until they shall have executed a good and sufficient bond, and all such officers and agents of the corporation shall make quarterly reports under oath to the Mayor of the transaction and business of their office, showing the amount of money received and from what source and the dispo-

sition of the same, and the Mayor shall keep a record of said reports and publish the same in the town paper.

SEC. 12. *Be it further enacted,* That the Mayor and Aldermen shall have full power and authority to sell and convey, lease, and otherwise dispose of all property, real and personal, belonging to the corporation as to them shall seem best. All conveyances of property to the corporation shall be made to the Mayor and Aldermen, and all conveyances from the corporation shall be executed by the Mayor.

SEC. 13. *Be it further enacted,* That the Board of Aldermen shall have the power to correct the assessment of taxes and to reduce and enlarge the same in all proper cases, and release taxes in proper cases.

SEC. 14. *Be it further enacted,* That on the third Saturday in December, 1905, and on the same day annually thereafter, an election shall be held in the city of Watertown for the purpose of electing a Board of Mayor and Aldermen for said town, whose term of office shall begin on the first Monday of the next succeeding January, and who shall serve for a term of one year and until their successors are duly elected and qualified. Election of officers.

The officers and judges and clerks to hold said election shall be appointed by the Board of Mayor and Aldermen, and all persons qualified to vote under the provisions of this act shall be entitled to vote at said election.

The officer holding the election shall certify the returns to the existing Board of Mayor and Aldermen who shall canvass the same and declare the result, and should there be a tie they shall decide the election by a majority vote.

SEC. 15. *Be it further enacted,* That the powers, rights and privileges of this act shall not be lost or forfeited by a failure to hold an election every year, as herein directed, but shall continue and be exercised at any time by the Mayor and Aldermen when elected in accordance with the provisions of this charter; and if for any cause the election of Mayor and Aldermen should not occur on the day fixed by this Act, it shall be held, as provided by law, within thirty days thereafter, and on not less than ten days notice.

SEC. 16. *Be it further enacted,* That arrests for all violations of corporate ordinances committed within the limits of the town may be made with or without warrants, and may also be made within one mile of the nearest corporate boundaries by any policeman or officer having a warrant for such arrest. In case of failure to hold election.

Indebtedness of city.

SEC. 17. *Be it further enacted,* That the Board of Mayor and Aldermen of the city of Watertown shall have no power or authority to incur any indebtedness in excess of the revenues derived from ad valorem, poll, and privileges taxes for current year.

First Board.

SEC. 18. *Be it further enacted,* That first Board of Mayor and Aldermen of the city of Watertown under this charter shall be the following named persons—to-wit: Caesar Thomas, Mayor; Aldermen: L. A. Phillips, J. A. Boyd, W. P. Phillips, E. B. Johnson, J. C. McAdoo, J. R. Smith. And they shall hold their office and exercise all the power conferred and perform all the duties imposed by this act until their successors have been duly elected and qualified.

SEC. 19. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 27, 1905.

J. I. COX,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 4, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 2.

SENATE BILL No. 114.

A BILL to be entitled "An Act making it unlawful to sell or give to minors, under seventeen years of age, tobacco, smoking tobacco, leaf tobacco, or tobacco manufactured in any form, without the permission of the parents, guardian, or other person having legal control of such minors, and fixing the penalties for violations of the same."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall be unlawful for any person, firm, or corporation, their employees, agents, or servants, or any one for them knowingly to sell, to give, furnish to, or procure for any person under the

age of seventeen years, tobacco, smoking tobacco, leaf tobacco, or tobacco manufactured in any form, without permission first obtained from the parents, guardian, or other person having legal custody and control over such minors under the age of seventeen.

SEC. 2. *Be it further enacted,* That any person, firm, or corporation violating Section 1 of this Act shall be guilty of a misdemeanor, and on conviction therefor, shall be fined not less than ten nor more than fifty dollars for each offense.

SEC. 3. *Be it further enacted,* That the several judges in this State having criminal jurisdiction, shall give this Act in charge to the grand juries of their counties.

SEC. 4. *Be it further enacted,* That grand juries are hereby given inquisitorial powers over all offenses committed under this Act.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 2, 1905.

J. I. COX,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 4, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 3.

SENATE BILL NO. 91.

AN ACT to redistrict Hamilton County so as to divide the same into six civil districts in lieu of the twenty civil districts as therein now existing, to renumber the same, to regulate the manner of increasing the districts hereafter, and to provide that the twenty school districts shall remain unchanged.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Hamilton County be and the same is hereby redistricted and the districts renumbered so as to divide said county into six civil districts, num-

bered from one to six inclusive, instead of the twenty civil districts as heretofore, and up to this time laid out and existing as follows:

First District. 1. That the territory of said county heretofore and up to this time embraced in the Fourteenth Civil District shall be hereafter known and denominated and shall constitute the First Civil District.

Second District 2. That part of the territory of said county heretofore and up to this time embraced in Second, Third, and Sixteenth Civil Districts, and that part of the First Civil District which lies east of the Cincinnati, New Orleans, and Texas Pacific Railway and south of the south land lines of the Hazard Powder Company, H. J. Springfield, Mrs. A. J. Stephens, Frank Hixon, the Church Hill lands, Wm. Hensley's south and east lines to where the same intersects the Harrison Ferry road; thence eastward along the Harrison Ferry road to the Dallas spring branch; thence eastwardly along the Dallas spring branch to the Tennessee River, shall constitute and be hereafter known and denominated as the Second Civil District of Hamilton County.

Third District. 3. That part of the territory of said county heretofore and up to this time embraced in the Eighth, Eleventh, Twelfth and Thirteenth Civil Districts and all the First Civil District, except that part of said First Civil District attached by the preceding paragraph of this Act to the Second Civil District, shall constitute and be hereafter known and denominated as the Third Civil District of Hamilton County.

Fourth District 4. That part of the territory of said county heretofore and up to this time embraced in the Fourth, Seventeenth, Nineteenth and Twentieth Civil Districts of said county shall constitute and be hereafter known and denominated as the Fourth Civil District of Hamilton County.

Fifth District. 5. That part of the territory of said county heretofore and up to this time embraced in the Fifth, Ninth, and Fifteenth Civil Districts shall constitute and be hereafter known and denominated as the Fifth Civil District of Hamilton County.

Sixth District. 6. That part of the territory of said county heretofore and up to this time embraced in thte Sixth, Seventh, Tenth and Eighteenth Civil Districts shall hereafter constitute and be known and denominated as the Sixth Civil District of Hamilton County.

SEC. 2. *Be it further enacted,* That no civil districts in excess of the number herein and hereby created and es-

tablished shall be created out of any of the territory of said county unless authorized by an Act of the General Assembly of the State of Tennessee.

SEC. 3. *Be it further enacted,* That the twenty school districts in said county shall be and remain as heretofore and up to this time constituted and established, and that nothing in this Act shall be construed as changing either the number or lines of said twenty school districts as now existing. School Districts.

SEC. 4. *Be it further enacted,* That this Act take effect on the first Thursday in August, 1906, at the general election for Justices of the Peace and other district officers, but nothing in this act shall be so construed as to prevent any officer elected from the civil districts from serving out his term of office.

Passed January 30, 1905.

J. I. COX,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 3, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 4.

SENATE BILL No. 52.

AN ACT to amend Chapter 438, Acts of 1901, being "An Act to amend an Act entitled 'An Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and to provide for the administration of justice and equity in the Circuit and Chancery and other inferior courts of this State, and to fix the time for holding the terms of said Chancery, Circuit, and other courts,' passed April 21, 1899, and approved April 22, 1899, so as to provide for a different arrangement of the counties in the First and Second Chancery Divisions therein created, and to provide the times for the holding of the same," so as to change the time of holding the Chancery Court of Scott County in the Second Chancery Division.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 2 of said Chapter 438, of the Acts of 1901, be amended so as to provide that the Chancery Court of Scott County, in the Second Chancery Division, shall be held on the second Mondays in

February and August, instead of the third Mondays in January and July.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 30, 1905.

J. I. COX,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 3, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 5.

SENATE BILL No. 3.

A BILL to be entitled "An Act to amend an Act entitled 'An Act to fix the times and places for holding the Circuit Courts of the First Judicial Circuit of Tennessee,' passed March 19, 1903, and approved March 26, 1903, and being Chapter 198 of the published Acts of 1903, by striking out the word 'third' after the words 'Carter County,' and inserting in lieu thereof the word 'second.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 198 of the published Acts of 1903, entitled, "An Act to fix the times and places for holding the Circuit Courts of the First Judicial Circuit of Tennessee," be and the same is hereby amended as follows—to-wit: By striking out the word "Third" after the words "Carter County" and inserting in lieu thereof the word "Second" so that the last line at bottom of page 439 shall read: "Carter County, second Monday in February, June, and October."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 30, 1905.

J. I. COX,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 3, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 6.

SENATE BILL No. 90.

A BILL to be entitled "An Act to authorize banks, bankers, trust companies, and individuals to make advances in money on tobacco in barns, storage houses, warehouses, sheds, or elsewhere, which advance shall constitute and be a lien on same, and be a debt against the purchaser thereof, if such tobacco should be sold without liquidating the lien. Also providing the form of note which shall be executed for such advances; also providing for acknowledging such notes and providing for form of book, in which such notes shall be registered, and fee which shall be charged therefor."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for banks, bankers, trust companies, and individuals to make such advances in money on tobacco in barns, storage houses, warehouses, sheds, or elsewhere, which advance shall constitute and be a lien on same, and shall be a debt against the purchase thereof for six years, should such tobacco be sold without liquidating the lien. Provided the lien herein referred to shall be enforced in the same manner that the landlord's lien is now enforced by law. Lien Created

SEC. 2. *Be it further enacted,* That the lien thus created shall expire on the first of July next preceding after date of the advance.

SEC. 3. *Be it further enacted,* That in making these advances the following form of note shall be used: Form of note.

$..... .....190..

.....months after date.....promise to pay to the order of .....dollars for value received; it being an advance on my crop of..... .....to secure the payment of which a lien is hereby given on said crop of .....about ..... acres raised in the year 190.. on the farm of..... in the .....district of.....county, supposed to be .....pounds now in ..... There is on this crop of .....rents $..... supplies $....., work stock $.....

.....

SEC. 4. *Be it further enacted,* That the signer or signers of these advance notes shall acknowledge their signatures before the County Court Clerk, or anyone else au- Acknowledgment of note.

thorized by law to take such acknowledgments, who shall receive the sum of 25 cents for taking such acknowledgment; and said advance notes after being duly acknowledged shall then be lodged with the County Register, who shall note the time, month, day, hour, and minute on the back of the note and in the register book, for which he shall receive 25 cents for the registry.

Record in Register's office.

SEC. 5. *Be it further enacted,* That there shall be kept in the Register's office a book properly ruled with spaces sufficiently wide for the following headings to be printed thereon, in which all the advance notes shall be registered: Date of acknowledgment; date of advance note; name of person receiving advance; name of bank, etc., or person making the advance; advance on tobacco; on whose farm raised; number of civil district; county; year tobacco was raised; amount of advance; amount of rent, if any; amount of supplies, if any; amount of work, if any; where the tobacco is stored; about number of pounds; remarks. This book shall also be properly indexed.

SEC. 6. *Be it further enacted,* That rents, supply accounts, and work stock debts and other landlord liens shall take precedents over these advances.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 24, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 3, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 7.

SENATE BILL No. 20.

AN ACT giving to grand juries inquisitorial power in cases of public drunkenness.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several Grand Juries of this State be, and they are hereby authorized and empowered to inquire into violations of the law in all cases of public drunkenness, and to make presentments for said offense without the aid of a prosecutor.

SEC. 2. *Be it further enacted,* That it shall be the duty of the several judges of the Circuit and Criminal Courts having cognizance of said offense to give the same in charge to the respective grand juries.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 24, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 3, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 8.

SENATE BILL No. 7.

AN ACT to facilitate the trial of causes in the Circuit Courts of this State which have been appealed from judgments of Justices of the Peace, pending the sitting of the Circuit Court of the county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every civil case tried before a Justice of the Peace, during the sitting of the Circuit Court of the county from which an appeal is perfected, the Justice of the Peace shall within five days after said appeal has been perfected, deliver the papers in the cause to the Clerk of the Circuit Court; and if the Circuit Court shall continue in session ten days after the papers shall have been filed with the clerk, the cause shall be placed on the trial docket and stand for trial at that term of the court. In such cases either party may demand trial by jury within seven days after the right of appeal has accrued.

SEC. 2. *Be it further enacted,* That nothing in this Act shall in any way effect the present law or rule of demanding a jury on the first day of the term of the Circuit Court at which the case is to be tried.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 30, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 3, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 9.

SENATE BILL No. 85.

A BILL to be entitled "An Act to change the county line between Putnam and Jackson Counties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between Putnam and Jackson counties be so changed as to detach the portion of land belonging to F. P. Jared, which is in Jackson County, and attach the same to Putnam County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 30, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 10.

SENATE BILL No. 44.

AN ACT to amend Chapter 25 of the Acts of 1873, entitled "An Act to establish a uniform system of public schools in reference to the duties of State Superintendent."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 7 of said Act be amended by adding at the end of the paragraph numbered 2 in said section, the following words:

To suspend the schools of any county for one day in each year when he may deem it necessary upon giving proper notice and to require all teachers and school officers upon the day so appointed, to attend at a designated hour

and place for the purpose of instruction and conference, and all teachers attending such meeting or conference under the regulations of the State Superintendent shall receive a certificate of attendance which shall entitle them to receive pay for the said day under their respective contracts to the same amount as if their respective schools had continued in session for the said day.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 30, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 11.

SENATE BILL NO. 42.

AN ACT to prohibit any person who shall feloniously kill another, or who shall conspire or procure the same to be done, from inheriting or in any way taking the property of the deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any person who shall hereafter kill, or conspire with another to kill, or procure to be killed, any other person from whom such person so killing or conspiring to kill, or procuring said killing, would inherit the property, real, personal, or mixed, or any part thereof, belonging to such deceased person at the time of death, or who would take said property by deed, will, or otherwise, at the death of the deceased, shall forfeit all right, interest and estate in, and to said property, and the same shall go to such other persons as may be entitled thereto by the laws of descent and distribution, or by will, deed, or other conveyance duly executed by the deceased in

his or her lifetime; provided that this Act shall not apply to any such killing as may be done by accident, or in self-defense.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict herewith are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 24, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 30, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 12.

SENATE BILL No. 6.

AN ACT to repeal and abolish the charter of the town of Mountain City, to reincorporate said town, and to define its rights and powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Mountain City, in Johnson County, be, and the same is, hereby repealed and abolished, and that said town have in lieu thereof the charter hereinafter granted.

Charter of Mountain City hereby repealed, was taken out under General Laws and is recorded in Secretary of State's office.

SEC. 2. *Be it further enacted,* That the town of Mountain City, in Johnson County, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name and style of the town of Mountain City, and shall have perpetual succession; that by this name and style it shall sue and be sued; contract and be contracted with; grant, receive, purchase, and hold real, mixed, and personal property, and dispose of the same to the benefit of said town; and may have and use an official seal.

SEC. 3. *Be it further enacted,* That the boundaries of said town hereby incorporated shall be as follows—to-wit:

Boundaries.

Beginning on a stake in Roan Creek at the base of Doe Mountain, near a trestle of the Virginia and Southwestern Railway Company, and on a line of the lands of the H. T. D. Wills and Laura Murphy; then east with the line of H. T. D. Wills and Laura Murphy, 100 poles to a stake in Cold Branch; thence north 65 east, 104 poles to the south end of the plank fence, a corner of R. A. Donnelly and the heirs of T. S. Smythe, deceased; thence with said fence, north 16 east, 46 poles to the bank of a drain, west of the house of Mrs. Friddles; thence north, 45 poles to a stake at the branch, above the residence of T. J. Crosswhite; thence north 35 west, 148 poles to a fence on a line of E. E. Butler; thence north 14 west, 86 poles to a plum bush at the garden fence of S. D. G. Butler; thence north 60 west, 76 poles to a corner of S. D. G. Butler and Elbert Johnson on top of a ridge; thence with the line of E. F. Johnson, S. D. G. Butler and R. H. Butler, west, 96 poles to a stake at the forks of the road; thence up the road and with the line of the fence, on the south side of said road, passing the residence of John K. Wilson, 158 poles to a stake on the south side of said road; thence south, 150 poles to the northeast corner of the lands of Abraham Wilson; thence south 55 west, 96 poles to a stake in the hollow, northwest of the residence of A. T. Barry; thence in part with the line of A. T. Barry, south 26 east, 134 poles to the lower lime kiln road; thence south 80 east, 23 poles to the upper lime kiln road; thence with said road, south 70 east, 60 poles to a small chestnut on top of a ridge, in the cleared land of the Virginia Iron, Coal and Coke Company; thence south 80 east, 134 poles to a bunch of alders on the east bank of the creek; thence down the creek, as it meanders, to the beginning.

Municipal property, etc.

SEC. 4. *Be it further enacted,* That all the real and personal property and all legal claims, fines, and forfeitures belonging to the said town of Mountain City, the charter of which is herein repealed, shall hereafter belong to the town of Mountain City hereby created; that all legal debts, claims, and demands now existing against the town of Mountain City, the charter of which is herein repealed, shall hereafter belong to the town of Mountain City hereby created; that all legal debts, claims, and demands now existing against the town of Mountain City, the charter of which is herein repealed, be assumed and paid by the town of Mountain City, hereby incorporated, and constitute legal and valid claims against it.

SEC. 5. *Be it further enacted,* That the officers of the town of Mountain City shall be a Mayor, four Aldermen, a Marshal, Recorder, and such subordinate officers as the interest and well-being of the town may demand. The Mayor and Aldermen shall be elected by a popular vote, and shall hold their office for two years, and until their successors are elected and qualified. All other officers of the town shall be elected by the Mayor and Aldermen, and shall hold their offices for one year, and until their successors are elected and qualified, unless sooner removed by the Mayor and Aldermen for cause. The election of all the officers that are to be elected by the Mayor and Aldermen shall be as hereinafter provided. The present Mayor and all other officers of the town of Mountain City shall hold their respective offices, and do and perform all the duties imposed upon them under the ordinances of said town, as they now exist, until the expiration of the term for which they were elected, and until their successors are elected and qualified. The beginning of the term of all the officers of the town of Mountain City shall be the first Monday in April, next, after their election, and the first popular election for the election of officers for the town of Mountain City shall be held on the fourth Saturday in March, 1905, at which time the Mayor and four Aldermen shall be elected. Said election shall be opened and held by the commissoners of election of Johnson County, after advertising for ten days by written or printed posters in said town, giving the time, place, and purpose of said election, assisted by such judges and clerks as the State law provides, to be appointed by such commissioners. Said election shall be governed by the same laws governing the elections in this State for State and county officers. Any person who is a qualified voter for the members of the General Assembly under the laws of Tennessee in Johnson, and who shall have been a resident of said town for 30 days immediately preceding said election, shall be entitled to vote in said election and have his vote counted as cast. Non-residents of the town of Mountain City, having a taxable freehold in said town, and who are qualified voters for members of the General Assembly at some place in Tennessee, shall be entitled to a vote, and the same qualifications that entitle a person to vote in said election shall entitle him to vote in all subsequent elections held in said town. The commissioners of election holding said election shall at once make two certified copies of

As to officers.

Term.

Election.

Who may vote.

said election, showing the names of all candidates voted for, what offices they were voted for, and the number of votes received by each. One copy they shall deliver and deposit with the County Court Clerk of Johnston County, and the other shall deliver to the Mayor. The four candidates receiving the highest number of votes for Aldermen shall be declared elected Aldermen for said town of Mountain City, and shall hold their offices for a term of two years, provided that any qualified resident voter in said town shall be eligible to the office of Mayor and Aldermen.

SEC. 6. *Be it further enacted,* That if in any election there should be a tie in the votes cast for any two candidates for Mayor, the matter shall be referred to the people and another election for Mayor shall be opened and held in said town, as soon thereafter as practicable, and if there should be a tie in the vote cast for any two Aldermen, the Mayor and Aldermen elected, between whom there is no tie, shall settle such controversy by a majority vote at their first meeting.

SEC. 7. *Be it further enacted,* Provided, further, that all resolutions and ordinances heretofore enacted by the Mayor and Aldermen of said town, as they now exist, not in conflict with this charter, and not repealed or rescinded by it, shall be and remain in full force and effect until ordered modified or repealed by the Mayor and Aldermen.

Old ordinances.

SEC. 8. *Be it further enacted,* That the Mayor and Aldermen before entering upon their duties shall take an oath that they will honestly and faithfully discharge the duties of their office without partiality, favor, or effection.

Oath of office.

SEC. 9. *Be it further enacted,* That said Mayor and Aldermen shall on the first Monday in February, after their election, organize, and shall hold their offices as herein provided, and until their successors shall have been elected and qualified. Any vacancies occurring, either of Mayor or Aldermen, whether by death, resignation, or otherwise, shall be filled by the remaining members of the board.

Organization of Board.

SEC. 10. *Be it further enacted,* That the Mayor and Aldermen of the town of Mountain City are hereby empowered:

(1) To enact such ordinances and by-laws as may be necessary to preserve the health, quiet, peace, morals, and good order of the town, including such quarantine regulations, not to exceed one mile outside the town limits, as

Powers.

occasion may require, in such ways as not to conflict with the laws of the State.

(2) To fix the compensation of all officers and agents of said corporation.

(3) To declare what is a nuisance and prevent and abate the same.

(4) To levy and collect taxes on all property within the corporate limits, taxable by law for State purposes, and on polls, provided no levy for general corporate purposes, including the annual tax levy for the payment of bonds and interest thereon shall not exceed one dollar and thirty cents ($1.30) on each one hundred dollars ($100) valuation of taxable property, and not exceed one dollar ($1) on polls; and provided, further, that before any board shall make the tax levy for general corporate purposes, which shall be made annually, they shall make and record on their minutes an estimate or budget of expenses for the coming year, to which reference shall be had in making their tax levy. The tax levy to be made annually, and not later than the month of March. Taxes—rate, etc.

(5) To appropriate money and provide for the debts and running expenses of the corporation.

(6) To license and tax all privileges taxable by the laws of the State.

(7) To regulate, prohibit, or suppress theatrical shows or other exhibitions.

(8) To regulate and suppress gaming and gambling houses, disorderly houses, bawdy houses and houses of ill fame, or assignation houses, and all houses where one or more men and women meet for lewd purposes, or prostitution or adulterous cohabitation, and they shall have the power to declare all such places nuisances and abate them as such. Gaming.

(9) To suppress and prevent the carrying of concealed weapons or the sale of same.

(10) To regulate the storage, sale, or use of firecrackers and all other fireworks and toy pistols, explosives and combustibles.

(11) To provide for the inspection, weighing, and measuring of coal, wood, and other fuel, hay, corn, or other grain brought to or sold on the market, for the use of citizens of said town.

(12) To impose fines, forfeitures, and penalties for the breach of ordinances adopted under this Act, and to provide for their recovery, and the arrest of any party or Fines, etc.

parties breaching said ordinances, and provide for sentences of imprisonment in the town workhouse, to secure such fines, provided that no fine shall exceed fifty dollars.

(13) To erect or rent or keep a calaboose or town prison in which to confine all parties violating town ordinances, under such regulations as they may by by-laws or ordinances adopt.

Workhouse.

(14) To erect or organize a workhouse in or near the town, and provide for committing and working in said workhouse or on the public streets or town works, any person who shall fail to pay or secure any fine or cost assessed against them for the violation of any ordinance, or who for any such violation may be sentenced to said workhouse, and provide for the management and control of the same.

(15) To regulate or prohibit the running at large in the streets of dogs or other animals.

Fire limits.

(16) To designate in said town certain districts as fire limits, and provide for the character of houses that may be built in said limit or limits, and to regulate the same.

(17) To provide for the support and maintenance of a police force and maintain the same.

(18) To lay said town off into any number of wards not more than three, and change same from time to time.

Health and good order.

(19) To pass all ordinances necessary for the health, peace, safety, and convenience and good order of the town, and for the suppression and prohibition of any and all acts and things made criminal by the laws of the State, and to provide a punishment for a breach of the same; provided that in cases amounting to felonies the offender shall be bound over to the Circuit Court of Johnson County.

Streets.

(20) To condemn, take, use, and appropriate the grounds necessary to widen or extend streets, avenues, and alleys, but it shall pay to the owner or owners of said grounds the actual value of the ground taken for such use, taking into consideration the improvements made as against damages.

Open same.

(21) To keep up the streets, alleys ,and sidewalks of said town, and to fix the grades of the same. To open others, abolish, sell, widen, or extend the same, and to pass all necessary ordinances, requiring the owner of the lots to make stone, plank, or other sidewalks in front of their property along any street, and if the owner's refuse to provide a remedy and create a lien on said property of the same.

(22) To prevent engines and trains from blocking the street and alleys of said town, and to regulate their speed through said town.

(23) To make suitable regulations for the preservation of life and property from fire and other casualties and to pass ordinances requiring all parties, before erecting any buildings in said town, to obtain written permission from a building committee, which may be appointed and governed by suitable regulations. Fire regulations.

(24) To provide for the organization and regulation of fire companies, volunteer or otherwise.

(25) To provide for the inauguration and operation of a system of water works and electric lights, and to regulate and fix the prices to be paid by the consumers thereof; provided, that the Mayor and Aldermen may elect all necessary officers of the plant or plants and fix their salaries, or otherwise provide for the election, appointment, or employment of such officers as they may choose, and to pass and enforce all proper and necessary and useful ordinances and regulations in reference to the operation of said plant or plants, and to enforce the same. Waterworks.

(26) To regulate the police of the town, but in no wise to exclude the jurisdiction of the justice of the peace within said corporate limits.

SEC. 11. *Be it further enacted,* That at the time of levy of taxes for general purposes by said Board of Mayor and Aldermen, there may be levied a street tax, but not exceeding fifty cents on the one hundred dollars of property, subject to taxation, to be collected as other taxes, and to be expended only upon the repair, construction, and maintenance of the streets, alleys, bridges, and culverts of said city, by and under the direction of the marshal as herein provided; and at the same time of the levy of said road tax, levy and assess against every male inhabitant of said city, not physically disabled and within the age prescribed by the State of Tennessee for road duty, a certain number of days, not exceeding 8 days, service to be performed upon the streets, alleys, bridge, and culverts of said city, the labor of which persons shall be under the control and supervising of the Board of Mayor and Aldermen and marshal, and work by direction of the marshal in such places and at such times as he may designate. The time at which such persons are required to perform such service and the duration thereof to be made known to them by said marshal in the same way as provided in Sections 1669, Street tax.

1671, and 1674 of Shannon's Code, and any person so notified, who shall fail to work or send an able-bodied substitute in his place, or before the day designated for such working, shall fail to pay to the marshal of said city the sum of seventy-five cents for each day's labor required (which when collected shall be held and expended as other street funds) shall be guilty of a misdemeanor and subject to all the penalties and liabilities and proceeded against by said marshal as provided in Sections 1667, 1668 of R. T. Shannon's compilation of the laws of the State of Tennessee, regulating the working of the public roads of the State.

Indebtedness.

SEC. 12. *Be it further enacted,* That the Mayor and Aldermen are hereby authorized to contract indebtedness on behalf of the town, and upon the credit there, by issuing bonds of the town and disposing of them at not less than their par value for the purpose of obtaining money for the following purposes:

(1) To purchase or erect and furnish a public school building.

(2) To build, add to, or improve electric plant or plants, waterworks, and extend a system of piping and wires.

Bonds for sewerage.

(3) To organize and construct and perfect a sewerage system for the town; provided, that before any bonds are issued under this authority, the Mayor and Aldermen shall draw up a proposition that shall disclose thoroughly and fully the amount of bonds to be issued, the length of time they are to run, the rate of interest, and the purpose or purposes for which they are to be issued, and shall cause said proposition to be published in some newspaper published in said town, for not less than thirty days before the day of the election, which shall be called upon proper notice in said town, which election shall be called for the purpose of submitting the said proposition to a vote in the said town, such election to be held as the State law provides. All persons qualified at the time to vote for Mayor and Aldermen shall be entitled to vote in said election, and no bonds shall be issued under said proposition unless two-thirds of the votes cast in said election shall be in favor of said proposition; provided that the defeat of any proposition shall not preclude its resubmission after twelve months from the date of any election held under this Act; *provided further,* that no bonds issued under this authority shall run for more than 20 years, or bear a greater

How issued, etc.

rate of interest than six per cent per annum and shall not exceed in amount, for all the purposes mentioned, 20 per cent of the assessed value of the property of the said town of Mountain City, which interest may be paid annuallly or semi-annually, as provided in the bonds when issued, the bonds and coupons to be signed by the Mayor and countersigned by the Recorder, and the bonds shall bear the official seal of the corporation. When any bonds are issued hereunder for any of the purposes named, the Mayor and Aldermen shall have the power to pass and enforce all ordinances necessary to effectuate and carry out the purposes for which said bonds are issued, and may create any and all necessary boards and commissioners, and to pass ordinances regulating their actions and duties. Whenever any bonds are issued hereunder, the Mayor and Aldermen may annually levy a tax upon all taxable property and privileges within the corporate limits of said town of a sufficient amount and for the purpose of paying the interest on said bonds, and create a sinking fund to liquidate the same when they mature.

Recorder and town Marshal.

SEC. 13. *Be it further enacted,* That upon the organization of the first board and all other boards thereafter, or as soon thereafter as possible, the Mayor and Aldermen shall elect a town recorder and a town marshal, whose terms of office shall be for one year, and shall provide for the compensation of said officers; provided that no person shall be eligible to any one of those offices unless at the time he would be eligible to the office of Mayor.

Duties of Mayor.

SEC. 14. *Be it further enacted,* That the Mayor shall preside at all meetings of the boards, unless absent, for which provision shall be made by ordinance or by-laws. He shall see that all the by-laws and ordinances of the city are properly respected and enforced, and shall have such other authorities and perform such other duties as the board may, from time to time, demand and impose, and in the absence, inability, or incompetency of the recorder, shall have all criminal jurisdiction hereinafter given to the recorder of the city for the violation of the ordinances or of the criminal laws of the State, or may sit with the recorder in the trial of any offenses against the ordinances of the city or laws of the State. The Mayor shall have the power to make protempore appointments to fill vacancies caused by sickness, absence, or other disabilities of any city officer, and to suspend any city officer or officers for misconduct in office, or neglect of duty, reporting his

Mayor may make certain appointments.

actions with his reasons therefor to the next meeting of the Board of Mayor and Aldermen, by whom the final action shall be taken; but he shall not have power to fill vacancies or suspend members of the Board of Aldermen. He may, whenever in his judgment the good of the city requires it, call special meetings of the Board of Mayor and Aldermen, and when so called he shall state the object for which it has been called.

Other duties and appointments.

The Mayor shall at least once in every six months cause the recorder to present to the Board of Mayor and Aldermen a full and complete statement of the financial condition of the city.

The Mayor shall from time to time communicate to the Board of Mayor and Aldermen such information and recommend such measures as may in his judgment tend to the welfare of the city. He shall appoint such committees from the Board of Mayor and Aldermen as may be necessary for the speedy transaction of the public business and promotion of the public good. The compensation of the Mayor shall be such an amount as the Board of Mayor and Aldermen shall by resolution or ordinance adopt. He shall have the power and exercise the functions of a justice of the peace, but only for the preservation of the peace within the city limits and public works and grounds without the city belonging to the city.

He shall have the power and it is made his duty, to bid in for the city property at tax sales and judicial sales, when the city is a party, when it is necessary to save or secure any debt or tax due the city.

Duties of Recorder.

SEC. 15. *Be it further enacted,* That the recorder of the city shall hold his office for the term of one year unless he is socner removed for good cause. He shall be the judicial officer of the city, and shall try offenders brought before him for violation of any of the city ordinances, and shall fix the penalty for the violation of the same, and he shall have and is hereby given all the rights, authority, duties, powers, and jurisdiction in all criminal offenses committed within the corporate limits that justices of the peace in the State have, and from time to time may have, for the purpose of binding over to the Circuit Court of Johnson County, all persons who commit felonies in the corporation, and for his services in all cases he shall receive such fees as justices receive for similar services. He shall keep a recorder's docket, such as is kept by justices of the peace, and in the same way. He shall be the finan-

cial agent of the town, and the custodian of the funds. He shall assess and collect all taxes. He shall make such report of the finances of the town as he may be called on to make from time to time by the board. He shall before entering upon the duties of his office give bond in the penalty, and on such conditions as the board may prescribe, and shall have all authority, and do and perform such acts as the board may grant and direct, and shall take an oath to faithfully perform the duties of his office, the term of which shall extend until his successor is elected and qualified. He shall keep true and correct minutes of all meetings of the board.

Bond, oath, reports.

SEC. 16. *Be it further enacted,* That the town marshal shall be the criminal officer of the town and chief of police. He shall hold his office for the term of one year, and until his successor is elected and qualified, unless sooner removed from his office by the board on good cause.

Duties of marshal.

He shall arrest all persons violating the criminal laws of the State or ordinances of the town, and take them before the recorder or Mayor, or some authorized person by law for trial and examination. He shall have all the power, authority, duty, and jurisdiction within the corporate limits of the town as to all processes in criminal cases that sheriffs have, and from time to time may have, and his criminal jurisdiction and authority shall extend for one mile beyond the town limits. He shall have all other such authority, and do and perform such duties as the board may from time to time grant and direct.

Before entering upon his duties he shall give bond in such condition and in such penalties as the board may prescribe, and shall take an oath to faithfully perform the duties of his office.

SEC. 17. *Be it further enacted,* That the board at its first regular meeting after its election shall elect one of their number president of the board, who in the absence of the Mayor, shall preside over all meetings of the board.

SEC. 18. *Be it further enacted,* That the assessment for taxes for the year 1904, and for every year thereafter, shall be made on or before April 1st; the assessment to be made by the recorder who shall be governed by all the laws of the State governing assessors for the State, and shall have all their rights and authorities.

Assessment of taxes, how made.

SEC. 19. *Be it further enacted,* That there be a board of equalization of said town, to go over the assessments and equalize the same. It shall consist of the Mayor and

Board of equalization.

recorder and three resident freeholders in said town, appointed by the Mayor who shall meet annually on the third Monday in April. All persons aggrieved by their assessment may appear before such board and present their grievance, and if after their appearance there they are aggrieved by their decision, they may within two days thereafter appeal to the Mayor and Aldermen.

Tax books and collection.

SEC. 20. *Be it further enacted,* That within twenty days after the adjournment of the equalization board, the recorder shall make out the town tax books in duplicate, one copy of same shall be delivered to the Mayor, and the other retained by the recorder. The taxes of each year after the year 190— shall be due on and after the 15th day of May. The recorder in collecting said taxes shall have all the powers, rights and authorities belonging by law to the county trustee in the collection of State and county taxes. The recorder shall make out a list of all delinquent taxes remaining on his books, and deliver the same to the town marshal, or such other person as the board may direct, not later than September 1st, following the year for which said taxes are levied. The town marshal or party receiving said delinquent taxes shall have all the rights, powers, and compensation as constables and delinquent tax collectors have in collecting State and county taxes, and shall make his return on the first regular meeting of the board in December of each year. Before taking such taxes he shall enter into bond of such condition and in such penalties as the board may prescribe. After the return of said marshal or delinquent tax collector, the recorder shall thereupon proceed to collect said delinquent taxes, proceeding in all respects, and being governed by all laws in their collection, governing at such times attorneys for the collection of State and county taxes.

Delinquents.

Special school district.

SEC. 21. *Be it further enacted,* That the town of Mountain City is hereby created a special school district, and that the public or common schools of said town shall be managed and controlled by a board of school directors composed of three persons who shall be bona-fide citizens of said town and residents thereof, whose terms of office shall be as herein provided, and shall be elected by the board of Mayor and Aldermen of said town, on their first regular meeting after the passage of this Act, or as soon thereafter as practicable, as follows:

One director shall be elected for a period of one year; one for two years; and every year thereafter one director

shall be elected for a period of three years. In the event a vacancy occurs in said board of directors, the same shall be filled by the board of Mayor and Aldermen for the unexpired term as in other elections. The said directors shall meet and organize as district school directors or commissions organize under the general laws of the State. Directors.

Said directors shall have all the powers and perform all the duties now required and allowed by the laws of the State in reference to public schools, and be under the supervision of the State and county superintendents, as other school directors for districts under the general laws of the State. Said board of directors shall have all the authority, powers, and shall perform the same duties as devolve upon the district directors under the general laws of the State. They shall make to the Board of Mayor and Aldermen reports as often as required. The general laws of the State in regard to public or common schools shall apply to the town of Mountain City as far as the same are not modified herein.

The county trustee of Johnson County be, and he is, hereby required to pay over on the warrants issued by the directors the school fund collected by him on the property, polls and privileges within the corporate limits of said town, to be used by said directors as hereinbefore directed and provided; and also to pay over and account to said directors the pro rata of the common and public school fund, that shall come into his hands from the State of Tennessee, according to the scholastic population of said town, and as the same is paid to other directors in the county. The clerk of the County Court of Johnson County will report to the county trustee the amount realized by him for school purposes from the merchants and privileges within the limits of said town, and such amount shall pass or be placed to the credit of said directors by the trustee, as in case of polls and property tax, paid to the trustee for school purposes as above provided. The said board of school directors shall be a body corporate in like manner as district school directors are under the general laws of the State; said school directors may arrange with persons or school directors without the corporate limits to become identified with the town public schools without any alteration as to age, etc., to entitle attendance upon said public schools. School funds received from county, how.

Sec. 22. *Be it further enacted,* That the Board of Mayor and Aldermen of said town are authorized to levy Special school tax.

and collect a special school tax as other taxes are levied and collected for the purpose of running a school, erecting, buying, or leasing sufficient buildings for the accommodation of the scholastic population of the town of Mountain City.

Franchises.

SEC. 23. *Be it further enacted,* That the Mayor and Aldermen shall have the power and rights to grant franchises to railways and street railways of any kind, gas companies, water companies, electric light companies, and such other companies or corporations as in their judgment they deem proper.

Tie vote in elections.

SEC. 24. *Be it further enacted,* That the Mayor and Aldermen shall have the power to provide any ordinance for the settling of all tie votes in the election of any town officer not otherwise provided for in this Act; and provide for contests and the mode for such contests.

SEC. 25. *Be it further encated,* That wherever in this Act any omission is made in defining the duty or authority of any officer provided for herein, and which is essential to properly carry out the objects of this Act, the Mayor and Aldermen are hereby granted authority to supply such omissions, and they are further given power and authority to do any and everything necessary to carry out the objects of this Act.

SEC. 26. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

SEC. 27. *Be it further enacted,* That this Act take effect from and after the first day of May, 1905, the public welfare requiring it.

Passed January 13, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 13.

SENATE BILL No. 66.

AN ACT to cede to the United States exclusive jurisdiction of the strip of land immediately north of and adjoining the United States Marine Hospital Reservation in the city of Memphis, County of Shelby, State of Tennessee, conveyed by the city of Memphis to the United States by deed dated September 19, 1904.

WHEREAS. The City of Memphis, in the County of Shelby, in pursuance of a resolution duly and legally passed by the Legislative Council of said City of Memphis, conveyed to the United States of America by warranty deed, of date September 19, 1904, and of record in the office of the Register of Shelby County, Tennessee, in Book 361, page 355, the following described property located in the City of Memphis, County of Shelby, State of Tennessee, and more particularly described as follows: Beginning in the west line of Armstrong Street at the point where the south line of Walker Avenue, now called Trainor Avenue, intersects same; running thence north along the west line of Armstrong Street, thirteen (13) feet; thence west parallel with the north line of Walker Avenue, now called Trainor Avenue, five hundred and seventy-five (575) feet; thence south seventy (70) feet; thence east to the point of beginning; said strip is trapezoidal in shape and lies immediately north of and adjoins the property now owned by the United States and known as the United States Marine Hospital Reservation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That exclusive jurisdiction over the said tract or parcel of land with all the appurtenances thereto belonging so as aforesaid, conveyed by said city of Memphis to the United States of America as, aforesaid, including all buildings and improvements erected and to be erected thereon, be and it is hereby ceded and granted to the United States of America by the State of Tennessee.

SEC. 2. *Be it further enacted,* That said land with the appurtenances thereto belonging, together with all buildings and improvements erected or to be erected thereon by

the United States of America, be and they are bereby entirely exonerated and freed from any taxation or assessment by the authority of the State of Tennessee or of any county or municipality therein, while the same are used, owned, or occupied by the United States of America, their officers or agents, and no process of any court of this State shall be permitted to issue against the same or in any way to dispossess any of the officers or agents of the United States of America.

SEC. 3. *Be it further enacted,* That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed January 18, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,.
Speaker of the House of Representatives.

Approved January 20, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 14.

SENATE BILL No. 75.

AN ACT to create and regulate the office of County Judge for Madison County, Tennessee, to define his powers, jurisdiction and duties, to fix his salary and abolish the office of Chairman and Chairman pro tem of the County Court of said county.

Office created.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the office of County Judge of the County Court of the County of Madison, in the State of Tennessee, be and the same is hereby created, and that there shall, in the first instance be appointed and then elected as hereinafter provided, a person to fill said office to be styled County Judge of Madison County, and hold the office of County Judge of the County Court of said County, and to have the powers and jurisdiction, and perform the duties herein prescribed.

SEC. 2. *Be it further enacted,* That the said County Judge of said county, appointed or elected to said office under this Act, shall have and exercise all the powers and jurisdiction conferred by law upon County Courts or a Chairman thereof; do and perform all the duties pertaining to County Courts or a Chairman thereof; and comply with all the regulations and requirements of law for the conduct and duties of the Chairman of a County Court; or the Judge of a County Court; and for the purpose of this Act, the offices of the Chairman and Chairman Protem of the County Court of Madison County, Tennessee, are hereby abolished; and the powers, jurisdiction, and duties of the County Court of said county and the Chairman thereof, are hereby transferred to, conferred upon, and vested in the Judge of the County Court of the said County of Madison and in the County Court held by the said Judge thereof, with the full power and authority of the said Judge thereof to exercise and perform all the duties and functions prescribed by law as to the office of the Chairman of the County Court of said county, but this Act shall not be construed as affecting the office of Clerk of the County Court, nor as affecting the powers, jurisdiction, and duties of the Quarterly County Court of Madison County composed of the Justices of the Peace of said county, provided, however, in quarterly sessions of said County Court, the said County Judge shall exercise and perform such duties and functions of a presiding officer as are exercised by the Chairman of a County Court. Powers and duties of Judge.

SEC. 3. *Be it further enacted,* That the County Judge provided for by this Act shall be a person competent and learned in the law, and an active practitioner of law, and otherwise eligible under the laws of the State to hold said office; also before entering upon the duties of office, the said County Judge of said county, shall take the oath of office required by law of other Judges of the State and execute with good and sufficient security, a bond payable to the County of Madison, State of Tennessee, in the sum of five thousand dollars, conditioned to faithfully execute and perform the duties of his office; the said bond to be approved by the Judge of the Circuit Court of said county, and the bond and oath to be filed with the County Court Clerk of said County Court, and spread upon the minutes of the said County Court. Qualifications. Oath and bond.

SEC. 4. *Be it further enacted,* That upon the passage of this Act the Governor of the State shall appoint and Governor to appoint first.

commission a person eligible under this Act to hold the office of Judge of the said County Court of Madison County, Tennessee, until the first Monday in September, 1906, or until his successor is elected and qualified.

Election.

SEC. 5. *Be it further enacted,* That at the general election held for county officers on the first Thursday in August, 1906, there shall be elected by the qualified voters of said County of Madison, under the same rules and regulations, and by the same officers that are prescribed by law for the election of other county officers, a County Judge for said county of Madison, who shall hold his office for a term of eight years, or until his successor is elected and qualified; and there shall be elected thereafter every eight years, a County Judge for said County of Madison in the same mode and manner, who shall hold his office for a term of eight years as aforesaid, or until his successor is elected and qualified.

In case of vacancies.

SEC. 6. *Be it further enacted,* That in case of vacancies in said office of Judge of said County Court of Madison County, or of sickness, inability, or incompetency of the Judge of said Court, the office shall be filled, or supplied in the same mode and manner as prescribed by law for other Judges of the State in like cases.

Sessions.

SEC. 7. *Be it further enacted,* That the terms or sessions of the County Court of Madison County, held by the Judge thereof, shall be at the same times, in the same mode and manner, and with the same powers and authority prescribed by law for the regulations of the terms or sessions of County Courts.

Appeals.

SEC. 8. *Be it further enacted,* That appellate proceedings from the said Court held by the Judge thereof, shall be in the same mode and manner as prescribed by law for appellate proceedings from County Courts.

Salary.

SEC. 9. *Be it further enacted,* That the salary of the Judge of the County Court of said County shall be in the sum of eight hundred dollars per annum, to be paid quarterly upon a county warrant drawn in the manner prescribed by law as to other demands against the said County.

Care of Children.

SEC. 10. *Be it further enacted,* That the Judge of the County Court of said County shall have the power and authority to bring before him all children between the ages of three and fifteen years whom he knows or who are reported to him to live in notorious resorts of bad character, or who frequent the company of lewd, wanton, or las-

civious women, or whose parents live in or keep such houses of ill-fame, in which said children are being kept, and if said Judge is satisfied from the proof offered that such child is not being properly cared for, and that its moral, mental, or physical welfare is being neglected to that extent that it will probably grow up in pauperism, lewdness, or crime, the said Judge is authorized and empowered by this Act to take charge of said child or children, and if there is no vacancies in the Tennessee Industrial School from his county, or other county reformatory, to find a home for the same, and place them in such families as in his judgment will look after their moral, mental, and physical welfare.

SEC. 11. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 12. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 19, 1905.

J. I. COX,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 23, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 15.

HOUSE BILL No. 15.

A BILL to be entitled "An Act to amend an Act entitled 'An Act to fix the times and places for holding the Circuit Courts of the First Judicial Circuit of Tennessee,' passed March 19, 1903, and approved March 26, 1903, and being Chapter 198 of the published Acts of 1903, by striking out the word 'third' after the words 'Carter County,' and inserting in lieu thereof the word second.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 198 of the published

Acts of 1903, entitled, "An Act to fix the times and places for holding the Circuit Courts of the First Judicial Circuit of Tennessee," be, and the same is hereby amended, as follows—to-wit: By striking out the word "third" after the words "Carter County" and inserting in lieu thereof the word "second," so that the last line at bottom of page 439 shall read, "Carter County, second Monday in February, June, and October."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 18, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
J. I. COX,
Speaker of the Senate.

Approved:

JAMES B. FRAZIER,
Governor.

CHAPTER 16.

HOUSE BILL No. 281.

AN ACT to authorize the County of Shelby to issue and sell not exceeding $1,000,000 of bonds for the purpose of building a court house in said county, and to declare the manner in which said bonds shall be issued and disposed of, and the manner in which the proceeds of said bonds shall be kept and paid out and said court house erected, and to provide for the payment of said bonds and interest thereon.

Bonds—amount.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Shelby County is hereby authorized and empowered by resolution to direct the issuance of bonds of said county, not to exceed $1,000,000, said bonds shall be due and payable fifty (50) years from the date of issuance and shall bear not more than four per cent (4%) interest per annum, payable semi-annually from the date of issuance.

How issued.

SEC. 2. *Be it further enacted,* That after said resolution has been passed by the County Court, the Chairman of said Court and the County Court Clerk shall cause to

be issued the bonds directed in said resolution, which bonds shall have upon their face: "Shelby County Court House Bonds," the date on which the same were issued and the date and time the same matured. They shall be signed by the Chairman of said Court and by the County Court Clerk, and shall have the seal of the County Court Clerk attached thereto. They shall be numbered, beginning at number one, and to each bond there shall be attached coupons numbered, beginning at number one, and having on them the number of the bond to which they are attached. These coupons shall each be for the amount of semi-annual interest that will be due upon said bond, and they shall be signed with the lithograph facsimile of the signature of the Chairman of the County Court and of the County Court Clerk. The expenses of the issuance of said bonds shall be paid out of the proceeds thereof. These bonds shall be in denominations ranging from one hundred to one thousand dollars, as the County Court may determine.

Tax to pay interest and create sinking fund.

SEC. 3. *Be it further enacted,* That the County Court, at the annual meeting at which the tax rate and tax budget is fixed for the other county taxes for said county, is hereby authorized, empowered, and directed to levy a tax sufficient to pay the annual interest upon said bonds that have been so issued, and also to provide a sinking fund to retire said bonds. Said tax shall be collected by the County Trustee, and he shall be entitled to the same compensation for collecting said taxes as he is allowed for other taxes, and he shall give a good and solvent bond, properly conditioned in a sufficient amount to preserve and protect said fund that shall come into his hands upon the collection of said taxes. But the Quarterly Court of said county shall have the power, from time to time, as said sinking fund accumulates, to designate depositories for the same, from which interest may be obtained. These depositories shall be solvent banking or trust companies in said county and shall give bond properly conditioned in an amount to be fixed by the Court.

Commission to dispose of bonds.

SEC. 4. *Be it further enacted,* That the Chairman of the Court of Shelby County shall appoint five commissioners, two of whom shall not be members of the County Court and who shall be tax payers and residents of the city of Memphis. They shall constitute a commission who are authorized and empowered to sell said bonds for not less than par. Said sale of bonds to be advertised for not less

than ten days in some Memphis newspaper. The proceeds of the bonds when sold are to be turned over to depositories selected by said commission, and the depositories shall give bonds with good and solvent sureties to secure said funds and the faithful performance of their duties regarding same. The amount and conditions of said bonds are to be fixed by the County Court and approved by it.

Chairman to keep record.

SEC. 5. *Be it further enacted,* That the Chairman of the County Court shall keep a well-bound book in which the number, date, and amount of each bond signed and issued is recorded, together with the amount and number of the coupons attached to said bond, and in said book shall be entered the name of the purchaser of each of said bonds together with the amount paid for the same.

Funds—how disbursed.

SEC. 6. *Be it further enacted,* That the Chairman of the Commission and some other member of said commission, who shall have been elected by said commissioners, their secretary shall alone be authorized upon their direct warrant or check, which shall be countersigned by the Chairman of the County Court, to draw out of the hands of the depositories the proceeds arising from sale of said bonds, and no check shall be drawn until approved and ordered by the Board of Commissioners, and the said Secretary shall keep a neat and well-bound and accurate set of boooks showing the amount in the hands of the depositories arising from the sale of said bonds, and also showing the date, amount, and purpose for which said fund is checked out of said depositories.

Chairman and Secretary of Commission.

SEC. 7. *Be it further enacted,* That said Commission shall elect annually a Chairman and a Secretary, the Secretary not to be a member of the County Court. They may receive compensation for their services to be fixed by the County Court not to exceed two thousand dollars ($2,000) per annum each. Said Chairman and Secretary shall enter into bonds to be fixed by the Commission, conditioned for the faithful performance of their duties and shall quarterly make a full and complete report to the County Court. The Commission may require bonds of said Chairman and Secretary in some solvent surety company, and may pay the premium thereon out of said fund, or may require said officials to pay the same. It shall be the duty of the Secretary of said board to keep the books and accounts for said board, but the Chairman of the County Court shall also keep books showing the amount received and paid out by the depositories.

Purchase of location.

SEC. 8. *Be it further enacted,* That it shall be the duty of the said Commissioners to select and purchase from the proceeds of the sale of said bonds a proper site upon which to locate said court house, and shall attend to the building of the same until said court house is finally completed.

Plans for courthouse.

SEC. 9. *Be it further enacted,* That said Commissioners are authorized to procure a competent architect and to pay him out of the court house fund. They are directed to advertise for at least sixty (60) days for bids on the plans which shall have been prepared and agreed upon by them. The party to whom the contract is awarded shall enter into bond with sureties of unquestionable solvency in an amount and properly conditioned to insure the proper, satisfactory and faithful performance of said work.

Expenses in sale of bonds, etc.

SEC. 10. *Be it further enacted,* That all proper expenses, including the expenses necessarily incurred in the sale of said bonds and all proper expenses in the purchase of the lot and the erection of the building shall be paid out of the fund arising from the sale of said bonds. But in no case shall the Commission on sale of said bonds exceed three-eighths of one per cent. Should the present site and court house building be sold, the proceeds of such sale are to be used to retire court house bonds.

Bonds may be called in—how purchased.

SEC. 11. *Be it further enacted,* That the County Court of said county, whenever there is a sufficient fund arising from the sinking fund tax above provided for, or whenever there is a fund not especially appropriated or needed for other county purposes, may purchase and cancel any of said bonds that can be obtained for a price that in the opinion of the County Court would justify them in making such purchase, and any bonds so purchased shall be canceled by the Chairman of the Court, who shall write across the face thereof in red ink that said bond is canceled, give the date thereof, and sign his name thereto as Chairman, and he shall also cancel said bond and all attached coupons with a sharp instrument provided for that purpose. An accurate account in a book kept for the purpose shall be made and kept of all bonds so purchased and canceled, giving the amount and number of said bond, the date when same was purchased, and the amount paid therefor, and he shall thereupon paste said bonds and coupons in a space set apart in books provided for their reception.

Offices for city officials.

SEC. 12. *Be it further enacted,* That provided the city of Memphis shall have offices for all city officials in said

court house when built, rent free, upon condition that the city of Memphis shall pay its proportionate share of the expenses of caring for and operating the building in proportion to the space occupied until such time as the county may, for its own purposes need, in whole or in part the portion of the court house occupied by the city. But said building shall at all times be under the exclusive control of the County Court of Shelby County.

SEC. 13. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 2, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
J. I. COX,
Speaker of the Senate.

Approved February 4, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 17.

HOUSE BILL No. 263.

AN ACT to amend an Act passed January 19, 1903, entitled "An Act to provide a system of highways and improved highways for counties in this State having a population of not less than 35,000 nor more than 36,250, under the last or any subsequent Federal census."

This Act applies to Montgomery County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act mentioned in the caption be so amended that hereafter persons subject to road duty may commute for same by paying to the County Trustee two ($2.00) dollars on or before the first day of May of the year for which the service is due, or three ($3.00) dollars at any time between the first and tenth days of May of that year, and after May 10th cannot commute but must perform the five days labor required by law, and failing to do this, shall be deemed guilty of a misdemeanor and subject to the penalties provided by the Act of which this Act is amendatory.

When work to be done—how.

SEC. 2. *Be it further enacted,* That work on the common highways shall begin on the 10th day of May of each year, or as soon thereafter as practicable. All road work on the common highways shall be under the supervision of some capable and experienced foreman, to be selected by the committee on improved highways on or before May 1st of each year. Not more than one such foreman shall be named for any civil district of the county, and if deemed advisable several districts may be assigned to a single foreman. The compensation of the various foremen shall be fixed by the committee appointing them, and capable laborers shall be employed to work under each. In addition to the hired laborers, all persons subject to road duty in any civil district, who have not commuted as provided in Section 1 of this Act, shall also work under the supervision of the foreman for the district selected by the committee. The foreman shall give at least two days written notice of the time and place of working to the road hands who have not commuted, and this notice may be executed either by personal service or by being left at the usual place of abode of the road hands. When notified the road hands shall appear as directed and work upon the highways the five days now required by law. Should they, or any of them, fail to labor faithfully and to the best of their ability, it shall be the duty of the foreman to discharge them and report them as delinquents, in which case they shall be proceeded against as now provided by law.

Assessors to return list.

SEC. 3. *Be it further enacted,* That the assessors for each civil district of the county shall return a list of all persons subject to road duty, as they now return the names of those subject to poll tax. For this service a compensation of five cents each shall be allowed the assessor for all persons subject to road duty and not liable for poll tax.

SEC. 4. *Be it further enacted,* That hereafter members of the committee on improved highways need not necessarily be magistrates, but citizens who are not magistrates shall also be eligible for a position on said committee.

Committee on highways may employ engineer.

SEC. 5. *Be it further enacted,* That the committee on improved highways heretofore provided for, shall employ a competent engineer for all road repairs deemed important and fix his compensation for the service rendered. The work to be done in all such cases shall be determined upon by the committee, but shall be conducted under the supervision of the engineer, who shall report either favor-

ably or unfavorably upon its completion. When demanded, the engineer shall submit an estimate in advance of the contemplated work, showing what in his judgment needs to be done, and the approximate cost. Work on improved highways shall begin as early as practicable in the month of April if possible. The committee may, in urgent cases, expend money for permanent repairs on important highways which have not been selected by them as county highways.

May borrow more money.

SEC. 6. *Be it further enacted,* That in addition to the loan heretofore authorized for expenditure upon improved highways, the committee having charge of same may borrow a further sum of sixty-two thousand, five hundred ($62,500.00) dollars to be expended as directed in the former Act of which this is amendatory.

County may purchase pikes.

SEC. 7. *Be it further enacted,* That nothing in this Act shall be so construed as to prevent the County Court in quarterly session from purchasing toll pikes and bridges as now authorized by law. The County Court may, also, as now authorized by law, established tolls for the year upon the ferries, bridges, pikes, and improved highways of the county by an order upon its minutes at any January term.

SEC. 8. *Be it further enacted,* That this Act, as well as the Act of which this is amendatory, shall apply only to counties in this State having a population of not less than 35,000 nor more than 36,250, under the last or any subsequent Federal census.

SEC. 9. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 2, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved February 4, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 18.

House Bill No. 276.

AN ACT to create and regulate the office of County Judge of Roane County, Tennessee, to fix his salary, define his duties and jurisdiction, and to abolish the office of Chairman of the County Court of said county.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the office of County Judge of Roane County be, and the same is hereby established in said county.

Sec. 2. *Be it further enacted,* That the term of office of said County Judge shall be eight years, and he shall receive a salary of eight hundred dollars ($800) per year, payable quarterly out of the county funds of said county upon warrants drawn as hereinafter provided. Term and salary.

Sec. 3. *Be it further enacted,* That said County Judge shall be elected at the regular election to be held in said county for county officers in August, 1906, that he shall be commissioned in the same manner as the other judges of the State, and before entering upon the duties of his office he shall take an oath to support the Constitution and laws of the United States, and the Constitution and laws of the State of Tennessee, and to faithfully discharge the duties of his office; and shall also enter into a bond in the sum of ten thousand dollars ($10,000) conditioned to faithfully discharge the duties of his office, and to account for all moneys and county property that shall come into his hands as such County Judge. Said County Judge shall enter upon the discharge of his duties immediately after the passage of this Act and upon taking said oath and giving said bond as above required. Election—oath and bond.

Sec. 4. *Be it further enacted,* That it shall be the duty of the Governor of the State of Tennessee to appoint a person to hold the office of County Judge of said county to serve from the time this Act becomes effective until the regular election in August, 1906, and until his successor is elected and qualified. First Judge appointed.

Sec. 5. *Be it further enacted,* That the office of Chairman of the County Court of said county be, and the same Powers.

is, hereby abolished, and said County Judge shall have and exercise all of the powers and jurisdiction of said Chairman, and shall perform all the duties heretofore performed by said Chairman. Said County Judge shall be the accounting officer and agent for said county, and as such shall have the power, and it shall be his duty:

1. To have the care and custody of all county property.

2. To control all books, papers, and documents pertaining to his office, and to the fiscal affairs of the county.

Audit claims.

3. To audit all claims of whatever character against the county, and when approved by him, he shall certify the same to the Clerk of the County Court, who shall issue a warrant therefor on the county treasury, to be signed by said County Court Clerk and countersigned by said County Judge.

Countersign warrants.

4. Said County Judge shall countersign all warrants properly issued by the County Court Clerk upon the county treasury, and no warrant shall be paid that is not so signed and countersigned.

Receipts and disbursements.

5. Said County Judge shall audit and settle the accounts of the County Trustee, and those of all other officers collecting or receiving county revenues, and all officers or other persons entrusted with receiving or expending any money of the county.

6. He shall cause to be entered in a well-bound book to be kept by the Clerk of the County Court, said book to be known as the warrants entered in the order in which they are issued, giving the number, date, and amount, and for what purpose and to whom given.

7. Said County Judge shall keep in a well-bound book, to be provided at the expense of the county for that purpose, an account of the receipts and disbursements of the county.

Monthly Courts.

SEC. 6. *Be it further enacted,* That the County Court to be held by the County Judge under the provisions of this Act shall be held on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and said Judge shall have the same power to preserve order and to impose fines and imprisonments for contempt as other Judges in Tennessee.

Preside over Quarterly Courts.

SEC. 7. *Be it further enacted,* That the Quarterly Court of Roane County, composed of the Justices of the Peace of said County, shall meet as heretofore on the first Mondays in January, April, July, and October of each year, that said County Judge shall preside over same, and

that they shall have such jurisdiction as heretofore vested in them by law.

Duties not to interfere with clerk.

SEC. 8. *Be it further enacted,* That the duties of said County Judge shall not interefere with the duties of the County Court Clerk of said county as now provided by law, that said clerk shall be and continue the clerk of the said court to be held by said County Judge under the provisions of this Act, that he shall have all power heretofore vested in him by law and shall perform all the duties heretofore performed.

Docket of cases.

SEC. 9. *Be it further enacted,* That it shall be the duty of the Clerk of said County Court to keep and preserve in a well-bound book, to be provided for such purpose, a docket of all cases coming before the County Court of said county for trial or other action, and no suit, motion, or other action shall be proceeded with until the same is placed upon the docket, and all suits, motions, and actions shall be tried, continued, or disposed of in the order in which they appear upon the docket.

Judge may practice in other courts.

SEC. 10. *Be it further enacted,* That said County Judge shall not be precluded from practicing law in any of the courts of this State, except in the County Court of Roane County, and in cases appealed from his decisions.

SEC. 11. *Be it further enacted,* That whenever said County Judge is unable from sickness or other cause to attend and hold his court, the Governor shall have the power to appoint some suitable person to hold said court until the disability of the regular judge is removed.

SEC. 12. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February, 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved February 4, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 19.

HOUSE BILL No. 82.

A BILL to be entitled "An Act to amend Section 1, Chapter 131, of the Acts of 1883, being an Act entitled 'An Act to make it a felony for officers of insolvent banks to receive on deposit.' "

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Chapter 131, Acts of 1883, be amended by adding after the word "money" in fifth line, and before the word "in" in the same line, the words "notes, checks, drafts, or other valuable securities," so that said section shall read as follows:

Be it enacted by the General Assembly of the State of Tennessee, That it is hereby made a felony for any president, cashier, or other person having the control or management of any bank in this State to receive on deposit any money, notes, checks, drafts, or other valuable securities in the bank with which he is connected as such president or cashier of which he controls or manages, when he knows or has good reason to believe the bank insolvent, and the money or other securities is lost by the insolvency of the bank.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same is hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved February 4, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 20.

House Bill No. 172.

AN ACT to change the line between Carroll and Benton Counties.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Benton and Carroll be changed, as follows:

Beginning on a large cedar tree on the county line runs east 48 feet to a plum tree; thence north 72 feet to a plum tree; thence west 48 feet to the county line; thence with said county line south 72 feet to the beginning, containing about one-eighth of an acre, so as to detach from Benton County and attach to Carroll County the land upon which is situated the residence and outbuildings of S. C. Walker.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 1, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved February 3, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 21.

House Bill No. 42.

AN ACT to regulate trade-marks and to provide remedies and penalties for the violation of this Act.

Definition of trade mark.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That within the meaning of this Act a trade-mark shall be construed to be any seal, label, term, design, device, or form of advertisement used for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other product of labor, as having been made, manufactured, produced, prepared, packed, or put on sale by any person, firm, corporation, association, or union of working men, or by any member or members of such association or union.

Unlawful to counterfeit.

Sec. 2. *Be it further enacted,* That whenever any person, firm, or corporation or any association or union of working men has heretofore adopted or used or shall hereafter adopt or use any trade-mark, it shall be unlawful to counterfeit or imitate the same; or to use, sell, or to offer for sale, or in any way utter or circulate any counterfeit or imitation of any such trade-mark provided such trade-mark has been filed and recorded in the office of the Secretary of State, as provided in Section 4 of this Act.

Penalty.

Sec. 3. *Be it further enacted,* That whoever knowingly counterfeits any such trade-marks, or knowing said trade-mark to be counterfeit, sells, offers for sale, or in any way utters or circulate any counterfeit or imitation of such trade-mark, or knowing such trade-mark to be counterfeit, keeps, or has in his possession, with the intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped, or impressed; or knowing said trade-mark so printed, painted, stamped, or impressed thereon, sells or disposes of such goods, wares, merchandise, or other product of labor contained in any box, case, can, or package, to which or on which any such counterfeit or imitation is attached, fixed, printed, painted, stamped or impressed, or

knowing such trade-mark to be counterfeit, keeps or has in his possession with the intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor, in any box, case, can, or package to which or on which any such counterfeit or imitation is attached, affixed, printed, pained, stamped, or impressed, shall be punished by a fine of not more than one hundred ($100) dollars, or by imprisonment for not more than three months; provided that any person, firm, or corporation buying, selling, or disposing of any goods, wares, merchandise bearing said counterfeit trade-mark, not knowing the same to be counterfeit, shall not be deemed guilty under the privision of this Act.

Record in office of Secretary of State.

SEC. 4. *Be it further enacted,* That every person, firm, corporation, or association, or union of working men that has heretofore adopted or used, or shall hereafter adopt or use, any trade-mark mentioned and provided in Section 1 of this Act, may file the same for record in the office of the Secretary of State by leaving two copies, counterparts, or fac-similes thereof with said Secretary, and by filing therewith a sworn application, specifying the name or names of the person, firm, corporation, association, or union, on whose behalf such trade-mark shall be filed, the class of merchandise and a description of the goods to which it has been, or is intended to be appropriated, stating that the party so filing, or on whose behalf such trade-mark shall have been filed, has the right to use the same, that no other person, firm, corporation, association or union has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimile or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of five dollars. Said Secretary shall deliver to such person, firm, corporation, association, or union so filing, or causing to be filed, any such trade-mark, so many duly attested certificates of the recording of the same as such person, firm, corporation, association, or union may apply for, each of which certificates said Secretary shall receive a fee of one dollar. Any such certificates of record shall in all suits and prosecutions under this Act be *prima facie* evidence of the adoption of such trade-mark. Said Secretary of State shall not record for any person, firm, or corporation, association, or union any trade-mark heretofore filed by or on behalf of any other person, firm, corporation, association, or union.

Fee for registering.

Infringements, damages, etc.

SEC. 5. *Be it further enacted,* That any person who shall for himself, on behalf of any other person, firm, corporation, association, or union, procure the filing of any trade-mark in the office of the Secretary of State, under the provisions of this Act, by knowingly making any false, or fraudulent representation or declaration verbally or in writing, or by any means known to be fraudulent, shall be liable to pay any damages sustained in consequence of such filing, to be recovered by or on behalf of the party injured thereby, in any court having jurisdiction and shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding three months.

May enjoin use of infringement.

SEC. 6. *Be it further enacted,* That every such person, firm, corporation, association, or union, adopting or using a trade-mark, may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale and may award the complainant in any such suit, the court having jurisdiction, such damages resulting from such fraudulent manufacture, use, display, or sale as may be by the court or jury deemed just and reasonable; and shall require the defendants to pay to such person, firm, corporation; association, or union all profits derived from such wrongful manufacture, use, display, or sale, and such court shall also order that all such counterfeit or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court or to the complainant, to be destroyed.

Penalty for using another's trade mark.

SEC. 7. *Be it further enacted,* That every person who shall use or display the genuine trade-mark for the purpose of fraud of any such person, firm, corporation, association, or union, in any manner not being authorized so to do by such person, firm, corporation, association, or union, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not less than three months, or by a fine of not more than one hundred dollars. In all cases where such association or union is not incorporated, suits under this Act may be commenced and prosecuted by an officer or member of such association or union, in behalf of and for the use of such association or union.

SEC. 8. *Be it further enacted,* That none of the provisions of this Act shall affect or apply to persons, firms, or corporations who shall in good faith buy or come into possession of goods with a counterfeit trade-mark thereon,

when such person, firm, or corporation did not know at the time he or they obtained possession of such goods that the same were stamped with a counterfeit trade-mark; provided such person, firm, or corporation does not knowingly misrepresent the facts regarding the trade-mark at the time he offers such goods for sale.

SEC. 9. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 22.

HOUSE BILL No. 226.

AN ACT to amend an Act passed by the General Assembly of the State of Tennessee on January 28, 1897, and approved February 2, 1897, entitled "An Act to authorize District Attorneys General in districts or circuits in which there is a county having a population of 50,000 or more, under the Federal census of 1890, or in which there may hereafter be a county having a population of 50,000 or more under any subsequent census, to appoint an assistant, and to provide for the compensation of such assistant," so as to provide that in districts or circuits in which there is a county having a population of not less than 60,000 or more than 70,000, under the Federal census of 1900, or in which there may hereafter be a county having a population of not less than 60,000 or more than 70,000 under any subsequent Federal census, the compensation of the Assistant Attorney General for such district or circuit shall be eighteen hundred dollars per annum.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of an Act passed by the General Assembly of the State of Tennessee January 28, 1897, and approved February 2, 1897, entitled, "An Act to authorize District Attorney Generals in dis-

This act applies to Hamilton County.

tricts or circuits in which there is a county having a population of 50,000 or more under the Federal census of 1890 or in which there may hereafter be a county having a population of 50,000 or more under any subsequent census, to appoint an assistant and to provide for the compensation of such assistant," be and the same is hereby so amended as to fix the compensation of the Assistant Attorney General in district or circuits in which there is a county having a population of not less than 60,000 or more than 70,000 under the Federal census of 1900 or in which there may hereafter be a county having a population of not less than 60,000 or more than 70,000 under any subsequent Federal census at eighteen hundred dollars per annum, payable quarterly out of the State Treasury, upon the warrant of the Comptroller.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 23.

HOUSE BILL No. 35.

AN ACT entitled "An Act to create and establish a School District, No. 28, in Wilson County, and define boundaries thereof, and appoint first Board of Directors of the same."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District known as No. 28, be and is hereby established in Wilson County, Tennessee, and that the boundaries thereof shall be as follows:

School District No. 28, Wilson County, commencing at and including the farm of S. D. Thompson, it being the

southwest corner; thence in the north direction with the west boundary of the farm belonging to the Bennett heirs; thence with the west boundary of the W. G. Warf's farm; thence north with the west boundary line of the widow Hobbs' farm; thence north to the northwest corner of the widow Lequisenbury farm, it being the northwest corner; thence east with W. G. Fry's north boundary line; thence east to J. F. Scarborough's north boundary line; thence east to H. G. Scarborough's north boundary line; thence east, embracing the Dock Jones farm, it being the northeast corner; thence south to and including J. M. Lester's farm; thence south to and including Mrs. N. J. Bass' farm, the southeast corner; thence west to and including J. B. Bartlett's farm; thence west to and including W. W. Arnold's farm; thence west, embracing W. C. Sellar's farm; thence west to and embracing C. R. Puck's farm; thence to and embracing C. W. Baird's farm; thence to and including D. B. Phillip's farm; thence west to S. D. Thompson, the beginning, known as the 28th School District of Wilson County.

SEC. 2. *Be it further enacted,* That W. L. Huddleston, Joseph Cason, and William Arnold are hereby appointed and shall constitute the first Board of School Directors for this District, and as such exercise all the powers granted by law until their successors are duly elected, or appointed, and qualified.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in so far as they conflict with the provisions of this Act be, and the same are, hereby repealed, and, that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 24.

House Bill No. 12.

AN ACT entitled "An Act to create and establish a School District, No. 26, in Wilson County, and define the boundaries thereof, and appoint first Board of Directors."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, known as No. 26, be and the same is hereby established in Wilson County, Tennessee, and that the boundaries thereof shall be as follows:

School District No. 26, Wilson County, Tenn.—Beginning at A. G. Roger's old farm; thence north, or nearly so, to the Dr. A. J. Winter farm; taking in the M. C. Wynne farm; thence west, or nearly so, to the Dr. J. P. McFarland farm; thence south, or nearly so, to the George Brown farm; thence south, or nearly so, to the Isham Davis farm, or his northwest corner, taking in the old Skud Eatherly farm; thence east, or nearly so, to the beginning farm or corner—thereby taking in this boundary the R. H. Russell place and the J. D. Bettis place and farm. It is intended to include in the boundary the A. G. Rogers, Dr. A. J. Winter, Dr. J. P. McFarland and George Brown land.

Sec. 2. *Be it further enacted,* That F. Cochran, E. N. Sullivan, and I. J. Swingley shall constitute the first Board of Directors for this district, and exercise all the powers thereof until their successors are elected or appointed according to law.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 25.

HOUSE BILL No. 71.

AN ACT to amend an Act entitled "An Act to incorporate the city of LaFollette, Campbell County, Tennessee, and to establish a school district therein and to support the same by taxation, and to provide for the election of officers for said city and school district and other purposes," approved March 19, 1897, and the subsequent Acts amendatory thereto, so as to establish a taxation limit which shall not be exceeded by the total levy for all general purposes in any year.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the City Council of the City of La Follette, in making its levy upon its assessed valuation, to meet the expenses of said city, shall not exceed, in its total levy for all general purposes in any year, two per centum (2%) of the total assessment of said property for city purposes for that year.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with this Act shall be and the same are hereby repealed.

SEC. 3. *Be it further enacted,* That this Act shall go into effect and be in force from and after its passage, the public welfare requiring it.

Passed January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 26.

House Bill No. 79.

A BILL to be entitled "An Act to incorporate the town of Gainesboro, in Jackson County, Tennessee, as a municipality, and to define its rights and powers, etc., and to establish and maintain a separate school district in said town, and for other purposes."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Gainesboro, in Jackson County, and the inhabitants thereof are hereby constituted a body politic and corporate, by the name and style, "The Town of Gainesboro," and shall have perpetual succession; that by this corporate name and style it may sue and be sued, contract and be contracted with, grant, receive, purchase, and hold real, mixed and personal property, or sell or dispose of the same for the benefit of said town, and may have and use an official seal.

Boundaries.

Sec. 2. *Be it further enacted,* That the boundaries of said town hereby incorporated shall be as follows: Beginning in the public road at the first ford below Gainesboro, running up said road to the tan yard branch; then up said branch with its meanders to the southwest corner of M. Y. Settle's garden; then running north and west and south to said branch, so as to include the mansion house of said Settle inside of the boundaries herein set out; then south to the Flynn's Lick road; and with the road east to the corner of Halie's fence; then south with line of the fence running west of N. B. Young's house, and on south with the west boundary lines of N. W. Herod, R. V. Brooks, J. E. Stafford, W. F. Sadler, and John J. Gore to the Gipson branch; then down the branch to Doe Creek, and down the creek to the beginning.

First election.

Sec. 3. *Be it further enacted,* That the first general election for Mayor and Aldermen under this Act shall be held in said town of Gainesboro on the first Saturday in February, 1905. Said election shall be opened and held by officers of election appointed by the Election Commissioners for Jackson County, Tennessee. Immediately after the passage of this Act, said election commissioners

shall give notice of said election, and the place where it shall be held, by written or printed notice, published in at least five public places in said town, or they may give said notice by publication in a newspaper published in said town. Said election shall be governed by the same rules governing the election in this State of State and county officers. Any person who is a qualified voter for members of the General Assembly under the laws of Tennessee and Jackson County, and who shall have been a resident of said town for sixty days preceding said election, and who is otherwise a qualified voter under the laws of this State, shall be entitled to vote in said election. At said election there shall be elected a Mayor and three Aldermen. The officers holding said election shall at once make and certify two copies of the poll sheets and the result of said election, showing the names of the candidates, and for what offices they were voted for, and the number of votes received by each. One copy shall be delivered by the Election Commissioners and the other to the person receiving the highest number of votes for the office of Mayor, shall be the Mayor of said town, and the three candidates receiving the highest number of votes for Aldermen shall be the Aldermen of said town until their successors are elected and qualified as hereinafter provided; provided that no person shall be elected to the office of Mayor, or Aldermen of said town, unless at the time of their election they are qualified voters in elections in said town. If there shall be a tie between two or more candidates for Mayor, or two or more candidates for Alderman, the remaining number of the Board of Mayor and Aldermen elect shall settle said tie or controversy, by a majority vote at their first meeting.

Who may vote.

Returns.

SEC. 4. *Be it further enacted,* That the Mayor and Aldermen, before entering upon their duties, shall take and subscribe to an oath before some one authorized to administer oaths, that they will honestly and faithfully discharge the duties of their offices without partiality, favor or affection.

Oath of Board, Mayor and Aldermen.

SEC. 5. *Be it further enacted,* That said Mayor and Aldermen shall, on the first Thursday after their election, organize, and shall hold their offices for a term of two years, and until their successors shall be elected and qualified. Any vacancy occurring, either of Mayor or Alderman, whether by death, resignation or removal, shall

Organization of Board.

be filled by the remaining members of the board electing some one to fill the unexpired term.

Regular elections.

SEC. 6. *Be it further enacted,* That on the first Saturday in February, 1907, and every two years thereafter, an election shall be held in the town of Gainesboro for the election of a Mayor and Board of Aldermen provided for under Section 3 of this Act; provided that the Board of Mayor and Aldermen shall have the right to make such regulations as they may deem best touching the manner of advertising and holding of same, which regulations shall not be in conflict with the general laws of the State; provided that a failure to hold said election at the time stated shall not operate as a forfeiture of this charter, but the Board of Mayor and Aldermen may be required to perform such duties as may be necessary for the holding of said election by mandamus in any court having jurisdiction of the matter and parties.

SEC. 7. *Be it further enacted,* That the Mayor and Board of Aldermen of the town of Gainesboro are hereby empowered:

Powers of Board.

1. To enact such by-laws and ordinances as may be necessary and proper to the preservation of the health, quiet, peace and good order of said town, including such quarantine regulations, not to exceed one mile outside of the town limits, as occasion may require.

2. To declare what is a nuisance, and to prevent and remove the same.

Taxes.

3. To annually levy and collect taxes upon all property within the corporate limits taxable by law for State purposes, and to levy and collect a poll on all persons within the corporate limits subject to a poll tax to the State; provided that no levy for general purposes shall exceed 100 cents on each $100 of taxable property, and shall not exceed two dollars on each poll; and, provided further, that not less than one-half of all funds arising from levies, fines, and forfeitures made under this sub-section shall at the time they are made, be appropriated by the

School funds.

Mayor and Board of Aldermen for the use and benefit of the Gainesboro High School hereinafter created, and collected and turned over to the Treasurer of the Board of Directors of said school, to assist in running the same; and, provided further, that before any board shall make a tax levy for general corporate purposes, which shall be made annually, they shall first make and record on

their minutes an estimated list of expenses for the coming year, to which reference shall be had in making the levy.

4. To appropriate money, and provide for the debts and running expenses of the town, and for the purpose of paying outstanding obligations created for the necessary running expenses of the town. Expenses.

5. To license and tax all privileges taxable by the laws of the State, and which under the laws of the State are authorized to do business in said town. Privileges.

6. To regulate or prohibit and suppress theatrical or other shows and exhibitions.

7. To regulate and suppress gaming and gambling houses, disorderly houses, bawdy houses and houses of ill-fame, or assignation houses, and all houses where one or more men and women meet for lewd purposes or prostitution or adulterous cohabitation, and they shall have power to declare all such places nuisance, and to abate them as such, and to arrest and punish such persons so offending by fine or imprisonment or both. Gaming, etc.

8. To suppress and prevent the carrying of concealed weapons, or the sale of the same.

9. To regulate the sale, storage and use of firecrackers and all other fireworks, toy pistols, explosives and combustibles. Explosives, etc.

10. To impose fines, forfeitures and penalties for the breach of any ordinance adopted under this Act, and to provide for their recovery, and the arrest of any party or parties breaching said ordinances, and to provide for sentences of imprisonment in the town work-house; provided that no fine shall exceed $50, and no sentence of imprisonment more than three months. Fines.

11. To erect and keep a town prison or calaboose, in which to confine all parties violating the town ordinances, under such regulations as they may by by-laws or ordinances adopt; *Provided,* that they may use the county jail at Gainesboro for such purposes by paying the lawful fees to the sheriff or jailer of said county. Town prison.

12. To erect and organize a work-house in or near the said town, and to provide for committing and working in said work-house or on the public streets, or town works, of any person who shall fail to pay or secure the fine and cost assessed against them for the violation of any ordinance, or who for any such violation may be sentenced to the said work-house, and to provide for the management and control of the same. Work-house.

13. To regulate or prohibit dogs or other animals from running at large on the streets of said town.

Fire districts.

14. To designate in said town certain districts as fire limits, and to provide for the character of house to be built in said limits, and to regulate the same.

15. To provide for the support and maintenance of a police force, and to appoint the same.

Health and good order.

16. To pass all ordinances necessary for the health, peace, convenience, safety and good order of the town, and for the suppression and prohibition of any and all acts and things made criminal by the laws of the State, and to provide a punishment for a breach of the same.

17. To grant rights of way through and over the streets and alleys of said town to railways and other corporations.

Opening streets.

18. To condemn and take, use and appropriate any ground necessary to widen or extend its streets, avenues and alleys, but it shall pay the owners of said ground the actual damages done, taking into consideration the improvements thereon.

Maintain streets.

19. To keep up the streets, alleys and sidewalks of said town, and to fix the grade of the same, to open, abolish, widen or extend the same, and to pass all necessary ordinances, requiring the owners of lots to make brick, stone or plank sidewalks in front of their property along any street, and if the owner refuse to provide a remedy and create a lien on said property for the same.

20. To prevent engines, trains, wagons or any other obstruction from blocking the streets of said town, and to regulate their speed and the speed of horsemen, buggies and vehicles through said town.

21. To make suitable regulations for the preservation of life and property from fire or other casualty.

Pyrotechnics, et cetera.

22. To provide for the organization and regulation of fire companies, either voluntary or otherwise.

23. To provide for a system of fire works, and for the management and control of the same.

Waterworks.

24. To provide for a system of waterworks and its control, to erect hydrants, pumps, cisterns or reservoirs, to lay pipes for distributing water over the town and keep the same in repair, to subscribe, purchase or own stock in water companies in said town, and generally to do all things necessary to procure and maintain a system of waterworks for said town for domestic, mechanical, corporate or other purposes, and to regulate and fix the price thereof to private individuals or corporations or to others.

25. To provide for a system of lighting, for the purpose of lighting the streets, alleys, and public buildings and places in said town, and for the purpose of furnishing lights for the inhabitants of said town, and generally to do any and all things necessary to provide a lighting system for said town and its inhabitants, and to regulate and fix the price to be paid therefor by private individuals. Lights.

26. To pass and enforce all ordinances that may be necessary to effectuate and carry out the provisions of this Act, and for all purposes for the good health, good government, and general welfare of the town and the inhabitants thereof; *provided,* that the Mayor and Board of Aldermen may by by-laws fix the number of times or readings of all resolutions, ordinances, etc., shall be passed by them before becoming effective, not less than one nor more than three, and may by by-laws provide that no publication, other than spreading the same on the minutes of the board shall be required to make effective any ordinance, resolution or other proceeding. General powers.

27. To pass all ordinances necessary for the suppression of the manufacture or illegal sale of intoxicating liquors or beverages.

SEC. 8. *Be it further enacted,* That the Mayor and Board of Aldermen are hereby authorized to contract indebtedness on behalf of the town, and upon the credit thereof, by issuing bonds of the town, and disposing of them for the purpose of obtaining money for any of the following purposes: Bonded indebtedness

1. To build and operate a system of waterworks for said town.

2. To build, or repair the streets or sidewalks in the town.

3. To provide for the lighting of the streets.

4. To build schools, buildings, and to carry on a school of high, or common grade; *provided,* that the bonds so issued for all purposes shall not aggregate more than twenty per cent of the taxable values of said town, as shown by the town tax books; *provided further,* that no bonds shall be issued until after two-thirds of the voters of said town shall approve the same by a two-thirds vote at an election to be held for the purpose, after a thirty days advertisement of the proposition to issue bonds by the Mayor; *provided further,* that said bonds shall not run for a shorter term than ten years, and shall not bear a greater rate of interest than six per cent. School bonds, how issued.

Tax to pay interest and create sinking fund.

The Mayor and Board of Aldermen shall have power to pass and enforce all ordinances necessary to carry out the purposes for which said bonds were issued, and may create any and all necessary boards of Trustees or Commissioners, and pass ordinances defining their duties, and enumerating their powers. Whenever any bonds are issued under this Act the Mayor and Board of Aldermen shall annually levy a tax to pay the annual interest accruing on the same, and shall create a sinking fund to pay said bonds at maturity. This power to levy and collect taxes is in addition to the powers enumerated in the foregoing sections of this Act.

Board to elect Recorder, Treasurer and Marshal.

SEC. 9. *Be it further enacted,* That upon the organization of the first board, and all other boards thereafter, or as soon thereafter as practicable, the Mayor and Board of Aldermen shall elect a Town Recorder, a Town Treasurer, and a Town Marshal, and shall provide for the compensation of said officers. No person shall be eligible to any of these offices unless at the time he would be eligible to the office of Mayor. They shall also, upon the organization of the first board, elect three qualified voters in said town, who can read and write, as Town School Directors, one of whom shall hold his office for one year, one for two years and one for three years, and annually thereafter they shall elect one member of said board for a term of three years. They shall also, from time to time, appoint all necessary committees to carry out the provisions of the charter, and all ordinances passed by them hereunder, and shall fill all vacancies in the offices above stated at the time they occur.

Salary of Mayor and duties.

SEC. 10. *Be it further enacted,* That the compensation of the Mayor shall not exceed $25 per annum, to be fixed by the Board of Aldermen. He shall preside at all meetings, and in his absence the Recorder shall preside. He shall see that all by-laws and ordinances of the town are carried out and enforced, and shall have such other powers and perform such other duties as the board may from time to time grant and impose, and in the absence, inability or incompetency of the Recorder, he shall have all criminal jurisdiction hereafter given to the Recorder of the town for violation of the ordinances or the criminal laws.

Recorder.

SEC. 11. *Be it further enacted,* That the Recorder shall hold his office for a term of two years, and until his successor is elected and qualified, unless he is sooner re-

moved by the board for good cause. He shall try all offenders brought before him for a violation of any of the town ordinances, and he shall have, and he is hereby given, all the rights, authority, duties, powers and jurisdiction in all cases, both criminal and civil, that Justices of the Peace in Jackson County have or may have, and for his services in all cases, including cases for violation of the town ordinances, he shall receive such fees as a Justice of the Peace receives for similar services. He shall keep a Recorders Docket, such as is kept by Justices of the Peace, and in the same way. He shall keep his corporation cases on pages of said book to themselves. He shall be the town Tax Assessor and the tax collector as herein stated. He shall, before entering upon his duties give a bond in such amount and conditions as the board shall prescribe, and take an oath to faithfully discharge his duties. He shall draw all orders when directed by the board on the City Treasury disbursing the funds of the town. He shall settle with the town Treasurer as often as the board may prescribe, but not less than once in every three months, and shall have such other powers, and do and perform such other duties as the board may from time to time grant and direct. Duties.

SEC. 12. *Be it further enacted,* That the town Marshall shall be the criminal officer of the town, and the chief of police. He shall hold his office for a term of two years, and until his successor is elected and qualified, unless sooner removed by the board. He shall arrest all persons violating any of the criminal laws of the State, or ordinances of the town, and take them before the Recorder, or some one else authorized by law, for trial or examination. When, in his judgment it is necessary, he shall have power to confine any one arrested, in the jail or town calaboose. He shall have all the power, authority, duty and jurisdiction within the corporate limits of the town as to all process, criminal or civil, that Constables have, or may from time to time have, and his criminal jurisdiction and authority shall extend to one mile beyond the town limits. He shall have all such other authority and do and perform all such other duties as the board may from time to time grant and direct. Before entering upon the discharge of his duties he shall give bond in such amount and such conditions as the board may prescribe, and he shall take an oath to perform the duties of his office. Marshal. Duties.

Treasurer.

SEC. 13. *Be it further enacted,* That the town Treasurer shall be the financial agent of the town and the custodian of the funds. He shall hold his office for two years, and until his successor is elected and qualified, unless he shall be sooner removed by the board. He shall, before entering upon the duties of his office, give bond in such sum and conditions as the board may prescribe. He shall take an oath to faithfully perform the duties of his office. He shall have such authority and perform such acts as the board shall prescribe; provided that the board may impose the duties of Treasurer on the Recorder, if they see proper.

Duties.

Equalization Board.

SEC. 14. *Be it further enacted,* That there shall be a Board of Equalization, composed of the Mayor and two freeholders of the town to be appointed by the Mayor, who shall equalize the assessments each year, at a time to be appointed by the board; *provided,* that the board may adopt the assessment made by the county authorities of Jackson County.

Recorder to make tax books.

SEC. 15. *Be it further enacted,* That as soon as the Board of Equalization has adjourned the Recorder shall make out the tax books in duplicate, one copy to be held by the Mayor and the other to be kept by him. The taxes for each year shall be due and payable on the fist day of June of each year. The Recorder shall be the town tax collector, and in collecting said taxes he shall have all the powers, rights and authority that belong to the County Treasurer in the collecting of State and county taxes. He shall make out a list of all the delinquent taxes remaining in his hands on the first of October of each year, for which said taxes were levied, which list shall go into the hands of the town Marshal immediately, and the said Marshal shall proceed to levy and collect the same, to which end he is given the same power and authority as is now vested in the Constables and delinquent tax collectors collecting State and county delinquent taxes, and he shall receive the same compensation, to be paid by said delinquent, and he shall make his return of said taxes to the Treasurer on the first Monday in January of each year. Before receiving said taxes he shall enter into bond in such penalty as the Mayor may prescribe. If the Marshal shall fail to collect any delinquent taxes, and shall make levy upon any real estate to enforce collection of the same, the Mayor, upon such return, shall place said taxes in the hands of an attorney, who shall proceed to collect the same

Delinquents.

by proper suit to enforce the lien secured by said levy; *provided,* that the Mayor and Board of Aldermen may direct the Recorder to advertise and sell said real estate so levied upon, and in the event he shall so direct, the Recorder shall proceed in the manner provided for the sale of delinquent realty by the officers of the county in the collection of delinquent State and county taxes, and make deed as herein provided, which deed shall vest title in the purchaser. All taxes levied upon property in said corporate limits shall constitute a lien on said property, which lien shall continue until said taxes are paid; the Recorder, who is hereby designated to collect the privilege taxes in the town, shall have the same rights, powers and compensation as is now provided for County Court Clerks in the collection of privileges due to the State and county.

Taxes lien.

Gainesboro Special School District.

SEC. 16. *Be it further enacted,* That the town of Gainesboro is hereby created a separate school district, and the public school in said town shall be managed and controlled by the School Board hereinbefore provided for. Said Board of School Directors, at their first meeting, shall elect one of their number Chairman, another Secretary, and another Treasurer. The said board, by their name and style of the Board of Directors of Gainesboro High School, shall be a body coroporate, with powers to sue and be sued, contract and be contracted with, and to take and hold real and personal property for school purposes, and to sell and convey the same when for the best advantage of the schools of said town. The officers of said school board shall each hold their offices for the term as provided for in Section 9 of this Act, and until their successors are elected and qualified. The Treasurer, before entering upon his duties, shall give such bond as the board may prescribe, payable to the Board of Directors of the Gainesboro High School. He shall be entitled to receive from the State and county officers all moneys that said school district may from time to time become entitled to, from the public school fund, the same as if it was organized under the school laws of the State. Said money to be paid to him on an order or orders drawn in his favor by the chairman and clerk of the board, and in the same way he shall receive all moneys belonging to said school from the town of Gainesboro. He shall pay out said money on the order of the chairman and clerk of said board. Said School Directors shall be governed by the State laws governing School Directors when not in conflict with this Act.

Franchises.

SEC. 17. *Be it further enacted,* That the Mayor and Board of Aldermen shall have the power to grant franchises to railways, either steam or electric, gas companies, water companies, electric light companies, or any other company that may improve the town and increase the value of the property therein.

SEC. 18. *Be it further enacted,* That whenever, in this Act, any omission is made in defining the duties or authority of any officer provided for herein and which is essential to properly carry out the objects of this Act, the Mayor and Board of Aldermen are hereby granted authority to supply such omission, and they are further given power and authority to do any and everything necessary to carry out the objects of this Act.

SEC. 19. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 20. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 27.

HOUSE BILL No. 139.

AN ACT to extend the corporate limits of the town of Ripley, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the town of Ripley be extended as follows: Where the present

corporate line runs north along the east line of a lot sold by A. J. Folts and wife to Anderson Shaw, now owned by R. C. Klutts, same being J. F. Dunavant's west boundary line, and commencing at a stake in said line 140 feet south of an alley and J. F. Dunavant's northwest corner, runs thence in an easterly direction and parallel with said alley and J. F. Dunavant's north line to a stake in the present corporation line.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 28.

HOUSE BILL No. 159.

AN ACT to change the line between Giles and Marshall Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennesse,* That the line between Giles and Marshall Counties be changed so as to place the farms of J. D. Cainer and J. B. Smithson in Marshall County.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 29.

HOUSE BILL No. 4.

A BILL to be entitled "An Act to create and establish eight (8) civil districts in the County of Hardeman in lieu of twenty (20) districts as therein now existing, and to define the boundaries of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennesse,* That there be and are hereby created and established for and within the County of Hardeman, in this State, and in lieu of twenty (20) districts therein, as now laid out, eight (8) civil districts only.

SEC. 2. *Be it further enacted,* That the boundaries of said civil districts shall be as follows:

1. The territory embracing in the sixth and seventh civil districts, as now laid out, shall compose the first civil districts of said county.

2. The territory embraced in the fourth and fifth civil districts, as now laid out, shall compose the second civil district of said county.

3. The territory embraced in the second, third and twentieth civil districts, as now laid out, shall compose civil district of said county.

4. The territory embraced in the first, tenth, and ninth civil districts, as now laid out, shall compose the fourth civil districts of said county.

5. The territory embraced in the eleventh and seventeenth civil districts, as now laid out, shall compose the fifth civil district in said county.

6. The territory embraced in the eighth, twelfth, and nineteenth civil districts, as now laid out, shall compose the sixth civil district of said county.

7. The territory now embraced in the thirteenth and eighteenth civil districts, and that part of the fourteenth civil district, lying east of the Bolivar and Jackson public road, commencing at the river bridge over Hatchie River and running to and with the east margin of said road north to a point o nthe southern bank of Mill Creek, shall compose the seventh civil district of said county.

8. The territory now embraced in the fifteenth and sixteenth civil districts, and that part of the fourteenth civil district that lies west of the Bolivar and Jackson public road shall compose the eighth civil district of said county.

SEC. 3. *Be it further enacted,* That said districts to so remain until changed by the Acts of the General Assembly of the State of Tennessee.

SEC. 4. *Be it further enacted,* That all laws or parts of laws in conflict with this Act are hereby repealed.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Provided, That this Act shall in no way interfere with the right and tenure of office of the present acting Justices of the Peace, Constables and School Directors of said county.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 30.

HOUSE BILL No. 28.

A BILL to be entitled "An Act to repeal an Act passed on March 28, 1903, and approved April 2, 1903, entitled 'An Act to establish and make lawful a three-wire, three-plank, or three-rail or slat fence, in counties having a population of not less than 20,392 and more than 20,400, according to the Federal census of 1900, or of any subsequent Federal census.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,,* That an Act passed March 28, 1903, and approved April 2, 1903, and known as House Bill No. 480, Chapter 515, Acts of 1903, be, and the same is, hereby repealed.

This Act applies to Franklin County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 31.

HOUSE BILL No. 51.

AN ACT to amend Section 3397 of the Code of Tennessee of 1858 so as to regulate judgments before Justices of the Peace in replevin cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 3397 of the Code of 1858 be so amended as to read as follows: "If the Justice finds the issue in favor of the defendant and adjudge the property replevied to belong to the defendant, or the plaintiff dismisses or fails to prosecute his suit, the Justice shall under judgment against the plaintiff and his sureties on the replevin bond that the property replevied be returned to the defendant or on failure to do so, that the defendant recover of plaintiff and sureties on replevin bond the value of the property replevied with interest thereon and damages for the detention of the same. The value of the property and the damage to be assessed by the Justice trying the case, or where the plaintiff fails to prosecute, by the Justice trying the case. And the Justice may, in proper cases, give exemplary damages in favor of either party, and in all cases where the plaintiff fails to prosecute his suit with effect, the Justice may make such valuation as will be likely to effect the return of the property to the defendant if the character of the property is such as to make the return of the specific property important.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 32.

HOUSE BILL No. 80.

A BILL entitled "An Act to amend an Act passed 1857, Chapter 52, Section 1, so as to extend the time within which landlord and furnishers' liens may be enforced."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That landlord's liens for rent, for supplies, and for labor and moneys furnished tenants, and also furnisher's liens on crop for supplies, implements of industry, or work stock contracted as required by existing law, shall continue for six months from and after the debt becomes due, and until the termination of any suit commenced within that time for the enforcement of such liens; *provided* nothing in this bill shall be construed to apply to as in any way effect suits already commenced.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and they are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 33.

House Bill No. 96.

AN ACT entitled "An Act to establish and define a lawful fence for counties having a population of not less than 22,738 nor more than 22,750, according to the Federal census of 1900 or any subsequent Federal census."

This Act applies to Roane County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That four barbed wires securely fastened to posts and stays, as below described, should be one of the lawful fences in counties having a population of not less than 22,738 nor more than 22,750 according to the Federal census of 1900, or according to any subsequent Federal census; *provided,* the same be built on good-sized, substantial posts, set firmly in the ground, not more than twenty-four feet apart, with good sound stays or braces not less than two inches thick and not to be more than eight feet apart; said stays or braces to reach from the ground to the top of the fourth wire; *provided further,* that the bottom wire shall be twelve inches from the ground where posts are set and stays are stationed, the second wire twelve inches above the first, the third wire twelve inches above the second, and the fourth wire twelve inches above the third; provided said wire shall be securely fastened to posts and stays as above described.

Sec. 2. *Be it further enacted,* That counties having a population as described in Section 1 of this Act, a four-plank or rail fence shall also be and constitute a lawful fence, said rail or plank not to be less than four inches wide, and one inch thick; provided the rails or planks are attached to posts firmly set in the ground, and said posts to be not more than eight feet apart, and said rails or planks to be fastened to said posts the same distance from the ground and such other as the wires designated to be fastened in Section 1 of this Act.

Sec. 3. *Be it further enacted,* That said wires, rails or planks may be fastened to growing timber where such timbers are found at such distances apart as will correspond with the placing of the posts, so as to make the wires, rails or planks secure.

SEC. 4. *Be it further enacted,* That in counties having a population as described in Section 1 of this Act, it shall be unlawful for sheep, goats, swine, and geese to run at large.

SEC. 5. *Be it further enacted,* That any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars. Penalty.

SEC. 6. *Be it further enacted,* That any damage done by said sheep, goats, swine, and geese running at large in any of said counties, shall be and are hereby constituted a lien upon said sheep, goats, swine, and geese, and can be collected as any other lien by writ of replevin. Damages.

SEC. 7. *Be it further enacted,* That any person or persons upon whose land such sheep, goats, swine and geese shall be found running at large shall have the right to take up and confine them, giving same reasonably good feed and attention, and shall be entitled to a reasonable compensation for same, and shall have and is hereby given a lien upon said sheep, goats, swine, and geese for same.

SEC. 8. *Be it further enacted,* That this Act take effect on and after the first day of April, 1905, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 34.

HOUSE BILL No. 113.

AN ACT to amend Chapter 318 of the Acts of 1903, passed March 23, 1903, and approved April 15, 1903, and entitled "An Act to incorporate the town of Huntington, in the County of Carroll, and provide a municipal government for the corporation."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 4, Chapter 318 of the

Acts of 1903 be amended by the striking out of lines six and seven the words "and a town Marshal."

SEC. 2. *Be it further enacted,* That Section 5, Chapter 318 of the Acts of 1903 be amended by striking out of lines three and four the words "and town Marshal."

Marshal elected by popular vote.

SEC. 3. *Be it further enacted,* That Section 6, Chapter 318 of the Acts of 1903 be amended by striking out at the bottom of the section the following, viz: "And shall make out and deliver to the person having the highest number of votes for town Marshal a certificate of election."

SEC. 4. *Be it further enacted,* That Section 7, Chapter 318 of the Acts of 1903 be amended by inserting after the word "elect" in line 12, the following, viz.: "A town Marshal who shall hold his office for a period of one year, unless discharged for good cause by the Mayor and Board of Aldermen, and then they shall elect."

SEC. 5. *Be it further enacted,* That Section 8, Chapter 318 of the Acts of 1903 be amended by inserting after the word "removed," in line three, the following, viz.: "tie vote in general election."

Marshal collect taxes.

SEC. 6. *Be it further enacted,* That Section 9, Chapter 318, of the Acts of 1903 be amended by adding to said section the following, viz.: "It shall be the duty of the town Marshal to receive the tax book for collection of taxes due said corporation by the first Monday in September of each year, and that said tax book received by him shall have the same force and effect of an execution in his hands, and by which he is authorized and empowered to seize, levy and distrain personal property of any tax-payer within the limits of said corporation, and he is directed and authorized to sell personal property, when levied upon, in the same way and manner as sales are now made under executions from judgments at law."

Duties of Mayor.

SEC. 7. *Be it further enacted,* That Section 10, Chapter 318 of the Acts of 1903 be amended by adding the following as sub-section 1 to said section, viz.: "It shall be the duty of the Mayor to preside at all meetings of the Mayor and Board of Aldermen and to vote on questions under consideration by the Board in the event of a tie vote only. And it is further made his duty to collect all privilege tax due the city, for which service he shall be compensated as the Board directs."

SEC. 8. *Be it further enacted,* That Section 12, Chapter 318 of the Acts of 1903 be amended by adding as subsection 1 to said section the following: "In the event the

Mayor is temporarily absent, sick or incompetent to discharge the duties of his office, the same shall devolve upon the Recorder and Treasurer, who is hereby authorized and empowered to discharge the duties of Mayor."

SEC. 9. *Be it further enacted,* That Section 18, Chapter 318 of the Acts of 1903 be amended by striking out of said section the following: "And also to have such by-laws and ordinances published in some newspaper."

SEC. 10. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 35.

HOUSE BILL No. 114.

AN ACT to change the line between the Counties of Wilson and Cannon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Wilson and Cannon be so changed as to include all the lands of J. B. Smithson in Cannon County that he now owns.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 36.

House Bill No. 115.

An ACT entitled "An Act to change the county line between Putnam and DeKalb Counties."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between Putman and DeKalb Counties be so changed as to detach the lands of V. M. Weaver, upon which he now lives, from DeKalb and attach it to Putman County, said lands: beginning at a stake in the Putman County line; thence north 99 poles to a stake; thence east 99 poles to a stake in the said county line.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 37.

House Bill No. 124.

AN ACT to change the line between the Counties of Monroe and Loudon.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Monroe and Loudon be, and the same is hereby, so changed as to include all the land of Mrs. Ada Hyden, purchased from Mrs. Harkin, containing one hundred and sixty-five acres, of which one hundred and sixty acres being

in Monroe County. Said land is bounded as follows, to-wit: One the north by Morganton road, said Morganton road running west from Pleasant Run School House to Mrs. Hyden's west line to the county line, so as to include this five acres in Monroe county.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 38.

HOUSE BILL No. 128.

AN ACT entitled "An Act to change the county line between the counties of Overton and Putnam Counties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Overton and Putnam County be so changed as to include all of the lands of John Bohannon in Putnam County, and that the line being at a stake in the Putnam County line it also being said Bohannon's line; thence with his line to a stake in a corner of the same; thence with his and T. Matheny's line to a stone; thence with his and J. A. Smith's line to a stake back in the Putnam County line.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 39.

House Bill No. 144.

AN ACT to change the line between the counties of Pickett and Fentress.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Pickett and Fentress be so changed as to detach that part of the land of W. M. Johnson from Pickett County and attach the same to Fentress County, which is at or near Forbus postoffice.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 40.

House Bill No. 92.

AN ACT to amend subsection 1 of section 8 of an Act of the General Assembly of the State of Tennessee for the year 1903, passed the 13th day of February, 1903, and approved by the Governor on the 13th day of March, 1903, the same being an Act entitled "An Act to incorporate the city of Murfreesboro, in Rutherford County, Tennessee; to establish the boundaries thereof, and define the powers of the same; to appoint the first Mayor, City Council, and all other officers and agents of the city of Murfreesboro, and to provide for the election of their successors and for the election of all other officials and agents of said city, and define their qualifications, powers and duties, and for other purposes incident to the incorporation of said city of Murfreesboro," so as to levy a tax of not more than nine mills on the dollar of taxable property for all purposes.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That sub-section 1 of Section 8

of the Act passed by the General Assembly of the State of Tennessee on the 13th day of February, 1903, and approved by the Governor, on the 13th day of March, 1903, the same being the Act described in the caption hereof; be, and the same is hereby amended, so as to read as follows: That hereafter the City Council of the City of Murfreesboro shall have authority to levy and collect taxes upon all property taxable by law for State purposes; provided they shall not levy a tax of more than nine mills on the dollar instead of 7½ mills of taxable property for all purposes, and no tax in excess of this shall be levied on the taxable property of the city.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 41.

HOUSE BILL No. 93.

AN ACT to amend Section 12 of an Act of the General Assembly of the State of Tennessee of the year 1903, passed the 13th day of February, 1903, and approved by the Governor on the 13th day of March, 1903, the same being an Act entitled "An Act to incorporate the city of Murfreesboro, in Rutherford County, Tennessee; to establish the boundaries thereof, and define the powers of the same; to appoint the first Mayor, City Council, and all other officers and agents of the city of Murfreesboro, and to provide for the election of their successors, and for the election of all other officials and agents of said city, and define their qualifications, powers and duties, and for other purposes incident to the incorporation of said city of Murfreesboro," so as to empower the City Council to contract for the lighting of the city with lights for any period, not longer than ten years, and to make appropriations therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 12 of the Act passed by the General Assembly of the State of Tennessee on the

13th day of February, 1903, and approved by the Gover nor on the 13th day of March, 1903, the same being th Act described in the caption hereof be, and the same i hereby amended, so as to read as follows: *Provided,* tha the provisions of said Section 12 shall not apply to an contracts that the City Council may hereafter make fo the purpose of furnishing lights to light the streets of sai city of Murfreesboro, and that the City Council shall hav the power under this Act to make all necessary and prope contracts, with any individual or corporation, for th purpose of lighting said streets with lights, for any perio not longer than ten years, and make appropriations an nually, for the purpose of meeting the provisions of an such contract.

SEC. 2. *Be it further enacted,* That this Act take effec from and after its passage, the public welfare requiring it.

Passed January 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 42.

HOUSE BILL No. 94.

AN ACT to amend Section 5 of an Act of the General Assembly of the State of Tennessee, for the year 1903, passed the 13th day of February, 1903, and approved by the Governor on the 13th day of March, 1903, the same being an Act entitled "An Act to incorporate the city of Murfreesboro, in Rutherford County, Tennessee; to establish the boundaries thereof and define the powers of the same; to appoint the first Mayor, City Council, and all other officers and agents of the city of Murfreesboro, and to provide for the election of their successors, and for the election of all other officials and agents of said city, and define their qualifications, powers and duties, and for other purposes incident to the incorporation of said city of Murfreesboro," clothing the Mayor with all the powers of a Justice of the Peace in said municipality.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 5 of the Acts passed

by the General Assembly of the State of Tennessee, on the 13th day of February, 1903, and approved by the Governor on the 13th day of March, 1903, the same being the Act described in the caption hereof, and the same is hereby amended, so as to read as follows: That in addition to the duties of the Mayor, he shall have all the powers of a Justice of the Peace, within the municipality for the purpose of keeping the peace and trying offenses against any ordinance of the city, or the laws of the State.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 43.

HOUSE BILL No. 49.

AN ACT to amend an Act entitled "An Act to repeal and abolish the charter of the town of Lexington, to reincorporate said town, and to define its rights and powers," passed by the General Assembly of the State of Tennessee on the 14th day of March, 1901, and approved March 25, 1901, being Chapter 402 of the printed Acts of 1901.

Assistant Marshal or Police.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "An Act to repeal and abolish the charter of the town of Lexington, to reincorporate said town and to define its rights and powers," passed by the General Assembly of the State of Tennessee, March 14, 1901, and approved March 25, 1901, being chapter 402 of the printed Acts of 1901 be and the same is amended in the particulars as follows: there is and shall be added to Section 12 of said Act and immediately after the words and figures, to-wit: *Provided further,* the Mayor and Aldermen, may at any meeting, either regular or special, elect or appoint as many assistant Marshals or special policemen to assist the Marshals

or special policemen to assist the Marshal as may be deemed necessary, and such assistant Marshals and police men shall be appointed or elected for such period of time as may be deemed proper; and such assistant Marshals or policemen shall have the same rights and powers and jurisdiction, and their duties shall in all respects be the same as are possessed by the Marshal, and any person who is a resident of the State of Tennessee and is twenty-one years old shall be eligible to the position of assistant Marshal.

SEC. 2. *Be it further enacted,* That said Act be, and the same is further amended, by striking out of subsection 4 of Section 10 the words, to-wit: "One dollar and thirty cents," and by substituting therefor and inserting therein the words and figures to-wit: "One dollar and fifty cents."

Jurisdiction of Marshal.

SEC. 3. *Be it further enacted,* That Section 15 of said Act be and the same is amended by striking out the repealing the words, and his criminal jurisdiction and authority for one mile beyond the town limits," and there shall be and is inserted therein and substituted therefor the words and figures, to-wit: And his criminal jurisdiction throughout Henderson County where he may make arrests of persons for violation of the city ordinances of said town within its limits and within one mile of the city limits.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 44.

House Bill No. 52.

AN ACT to repeal an Act entitled "An Act to prevent sheep, goats, swine and geese from running at large or trespassing in counties of this State having a population of thirty-two thousand and not more than thirty-three thousand, according to the Federal census of 1900, or according to any subsequent Federal census, and to fix penalty for a violation of the same," said Act being Chapter 224, House Bill No. 341, of the Acts of the Fifty-third General Assembly of the State of Tennessee, passed March 19, 1903, approved by the Governor March 25, 1903.

This Act applies to Weakley County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled an Act to prevent sheep, goats, swine, and geese from running at large or trespassing in counties in this State, having a population of not less than thirty-two thousand, nor more than thirty-three thousand, according to the Federal Census of 1900, or according to any subsequent Federal census, and to fix penalty for a violation of the same, being Chapter 224, and House Bil No. 341, of the Acts of the Fifty-Third General Assembly of the State of Tennessee. Passed March 19, 1903, approved by the Governor March 25, 1903, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 45.

House Bill No. 53.

AN ACT to repeal an Act entitled "An Act to make four barbed wires securely fastened and stayed, one of the lawful fences in counties of not less than thirty-two thousand nor more than thirty-three thousand population, by the Federal census of 1900, or any subsequent Federal census," said Act being Chapter 502, and House Bill No. 696, of the Acts of the Fifty-third General Assembly of the State of Tennessee, passed March 28, 1903, approved by the Governor April 2, 1903.

This Act applies to Weakley County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled an Act to make four barbed wires, securely fastened and stayed, one of the lawful fences, in counties of not less than thirty-two thousand, nor more than thirty-three thousand population by the Federal census of 1900, or any subsequent Federal census, said Act being Chapter 502 and House Bill No. 696 of the Acts of the Fifty-Third General Assembly of the State of Tennesee. Passed March 28, 1903, approved by the Governor April 2, 1903, be and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 46.

House Bill No. 27.

A BILL entitled "An Act to repeal an Act passed on the 13th day of March, 1903, and approved March 18, 1903, authorizing Franklin County to issue bonds for the purpose of building and constructing roads, and to repeal an amendatory Act thereto, passed April 10, 1903, and approved April 15, 1903, being known as House Bill No. 990, Chapter 472, of the Acts of 1903, and to repeal an amendatory Act to the original Act, House Bill No. 448, the last named amendatory Act being House Bill No. 753, passed March 30, 1903, and approved March 31, 1903, Chapter 588, Acts of 1903."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a bill entitled "An Act authorizing Franklin County to issue bonds for the purpose of building and constructing roads," House Bill No. 448, Chapter 143, Acts of 1903, and passed March 13, 1903, and approved March 18, 1903, and an amendatory Act thereto known as House Bill No. 990, passed April 10, 1903, and approved April 15, 1903, known as House Bill No. 990, Chapter 472, Acts of 1903, and another amendatory Act to the original Act passed March 30, 1903, and approved March 31, 1903, known as House Bill No. 753, Chapter 588, Acts of 1903, be and the same are hereby repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 47.

HOUSE BILL No. 13.

AN ACT to change the line between the Counties of Smith and Wilson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Smith and Wilson be and is hereby changed so as to include the land of E. C. Maxey in Wilson County, said tract is bounded east by Levi Beard, north by Thomas Conatser's heirs, west by D. J. Shipp, south by Jacob Faley's heirs.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 16, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 48.

HOUSE BILL No. 67.

A BILL to be entitled "An Act to amend Chapter 270 of the Acts of 1903, entitled 'An Act to authorize municipal corporations having a population of not less than 2,179 nor more than 2,200 to issue bonds for the construction of waterworks, and to provide by taxation for the redemption of such bonds,' passed April 1, 1903, and approved April 10, 1903."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of the Act referred to in the caption here be so amended as to strike out the words "in denominations of one hundred dollars each," and to insert the words, "in such denominations as the Board of Mayor and Aldermen of said municipal corporations may by appropriate ordinance or resolution prescribe."

This Act applies to Franklin, Tennessee.

SEC. 2. *Be it further enacted,* That wherever an election has been held authorizing the issuance of bonds under said Act, said bonds shall be good and valid without another election being held.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 17, 1905. Sub. for H. B. No. 55.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 49.

House Bill No. 65.

AN ACT regulating the practice in Chancery Court cases whereby the appellate courts are required to consider the evidence objected to and the rulings of the Chancellor thereon without requiring a bill of exceptions.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in the trial of causes in the Chancery Courts of this State where exceptions to evidence are either sustained or overruled, it shall not be necessary upon an appeal of the case to embody the rulings of the Chancellor, the exceptions and the excluded evidence in a bill of exceptions if the rulings of the Chancellor, the exceptions and the excluded evidence are set out in the body of the deposition and properly authenticated by the Chancellor, and the same shall constitute a part of the record, and stand in lieu of a bill of exceptions.

Sec. 2. *Be it further enacted,* That where any documents, depositions or exhibits to depositions or any other papers, are excluded in part or as a whole it shall not be necessary on appeal to embody the same, the exceptions thereto and the rulings of the Chancellor in a separate bill of exceptions where the action of the court on the parts or the whole documents, depositions thereto, or other papers, is duly noted thereon by the Chancellor, and the same shall constitute a part of the record as provided in Section 1 of this Act, *provided,* however, these rules shall not apply where the testimony is oral.

Sec. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 50.

HOUSE BILL No. 9.

AN ACT to repeal Chapter 249, Acts of 1899, incorporating the town of Walling, White County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 249, Acts of 1899, entitled, "An Act to incorporate the town of Walling, White County, Tennessee, and to provide for the government and control of the same, and to provide for the election of officers for said town, to provide when this Act shall go into effect," be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 17, 1905. Sub for H. B. No. 23.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

13th day of February, 1903, and approved by the Governor on the 13th day of March, 1903, the same being the Act described in the caption hereof be, and the same is hereby amended, so as to read as follows: *Provided,* that the provisions of said Section 12 shall not apply to any contracts that the City Council may hereafter make for the purpose of furnishing lights to light the streets of said city of Murfreesboro, and that the City Council shall have the power under this Act to make all necessary and proper contracts, with any individual or corporation, for the purpose of lighting said streets with lights, for any period not longer than ten years, and make appropriations annually, for the purpose of meeting the provisions of any such contract.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 42.

HOUSE BILL No. 94.

AN ACT to amend Section 5 of an Act of the General Assembly of the State of Tennessee, for the year 1903, passed the 13th day of February, 1903, and approved by the Governor on the 13th day of March, 1903, the same being an Act entitled "An Act to incorporate the city of Murfreesboro, in Rutherford County, Tennessee; to establish the boundaries thereof and define the powers of the same; to appoint the first Mayor, City Council, and all other officers and agents of the city of Murfreesboro, and to provide for the election of their successors, and for the election of all other officials and agents of said city, and define their qualifications, powers and duties, and for other purposes incident to the incorporation of said city of Murfreesboro," clothing the Mayor with all the powers of a Justice of the Peace in said municipality.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 5 of the Acts passed

by the General Assembly of the State of Tennessee, on the 13th day of February, 1903, and approved by the Governor on the 13th day of March, 1903, the same being the Act described in the caption hereof, and the same is hereby amended, so as to read as follows: That in addition to the duties of the Mayor, he shall have all the powers of a Justice of the Peace, within the municipality for the purpose of keeping the peace and trying offenses against any ordinance of the city, or the laws of the State.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 43.

HOUSE BILL No. 49.

AN ACT to amend an Act entitled "An Act to repeal and abolish the charter of the town of Lexington, to reincorporate said town, and to define its rights and powers," passed by the General Assembly of the State of Tennessee on the 14th day of March, 1901, and approved March 25, 1901, being Chapter 402 of the printed Acts of 1901.

Assistant Marshal or Police.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "An Act to repeal and abolish the charter of the town of Lexington, to reincorporate said town and to define its rights and powers," passed by the General Assembly of the State of Tennessee, March 14, 1901, and approved March 25, 1901, being chapter 402 of the printed Acts of 1901 be and the same is amended in the particulars as follows: there is and shall be added to Section 12 of said Act and immediately after the words and figures, to-wit: *Provided further,* the Mayor and Aldermen, may at any meeting, either regular or special, elect or appoint as many assistant Marshals or special policemen to assist the Marshals

or special policemen to assist the Marshal as may be deemed necessary, and such assistant Marshals and policemen shall be appointed or elected for such period of time as may be deemed proper; and such assistant Marshals or policemen shall have the same rights and powers and jurisdiction, and their duties shall in all respects be the same as are possessed by the Marshal, and any person who is a resident of the State of Tennessee and is twenty-one years old shall be eligible to the position of assistant Marshal.

SEC. 2. *Be it further enacted,* That said Act be, and the same is further amended, by striking out of subsection 4 of Section 10 the words, to-wit: "One dollar and thirty cents," and by substituting therefor and inserting therein the words and figures to-wit: "One dollar and fifty cents."

Jurisdiction of Marshal.

SEC. 3. *Be it further enacted,* That Section 15 of said Act be and the same is amended by striking out the repealing the words, and his criminal jurisdiction and authority for one mile beyond the town limits," and there shall be and is inserted therein and substituted therefor the words and figures, to-wit: And his criminal jurisdiction throughout Henderson County where he may make arrests of persons for violation of the city ordinances of said town within its limits and within one mile of the city limits.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 44.

House Bill No. 52.

AN ACT to repeal an Act entitled "An Act to prevent sheep, goats, swine and geese from running at large or trespassing in counties of this State having a population of thirty-two thousand and not more than thirty-three thousand, according to the Federal census of 1900, or according to any subsequent Federal census, and to fix penalty for a violation of the same," said Act being Chapter 224, House Bill No. 341, of the Acts of the Fifty-third General Assembly of the State of Tennessee, passed March 19, 1903, approved by the Governor March 25, 1903.

This Act applies to Weakley County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled an Act to prevent sheep, goats, swine, and geese from running at large or trespassing in counties in this State, having a population of not less than thirty-two thousand, nor more than thirty-three thousand, according to the Federal Census of 1900, or according to any subsequent Federal census, and to fix penalty for a violation of the same, being Chapter 224, and House Bil No. 341, of the Acts of the Fifty-Third General Assembly of the State of Tennessee. Passed March 19, 1903, approved by the Governor March 25, 1903, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 45.

House Bill No. 53.

AN ACT to repeal an Act entitled "An Act to make four barbed wires securely fastened and stayed, one of the lawful fences in counties of not less than thirty-two thousand nor more than thirty-three thousand population, by the Federal census of 1900, or any subsequent Federal census," said Act being Chapter 502, and House Bill No. 696, of the Acts of the Fifty-third General Assembly of the State of Tennessee, passed March 28, 1903, approved by the Governor April 2, 1903.

This Act applies to Weakley County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled an Act to make four barbed wires, securely fastened and stayed, one of the lawful fences, in counties of not less than thirty-two thousand, nor more than thirty-three thousand population by the Federal census of 1900, or any subsequent Federal census, said Act being Chapter 502 and House Bill No. 696 of the Acts of the Fifty-Third General Assembly of the State of Tennesee. Passed March 28, 1903, approved by the Governor April 2, 1903, be and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

CHAPTER 46.

House Bill No. 27.

A BILL entitled "An Act to repeal an Act passed on the 13th day of March, 1903, and approved March 18, 1903, authorizing Franklin County to issue bonds for the purpose of building and constructing roads, and to repeal an amendatory Act thereto, passed April 10, 1903, and approved April 15, 1903, being known as House Bill No. 990, Chapter 472, of the Acts of 1903, and to repeal an amendatory Act to the original Act, House Bill No. 448, the last named amendatory Act being House Bill No. 753, passed March 30, 1903, and approved March 31, 1903, Chapter 588, Acts of 1903."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a bill entitled "An Act authorizing Franklin County to issue bonds for the purpose of building and constructing roads," House Bill No. 448, Chapter 143, Acts of 1903, and passed March 13, 1903, and approved March 18, 1903, and an amendatory Act thereto known as House Bill No. 990, passed April 10, 1903, and approved April 15, 1903, known as House Bill No. 990, Chapter 472, Acts of 1903, and another amendatory Act to the original Act passed March 30, 1903, and approved March 31, 1903, known as House Bill No. 753, Chapter 588, Acts of 1903, be and the same are hereby repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

SEC. 7. *Be it further enacted,* That the Mayor shall from time to time, give to the Legislative Council information in writing of the state of the corporation, and such other information as the said Council may need, and may recommend to the Council such measures as he may deem expedient. He shall have general supervision of all the officers of the city and see that the ordinances and provisions of this charter are observed.

SEC. 8. *Be it further enacted,* That every law or ordinance passed by the Legislative Council shall be approved by the Mayor before it shall take effect. If he disapproves of it, he shall return it to the Board in which it originated at its next regular meeting after its passage, with his objections in writing, and no law or ordinance vetoed by the Mayor shall go into effect unless the same be again passed in both Boards by a vote of a majority of the members-elect of each Board; *Provided,* however, that if the Mayor fail to return any law or ordinance, as aforesaid, he shall be deemed to have approved the same, and it shall become a law without any further action of the Board in which it originated, and every law, ordinance, resolution or vote, except on a question of adjournment, shall require the approval of the Mayor, before it shall have effect, except as above provided.

Appointments pro tem by Mayor.

SEC. 9. *Be it further enacted,* That the Mayor is hereby empowered to make *pro tempore* appointments to supply the places of city officers in case of sickness, death, resignation, absence or other disabilities. He shall also have power to suspend any city officer for misconduct or dereliction in office, reporting such action, with his reason therefor, in writing, to the next regular meeting of the Legislative Council, and he shall also have the power to administer oaths.

Mayor to make financial statement.

SEC. 10. *Be it further enacted,* That the Mayor is hereby empowered to call special session of the Legislative Council by proclamation or otherwise, and in so calling he shall state to the members the object for which it shall have been convened. He shall at least once in every three months cause to be laid down before the Legislative Council a statement of the financial condition of the city, which statement shall be published among the proceedings of the Legislative Council or as the Legislative Council may by resolution direct.

SEC. 11. *Be it further enacted,* That the Mayor shall, before he enters upon the discharge of his duties, take

an oath of affirmation, that he will support the Constitution of the United States and of the State of Tennessee and the charter and ordinances of the City of Memphis, and faithfully carry out and enforce the same, and faithfully demean himself in office. Oath of office.

SEC. 12. *Be it further enacted,* That in case of temporary absence of the Mayor, or in sickness, the Vice Mayor shall discharge his duties; and in the absence of the Mayor and Vice Mayor the duties of the Mayor shall devolve upon the Chairman of the Board of Public Works. Vice Mayor.

SEC. 13. *Be it further enacted,* That the Mayor may be removed from office for misdemeanor therein by a vote of two-thirds of the members-elect of both Boards of the Legislative Council sitting in joint session, at which the Vice Mayor shall preside. Before his removal from office the charges against him shall be preferred against him by any three members of the Legislative Council and reduced to writing, and he shall be furnished with a written copy and allowed ten days to appear before the Council to make his defense, either in person or by counsel, or both. Removal—how.

SEC. 14. *Be it further enacted,* That in case of the contested election of Mayor, the Legislative Council shall determine the same, and whenever it is ascertained that two or more persons have the same number of votes for Mayor, the Legislative Council shall elect one of such persons for Mayor. Contests.

SEC. 15. *Be it further enacted,* That the Mayor shall countersign all warrants drawn upon the Treasurer, or the custodian of the city's funds, and shall sign all bonds, notes or other evidence of city indebtedness, and shall sign all contracts to which the City of Memphis is a party; *Provided* that, if the Mayor refuse to sign any such contract, or any such instrument, or document, same becomes effective without his signature by a majority vote of the Legislative Council. Mayor to sign warrants.

LEGISLATIVE DEPARTMENT.

SEC. 16. *Be it further enacted,* That the Legislative Department of the City of Memphis shall consist of two separate and distinct Boards of equal law-making power, which shall sit separately, known as and called the Legislative Council, as herein provided. No person shall be eligible to a seat in either Board of the Legislative Council who has not resided five years in the City of Mem- Legislative Council.

phis, next preceding his election, or who is not a citizen of the United States, or who holds any office or agency under the City of Memphis, County of Shelby or State of Tennessee, and shall be a freeholder and not in arrears for taxes.

Who eligible to membership.

SEC. 17. *Be it further enacted,* That no person can become a member of either Board of the Legislative Council who is interested, directly or indirectly, nearly or remotely, in any contract with the City of Memphis, or who holds an office of trust or salary in any corporation which holds any contract with the city, the terms, rates or prices whereof are subject to modification or enforcement by said Legislative Council; and no collector or keeper of any money for the city shall be eligible to a seat in either Board until he has settled with the city and obtained a discharge in full. Nor shall any member of the Legislative Council take any interest whatever in any form, manner or shape, whether directly or indirectly, in any contract with the City of Memphis, or be the beneficiary of any contract, either in labor or work, or for goods or supplies of any kind furnished. If after election, any member of said Council shall remove outside of the city, or become a candidate for or accept any office or agency the holding of which would render him ineligible, or should become interested, directly or indirectly, in any contract with said city, his seat shall thereby be vacated, and the vacancy shall be supplied as hereinafter directed, any such contract shall be null and void. Should any member of the Legislative Council be a stockholder in any corporation, he shall not vote on any question directly or indirectly affecting any contract with the corporation in which he is a stockholder.

Each Board judge of election, and qualification of members.

SEC. 18. *Be it further enacted,* That each Board shall be the judge of the qualifications, election and returns of its members, and shall prescribe rules for the determination of contested elections. Each Board may determine the rules for its procedure and may prescribe the punishment of its members for non-attendance or disorderly conduct and shall have power to enforce the same; two-thirds of its members concurring, may expel a member for improper conduct while in office. It shall require a majority of the members of each Board to form a quorum for the transaction of business, but a smaller number may adjourn from day to day and can adopt such

measures as are necessary to compel the attendance of absent members.

Qualification of members.

SEC. 19. *Be it further enacted,* That each of the said Boards composing the Legislative Council shall meet on the first Thursday after the first Monday following their election and be qualified, and enter upon the discharge of their duties. The Chairman of the Board of Public Works shall serve for a term of one year, and shall receive no compensation as such Chairman except his salary as a member of the Board.

He shall be entitled to a vote on all questions coming before the Board, and in his absence a *pro tem.* Chairman for that meeting shall be chosen from the members thereof present. All vacancies in either Board shall be filled by the Board for the unexpired term, but no action in such matters shall be taken except at a regular meeting.

Regular meeting.

SEC. 20. *Be it further enacted,* That the time of meeting for said two Boards shall be on the first Thursday after the first Monday of each month, at such place and hour as may be designated by ordinance. Whenever such places of meeting shall be fixed and adopted by said Boards they shall not be changed except by an ordinance passed by the two-thirds vote of each Board at a regular meeting. Special meetings of the Legislative Council may be held at any time upon the call of the Mayor or the call, regularly signed, by the majority of the members of each Board. Members of the Legislative Council shall be exempt from jury or military service.

Power of Council.

SEC. 21. *Be it further enacted,* That the Legislative Council shall have power to pass, for the government of the city, any ordinance not in conflict with the Constitution or laws of the United States or of the State of Tennessee; *Provided,* however, that no ordinance shall be valid unless it shall have been read in full and passed on two separate readings before each Board on different days, by a vote of a majority of the members thereof, after an opportunity for free discussion thereof. No ordinance shall be valid if passed on final reading by both Boards on the same day, or if it shall embrace more than one subject, that subject to be expressed in its title. All ordinances shall be published as now required by law.

But the Legislative Council shall have no power to close a street or alley except for city purposes.

Fines, etc.

SEC. 22. *Be it further enacted,* That the Legislative Council shall have the power by ordinance to impose fines

not exceeding fifty dollars for the violation of any ordinance. All ordinances now in force and not in conflict with this Act are continued in force, but the Legislative Council shall have power to amend or repeal any of them by ordinance.

Compensation of Council.

SEC. 23. *Be it further enacted,* That the members of the Legislative Council shall receive as compensation for their service the sum of ten dollars for each regular special or call meeting they attend, upon certificates of attendance signed by the Register, and they shall fix the manner of transacting and conducting the business of one Board with another and the manner of transmitting matters of business from one Board to another, and to the Mayor and other city officers. One Board shall not adjourn for a longer time than twenty-four hours without the consent of the other after they meet in regular session, and both Boards shall have their meeting at the same time.

Passage of ordinances.

SEC. 24. *Be it further enacted,* That when any ordinance or joint resolution shall have passed its second reading in either Board, it shall be transmitted by the Register to the other Board in open session, with the official indorsement of the fact of such passage by the Chairman of the Board in which it originated. If said other Board shall pass such resolution or ordinance without amendment on two readings, the Chairman thereof shall immediately sign it and cause it to be returned to the Board in which it originated, whereupon, being returned in open session, it shall immediately be signed by the Chairman thereof. It shall thereupon be delivered to the Register, whose duty is to copy it, together with the signatures of the Chairmen of both Boards, in a book to be kept for that purpose, and then, after it shall have been compared and found correct by the Committee on Enrolled Bills of both Boards, to transmit it to the Mayor, noting on it the day of delivery to the Mayor. But, if after passing one Board, such resolution or ordinance shall be amended and then passed in the other, the ordinance or resolution so amended and passed shall be transmitted to the Register, with the official indorsement of the Chairman of said Board of the fact of such amendment, to the Board in which it originated for concurrence. If said latter Board shall concur in the amendment, resolution or ordinance, it shall be signed, copied and transmitted to the Mayor, as above provided. If, however,

said Board shall refuse to concur in the amendments, or any of them, the Chairman of each Board shall immediately appoint a Conference Committee, and when such committee shall make a report, and the same shall be adopted by both Boards, the Register shall make a copy of the resolutions or ordinances as amended or adopted, and the same after having been compared and found correct by the Committee on Enrolled Bills, of each Board, shall be signed, copied and transmitted to the Mayor as above provided. The signing of all ordinances and resolutions by the Chairman of either Board shall be done in open session, and the fact noted on the minutes. When a resolution or ordinance shall have been approved or disapproved, it shall be announced in open session of the Board in which the measure originated and noted on the minutes. The fact and date of such approval or disapproval shall also be entered by the Register in the book in which such resolution or ordinance shall have been recorded, as hereinbefore provided. The resolution or ordinance, signed by the Chairman of the Board of Public Works and the Mayor and countersigned by the Register and the Mayor, shall be kept by the Register as a part of the record of his office.

SEC. 25. *Be it further enacted,* That the Legislative Council shall elect all city officers whose election is not otherwise herein provided for.

Disbursements—how made.

SEC. 26. *Be it further enacted,* That the Legislative Council shall have no power through any committees or otherwise to superintend, control or direct the expenditure of funds appropriated by it for any purpose whatever, or to approve warrants for the paying out of the same. Whenever an appropriation shall be made for any purpose not coming strictly under the control of any particular office or board in the Executive Department of the government, the ordinance making the appropriation shall direct under whose control it shall be expended; *Provided,* that in every case such expenditure shall be made under the direction of the Mayor, or the Fire and Police Commission, or as the Legislative Council shall deem best. But no contract amounting to over $500.00 shall be awarded or let until after proper advertisement.

Tax rates—purposes to be designated

SEC. 27. *Be it further enacted,* That in fixing the annual tax rate the ordinance shall designate what proportion of the total rate is levied for the Police Department.

for the Fire Department, for streets, for sewers, for school purposes, for lights, for official salaries, for judgments and costs, for interest and Sinking Fund, for claims, for health and hospitals, for rent, for water, for public buildings, for the Park Commission, for general and miscellaneous purposes, and for any other specific purpose for which a tax may be lawfuly levied for the ensuing year. And the annual appropriation ordinance shall apportion the tax to be derived therefrom accordingly. It shall not be obligatory upon the Legislative Council to make a levy and appropriation for all of the purposes above enumerated, but only for such thereof as may be necessary, in its judgment. It shall not be lawful to use any funds appropriated to one purpose for any other, unless the same shall have been previously directed by ordinance.

In making appropriations for the various departments the Legislative Council shall not be bound by the estimate submitted by the officer or Board in charge of such department, but shall appropriate only so much as they shall deem necessary.

It shall not be lawful to expend in any year a greater amount in any department than shall have been appropriated for that department.

SEC. 28. *Be it further enacted,* That the Legislative Council shall have charge and control of the giving, granting and selling of all franchises, special privileges to individuals, firms or corporations, and no such franchise or privilege shall be bestowed or sold except by a two-thirds vote of the members of each Board of the Legislative Council, nor for any period of time exceeding thirty years, and the approval of the Mayor.

Franchises.

SEC. 29. *Be it further enacted,* That no franchise shall be granted or sold to any commercial railroad, street railroad, gas company, electric light company, water company, or other quasi-public corporation, except by ordinance, fully guarding and protecting the rights of the public. Nor shall such ordinance become effective until it is first submitted to and approved by a majority of the citizens voting either at some general or special election upon the question; *Provided* such submission be demanded by petition of at least five hundred freeholders of the city and presented to the Legislative Council before the passage of said ordinance or within thirty days thereafter; *Provided further,* that no such ordinance shall become effective until thirty days after it has passed both Boards

and been signed by the Mayor; and *Provided further,* that no second election for the same purpose shall be held within twelve months from the first election; and *Provided further,* that no such contract shall be made by ordinance or become effective until signed by a majority of the members of each Board.

Examination of accounts of departments.

SEC. 30. *Be it further enacted,* That the Legislative Council shall select by a majority vote once each year, at such times as they may deem best, not more than three persons who are competent, reliable, expert bookkeepers, apt accountants, or some bonded credit company, who shall make a full examination, without notice, of all the books, accounts and financial dealings and affairs of any and all the officers of the City Government and Board thereof, and also of the money, securities and property belonging to the city, or in possession or charge of any officer of the Board.

SEC. 31. *Be it further enacted,* That no officer, agent or employe of the City Government shall pass upon, supervise or control any work for the city, or purchase or contract for any kind of material for the city with a person or persons who are related by blood or marriage within the sixth degree as computed by common law.

Contracts.

SEC. 32. *Be it further enacted,* That before any contract can be let or become effective when made by the Police and Fire Commissioners it shall be submitted to and approved by a large majority of the votes of the members of such Board composing the Legislative Council, and the members so approving said contract shall sign their names thereto, and the same shall be copied and signed in the minutes of the proceedings of the Legislative Council.

Record of Board of Public Works.

SEC. 33. *Be it further enacted,* That such Board of Public Works shall have power to prescribe rules not inconsistent with any statute or ordinance, regulating their own proceedings and the conduct of its members. It shall cause to be kept a full, true and correct record of its proceedings, and the same shall at all times be subject to inspection by any citizen or taxpayer. The Legislative Council shall at the expense of the city designate and provide a place for the meeting of this Board for the transaction of its business. The City Register shall be the Clerk of both Boards.

City Engineer.

SEC. 34. *Be it further enacted,* That the Legislative Council shall elect a City Engineer at a salary not in ex-

cess of $3,600.00 a year, which shall be paid on monthly installments of the city.

Lands on river front.

SEC. 35. *Be it further enacted,* That the Legislative Council shall have no right or power to grant, lease or sell any lands on the river front between the low water line and a line extending along the east line of Front street on the east from the northern limits of the city on the north to the southern limits of the city on the south.

JUDICIAL DEPARTMENT.

City Judge.

SEC. 36. *Be it further enacted,* That there shall be a City Court, and that there shall be elected by the people a City Judge at the regular election provided for in this Act for the election of the Legislative Council; but the Governor shall first appoint said Judge, who will hold his office until elected by the people. Said appointment to be made within thirty days after the passage of this Act.

Qualifications.

SEC. 37. *Be it further enacted,* That the Judge of said Court shall be at least thirty years old and a lawyer by practice and profession and of good moral character, and shall have been for two years before his election, a *bona fide* resident of and voter in the City of Memphis.

Clerk City Court.

SEC. 38. *Be it further enacted,* That the Legislative Council shall at the first regular meeting after the general election in joint session elect a Clerk of the City Court, whose qualifications for office shall be that he is a *bona fide* resident of and voter in the City of Memphis. Said Clerk shall be elected for a term of two years, and his term of office shall begin from the time of his qualification following his election; and before assuming the duties of his office he shall give bond in the sum of $2,500.00, to be approved by the Judge of said Court and filed with the Register, conditioned to faithfully discharge the duties of his office as such Clerk and properly report and account for all the funds coming through his hands into his office.

Records of City Court.

SEC. 39. *Be it further enacted,* That the City Court shall be a Court of record and shall have original and exclusive jurisdiction of all violations of municipal ordinances, and shall also be clothed with the same powers and duties possessed by a Justice of the Peace touching the arrest and preliminary trial, discharging, binding over, or punishing under the small offense law, all persons charged with offenses against the State, committed

in the city. In all city cases an appeal may be taken to such Circuit Court of Shelby County as now or may be provided by law. Every person arrested on the charge of violating an ordinance or on process issuing from the City Court shall be presented to the Court for trial within twenty-four hours after his arrest, unless Sunday or legal holiday shall intervene.

Sessions and powers.

SEC. 40. *Be it further enacted,* That a session of said Court shall be held daily, except Sunday or legal holidays. At the opening of each session the minutes of the preceding session shall be read and signed by the Judge in open Court. When a fine has been imposed and the minutes signed, the Judge shall have no power to remit or release the same or any part thereof. In the temporary absence or during the disability of the Judge from any cause, the Mayor shall appoint some person possessing all the qualifications of the regular Judge, as Special Judge, to act in his room and stead, and such appointment shall be copied on the minutes of the Court, and said Special Judge shall take the same oath and be clothed with the same power, *pro tempore,* as the regular Judge. If he shall serve for a period of two days or longer, he shall be paid same compensation as the regular Judge, which sum so paid said Special Judge shall be deducted from the salary of the regular Judge. All processes issuing from said Court shall be signed by either the Judge or the Clerk thereof.

Salary City Judge.

SEC. 41. *Be it further enacted,* That the salary of the Judge of said Court shall not exceed $2,500.00 a year. The Judge of said Court shall, after his appointment expires, be elected at the regular city election of municipal officers for a term of four years and his term shall begin from his qualification; his salary shall be paid by the city in monthly installments as other city officers are paid. Said Judge shall not at the end of his term immediately succeed himself as City Judge.

Clerk's duties.

SEC. 42. *Be it further enacted,* That the Clerk of said Court shall keep the minutes of the Court in the same manner as the minutes of the Circuit Court of the State are required by law to be kept. He shall also prepare for each session of the Court a docket of all cases not previously disposed of. His salary shall not exceed $1,800.00 a year. He shall receive no fees or other compensation as Clerk. In city cases, however, the same fees and costs shall be taxed as allowed in the Circuit or Criminal

Courts of this State, and he shall collect the same and pay them into the City Treasury. He shall also collect all fines assessed by said City Court and pay the same into the City and County Treasury, respectively, at least once per week.

SEC. 43. *Be it further enacted,* That both the Judge and Clerk of said Court shall be authorized to administer oaths and affirmations.

FIRE AND POLICE COMMISSION.

SEC. 44. *Be it further enacted,* That the Fire and Police Commission shall consist of five Fire and Police Commissioners as created under this Act. The Mayor shall be Chairman *ex officio* of the said Board. All the powers and duties now conferred by law upon the Mayor, Fire and Police Commissioners are hereby devolved upon the Fire and Police Commission, except as otherwise provided in this Act, and in addition said Board shall exercise all the powers and discharge all the duties conferred by this Act.

Chiefs of Police and Fire Department.

SEC. 45. *Be it further enacted,* That the Fire and Police Commissioners shall appoint a Chief of Police and Chief of Fire Department, who shall hold their offices for the period of one year and until their successors are elected and qualified, and each of whom shall be paid a salary not to exceed $2,400.00 per annum, to be fixed by the Legislative Council before appointment and to be paid monthly by the city.

Subordinate officers—civil service.

SEC. 46. *Be it further enacted,* That all subordinate officers and members of the Fire and Police Departments shall be selected by the Fire and Police Commissioners; but power is hereby vested in the Legislative Council, and it is made its duty, to adopt a system of civil service rules, by which such subordinate officers and members of said departments shall be selected and retained in accordance with said rules and regulations, which rules and regulations shall also be for the better government of said departments, for the classification of their employes, for the introduction and observance of the merit system in the selection, rejection and promotion, prescribing rules of conduct and discipline for their greater efficiency. Any unlawful interference or exhibition of partisanship upon the part of the members of these departments in any kind of an election shall be positively forbidden under the penalty of dismissal, but they shall be permitted and

encouraged personally to exercise the elective franchise as good citizens.

Classes of Police and Firemen.

SEC. 47. *Be it further enacted,* That said Board or Commission shall, within sixty days after assuming the duties of their office, divide the police and firemen of the city into two classes, to be designated as first and second classes. The first class shall be composed of one-half of the members of said policemen and firemen, respectively, and shall be selected by the Fire and Police Commission from the whole number, giving preference to length of time of service, competency, integrity and fitness for the service and faithfulness to duty. The second class shall be composed of the remainder of said policemen and firemen, who shall also be chosen on account of their qualification and fitness for service. The first class shall be paid eighty-five ($85.00) dollars per month; the second shall be paid seventy-five ($75.00) dollars per month; *Provided* also, that if by resignation or otherwise, a vacancy in the first class occurs or more men are needed in that class, then such vacancy shall be filled by some one from the second class; *Provided* also, that where new members of said departments are necessary and have to be appointed, such members shall be selected to serve first in the second class as defined in this Act.

Salaries.

SEC. 48. *Be it further enacted,* That the Chief of Police shall have exclusive direction and control of the police force, subject to the rules, regulations and orders of the Board of Fire and Police Commission.

In times of peril from riot, extensive conflagration, disorder, or the apprehension thereof, the Chief of Police shall be subordinate to the Mayor and obey his directions.

Powers of Police.

SEC. 49. *Be it further enacted,* That the officers and patrolmen of the Police Department shall have all the power now possessed by constables, except for the service of civil process. But all process served by such officers or patrolmen shall be returned by them before the Judge of the City Court, whether issued by said Judge or by a Justice of the Peace, and they shall have no powers to return the same to any Justice of the Peace. They shall receive no fees for such service, but in cases where the defendants are convicted the fees to which a constable would be entitled for like service shall be taxed and collected from such defendant by the Clerk of the City Court and turned into the City Treasury; *Provided,* that

in no event shall such fees be collected from either City, State or County; and *Provided* also, that the defendants convicted may be committed to the city prison until the fines and costs are paid, secured or worked out.

SEC. 50. *Be it further enacted,* That the Fire and Police Commissioners may, in case of need, appoint special policemen to do special duty at any time and any place within the city and on such terms as the Board may deem proper, but compensation for such service shall not exceed that for policemen of second class. However, in all cases the action of the Board shall be reduced to writing and placed on the minutes, and shall show the necessity and occasion for such action.

Suspension of Police or Firemen.

SEC. 51. *Be it further enacted,* That the Mayor and Chairman, *ex officio,* of the Fire and Police Commission, upon proper showing, may suspend for twenty days from duty without pay any officer or employe of the Fire or Police Departments, and it shall be the duty of the Mayor to report at once to the Fire and Police Commission, his reason for such suspension; and the action of the Mayor in all such cases shall be subject to the supervision and control of the Fire and Police Commission.

SEC. 52. *Be it further enacted,* That all the city officers whose removal from office is not otherwise provided for in this Act, shall be subject to removal by the Legislative Council sitting as a Court, upon written charges preferred by the Mayor or any member of the Fire and Police Commission. The person accused shall have the right to be heard in person or by his counsel, and said Court to act under oath or affirmation. No person so tried shall be so removed from office without the concurrence of two-thirds of the Legislative Council in joint session, the vote to be taken by ayes and nays, and a record thereof kept on the minutes. When a person has been so removed from office he shall be ineligible thereto during the term for which he shall have been elected or appointed.

No political assessments.

SEC. 53. *Be it further enacted,* That no officer, employe or agent of the City Government shall be called on by any other officer or agent of the city for any contribution or assessments by any political organization or member or committee thereof. No such officer, employe or agent shall be allowed to solicit any contribution or to sell any tickets or to procure any money by any device from the public. Any person violating any of the provisions

of this section shall, upon conviction in the City Court, be fined not exceeding fifty ($50.00) dollars and removed from office.

SEC. 54. *Be it further enacted,* That no policeman, fireman or officer in either of said departments shall, without the consent of the Fire and Police Commission, receive any money or gratuity or compensation in addition to his salary, for any service he may render as an officer. No additional compensation to Police or Firemen.

CITY REGISTER.

SEC. 55. *Be it further enacted,* That there shall be a City Register. City Register, who shall be elected by the qualified voters of the City of Memphis, at the time of the first general city election, and shall hold his office for a term of four years, and his salary shall be twenty-five hundred ($2,500.00) dollars per annum. However, the first Register under the provision of this Act shall be elected by the Legislative Council, within thirty days after the passage of this Act, and shall hold his office until the first general election for city officers thereafter.

SEC. 56. *Be it further enacted,* That the Register, with such assistance as he may be furnished by the Legislative Council, shall act as Clerk of each Board and shall keep the records and minutes of each Board and shall attend all meetings thereof. Duties.

SEC. 57. *Be it further enacted,* That said Register, after he shall have been elected and qualified and given his bond as required, shall have charge and custody of all books, papers, documents and accounts connected with the City Government, and he shall be held responsible for the safe-keeping of same.

SEC. 58. *Be it further enacted,* That he shall keep an accurate and correct account of all the transactions of the City Government, and an account of the receipts and disbursements of all the funds of the city. He shall attend in person, or by one of his clerks, all the meetings of the Legislative Council and keep a correct record of all the proceedings of that body. He shall have such clerical help in his work as the Legislative Council shall deem necessary for the work to be performed properly. Said Register shall publish a statement, once every six months, showing in detail the financial condition of the City Government. All books, papers and documents in the care and custody of said Register shall be open to inspection Same.

and investigation by any taxpayer, upon the petition of any ten taxpayers living in the City of Memphis.

Bond.

SEC. 59. *Be it further enacted,* That the Register shall be required to give bond in the sum of ten thousand ($10,000.00) dollars for the faithful performance of his duties as an officer and for the safe-keeping of all the books, documents, records, papers, etc., belonging to the City Government in his charge or custody, and faithfully account for all money that may be turned over to him or passed through his hands as Register of the city. He shall also preserve all original vouchers and books of original entry until after the expiration of his term of office.

SEC. 60. *Be it further enacted,* That Section 1 of Article 12 of the Act of 1879, herein referred to, is hereby repealed, and in lieu thereof all the duties of said City Secretary are hereby devolved upon the City Register, to whom said Secretary shall at once turn over all the books, papers and belongings of his office.

CITY ATTORNEY.

City Attorney.

SEC. 61. *Be it further enacted,* That there shall be a City Attorney, as now provided by law, and in addition the Fire and Police Commission may, in their discretion, employ competent attorney in the capacity of Assistant City Attorney to prosecute cases in the City Court and to attend to such other legal business as may be proper, and said attorney so employed to receive as his compensation a sum in the discretion of said Fire and Police Commissioners not to exceed twelve hundred ($1,200.00) dollars in any one year, same to be paid out of the City Treasury.

Salary.

SEC. 62. *Be it further enacted,* That the salary of said City Attorney shall be thirty-six hundred ($3,600.00) dollars per year; said City Attorney shall be elected by the qualified voters of the City of Memphis at the regular election of the Legislative Council provided for in this Act, and shall hold his office for four years.

Vacancies—how filled.

SEC. 63. *Be it further enacted,* That in the event of a vacancy by death, resignation or removal, in the offices of the City Register, City Attorney, City Judge or Clerk of the City Court, the unexpired term of such vacancy shall be filled by the Legislative Council in joint session.

SEC. 64. *Be it further enacted,* That the next regular election by the people to fill municipal offices shall take

place on the first Tuesday after the first Monday in November, 1905, and biannually thereafter at the corresponding time for the same purpose.

SEC. 65. *Be it further enacted,* That all provisions of the present charter of the City of Memphis and all Acts amendatory thereon, not in conflict with the provisions of this amendatory Act, are continued in full force and effect.

SEC. 66. *Be it further enacted,* That all Acts and parts of Acts heretofore enacted by the General Assembly of the State of Tennessee in conflict with any of the provisions of this amendatory Act be and the same are hereby repealed.

SEC. 67. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 3, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 10, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 55.

House Bill No. 277.

A BILL to be entitled "An Act to authorize the Mayor and City Council of Nashville, a municipality organized under the Acts of the General Assembly passed March 21, 1883, and approved March 27, 1883, being Chapter 114 of the Acts of 1883 and subsequent amendments thereof, to issue bonds for the construction of suburban streets in said city, when authorized by the Mayor and City Council of Nashville."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and City Council of Nashville, a municipality organized under the Acts of the General Assembly of the State of Tennessee, being Chapter 114 of the Acts of 1883, is hereby empowered in its corporate capacity and under the provisions of the Act referred to and subsequent amendments thereof, to issue bonds of the said city, signed by the Mayor and countersigned by the Recorder with semi-annual interest coupons attached, which shall be signed by the Treasurer of said city, to an amount not exceeding $500,000.00.

Sec. 2. *Be it further enacted,* That the bonds herein provided for may be executed in denominations from $100.00 to $1,000.00, and they shall mature and be redeemable at such time within thirty years as may be prescribed by the corporate ordinance authorizing the issuance of said bonds. Said bonds shall bear a rate of interest not exceeding four and one-half per cent per annum, payable semi-annually.

Sec. 3. *Be it further enacted,* That said issuance of $500,000.00 of bonds shall be known as "Suburban Street Bonds," the proceeds of which shall be used exclusively for the construction of streets or parts of streets that are now within the limits of the Mayor and City Council of Nashville, and which have not as yet been graded or macadamized, and as the Mayor and City Council of Nashville shall by ordinance direct; *Provided*, that no granite or bithulithic shall be used in the construction of any streets or parts of streets provided for in this Act.

SEC. 4. *Be it further enacted,* That none of the bonds herein above authorized shall be issued for any purpose without the passage of an ordinance through the City Council, approved by the Mayor, specifying the purpose for which said bonds are asked to be issued and directing an election to be held by the qualified voters of the City of Nashville, "For" and "Against" the issuance of said bonds, as provided by the charter of said city, said election to be held in conformity with said charter and under the general election laws controlling the holding of elections in the City of Nashville.

SEC. 5. *Be it further enacted,* That not more than $125,000.00 of the entire issue of bonds authorized by this Act for the purpose of building suburban streets shall be issued or disposed of by the city in any one year.

SEC. 6. *Be it further enacted,* That none of said bonds authorized to be issued by this Act shall be sold, exchanged or disposed of for less than their par or face value.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 10, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 56.

SENATE BILL No. 166.

AN ACT to amend an Act entitled "An Act to establish Taxing Districts in this State, and provide means of local government for same," the same being Chapter 11 of the Acts of 1879, and all amendments thereto, so as to provide that the Trustee of Shelby County shall collect and disburse the current and delinquent taxes of the City of Memphis, and to provide for his compensation therefor; and requiring him to give bond, and to furnish all clerical assistance; to vest in such city the full power to fix the time of payment of current taxes, and to enforce such measures as may be necessary or expedient for the collection of its delinquent taxes, and to repeal Chapter 301 of the Acts of 1899.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 11 of the Acts of 1879, entitled "An Act to establish Taxing Districts in this State and provide means for local government for the same," and all Acts amendatory thereof, be and the same are hereby amended so as to provide that from and after the passage of this Act, the County Trustee of Shelby County shall be, and he is hereby declared to be, by virtue of his office, collector and disburser of the municipal taxes of the City of Memphis, and his compensation for such services is fixed at one-half of one per cent of the entire city taxes collected.

SEC. 2. *Be it further enacted,* That for the compensation above fixed, the aforesaid Trustee shall pay all clerical assistance, and that, to secure the faithful performance of the duties required in the collection and paying over of the said taxes, he shall give a bond in such amount as shall be fixed by the Legislative Council, and he shall keep the municipal taxes by him collected separate and apart from all other funds that may come into his hands, and so deposited as to indicate that the funds belong to the City of Memphis.

SEC. 3. *Be it further enacted,* That the City of Memphis, through its Legislative Council by ordinance, is vested with the power to fix the time for the payment of its taxes, and when the same shall become delinquent to fix penalties, interests and costs on delinquent taxes, within

the laws applicable to State and County taxes, as to provide for the advertisement and sale of property upon which delinquent taxes may be due; and said city is vested with power by ordinance to enforce the collection of its delinquent taxes by all the means provided for the collection of delinquent State and County taxes.

SEC. 4. *Be it further enacted,* That Chapter 301 of 1899, and all other Acts in conflict with this Act, be and the same are hereby repealed.

SEC 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 1, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 10, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 57.

HOUSE BILL No. 8.

AN ACT to amend an Act entitled "An Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and provide for the administration of justice and equity in the Circuit and Chancery and inferior courts of this State, and to fix the times for holding the terms of said Chancery, Circuit, and other courts." Passed April 21, 1899, and approved April 22, 1899, Acts of the General Assembly of the State of Tennessee, Chapter 427, and an Act to create a new judicial circuit to be known as the Sixteenth Judicial Circuit of the State of Tennessee, and to change the times of holding the Circuit Courts in the counties embraced in said new judicial circuit, and to detach Benton County from the Thirteenth Judicial Circuit and attach it to the Fourteenth Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be created and added to the fifteen Judicial Circuits of the State of Tennessee into which the Circuit Courts of Tennessee

are now divided, another and a new Circuit to be known as the Sixteenth Judicial Circuit, shall comprise the counties of Tipton, Fayette, and Lauderdale, which now constitute a part of the Fourteenth Judicial Circuit, and Hardeman, Madison, and McNairy, which now constitute a part of the Twelfth Judicial Circuit. The said county of Madison is hereby attached to and made a part of said Sixteenth Judicial Circuit of this State, and the said Circuit Courts of the said county of Madison so held by the Judge of the Sixteenth Judicial Circuit shall have exclusive, general, common law, and statutory jurisdiction, original and appellate, in all civil cases arising in said county of Madison, together with all powers belonging to the Circuit Courts in this State in the administration of civil causes; but said Circuit Court so held for the county of Madison by the Judge of the said Sixteenth Judicial Circuit shall have no jurisdiction whatever in cases of a criminal character, but the said county of Madison shall remain, and is a part of, the Twelfth Judicial Circuit, the Judge of the Twelfth Judicial Circuit retaining exclusive, general, common law, and statutory jurisdiction, original and appellate, in all cases of a criminal character in said county of Madison, together with all the powers and jurisdiction belonging to Circuit Courts in this State in the administration of criminal laws, and shall have and retain full, complete, and exclusive power and jurisdiction for the indictment or presentment, trial and punishment of all crimes and offenses against the State in said county of Madison, but shall have no jurisdiction whatever in civil cases or cases of a civil character in the said county of Madison.

SEC. 2. *Be it further enacted,* That the time of holding the Circuit Courts embraced in said Sixteenth Judicial Circuit shall be as follows:

At Bolivar in Hardeman County the first Monday in January, May, and September.

At Selmer in McNairy County the third Monday in January, May, and September.

At Jackson in Madison County the first Monday in February, June, and October.

At Covington in Tipton County the first Monday in March, July, and November.

At Somerville in Fayette County the fourth Monday in March, July, and November.

At Ripley in Lauderdale County the second Monday in April, August, and December.

Governor to appoint Judge and Attorney General.

SEC. 3. *Be it further enacted,* That the Governor of the State shall appoint a Judge and Attorney General for said Sixteenth Judicial Circuit, to serve as such Judge and Attorney General until the next general election, and said Judge and Attorney General shall receive the same compensation as is now paid to Circuit Judges and District Attorney Generals of this State, and shall be vested with all the powers, rights, and privileges as are now conferred upon and exercised by other Circuit and Criminal Court Judges and Attorney Generals of the State.

Bonds, recognizances, etc.

SEC. 4. *Be it further enacted,* That all bonds and recognizances that shall be taken and all processes issued shall be returnable to the said Courts at the times and places for holding the same in Section 2 of this Act, and that all processes issued from either of said Courts before the passage of this Act returnable to said Courts as now fixed by law shall be returned and returnable to the term of said Courts as fixed in this Act, and such returns shall bind all parties; and that all causes pending in either of said Courts and triable at the succeeding term thereof, as now fixed by law, shall stand continued to and triable at the term thereof fixed above in this Act, and if jurors shall be selected or summoned for any term of said Court prior to the passage of this Act, they shall attend the Court at the time fixed in this Act for the succeeding term after they were summoned; and that all bonds and recognizances heretofore entered into or taken in any criminal cases in Courts embraced in this Act shall be and remain in full force and effect, and shall bind the parties thereto to appear for trial at the next term of Circuit Court for the county in which the case is pending, fixed in this Act. In the county of Madison this applies alone to civil causes, jurisdiction of criminal causes in said county not being conferred on the Judge of the said Sixteenth Judicial Circuit, and such bonds and recognizances shall have as full force and effect at the next succeeding term as under prior Acts of which this is amendatory.

SEC. 5. *Be it further enacted,* That the Clerk of the Circuit Court of Madison County shall transfer all bonds, papers, and proceedings appertaining to civil matters now pending in said Circuit Court to the said Circuit Court of the Sixteenth Judicial Circuit herein created for trial and proceedings thereon, and the said Clerk of

Madison County shall transcribe upon his new records for the said Circuit Court of the Sixteenth Judicial Circuit all records and minutes pertaining to civil matters now pending in the Circuit Court. And all records and minutes and proceedings and papers of said Circuit Court of the Sixteenth Judicial Circuit shall be kept separate from those of other Courts, and that all appeals from Justices of the Peace, or causes of a civil nature, shall be to said Circuit Court of the Sixteenth Judicial Circuit, and all new suits of a civil nature shall be instituted in said Circuit Court of the Sixteenth Judicial Circuit, which shall have full and exclusive jurisdiction over all causes of a civil nature in said county of Madison.

SEC. 6. *Be it further enacted,* That the Clerk and his Deputy in the county of Madison shall also be the Clerk of the Circuit Court of the said Sixteenth Judicial Circuit, and shall receive the same compensation for like services now performed and subject to the same liabilities.

SEC. 7. *Be it further enacted,* That the county of Benton be detached from the Thirteenth Judicial Circuit as now provided by the Act passed April 21, 1899, and approved April 22, 1899, Acts of the General Assembly of the State of Tennessee, Chapter 427, and attached to and made a part of the Fourteenth Judicial Circuit.

SEC. 8. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 9. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 58.

House Bill No. 331.

AN ACT to incorporate the town of Lafayette, in Macon County, Tennessee, and conferring and defining the corporate limits thereof, and to amend an Act passed April 18, 1899, creating a college at Lafayette in conjunction with the common school, and to amend an Act creating a special school district in Macon County, passed April 13, 1903.

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the town of Lafayette, in the county of Macon and the State of Tennessee, are hereby constituted a body politic and corporate under the name and title of the town of Lafayette, with the following boundaries—to wit: Beginning on the northwest corner of J. R. Holland's land, running a southerly direction with his line to William Haley's land, thence south to the line between the First and Fourth Civil Districts of the county of Macon; thence eastwardly with said line, including the old dwelling house of William Haley's; thence continuing with said district line so as to include the lands of John Parker and Joe Lovelady; thence a northerly direction so as to include the lands belonging to the estate of M. B. Johnson, deceased, the lands of T. B. Beckner, W. S. Loftis, George Meador, T. E. Freeman, and Julius Coley; thence a northwesterly course so as to include the lands of G. W. Bradley, James Gammon, Jeff Gann, J. S. Wootten, and J. H. Key, to the old Tompkinsville Road, between the lands of said Key and E. G. Price; thence a southwesterly course with said road to the line of W. L. Chamberlin's land; thence a northwesterly course with said Chamberlin's line to his northwest corner; thence with said Chamberlin's line westwardly to a stone in Lafayette and Scottsville Road, including the land of Mrs. Palistine Ragland, now Mrs. Marshall; thence westwardly so as to include the land of Peyton Goodall to the old Billy Saunders spring; thence westwardly with the meanders of said spring branch to the public road, leading from Bratton Town to Maple Grove; thence southwestwardly with said road, including

the lands of Widow Jewitt, situated on either side of the road; thence continuing with said road to the old H. C. Bratton blacksmith shop, at the Lafayette and Gallatin Road; thence up the branch to the spring in D. B. Cothron's lot; thence in a southerly direction, including the lands of D. B. Cothron's, Elizabeth Hargis, and A. J. Hargis to the beginning corner.

SEC. 2. *Be it further enacted,* That the corporation shall be known as the Lafayette Corporation, coextensive with the boundaries aforesaid, shall have perpetual succession, may sue and be sued, plead and be impleaded in all the Courts of Law and Equity in the State; may purchase, receive, and hold real, personal, and mixed property within said corporate limits for municipal purposes, and may purchase real and personal property to be used for the burial of the dead; and may sell and dispose of said property for the benefit of said corporation, and to do all other acts as natural persons; they shall have and use a common seal, which may be changed at pleasure.

Officers—how elected.

SEC. 3. *Be it further enacted,* That the officers of said corporation shall be elected by the qualified voters of the same. There shall be a Mayor and six Aldermen, who shall constitute and be known as a corporation Council. Said Mayor, by the virtue of his office, shall exercise and perform judicial power under the by-laws of said corporation, and shall be the Chairman of the Council at their meetings; each and all of said officers shall be citizens and voters of said corporation.

First officers.

SEC. 4. *Be it further enacted,* That the first Mayor and Aldermen shall be as follows: J. W. Brown, Mayor; S. A. Sneed, T. E. Foust, A. R. Harlan, J. J. Carter, E. W. Oglesby, and J. B. Freeman, Aldermen, or Council, who shall qualify as soon as practicable after the passage of this Act, and shall hold their office until the election and qualification of their successors. The first election for Mayor and Council shall be held in the courthouse in the town of Lafayette by the corporate Marshal, aided by two clerks and three judges, to be appointed by the Council, all of whom shall be legal voters of said corporation, on the first Thursday in May, 1906, after giving ten days' notice by posters, and the Mayor and Council shall be elected every two years thereafter.

Failure to hold elections.

If the Marshal shall be unable to hold the election at the time prescribed, he shall hold it as soon thereafter as possible. For a willful failure to hold said election as pre-

scribed by this Act, he shall forfeit and pay to the corporation the sum of two hundred dollars ($200.00), to be recovered from him and securities by an action of debt in the name of the Mayor, in the latter event the Council shall designate some other person to hold an election. All the officers of said corporation shall hold their office until their successors are elected or appointed and qualified. The election shall be held under the same regulations prescribed by law for the election of county officers.

Oath.

SEC. 5. *Be it further enacted,* That the Mayor and Council, or other officers, before entering upon their duties, shall each take an oath before some person qualified to administer the same, that they will honestly and faithfully discharge the duties of the office without fear, favor, or affection, and to support the Constitution of the United States and of the State of Tennessee.

Who may hold office.

SEC. 6. *Be it further enacted,* That no person shall be eligible to the office of Mayor and Council unless he shall have been for one year next preceding his election a *bona fide* resident of the corporation at the time of his election and qualification as aforesaid, or should he cease to be a resident as aforesaid, his office shall become vacant.

SEC. 7. *Be it further enacted,* That the legislative powers of said corporation shall be exercised by the Council, consisting of the Mayor and Council, over whose meetings the Mayor shall preside and cast the deciding vote in case of a tie. A majority of all the Council constitute a quorum for the transacting of business. In the event the Mayor shall be temporarily absent, the Council shall elect one of their members to preside over their deliberations, in which event one more, than a quorum shall be present, in the event of the death of the Mayor, or should his office become vacant by removing from said corporate limits or resignation, or impeachment, or other causes, then the Council shall proceed at their next regular meeting to elect one of their members Mayor to fill out the unexpired term, and in case the office of any of the Council has become vacant the Council shall elect some qualified person to fill the place vacated, and the Council shall have the power to fill all vacancies on account of death, removal, resignation, or other causes.

Council to judge of elections.

SEC. 8. *Be it further enacted,* That the Council of the corporation shall judge of the election and qualification of its members. The Marshal shall, within three days

after holding election hereinbefore provided for, issue certificates of election to the persons receiving the highest number of votes for the respective offices. The Council shall prescribe rules for the determination of contested elections, from which any party aggrieved shall have the right of appeal to the Circuit Court. The Council shall prescribe its own rules of proceedings and punishing its own members for malfeasance, misfeasance, or nonfeasance, drunkenness, or any other misconduct in office, and enforce the same. Two-thirds of the remaining members of the Council present, and voting to concur, may expel a member for misfeasance, malfeasance, nonfeasance, drunkenness, or other misconduct, which vacancy shall be filled as other vacancies hereinbefore provided. A less number than a majority can adjourn from day to day, and may by ordinance compel the attendance of absent members by fines and penalties. The Mayor and Council shall hold their first meeting as soon after the passage of this Act as practicable, and as often thereafter as may be prescribed by the by-laws fixing the time and place, but they shall meet for the transaction of business as often as the Mayor may call a meeting, specifying in his call the purpose of the meeting.

Powers of Mayor and Council.

SEC. 9. *Be it further enacted,* That the Mayor and Council are vested with legislative power, with power to enact all by-laws, rules, and regulations for the best government of the corporation, but not to be in conflict with the Constitution of the State, the statutory laws of the State, nor of this Act. They shall have power to elect a Secretary, Marshal, and Treasurer, fixing by law the amount of their respective bonds. The Mayor and Council shall serve without pay, except the Mayor's fees as hereinafter fixed. The Secretary and Treasurer shall receive such compensation as the Council may deem proper. The Mayor is hereby invested with judicial power to the extent of Justice of the Peace, to try all offenders brought before him under the by-laws of the corporation, and shall receive the same fees as a Justice of the Peace for similar service. In case the Mayor is incompetent to sit on a case, he shall transfer the case to the Justice of the Peace of the corporation; in case of his incompetency, to any other Justice of the Peace of the First Civil District of the county. The Marshal shall receive the same fees of a Sheriff or Constable of the county for similar services as his pay. The Mayor

and Council shall have power to create, define, grant, and license for the exercise of privileges, and it shall be the duty of the Secretary to issue said license, collect the fee, and pay over from time to time to the Treasurer. The Marshal shall pay over all sums coming into his hands for the corporation to the Treasurer. It shall be the duty of the Council to enact such laws and ordinances to guard against fire, and to define and fix the extent to which firecrackers, Roman candles, or other explosive substances that may be used within corporate limits, or to prohibit their use.

School Directors.

SEC. 10. *Be it further enacted,* That there shall be three School Directors elected by the voters of the corporation at the regular election at the time fixed as hereinbefore for the election of Mayor and Council. It shall be their duty to take the census of the scholastic population or scholars within said corporate limits, and report the same to the Mayor and Council annually, as fixed by the laws of the State.

Mayor, Chairman.

SEC. 11. *Be it further enacted,* That the Mayor, by virtue of his office, shall be the Chairman of the Board of Directors hereinbefore constituted, and the Secretary shall be the Clerk of said Board of Directors, who shall keep a record of all their proceedings.

Taxes.

SEC. 12. *Be it further enacted,* That the Mayor and Council shall take the Tax Assessor's book of the First Civil District of the county as a basis, and make an additional assessment to that of the County Court for school purposes on all the property and privileges within said corporate limits. The assessment thus made on property shall not exceed fifty cents on the hundred dollars, and on privileges it shall not exceed the State and county taxes. If the County Court of Macon County should at any time fail to make assessments on any property or privileges in whole, or in part, the Council is authorized to make the necessary assessments, with the addition as hereinbefore provided. The Council shall make an itemized report of their assessments to the Clerk of the County Court of said county, who shall add the same to the assessments made by the County Court for school purposes within the limits of said corporation, and set it out in his tax book and turn it over to the Trustee of the county for annual collection when the county and State taxes are collected. The County Trustee shall, when said school tax is collected by him, together with the amount or

How assessed, etc.

amounts which the First Special District may be entitled to receive under the Act of April 13, 1903, pay to the Treasurer of corporation upon the warrant of the Mayor. The Clerk of the County Court shall payy all the school funds coming into his hands under said Act of April 13, 1903, upon privileges or otherwise, to the Treasurer of said corporation, taking his receipt therefor, which shall be a sufficient voucher for him, and the Mayor's warrant upon the Trustee aforesaid shall be a sufficient voucher for him upon settlement.

Duties of school directors.

SEC. 13. *Be it further enacted,* That the School Directors now in office of the First Special District of Macon County shall hold their office until the next regular election, as provided for in the foregoing Act; the boundaries of said Special District and corporate limits being the same. The Mayor and the three School Directors shall become members of the Board of Trustees of Lafayette College, which is situated in the town of Lafayette, and the Act of April 18, 1899, and the Act of April 13, 1903, be, and the same is so amended as to make the Mayor and three Directors a part of the Trustees of said college. The said Board of Trustees shall have power to enact all by-laws that may be necessary for the best interest of said college. They shall employ the teacher or teachers in said college, regulating their salaries, looking to the best interest of the school. They shall cause to be taught all the common school branches and special school branches and the collegiate courses in said school.

School ages.

SEC. 14. *Be it further enacted,* That all the pupils or children over the age of six and under twenty-one years of age, who are citizens within said corporate limits, shall be entitled to be taught in all the literary branches and grades in the common school courses, special literary branches as provided by present existing laws of the State, and collegiate literary branches taught in said school free, without paying for their tuitions, so long as the teachers are being paid out of the school fund hereinbefore mentioned, except contingent fees may be required. The Act of April 18, 1899, consolidating Lafayette College, is so amended as to conform with the foregoing Act; and the Act passed April 13, 1903, is so amended by the foregoing Act so as to conform with the same, and that all the rights, benefits, and immunities given to said special district as provided therein is by this Act retained and allowed to said corporation for school purpose and benefit,

to be controlled by the Council, Board of Directors, and Trustees, as provided in this Act.

School funds—how expended.

SEC. 15. *Be it further enacted,* That when teachers' salaries are due and to be paid out of the school fund provided for in the foregoing Act and other necessary expenses of said school, the Board of Trustees of said college shall cause the same, if allowed, to be certified by its Clerk, to be approved and signed by the President of said Board of Trustees and filed with the Mayor and Council, and if found correct and approved by said Council, the Mayor shall issue his warrant to the parties entitled thereto upon the Treasurer for payment, which warrant when paid shall be a sufficient voucher in the hands of the Treasurer upon settlement. The Mayor and Council shall semi-annually call the Treasurer to settlement, and for this purpose they shall have free access to the books of the Treasurer, Secretary, Marshal, and the books kept by the Clerk of the Board of Trustees. They shall also have power to examine the contracts made with teachers and other contracts trenching upon said school fund, and if found correct to approve the same, and if found incorrect to disapprove the same, which disapproval shall annul said contracts, orders, and appropriations. And if the public school funds have been improperly paid out, they shall have the power to bring action in any of the Courts of Law or Equity of the State against the proper parties to recover the same.

Corporate limits make special road district.

SEC. 16. *Be it further enacted,* That said corporate limits is hereby established and constituted a Special Road District, and that all the road fund assessed by the County Court upon property privileges or otherwise within the limits of said corporation, when collected by the Trustee of the county, shall be kept separate by him and paid over to the Trustee of the corporation, to be used for the keeping up the public roads within said corporate limits. The Mayor and Council shall have power to assess and fix the number of days that each citizen subject to road duty within said corporation shall work out as required by the laws of the State. Said Council shall have power to require the Marshal, and appoint an overseer, or overseers. within said corporation, and cause said roads to be worked.

SEC. 17. *Be it further enacted,* That said Mayor and Council shall have no power to assess taxes on property and privileges for no other purpose than that for the benefit of the public school, but the corporate authorities shall be entitled to all the fines, forfeitures, and penalties collected by said corporation, to be used for corporate purposes and necessary expenses; and should any of said fines, forfeitures, penalties be remaining in the hands of the Treasurer at his semi-annual settlement, the same shall be turned over to, and become a part of, the public school fund. Said corporation shall be entitled to her *pro rata* part of the money coming from the State of Tennessee for school purposes.

SEC. 18. *Be it further enacted,* That the Mayor and Council shall have power to annex any adjoining territory to her limits, provided the territory or adjoining farms shall come for the annexation by the consent of the school officers under whose control they may be; and then the Council may annex the same, provided it shall appear to them to be to the best school interest of all the parties, and in the same manner the Council shall have power to detach any part of the corporate limits adjoining to outside territory; and should such annexations or detachments be made, the same shall be spread upon the minutes of the Council and a copy thereof filed with the Clerk of the County Court, to be entered or recorded upon the order of said Court, and the parties desiring said attachment or detachment shall pay the expense of the same.

Passage of ordinances.

SEC. 19. *Be it further enacted,* That no by-law or ordinance for the government of Lafayette Corporation shall become a law, unless it has been read and passed by the Council on three different days, and then approved and signed by the Mayor. The Mayor is invested with veto power, and should he veto any bill or code of law, he shall give his reasons for the same and return it to the Council with his veto, and it shall not become a law, or laws, unless it is again passed by a two-thirds vote by the Council, to which the Mayor shall affix his signature.

SEC. 20. *Be it further enacted,* That there shall not be any retail liquor dealer's license issued to any person or firm of persons for the retail or tippling of intoxicating drinks within the limits of said corporation; and that this

Act take effect from and after its passage, the public welfare requiring it.

Passed March 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 59.

House Bill No. 306.

A BILL to be entitled an Act to amend an Act of the General Assembly, passed March 24, 1903, and approved March 25, 1903, it being House Bill No. 468, and entitled "An Act to be entitled an Act to amend an Act of the General Assembly, passed April 21, 1899, and approved April 22, 1899, entitled House Bill No. 770; An Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and provide for the administration of justice and equity in the Circuit and Chancery and other inferior courts of this State, and to fix the time for holding the terms of said Chancery, Circuit, and other courts, so as to change the time for holding the Circuit Courts in the Second Judicial Circuit, and to provide that the Chancellor of the Fourth Chancery Division to hold the Circuit Courts of Fentress County," by repealing Section 2 of said Act.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 2 of Chapter 227 of the Acts of the General Assembly, passed March 24, 1903, and approved March 25, 1903, be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 60.

House Bill No. 284.

AN ACT, entitled an Act to prevent live stock from running at large in counties of this State having a population of 10,700 and not over 11,000, according to the Federal Census of 1900, or according to any subsequent Federal Census, and to prevent the necessity of fencing lands in counties that are now affected by this Act, and that may hereafter be affected by it.

This Act applies to Loudon County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all counties in this State having a population of 10,700 and not more than 11,000, according to the Federal Census of 1900, or according to any subsequent Federal Census, it shall be unlawful for any owner of any horse, cow, sheep, goat, or hog, or any other live stock, knowingly to permit the same to run at large within the limits of such counties within this State.

Sec. 2. *Be it further enacted,* That the owner of live stock mentioned or included in Section 1 of this Act shall be liable for all damages done to the property of other persons while any of said stock may be running at large in said counties.

Sec. 3. *Be it further enacted,* That in addition to the owner's liability for the damage done by the live stock mentioned or included in Section 1 of this Act, the party damaged shall have a lien on the animals doing the damage, and may enforce said lien by attachment as landlord for rent.

Sec. 4. *Be it further enacted,* That any person or persons upon whose lands such live stock shall be found running at large shall have the right to take up and confine them, giving same reasonable good feed and attention, and shall be entitled a reasonable compensation for same, and shall have and is hereby given a lien upon said stock for same.

Sec. 5. *Be it further enacted,* That any person violating this Act shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifteen dollars.

SEC. 6. *Be it further enacted,* That nothing in this Act shall operate to annul or repeal the railway fence and stock law.

SEC. 7. *Be it further enacted,* That this Act shall take effect from and after the first day of April, 1905, the public welfare requiring it.

Passed March 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 61.

HOUSE BILL No. 173.

AN ACT to amend Chapter 445 of the Acts of the General Assembly for the year 1901, "Entitled an Act to incorporate the town of Halls, Lauderdale County, Tennessee, so as to give the Board of Mayor and Aldermen the right to establish a fire limit and prescribe penalty for a violation of same by ordinance; and so as to give the Mayor and Board of Aldermen the right to elect a Tax Assessor for the town of Halls and prescribe his duties, and to elect a Board of Equalizers for said town of Halls and prescribe their duties; and to fix the time when the tax due the town of Halls shall become due, and when the same shall become delinquent, and to prescribe means for granting an extension of said tax; and so that the Marshal of the town shall be elected by the legal voters of the town; and so as to fix the salary for the Mayor and Board of Aldermen.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 445 of the Acts of the General Assembly of Tennessee for the year 1901 be, and the same is hereby, amended as follows:

That the Board of Aldermen and Mayor of the town of Halls, Lauderdale County, Tenn., shall have the right to establish a "Fire Limit" and prescribe penalty for a violation of same by ordinance. That the Board of Mayor and Aldermen shall have the right to elect a Tax Assessor for the town of Halls; the said Tax Assessor shall

Fire limit.

hold his office for two years and until his successor is elected and qualified, and that he shall assess the tax for the town in the same manner that the Assessor for the county has the right to assess the State and county tax His salary to be fixed by the Board of Mayor and Aldermen, and qualifications same as Board of Equalizers hereinafter created.

Board of Equalizers.

SEC. 2. *Be it further enacted,* That the Board of Mayor and Aldermen shall have the right to elect a Board of Equalizers for the town of Halls, which Board shall be composed of five freeholders of the town of Halls whose duty it shall be to meet the first Tuesday in July of each year and go over the books of the City Assessor and equalize the tax for said town as near as they can. Said Board of Equalizers to be elected for a term of two years and hold office until their successors are elected and qualified. The compensation of said Board of Equalizers shall be fixed by the Board of Mayor and Aldermen before the said Board of Equalizers are elected. And they shall take and subscribe to an oath before some acting Justice of the Peace of Lauderdale County to faithfully and diligently perform the duties of their respective offices to the best of their ability.

Taxes due—when.

SEC. 3. *Be it further enacted,* That Chapter 445 of the Acts of 1901 be, and the same is hereby, further amended, so that all tax due the town of Halls, both property and poll tax, shall be due and payable on September 15 for the current year for which they are assessed, and shall be delinquent on the 1st day of December of said year, and to grant an extension of the said tax it shall require a two-thirds vote of the Board of Mayor and Aldermen.

Rate of tax.

SEC. 4. *Be it further enacted,* That Section 24 of the Acts of 1901, Chapter 445, page 1061, lines 3 and 4, be amended as follows: Where it now reads "not to exceed in amount the school tax levied and assessed for county purposes," that clause be changed so as to read, "not to exceed in amount 40 cents on each one hundred dollars' worth of taxable property in the town."

Marshal election.

SEC. 5. *Be it further enacted,* That Chapter 445, Acts of 1901, be further amended so that the Marshal for the town of Halls shall be elected by the legal voters of the town instead of by the Board of Mayor and Aldermen, as it now is; that his term of office be the same it now is, and his salary be fixed by the Board of Mayor and Aldermen of said town of Halls.

SEC. 6. *Be it further enacted,* That Section 5 of the Acts of 1901, Chapter 445, page 1062 thereof, be amended as follows: So that the Mayor shall receive an additional salary of $1.00 per month, and that each member of the Board shall receive a salary of $1.00 per month.

SEC. 7. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 62.

HOUSE BILL No. 178.

AN ACT to amend the Charter of Newbern, it being Chapter 450 of the Acts of 1901.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Acts of 1901, Chapter 450, being entitled "A Bill to incorporate the town of Newbern, in Dyer County, and to define its powers and provide for the election of officers," be and is amended so as to extend the limits of the said corporation in the following manner:

Beginning at a stake four chains west of the southwest corner of the cemetery lot, same being now one of the southwestern corners of the said corporation; thence westward with Q. Shumate's north line to a stake in the southwest corner of H. C. Porter's lot; thence north to a stake to the present corporation line; thence on west and north with the present corporation line to a stake in A. D. Cude's lot, forty poles west of the present most westerly, southwest corner of the said corporation; thence

north sixty poles to a stake in J. G. Wynne's field, northwest from his house; thence forty poles to the present corporation line; thence on with the present corporation line to a stake in the northwest corner of Ben Haskins' lot; thence on north to a stake twelve poles north of the Lake Ferry Road; thence east to a stake in the west side of the Sharp's Ferry Road; thence south along the side of the said road to the present corporation line; thence with the present corporation line to the northwest corner of a five-acre lot, purchased by the Mayor and Aldermen of Newbern for school purposes; thence east with the north line of the said lot to a stake in the Yorkville Road; thence south with the said road to the present corporation line.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 63.

HOUSE BILL NO. 252.

AN ACT to re-create the office of Road Commissioner in counties of over one hundred and fifty thousand inhabitants, according to the Federal Census of 1900, as provided by the Act of 1891, Chapter 1.

This Act applies to County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the office of Road Commissioners is hereby re-created in counties having over 150,000 inhabitants, according to the Federal Census of 1900, or any subsequent Federal Census, with all the powers, duties, and provisions contained in the Act of 1891, Chapter 1, relating thereto; and the County Court of said county shall proceed to elect said Commissioners as soon after the passage of this Act as practicable.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 64.

HOUSE BILL No. 64.

AN ACT to be entitled an Act to prohibit County Trustees from paying out school funds upon warrants issued by district school directors for charts, maps, desks, libraries, and other apparatus, unless such warrants are approved by the County Judge or Chairman of the County Court and the County Court Clerk, and to provide a penalty for the violation of same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for the County Trustee to pay out school funds upon warrants issued by District School Directors for maps, charts, libraries, and other school furniture or apparatus, unless such warrants are approved by the County Judge or Chairman of the County Court and the County Court Clerk of the county wherein the articles are sold.

SEC. 2. *Be it further enacted,* That the provisions of this Act shall not apply to, nor in any way affect, the payment of warrants for the purchase of chalk, fuel, brooms, and other incidentals.

SEC. 3. *Be it further enacted,* That any Trustee violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined and imprisoned at the discretion of the Court, and, moreover, shall be liable to the district out of whose funds the money is paid for the amount so paid, which may be

sued for in any Court having jurisdiction by any citize of the district affected.

SEC. 4. *Be it further enacted,* That the grand juri are hereby given inquisitorial powers of violations of th provisions of this Act, and it shall be the duty of th Circuit and Criminal Judges of the State to give the ma ter specially in charge to the grand jury.

SEC. 5. *Be it further enacted,* That this Act tak effect from and after its passage, the public welfare re quiring it.

Passed February 2, 1905.

W. K. ABERNATHY,
Speaker of the House of Representative

J. I. COX,
Speaker of the Senat

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor

CHAPTER 65.

HOUSE BILL No. 347.

A BILL to be entitled an Act to incorporate the town of Manchester, in Coffee County, and to provide for the election of officers, fix and prescribe their duties and powers, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Manchester, in Coffee County, and the inhabitants thereof, be, and they are hereby, constituted a body politic and corporate, under and by the name and style of the Mayor and Aldermen of the town of Manchester, and shall have perpetual succession by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town.

SEC. 2. *Be it further enacted,* That the corporate limits of the town of Manchester shall be as follows—to wit:

Limits.

Beginning at the northwest corner of the original town site of Manchester, in the Sixth Civil District of Coffee County, Tennessee, on the south bank of the Bark Camp Fork of Duck River and on the east boundary line of the James G. Aydelott (formerly Huggins) tract of land; thence south with the east boundary line of the said James G. Aydelott (formerly Huggins) tract of land to the tract formerly owned by Moore, Shrader, Alwood and Harpole (the Robinson tract); thence east with the north boundary line of said tract, crossing the Sparta Branch of the Nashville, Chattanooga & St. Louis Railway, to the east boundary of the right of way of said railway; thence north with the east boundary of the said right of way to the southwest corner of the James A. Clark lot; thence east with the south boundary of said lot two hundred (200) feet; thence north parallel with said railroad to a point opposite the southeast corner of the lot owned by N. L. May, Jr., and now occupied by —— (on the west side of the railroad); thence west to the east boundary of said right of way; thence north with said east boundary to the south margin of the public road leading from Manchester to Hillsboro; thence an easterly course with the south margin or side of said road to a point opposite the southwest corner of the John W. Emerson tract of land; thence in a northerly direction with the west boundary line of the said Emerson tract of land to the south bank of the Bark Camp Fork of Duck River; thence down said river with its meanders and with its southerly and westerly bank to a point on the west bank of the same where a line running east with the north line or side of High Street would strike or intersect said river; thence west to the east boundary line of the J. L. Ewell tract of land; thence south and west with the east and south boundary of the Ewell tract to the southeast corner of the Manchester Packing Company's lot; thence north with the east boundary of said lot to its northeast corner; thence west to the east boundary of the right of way of the Sparta Branch of the Nashville, Chattanooga & St. Louis Railway; thence on west, crossing said railway, to the east boundary line of the Manchester Manufacturing Company's lot; thence north with the east boundary line of said lot to its northeast corner; thence west with its north boundary line to its northwest corner; thence south with its west boundary line to a point opposite the north side of High Street (or directly in line with the north side of said street); thence

Limits.

sued for in any Court having jurisdiction by any citize of the district affected.

SEC. 4. *Be it further enacted,* That the grand juri are hereby given inquisitorial powers of violations of th provisions of this Act, and it shall be the duty of th Circuit and Criminal Judges of the State to give the ma ter specially in charge to the grand jury.

SEC. 5. *Be it further enacted,* That this Act tak effect from and after its passage, the public welfare r quiring it.

Passed February 2, 1905.

W. K. ABERNATHY,
Speaker of the House of Representative

J. I. COX,
Speaker of the Senat

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor

CHAPTER 65.

HOUSE BILL No. 347.

A BILL to be entitled an Act to incorporate the town of Manchester, in Coffee County, and to provide for the election of officers, fix and prescribe their duties and powers, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Manchester, in Coffee County, and the inhabitants thereof, be, and they are hereby, constituted a body politic and corporate, under and by the name and style of the Mayor and Aldermen of the town of Manchester, and shall have perpetual succession by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town.

SEC. 2. *Be it further enacted,* That the corpo limits of the town of Manchester shall be as follo wit:

Beginning at the northwest corner of the [illegible] site of Manchester, in the [illegible] County, Tennessee, on the [illegible] Fork of Duck River and on the [illegible] James G. Aydelott (formerly [illegible] thence south with the east boundary line of the [illegible] G. Aydelott (formerly Huggins [illegible] tract formerly owned by Moore, [illegible] pole (the Robinson tract); thence [illegible] boundary line of said tract, crossing the [illegible] the Nashville, Chattanooga & St. [illegible] east boundary of the right of way of [illegible] north with the east boundary of [illegible] the southwest corner of the James [illegible] east with the south boundary of [illegible] (200) feet; thence north parallel with [illegible] point opposite the southeast corner of [illegible] N. L. May, Jr., and now occupied by [illegible] side of the railroad); thence west [illegible] said right of way; thence north with [illegible] to the south margin of the public road [illegible] chester to Hillsboro; thence an easterly [illegible] south margin or side of said road to [illegible] southwest corner of the John W. Emerson [illegible] thence in a northerly direction with the [illegible] line of the said Emerson tract to the [illegible] of the Bark Camp Fork of Duck River [illegible] river with its meanders and with the [illegible] bank to a point on the west bank of the [illegible] running east with the north line of the [illegible] would strike or intersect said river [illegible] east boundary line of the J. L. Ewell [illegible] south and west with the east and [illegible] Ewell tract to the southeast corner of the [illegible] Packing Company's lot; thence with the [illegible] dary of said lot to its northeast corner [illegible] east boundary of the right of way of [illegible] the Nashville, Chattanooga & St. [illegible] on west, crossing said railway, to the [illegible] the Manchester Manufacturing Company's [illegible] north with the east boundary line of [illegible] east corner; thence west [illegible] its northwest [illegible] line to a po[illegible]

sued for in any Court having jurisdiction by any citizen of the district affected.

SEC. 4. *Be it further enacted,* That the grand juries are hereby given inquisitorial powers of violations of the provisions of this Act, and it shall be the duty of the Circuit and Criminal Judges of the State to give the matter specially in charge to the grand jury.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 2, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 65.

HOUSE BILL No. 347.

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SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Manchester, in Coffee County, and the inhabitants thereof, be, and they are hereby, constituted a body politic and corporate, under and by the name and style of the Mayor and Aldermen of the town of Manchester, and shall have perpetual succession by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town.

SEC. 2. *Be it further enacted,* That the corporate limits of the town of Manchester shall be as follows—to wit:

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Limits.

Limits.

west on a line with the north side of said street to the east side of the Manchester and Woodbury public road; thence north with the east side of said road to the south bank of the Bark Camp Fork of Duck River, and thence west with the meanders of the south bank of said river to the point of beginning.

SEC. 3. *Be it further enacted,* That said corporation of Manchester shall have full power and authority:

1. To levy and collect taxes on all property taxable by law for State purposes within the bounds and limits of the corporation.

2. To levy and collect taxes on all privileges and polls taxable by the laws of the State.

3. To appropriate money and provide for the expenses of the town government and the expenses of establishing and maintaining a system of free public schools.

4. To prevent, remove, and abate nuisances.

5. To open, alter, abolish, widen, extend, establish or otherwise improve streets, alleys, sidewalks, and the public square, and to keep the same in repair.

6. To license, tax, regulate or prohibit theatrical and other exhibitions, shows and amusements.

7. To prohibit and suppress disorderly houses or houses of ill fame, gaming and gambling houses.

8. To provide for or establish, own, maintain and operate a system of waterworks and light plant.

9. To establish a system of free public schools and maintain the same by taxation.

10. To impose fines, forfeitures and penalties for the breach or violation of any ordinance, and to provide for the collection of the same.

11. To enact and enforce such by-laws and ordinances as may be deemed necessary to preserve, promote and protect the health, peace and good order, and the general welfare of the town of Manchester and the inhabitants thereof.

Officers.

SEC. 4. *Be it further enacted,* That the officers of the town of Manchester shall have a Mayor, a Recorder, a Marshal, five Aldermen, and a Board of Education composed of three members, each of these officers to serve one (1) year, or until their successors are elected and qualified. The Mayor, Recorder, Marshal, and five (5) Aldermen shall be elected annually on the last Saturday in March by the qualified voters of said town, the term of office to begin and date from the first day of April following; the three (3) members of the Board of Education shall be elected by

the Board of Mayor and Aldermen at their first regular meeting after the annual election, the Mayor having the right to vote in such election only in case of a tie vote.

No person shall be eligible to election to any of the offices provided for in this section who has not at the time of election been a citizen of the State of Tennessee for two years and of the town for six months next preceding such election, and is not over twenty-one (21) years of age.

Vacancies.

A vacancy in the office of Mayor shall be filled for the unexpired term by the Board of Aldermen; a vacancy in the office of Alderman shall be filled by a majority vote of the remaining Aldermen for the unexpired term; all other vacancies shall be filled for the unexpired term by appointment by the Mayor. By removal beyond the corporate limits any officer of the town shall vacate his office.

Oath of office.

Before assuming his official duties every officer herein provided for shall take and subscribe to an oath in writing before some officer authorized by law to administer oaths to support the Constitution of the United States and of the State of Tennessee, and to execute the duties of his office faithfully, honestly and impartially.

Ordinances—how passed and approved

Three (3) members of the Board of Aldermen, with the Mayor, or Acting Mayor, shall constitute a quorum for the transaction of corporate business, and no ordinance, by-law or resolution shall become a law unless it received the affirmative vote of at least three (3) members of the Board of Aldermen. All ordinances, by-laws or resolutions shall be approved and signed by the Mayor, or returned by him with his disapproval in writing at the next regular meeting of the Board of Aldermen; and in case an ordinance, by-law or resolution be returned without the signature or approval of the Mayor, the same shall again be submitted to the Board of Aldermen for its consideration, and if it then again receive the affirmative vote of three (3) members, it shall become a valid and binding ordinance, by-law or resolution, notwithstanding the failure or refusal of the Mayor to approve the same or attach his official signature thereto.

All ordinances, by-laws and resolutions shall be and become effective immediately, unless otherwise provided therein, and such notice as the Board of Mayor and Aldermen may direct shall be given to the public of the enactment of the same.

Record of same.

SEC. 5. *Be it further enacted,* That all ordinances, by-laws and resolutions which may be passed by the Board of Mayor and Aldermen, and signed by him or become effective notwithstanding his disapproval, as provided in Section 4, shall be spread upon the minutes of the Board and the original filed and preserved as a record of the corporation. They shall also be recorded in a well-bound book provided and kept for that purpose; and a certified copy of any ordinance, by-law or resolution from the minutes or from the book in which it is recorded shall be full and complete evidence of the same in all the courts of this State, the certificate to such copy being made by the Mayor and the Recorder.

In case of tie votes.

SEC. 6. *Be it further enacted,* That if at any election there should be a tie in the votes cast for any two or more candidates for Mayor, Recorder, Marshal or Alderman, the matter shall be referred to the people, and another election for Mayor, Recorder, Marshal or Alderman, as the case may be, shall be opened and held within ten (10) days, and on a day fixed by the Board of Mayor and Aldermen, notice of which election shall be given to the voters at least five (5) days before the date thereof. The first election for officers of the town of Manchester shall be held at the courthouse in said town on Saturday, March 25, 1905, and this and all subsequent elections shall be opened and held under the direction and control of the Election Commissioners of Coffee County.

Duties of Mayor.

SEC. 7. *Be it further enacted,* That the Mayor shall preside at the meeting of the Board of Mayor and Aldermen, but shall have no vote except in case of a tie. He shall from time to time, at least once every three (3) months, submit to the Board information relative to the condition of the corporation, and shall recommend for its consideration such measures as he may deem expedient for the interest and general welfare of the town of Manchester and its inhabitants.

He shall see to the enforcement of the laws of the town and to the preservation of the health and peace and quiet of the people. The Mayor shall, when directed by the Board of Aldermen, draw warrants upon the Recorder for the payment of any money due from the corporation, and no money shall be paid out of the town treasury except upon a warrant directed to be issued by the Board of Mayor and Aldermen and signed by the Mayor.

In the absence or during the sickness of the Mayor the Board of Aldermen shall elect one of their number to preside and to perform the duties of the Mayor, and such Alderman when so acting shall be vested with all the powers of the Mayor. Neither the Mayor, nor any Alderman acting for him or in his stead, nor any Alderman, shall receive any compensation for any services rendered as such Mayor, Acting Mayor, or Alderman. Mayor pro tem.

SEC. 8. *Be it further enacted,* That the Recorder, before entering upon the duties and functions of his office, shall take and subscribe to the oath of office prescribed and provided for in Section 4, and shall execute bond in an amount to be fixed by the Board of Mayor and Aldermen, said bond to be approved by the Board of Aldermen in open session, conditioned to faithfully discharge the duties of his office, and to pay over, on the warrant of the Mayor, when directed by the Board of Aldermen, or deliver to his successor in office all money that shall come into his hands as such Recorder; he shall attend at all meetings of the Board of Mayor and Aldermen, keep a record of its proceedings, submit to said Board monthly (or oftener if required) a statement of the financial condition of the corporation, and shall do and perform such other duties as Clerk or Secretary to said Board as shall be required of him. Recorder to take oath and give bond.

The Recorder shall collect all privilege taxes due the corporation, issue licenses (the licenses to be countersigned by the Mayor), and shall assess for taxes the real and personal property and polls in said town subject to taxation and collect the taxes levied thereon. At the expiration of his term of office he shall make final settlement and shall turn over all books and papers belonging to the corporation to his successor. He shall be vested with full power and authority to try all persons charged with offenses against the corporation and its ordinances, and said Recorder is hereby vested with the power and jurisdiction of Justices of the Peace in all cases of violation of the criminal laws of the State of Tennessee or of the ordinances of the corporation within the limits thereof. Duties of Recorder.

For trying offenders against the criminal laws of the State and the ordinances of the corporation he shall be entitled to demand and receive the same fees and compensation now fixed by law and allowed to Justices of the Peace for like services; for issuing licenses, taking bonds, etc., he shall be entitled to demand and receive the same Jurisdiction and fees.

fees and compensation now fixed by law and allowed to County Court Clerks for like services; for assessing the real and personal property and polls and making up the tax list or assessment roll he shall be allowed such compensation as the Board of Mayor and Aldermen shall fix and determine; for collecting, safely keeping and paying out to the parties entitled thereto (on the warrant of the Mayor) the taxes on real and personal property and polls, for privileges, fines and forfeitures, and other money of the corporation received and paid out by him, he shall receive a compensation of four (4) per centum of the amount so received and paid out.

Keep record.

Said Recorder shall keep a record of all money received and paid out by him, and shall keep a docket on which shall be entered the proceedings and judgment in all cases tried by him for violation of the criminal laws of the State or the ordinances of the corporation, and his record and docket shall be open to the inspection of every citizen of the town.

Marshal—his duties.

SEC. 9. *Be it further enacted,* That the Marshal shall, before entering upon the discharge of the duties of his office, take and subscribe to the oath of office prescribed in Section 4, and shall enter into bond in such sum as the Board of Mayor and Aldermen may fix and determine, with good and solvent surety, to faithfully, honestly and impartially discharge the duties of his office and pay over and account for all moneys that may come into his hands belonging to the corporation of Manchester, at such times and as often as the Board of Mayor and Aldermen may require. The bond of said Marshal shall in no event be fixed at less than five hundred ($500.00) dollars. The said Marshal is hereby vested with all the power and authority of a district Constable as to the execution of criminal process against persons charged with the vioation of any ordinance of the corporation of Manchester, and process in all civil cases wherein the corporation is plaintiff, and shall be entitled to demand and receive the same fees and compensation now allowed by law to constables for like services; and he shall perform such duties as may be required of him by the Board of Mayor and Aldermen as a sanitary or health officer and overseer of streets, his compensation therefor to be fixed and determined by the Board of Mayor and Aldermen.

SEC. 10. *Be it further enacted,* That the Board of Mayor and Aldermen shall have power to dismiss or re-

move any officer appointed or elected by them for incompetency, neglect or disregard of duty, or other misconduct in office; *Provided,* that two-thirds of the Board of Mayor and Aldermen (the Mayor having a vote) shall concur in such dismissal or removal; and *provided further,* that before any officer shall be dismissed or removed from office under this section charges shall be preferred in writing by some citizen or official of the town of Manchester, of which charges the officer accused shall have fair notice and an opportunity to reply and make defense. Dismissal of officers.

SEC. 11. *Be it further enacted,* That the Board of Mayor and Aldermen shall have full power and authority to establish a workhouse or calaboose and maintain the same for the safe-keeping of persons who fail when arrested to give bond for their appearance before the Recorder for trial; and when any person or persons who have been convicted of the violation of any ordinance of the corporation shall fail to pay or secure the payment of the fine and costs adjudged against them, the Board of Aldermen may provide by ordinance for their commitment and confinement in said workhouse or calaboose, and put them to work for the town, either within an enclosure or on the streets or other public works, at such wages as the Board may determine, until said fine and costs be paid. Workhouse and calaboose.

SEC. 12. *Be it further enacted,* That the Mayor, at any time when he deems it necessary, may appoint one or more policemen, whose compensation shall be provided for by the Board of Mayor and Aldermen, but whose term of service shall not at any one time exceed five (5) days. Policemen.

SEC. 13. *Be it further enacted,* That all persons who are qualified voters for members of the General Assembly, under the statutes of the State of Tennessee, and who reside within the corporate limits of the town of Manchester, or own taxable real estate therein, shall be permitted to vote in all municipal elections.

SEC. 14. *Be it further enacted,* That the taxes levied and collected for all corporate purposes shall not exceed $1.00 on each $100.00 worth of taxable real and personal property for any one year; *Provided,* that the taxes for school purposes may be increased as provided in Sections 1973 and 1974, Shannon's Code. Tax rate.

SEC. 15. *Be it further enacted,* That at the first regular meeting of the Board of Mayor and Aldermen after each annual election they shall elect a Board of Education, composed of three (3) members, who shall reside within Board of Education.

the corporate limits of the town of Manchester and be qualified voters herein, and who shall serve for one (1) year, or until their successors are elected and qualified. The members of said Board of Education shall take and subscribe to the oath of office prescribed in Section 4 before entering upon their duties, and within ten (10) days after their election they shall meet and organize by electing one of their number as Chairman and another as Clerk. Said Board of Education shall have power to employ and contract with teachers and operate the public school or schools in the town of Manchester, and are vested with all the powers and charged with all the duties now conferred upon and required of District School Directors under the statutes of Tennessee, and they shall respect and carry out such instructions of the Board of Mayor and Aldermen as shall not be inconsistent with their duties as herein defined.

Who may attend school.

All children that are now or may hereafter be entitled under the laws of the State of Tennessee to attend the public schools in Coffee County, and who reside within one (1) mile of the corporate limits of the town of Manchester, as such limits are designated by this Act or may be hereafter fixed, shall be entitled to attend and receive the benefits of the public school or schools established and maintained by the corporation free of tuition and on the same terms as those who reside within the corporate limits.

And the territory embraced and included within the corporate limits of the town of Manchester by this Act is hereby detached from the Sixth School District of Coffee County and created a special school district to be known as the Manchester District.

Nuisances—abatement of

SEC. 16. *Be it further enacted,* That in order to effect the abatement of nuisances or the removal or destruction of accumulated filth and impure matter, the Board of Mayor and Aldermen shall have full power and authority, whenever in its opinion such nuisance, filth or impure matter exists, to notify, through the Marshal, the owner, agent or occupant of the houses, buildings or premises to abate, remove or destroy the same. This notice shall be in writing and shall be served on the owner, agent or occupant, specifying the time in which such nuisance shall be abated, or such filth and impure matter removed or destroyed; and if the same be not abated, removed or destroyed within the time indicated in such written notice, or good cause shown before the Board of Mayor and Aldermen why

the order could not or shall not be complied with, the party failing to comply with the notice, whether owner, agent or occupant, shall be deemed guilty of a misdemeanor, and on conviction before the Recorder shall be fined not exceeding fifty dollars, and the nuisance shall be abated or the filth and impure matter removed or destroyed by order of the Board of Mayor and Aldermen (or by order of the Mayor alone), and the expense of such abatement, removal or destruction may be recovered as liquidated damages from the owner, agent or occupant, as the case may be, by suit before a Justice of the Peace or in the Circuit Court of Coffee County; *Provided,* that in cases of emergency when the public health is endangered by pestilence, epidemic or disease, the Board of Mayor and Aldermen may order and require such abatement, removal or destruction summarily and without notice.

The Marshal is required to report to the Board of Mayor and Aldermen any matters which may come to his knowledge detrimental to or threatening the public health. When it becomes necessary to abate nuisances or remove or destroy filth and impure matter on the streets or public square or commons of the town it shall be done by order of the Board of Mayor and Aldermen at the cost of the corporation.

Recorder to report.

SEC. 17. *Be it further enacted,* That the Recorder shall present to the Board of Mayor and Aldermen at their first regular meeting in June of each year a report of the property and polls assessed by him for taxes for the current year, with the assessed value, and this report or assessment roll shall be open to the inspection of the public in the Recorder's office until the first meeting of said Board in the month of July following, at which time (the first meeting in July) the Board of Mayor and Aldermen shall hear all complaints as to said assessment, and correct errors, increase, decrease and equalize the same. Taxes on real and personal property and polls shall be due and payable on and after the 10th day of July of each and every year. After the 1st day of October of each year taxes assessed for that year and unpaid shall be treated as delinquent, and the Recorder, under the orders of the Board of Mayor and Aldermen, shall institute suit for the collection of the same before some Justice of the Peace or in the Circuit Court of Coffee County, as on an account, and when judgment is recovered the same shall be collected in the same manner that judgments are now collected; and

the Recorder, for and in the name of the corporation, may bid and purchase any property, real or personal, that may be levied upon and sold for the satisfaction of judgment in favor of the corporation for taxes.

Elections—notice of.

SEC. 18. *Be it further enacted,* That all elections as herein provided for shall be opened and held by the Commissioners of Election of Coffee County, under the laws, rules and regulations by which they are controlled, and certificates of election will be issued by them and delivered to officers-elect; *Provided,* only ten (10) days' notice of the time of the election shall be required to be given by said Commissioners of Election, and the expenses of all municipal elections shall be paid by the corporation.

SEC. 19. *Be it further enacted,* That if any omission is made in this Act in defining the duties and powers of any officer provided for herein which is essential to properly carrying out the objects and purposes of this Act, the Board of Mayor and Aldermen are hereby granted authority by proper ordinance to supply such omission, and they are given and granted and vested with full power and authority to do any and all things necessary to carry out the objects and purposes of this Act, within the limitations as herein fixed.

SEC. 20. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and they are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 66.

SENATE BILL No. 200.

AN ACT to establish and create a School District in the Sixth Civil District of Dickson County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the part of Dickson County as herein bounded—namely, beginning at Johnson Crossing, on the C. & M. Branch of the L. & N. R. R., running thence in an easterly direction with lines of Dr. R. A. Duke, Dr. J. Gentry, Dan Walthal, W. I. Case, Tom Walker, John Davis, W. P. Outlaw; thence south with J. W. Rinehart, John Berry and Carroll Edwards, Mrs. T. C. Tatum's south line to the line of the Eleventh Civil District; thence with said district line northwesterly to the beginning, Johnson Crossing—be, and the same is hereby, established and created into a school district, to be known as the Eighteenth School District of Dickson County, Tennessee.

SEC. 2. *Be it further enacted,* That the school district created by the first section of this Act shall have all the rights, privileges and emoluments, and be governed by the same laws and rules that govern, control and regulate other school districts of Dickson County, and that J. W. Brown, Peter Sheley and W. P. Outlaw are hereby appointed School Directors of this special school district, and shall serve until the next regular election for School Directors in Dickson County, Tennessee, at which time three Directors shall be elected by the qualified voters of this special district and successively thereafter at every regular election for School Directors in Dickson County, Tennessee.

SEC. 3. *Be it further enacted,* That the Trustee of Dickson County, Tennessee, be, and is hereby, directed to apportion to this special district created by this Act all funds now on hand or to be collected not yet apportioned in proportion to the scholastic population of said special school district, which funds shall be subject to the orders of the School Directors of this special district.

SEC. 4. *Be it further enacted,* That all laws or parts of laws in conflict with this Act are hereby repealed so far as they may affect this Act; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 4, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 67.

HOUSE BILL No. 275.

AN ACT to change the line between Lincoln and Marshall Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Lincoln and Marshall Counties be so changed so as to include the farm of T. M. Liles in Marshall County.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 21, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 68.

House Bill No. 182.

AN ACT to change the line between the counties of Union and Claiborne.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Union and Claiborne be, and the same is hereby, so changed as to include all the land of J. M. Whited in Union County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 21, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 69.

House Bill No. 253.

AN ACT to amend Section 6 of an Act entitled "An Act to provide for the construction and repairing and buying of turnpike, macadamized, graded, graveled roads," passed March 23, 1883, and being Chapter 167 of the Acts of 1883, to authorize the County Court to fix the salary of the Secretary and Supervisor of the said Turnpike Commission at as much as $1,500 instead of $1,000 per annum in counties over 150,000 inhabitants.

This Act applies to Shelby County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 6 of the Act passed March 3, 1883, entitled "An Act to provide for the construction, repairing, and buying of graded, graveled roads," the same being Chapter 167 of the published Acts of 1883, be amended by adding to the end of said section the following: Provided that in counties of over 150,000 inhabitants by the Federal Census of 1900, or any subsequent Federal Census, the County Court of such county may fix the salary of the Secretary and Supervisor of said Turnpike Commission at as much as $1,500 per annum.

Sec. 2. *Be it further enacted,* That this Act take effect from its passage, the public welfare requiring it.

Passed March 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 21, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 70.

House Bill No. 255.

AN ACT to authorize the County of Shelby to issue not exceeding one hundred thousand dollars ($100,000.00) of bonds for the purpose of raising the turnpike roads in said county north and south of the City of Memphis, so as to place them above overflow, and to erect and construct the necessary bridges and culverts upon said roads, and to provide the method for the issuance of said bonds and the payment of the interest thereon, and the redemption of the same and the method of the expenditure of said fund and the raising of said roads.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Shelby County is hereby authorized and empowered by resolution to direct the issuance of bonds of said county not to exceed one hundred thousand dollars. Said bonds shall be due and payable twenty years from the date of issuance, and shall bear four per cent interest per annum, payable semi-annually from the date of issuance.

Bonds—how issued.

Sec. 2. *Be it further enacted,* That after said resolution has been passed by the County Court, then the Chairman of said Court and the County Court Clerk shall cause to be issued the bonds directed in said resolution, which bonds shall have upon their face: "Shelby County Emergency Levee Bonds," the date on which the same were issued and the date and time the same mature. They shall be signed by the Chairman of said Court and by the County Court Clerk, and shall have the seal of the County Court Clerk attached thereto. They shall be numbered, beginning at number one, and to each bond there shall be attached, beginning at number one and having on them the number of the bond to which they are attached. These coupons shall each be of the semi-annual interest that will be due upon said bonds, and they shall be signed with a lithograph facsimile of the signature of the Chairman of the County Court and of the County Court Clerk. The expense of the issuance of said bonds shall be paid out of the proceeds thereof. These bonds shall be in denominations ranging from

one hundred to one thousand dollars, as the County Court may determine.

SEC. 3. *Be it further enacted,* That the County Court, at the annual meeting at which the tax rate and tax budget is fixed for the other county taxes for said county, is hereby authorized, empowered, and directed to levy a tax sufficient to pay the annual interest upon said bonds that have been issued, and to provide a sinking fund to retire said bonds. Said tax shall be collected by the County Trustee, and he shall be entitled to the same compensation as he is allowed for other taxes, and he shall give a good and solvent bond properly conditioned in a sufficient amount to preserve and protect said fund that shall come into his hands from the collection of said taxes.

Commission to sell bonds.

SEC. 4. *Be it further enacted,* That the Chairman of the County Court shall appoint the three Commissioners, two of whom shall be members of the County Court, who shall constitute a commission, who are authorized and empowered to sell said bonds for not less than par, and no commission is to be paid to any person for the sale of said bonds. The proceeds of the bonds when sold are to be turned over to the County Trustee, who is to give a bond with good and solvent sureties to secure said fund, and the faithful performance of his duties regarding the same.

Record of bonds.

SEC. 5. *Be it further enacted,* That the Chairman of the County Court shall keep a well-bound book, in which the number, date, and amount of each bond signed and issued is recorded, together with the amount and number of the coupon attached to said bond, and in this book shall be entered the name of the purchaser of each of said bonds, together with the amount paid for same, and the purchaser of said bond; so that there shall be and remain an accurate record showing the ownership and residence of the holders of said bonds.

Funds—how disbursed.

SEC 6. *Be it further enacted,* That the Chairman of the County Court, upon his warrant upon which it shall be designated that said warrant is drawn on the fund arising from the sale of said bonds, shall alone be authorized to draw or pay said fund out of the hands of the County Trustee. Said Chairman shall in no case issue his warrant for any part of said fund, except upon the direct order of the Secretary and Chairman of the Commission above provided, which orders shall be kept on file

by the Chairman as his vouchers for warrants that he issues.

Bond Commission to elect a secretary.

SEC. 7. *Be it further enacted,* That said Commission shall elect a Secretary not a member of the Commission, who shall be a first-class civil engineer, and a Chairman. The Secretary alone is to receive compensation for his services, which shall not exceed $150 per month, to be fixed by the County Court. It shall be the duty of the Secretary to keep in a well-bound book a full account of all expenditures made and authorized by said Commission, and to make from time to time a report to the County Court, full and complete in its details, showing the work done and the expenditures made under the order of said Commission. He shall make estimates on all work done, and no work shall be paid for until there has been an estimate of the work made from actual survey by the Secretary and after the approval by the whole committee.

SEC. 8. *Be it further enacted,* That it shall be the duty of said Commissioners to see to the proper completion of the work necessary on said roads; to let the same out by contract; see that proper bonds are executed by the contractors, and to supervise the work, and to see that in all things the said work is completed properly and at the least expense possible.

Purchase and retirement of bonds.

SEC. 9. *Be it further enacted,* That the said County of Shelby is authorized and empowered, whenever there is as much as $10,000 of sinking fund arising from the taxes levied for that purpose, to purchase and retire as many of the bonds issued by the county as can be bought for that amount, if in the opinion of the Court the price for which they can be obtained is an advantageous one for the county.

Bond Book.

SEC. 10. *Be it further enacted,* That the Chairman of the County Court shall keep in his office a well-bound book, to be known as the Bond Book, in which shall be pasted the bond as soon as the same is redeemed and paid; said bond having been first canceled and marked paid in red ink across the face thereof and signed by the Chairman, and also perforated with holes made by a sharp instrument to be kept for that purpose. All coupons attached to said bond shall also be canceled and pasted in said book.

Reports of Commissioners.

SEC. 11. *Be it further enacted,* That said Commission shall report to the County Court at each term after

their appointment and until their duties have been fully completed and they are discharged as provided in this Act, and also shall report any other matter connected with their duties that may be designated or requested by the County Court.

Passed March 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 21, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 71.

House Bill No. 181.

AN ACT to change the county line between the counties of Union and Grainger.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Union and Grainger be, and the same is hereby, so changed as to include all the land of John T. Inklebarger in Union County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1905

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 21, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 72.

Senate Bill No. 183.

A BILL to be entitled "An Act authorizing Cocke County, Tennessee, to issue bonds for the building of turnpikes and the improvement of public roads in said county, and the maintenance of same upon an affirmative vote by the people, and regulate the same, and to levy tax and create sinking fund for the payment of same, and for the appointment and payment of commissioners and regulation of same, and to provide for the violation of the provisions of this Act."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Commissioners of Election for Cocke County, Tennessee, Sheriff, or other person or persons authorized to hold general elections in said county, shall hold an election on the 15th day of April, 1905, in said county, the said election to be held by officers appointed for that purpose in each precinct in said county under the law governing general elections in said county, for the purpose of determining whether the qualified voters in said county are in favor of the issuance of coupon bonds in the amount of $100,000 for the purpose of building turnpikes and the improvement of the public roads in said county hereinafter named, and each voter who is a qualified voter at the date of said election to vote for representative in the General Assembly of the State of Tennessee shall be qualified to vote at said election, and shall put on his ballot, "For good roads" or "Against good roads," and the ballot "For good roads" shall be counted as a ballot for the issuance of said bonds, and a ballot "Against good roads" shall be counted a ballot against the issuance of said bonds. In precincts where the Dortch ballot law applies, "For good roads" and "Against good roads" shall be printed on the ballots, and the voter shall indicate his choice by a cross mark opposite the one for which he wishes to vote. The Sheriff, or Commissioners of Election, or such other person as may have charge of said election, shall make return of the same to the Chairman of the County Court, or to the Judge of the County Court, and at its next quarterly session after such election, or at a special term called

Election.

Ballots.

by the Chairman for that purpose, the vote shall be counted and the result declared by said Court, that thereupon, if a majority of the votes cast are "For good roads," the said County Court shall order an issuance of bonds of the County of Cocke in the amount of $100,000 in the denomination of $500 each, payable and redeemable thirty years from the date of issuance, with interest coupons attached, payable semi-annually, on the 1st day of January and July of each year, the said bonds to bear interest at the rate of four per cent per annum, represented by said coupons, bonds and coupons payable at the office of the Trustee of Cocke County, Tennessee.

Bonds—how issued.

SEC. 2. *Be it further enacted,* That said bonds shall be signed by the Judge or Chairman of the County Court of Cocke County, Tennessee, and countersigned by the Clerk of the County Court of said county, with his official seal affixed to each of same, and shall be numbered in the order of issuance, beginning with "one."

Form of bonds.

SEC. 3. *Be it further enacted,* That each of said bonds shall have attached to it the coupons for the semi-annual interest upon the same for each of the years the said bonds are to run, showing the amount of each semi-annual installment of interest on said bonds, and when same shall fall due, which coupons shall be signed in the same manner as the bonds, except the official seal of the County Court Clerk need not be affixed to said coupons; the said coupons, however, to show on their face the number and amount of bonds to which they are attached. The bonds and coupons herein provided for when due and paid off by the Trustee or County Tax Collector, shall be by said Trustee or County Tax Collector canceled by stamping or writing on the face thereof the date received and paid, and held by him as his voucher for the payment in his settlement with the Judge or the Chairman of the County Court, who will preserve said coupons as a part of the records of his office.

Interest and sinking fund tax.

SEC. 4. *Be it further enacted,* That it shall be the duty of the said Quarterly County Court to levy a tax annually on all the taxable property of said county sufficient for the purpose of paying semi-annual interest on said bonds, and also for the purpose of creating a sinking fund for the redemption of said bonds herein authorized when the same shall fall due by this Act, but not to exceed twenty cents on the one hundred dollars assessed valuation of property annually. Said tax to be levied

on all taxable property in the county, including all taxable property in any municipal corporation within said county, but no poll tax shall ever be assessed or collected for the purpose of paying either the principal or interest on said bonds, or so applied. The Judge or Chairman of the County Court shall keep in a well-bound book in his office a record of the number and denomination of all the bonds issued under this Act, and the aggregate sum thereof, which at all times shall be subject to inspection by the Court and public.

County Trustee to collect.

SEC. 5. *Be it further enacted,* That the County Trustee shall collect and account for the tax herein authorized in the same manner as he is now required to collect and to account for the county taxes, and said County Court shall require said Trustee or Tax Collector to give an additional bond for the faithful performance of his duty in collecting and accounting for such taxes, raised for the purpose of payment of interest on said bonds and creation of sinking fund for redemption of same and the proceeds of said bonds when sold as hereinafter provided, the penalty of such additional bond to be fixed by the Quarterly County Court.

Notice of maturity.

SEC. 6. *Be it further enacted,* That the Judge or Chairman of the County Court of said county shall, within the last sixty days immediately preceding the maturity of said bonds, give notice to the holder or holders of same through a newspaper published in said county for a term of thirty days, stating in said notice the date said bonds fall due, and requesting that the same be presented for the payment or redemption on the said date of maturity; and if said bonds be not presented for payment at maturity, then the interest thereon shall cease at that date; and when said bonds or any of them are paid and returned as herein set out, the Trustee or Tax Collector shall, upon settlement with the Judge or Chairman of the County Court, have credit thereon on account of said sinking fund tax.

Sale of bonds.

SEC. 7. *Be it further enacted,* That said bonds shall not be sold by the Commissioners hereinafter provided for for less than their par value, with the accrued interest thereon, and no commissions shall be allowed to any one for the sale of said bonds.

Commissioners.

SEC. 8. *Be it further enacted,* That for the purpose of carrying out the purposes of this Act and the will of the people voting for the building of said turnpikes and

the improvement of the public roads in said county, J. W. Fisher, J. G. Murray, William Jack, and J. P. Hedrick are hereby appointed and constitute the Commissioners to sell said bonds and to contract said public roads in said county. Said Commissioners are authorized to employ engineers and other expert service to survey, inspect, change, and classify said public roads as hereinafter set out and indicated, and to make charts and maps showing the changes and improvements on or near the lines of the roads hereinafter to be indicated. Said improvements to include grading, filling, metaling, ditching, widening, bridging, draining, piping, and other necessary improvements in constructing said roads; and said Commissioners shall make a record of the probable cost or approximate cost of making such improvements, that specifications shall then be made for work to be done in the improvement of said roads and building of such turnpikes in said county hereinafter made and set out as may be determined upon by said Commissioners, who then advertise for said work to be done as a whole or in parts or sections, and give the same to the lowest responsible bidder or bidders, the Commissioners having the right to reject all bids, and said Commissioners may employ engineers or other necessary aid to supervise and superintend the work. All work shall be done subject to the inspection of the Commissioners or engineers employed by them. The work done according to specifications laid down shall be approved and accepted by the Commissioners, and the work not so done shall be disapproved and rejected by the Commissioners. The said Commissioners shall make written contracts with all contractors employed by them, and shall require solvent bond of all contractors conditioned for the faithful performance of their said contracts.

May employ engineers.

Commissioners to inspect work.

SEC. 9. *Be it further enacted,* That said Commissioners shall not expend any of the fund derived from the sale of said bonds toward the payment of rights of way or releases, or for any damages growing out of said road building in any way or manner.

SEC. 10. *Be it further enacted,* That said Commissioners and surveying force shall have the right to enter and survey on any lands in the county, the county thereby being subject to none but actual damages. Said Commissioners may have condemned the rights of way selected by them on any route, damages to be assessed as now

Rights of way.

provided by law; the Commissioners herein named having all the rights and powers now conferred by law upon District Commissioners for the purpose of laying out, condemning, and assessing damages for rights of way required by them in the discharge of their duties under this Act. Should any vacancies occur on the Board of Commissioners, the other Commissioners shall have the right to fill the vacancy and to act until such vacancy is filled.

Roads designated.

SEC. 11. *Be it further enacted,* That said Commissioners shall build and construct in the manner and form before named and indicated the following named public roads of said county—to wit:

1. The road leading from Newport up Big Pigeon River, beginning at the east end of the county bridge and extending to the first railroad crossing beyond Jim Bryant's place.

2. Beginning at the Cosby bridge on Big Pigeon River and extending to James Erby's store.

3. The road leading from Newport to Jones' Cove, beginning at the terminus of Woodlawn Avenue at the Newport corporation line and extending to the Butler schoolhouse.

4. A road running from Bryant's Mill, on the Jones Cove Road, to the Cosby Pike.

5. The Wilsonville Road, beginning at the Newport corporation line at A. J. Tucker's and extending to the Jefferson County line near Reidville.

6. The Dutch Bottom Road, beginning where it intersects with the Wilsonville Road and extending a distance of four miles down into the Dutch Bottom.

7. The Parrottsville Road, beginning at the bridge across Pigeon River and extending to the town of Parrottsville.

8. The Bybee and Knob Road, beginning at the old town bridge across French Broad River and extending by way of Bybee to Blount Fork, and from Bybee through the Narrows to the forks of the road at Wm. Kroppf's place.

9. That $2,000 be expended on the road leading from Hartford by way of Naillon to the Davis schoolhouse, and from Cole's Mill on Mountain Creek to the mouth of Raven's Branch, and $200 on the improvement of the Low Gap Road.

10. That the sum of $7,500 be expended in the grading, macadamizing and general improvement of the following roads of the old First and Fifteenth Districts:

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May employ engineers.

Del Rio to Vaugh; Del Rio Bridge to Long Creek; W. K. Shadrick's to foot of Round Mountain by way of Jones-town; Jesse Stakeley's mill to Lee's store, via Piney Grove; north to London; from the Jonestown Road up Dry Fork to Reuben Justice's; from the Del Rio Bridge to Mooneyham Branch; the nature and character of the work to be done on the various roads to be left to the discretion of the Commissioners.

Quarterly reports.

SEC. 12. *Be it further enacted,* That said Commissioners shall make report to the County Court at each quarterly term, showing the process of improvements in detail, and at the completion of the work shall make final report to said Court.

Bonds to be delivered to County Trustee.

SEC. 13. *Be it further enacted,* That said bonds, when issued by the Chairman and Clerk of the County Court as hereinafter provided for, shall be turned over to the said County Trustee, he executing receipts in duplicate therefor; but before said bonds are delivered to said County Trustee to be disposed of as hereinbefore set out for the purpose of realizing the funds for the building of said turnpikes and the improvement of the roads set out, said Trustee shall execute the bond hereinbefore required, and upon sale of said bonds by the Commissioners, said Trustee shall deliver said bonds to the purchasers and shall take charge of the proceeds hereof under the bond hereinbefore required, and said fund shall remain in his hands for the purpose of carrying out the purposes of this Act, and shall be subject to the order of the Commissioners herein named, whose order shall constitute a good and sufficient voucher for the Trustee in making his settlements with the Chairman of the County Court for the proceeds of said bonds, which shall be charged against him as are other county funds, and he shall receive as compensation one-fourth of one per cent for disbursing same.

SEC. 14. *Be it further enacted,* That the compensation of the Commissioners shall be two ($2.00) dollars per day for time actually employed, not to exceed fifty days in any one year.

SEC. 15. *Be it further enacted,* That none of said Commissioners shall be interested to any extent in any contract under which any of said turnpikes or roads shall be built or improved. Any Commissioner violating this section of this Act shall be subject to a fine of not less than $1,500 and imprisonment at the discretion of the Court.

Report of sale of bonds.

SEC. 16. *Be it further enacted,* That said Commissioners shall make a report in detail to the County Court of the sale of said bonds in addition to reporting the disbursements of proceeds of sale, together with the other reports herein required.

SEC. 17. *Be it further enacted,* That the Commissioners shall pay contractors each thirty days upon estimates made by the engineers or assistants, reserving ten per cent of each estimate until the entire contract is completed.

SEC. 18. *Be it further enacted,* That said Commissioners, when said bonds are delivered to the Trustee, shall sell the same, either at public or private sale, and the Trustee shall deliver to the purchasers designated by the Commissioners, as hereinbefore specified, on payment to him of the purchase price; and the funds realized from the sale of said bonds shall be disbursed by the Trustee for the purposes for which said bonds were issued on the order or warrant of said Commissioners.

Organization of Commissioners.

SEC. 19. *Be it further enacted,* That said Commissioners shall organize as a body and elect a Chairman and such other officers as they deem necessary, which said officers shall serve without any compensation other than their compensation as Commissioners. Said Commissioners shall appoint regular times and places of meeting, and may meet at any time and place in the County, on the call of the Chairman (notice being given to each Commissioner); and the action of said Commissioners may be determined by majority vote.

SEC. 20. *Be it further enacted,* That said Commissioners shall hold their office until the completion of the work and improvements contemplated by this Act.

Sinking fund.

SEC. 21. *Be it further enacted,* That whatever of the funds raised by the levy of taxes herein provided for, remain in the hands of the Trustee after the payment of interest on said bonds as herein provided, shall constitute a sinking fund for the retirement of said bonds at maturity; and said funds shall be loaned by a sinking fund commission, of which the County Trustee shall be *ex officio* a member and Chairman, and the remaining two members elected by the County Court for a term of three years. Said fund shall be loaned upon such security as the Quarterly County Court may direct, at the legal rate of interest, interest payable semi-annually. Said Commissioners shall be required to give bond in such penalty and with such sureties as the County Court may require.

the improvement of the public roads in said county, J. W. Fisher, J. G. Murray, William Jack, and J. P. Hedrick are hereby appointed and constitute the Commissioners to sell said bonds and to contract said public roads in said county. Said Commissioners are authorized to employ engineers and other expert service to survey, inspect, change, and classify said public roads as hereinafter set out and indicated, and to make charts and maps showing the changes and improvements on or near the lines of the roads hereinafter to be indicated. Said improvements to include grading, filling, metaling, ditching, widening, bridging, draining, piping, and other necessary improvements in constructing said roads; and said Commissioners shall make a record of the probable cost or approximate cost of making such improvements, that specifications shall then be made for work to be done in the improvement of said roads and building of such turnpikes in said county hereinafter made and set out as may be determined upon by said Commissioners, who then advertise for said work to be done as a whole or in parts or sections, and give the same to the lowest responsible bidder or bidders, the Commissioners having the right to reject all bids, and said Commissioners may employ engineers or other necessary aid to supervise and superintend the work. All work shall be done subject to the inspection of the Commissioners or engineers employed by them. The work done according to specifications laid down shall be approved and accepted by the Commissioners, and the work not so done shall be disapproved and rejected by the Commissioners. The said Commissioners shall make written contracts with all contractors employed by them, and shall require solvent bond of all contractors conditioned for the faithful performance of their said contracts.

May employ engineers.

Commissioners to inspect work.

SEC. 9. *Be it further enacted,* That said Commissioners shall not expend any of the fund derived from the sale of said bonds toward the payment of rights of way or releases, or for any damages growing out of said road building in any way or manner.

SEC. 10. *Be it further enacted,* That said Commissioners and surveying force shall have the right to enter and survey on any lands in the county, the county thereby being subject to none but actual damages. Said Commissioners may have condemned the rights of way selected by them on any route, damages to be assessed as now

Rights of way.

provided by law; the Commissioners herein named having all the rights and powers now conferred by law upon District Commissioners for the purpose of laying out, condemning, and assessing damages for rights of way required by them in the discharge of their duties under this Act. Should any vacancies occur on the Board of Commissioners, the other Commissioners shall have the right to fill the vacancy and to act until such vacancy is filled.

Roads designated.

SEC. 11. *Be it further enacted*, That said Commissioners shall build and construct in the manner and form before named and indicated the following named public roads of said county—to wit:

1. The road leading from Newport up Big Pigeon River, beginning at the east end of the county bridge and extending to the first railroad crossing beyond Jim Bryant's place.

2. Beginning at the Cosby bridge on Big Pigeon River and extending to James Erby's store.

3. The road leading from Newport to Jones' Cove, beginning at the terminus of Woodlawn Avenue at the Newport corporation line and extending to the Butler schoolhouse.

4. A road running from Bryant's Mill, on the Jones Cove Road, to the Cosby Pike.

5. The Wilsonville Road, beginning at the Newport corporation line at A. J. Tucker's and extending to the Jefferson County line near Reidville.

6. The Dutch Bottom Road, beginning where it intersects with the Wilsonville Road and extending a distance of four miles down into the Dutch Bottom.

7. The Parrottsville Road, beginning at the bridge across Pigeon River and extending to the town of Parrottsville.

8. The Bybee and Knob Road, beginning at the old town bridge across French Broad River and extending by way of Bybee to Blount Fork, and from Bybee through the Narrows to the forks of the road at Wm. Kroppf's place.

9. That $2,000 be expended on the road leading from Hartford by way of Naillon to the Davis schoolhouse, and from Cole's Mill on Mountain Creek to the mouth of Raven's Branch, and $200 on the improvement of the Low Gap Road.

10. That the sum of $7,500 be expended in the grading, macadamizing and general improvement of the following roads of the old First and Fifteenth Districts:

Del Rio to Nough; Del Rio Bridge to Long Creek; W. R. Stokeley's to foot of Round Mountain by way of Jonestown; Jesse Stokeley's mill to Lee's store, via Piney Grove; north to London; from the Jonestown Road up Dry Fork to Reuben Justice's; from the Del Rio Bridge to Mooneyham Branch; the nature and character of the work to be done on the various roads to be left to the discretion of the Commissioners.

Quarterly reports.

SEC. 12. *Be it further enacted,* That said Commissioners shall make report to the County Court at each quarterly term, showing the process of improvements in detail, and at the completion of the work shall make final report to said Court.

Bonds to be delivered to County Trustee.

SEC. 13. *Be it further enacted,* That said bonds, when issued by the Chairman and Clerk of the County Court as hereinafter provided for, shall be turned over to the said County Trustee, he executing receipts in duplicate therefor; but before said bonds are delivered to said County Trustee to be disposed of as hereinbefore set out for the purpose of realizing the funds for the building of said turnpikes and the improvement of the roads set out, said Trustee shall execute the bond hereinbefore required, and upon sale of said bonds by the Commissioners, said Trustee shall deliver said bonds to the purchasers and shall take charge of the proceeds hereof under the bond hereinbefore required, and said fund shall remain in his hands for the purpose of carrying out the purposes of this Act, and shall be subject to the order of the Commissioners herein named, whose order shall constitute a good and sufficient voucher for the Trustee in making his settlements with the Chairman of the County Court for the proceeds of said bonds, which shall be charged against him as are other county funds, and he shall receive as compensation one-fourth of one per cent for disbursing same.

SEC. 14. *Be it further enacted,* That the compensation of the Commissioners shall be two ($2.00) dollars per day for time actually employed, not to exceed fifty days in any one year.

SEC. 15. *Be it further enacted,* That none of said Commissioners shall be interested to any extent in any contract under which any of said turnpikes or roads shall be built or improved. Any Commissioner violating this section of this Act shall be subject to a fine of not less than $1,500 and imprisonment at the discretion of the Court.

Report of sale of bonds.

SEC. 16. *Be it further enacted,* That said Commissioners shall make a report in detail to the County Court of the sale of said bonds in addition to reporting the disbursements of proceeds of sale, together with the other reports herein required.

SEC. 17. *Be it further enacted,* That the Commissioners shall pay contractors each thirty days upon estimates made by the engineers or assistants, reserving ten per cent of each estimate until the entire contract is completed.

SEC. 18. *Be it further enacted,* That said Commissioners, when said bonds are delivered to the Trustee, shall sell the same, either at public or private sale, and the Trustee shall deliver to the purchasers designated by the Commissioners, as hereinbefore specified, on payment to him of the purchase price; and the funds realized from the sale of said bonds shall be disbursed by the Trustee for the purposes for which said bonds were issued on the order or warrant of said Commissioners.

Organization of Commissioners.

SEC. 19. *Be it further enacted,* That said Commissioners shall organize as a body and elect a Chairman and such other officers as they deem necessary, which said officers shall serve without any compensation other than their compensation as Commissioners. Said Commissioners shall appoint regular times and places of meeting, and may meet at any time and place in the County, on the call of the Chairman (notice being given to each Commissioner); and the action of said Commissioners may be determined by majority vote.

SEC. 20. *Be it further enacted,* That said Commissioners shall hold their office until the completion of the work and improvements contemplated by this Act.

Sinking fund.

SEC. 21. *Be it further enacted,* That whatever of the funds raised by the levy of taxes herein provided for, remain in the hands of the Trustee after the payment of interest on said bonds as herein provided, shall constitute a sinking fund for the retirement of said bonds at maturity; and said funds shall be loaned by a sinking fund commission, of which the County Trustee shall be *ex officio* a member and Chairman, and the remaining two members elected by the County Court for a term of three years. Said fund shall be loaned upon such security as the Quarterly County Court may direct, at the legal rate of interest, interest payable semi-annually. Said Commissioners shall be required to give bond in such penalty and with such sureties as the County Court may require.

SEC. 22. *Be it further enacted,* That said Commissioners may contract with the road builders or contractors to use the convicts or workhouse labor of the County on said roads if they can do so advantageously to the County, and in such cases, the provisions of the contract as to the safe-keeping, care and comfort of such convicts shall be the same as is now provided by law.

Oath of Commissioners.

SEC. 23. *Be it further enacted,* That the Commissioners named in Section 8 of this Act before entering upon the discharge of their duties as such Commissioners shall take and subscribe the following oath: "I, ——, do solemnly swear that I will faithfully and with fidelity discharge the duties imposed upon me as Commissioner of Roads for Cocke County, Tennessee, without fear, favor or partiality, to the best of my ability."

The foregoing oath may be taken and subscribed before any officer authorized to administer oaths, and the same shall be filed for record in the office of the County Court Clerk of said County. In addition to taking the foregoing oath, said Commissioners shall enter into bond in the penalty of $10,000 each, with two or more solvent securties, conditioned for the faithful performance of their duties as Commissioners prescribed in this Act.

SEC. 24. *Be it further enacted,* That if a majority of the votes cast at the election ordered in the first section of this Act shall be against good roads, the Election Commissioners of said County shall, at any time after one year from the date of said election, upon the petition of fifty citizens and taxpayers of the County, order and hold another election under this Act, upon thirty days' notice.

SEC. 25. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 26. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 21, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 73.

SENATE BILL No. 158.

A BILL to be entitled "An Act to amend Section 3778 of the Code of Tennessee, being to Code of 1858, and Section 4526 of Milliken and Vertrees' compilation of the statutes of Tennessee, being the law relative to filing and making the plea of non est factum in suits on written instruments."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 3778 of the Code of 1858, being Section 4526 of Millikin & Vertrees' compilation of the Laws of Tennessee, be amended by inserting the following words after the words "personal representative" in line one of said section, "or in case he refuses or fails to do so, then any heir of the deceased, or other person, who inherits any part of the estate, either by will or by law, and who is a party to the suit," making the whole section and the law read as follows: "If the party be dead, the personal representative, or in case he refuses or fails to do, any heir of the deceased, or other person, who inherits any part of the estate, either by will or by law, and who is a party to the suit, may make the denial under oath, 'according to the best of his knowledge, information and belief.'"

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 21, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 74.

HOUSE BILL No. 251.

AN ACT to repeal an Act of 1903, passed April 14, 1903, entitled "An Act to abolish the office of Road Commissioners in counties having a population of more than one hundred and fifty thousand inhabitants according to the Federal Census of 1900, or any subsequent Federal Census, same being Chapter 370 of the published Acts of 1903."

This Act applies to Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed by the General Assembly of the State of Tennessee, April 14, 1903, and approved April 15, 1903, entitled An Act to abolish the office of Road Commissioners in counties having a population of more than 150,000 inhabitants, according to the Federal Census of 1900, or any subsequent Federal Census, the same being Chapter 370 of the published Acts of 1903, be, and hereby is, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 22, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 75.

House Bill No. 30.

AN ACT to create the office of Delinquent Poll Tax Collector for counties having a population of not less than sixty thousand, and not more than seventy thousand, and defining his powers and duties, and fixing his compensation.

This Act applies to Hamilton County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the office of Delinquent Poll Tax Collector be, and the same is hereby, created for counties having a population of not less than 60,000 and not more than 70,000; and all polls not paid to the County Trustee by March 1st, after the year for which said poll taxes were levied, shall by said Trustee, and it is hereby made his duty to turn over to said Delinquent Poll Tax Collector to be by him collected, and for collecting such taxes said Delinquent Poll Tax Collector shall be entitled to collect, as compensation, a commission of twenty-five cents on each, in addition to the commission now allowed by law for collecting executions, which commission shall be paid by the delinquent.

Sec. 2. *Be it further enacted,* That said Delinquent Poll Tax Collector be, and he is hereby, vested with full power and authority to levy execution, by distress and sale, or garnishment as provided by law for collecting tax assessed against owners of real estate; to inspect the registration books, and the right to send for and examine witnesses and administer oaths.

Sec. 3. *Be it further enacted,* That said Delinquent Poll Tax Collector shall be elected by the County Court at the first regular term after the passage of this Act and shall be elected for term of eight years.

Sec. 4. *Be it further enacted,* That said Delinquent Poll Tax Collector shall give bond in the sum of $20,000, signed by two or more solvent sureties, or by a guarantee company authorized to do business in Tennessee, for the faithful discharge of his duties, and shall settle quarterly with County Trustee and report the aggregate amount of his collections monthly to the County Court.

SEC. 5. *Be it further enacted,* That in lieu of turning over said polls when delinquent to Constables, the same shall by the Trustee be turned over for collection to the Delinquent Poll Tax Collector.

SEC. 6. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 2, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
J. I. COX,
Speaker of the Senate.

Approved March 21, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 76.

SENATE BILL No. 38.

A BILL to be entitled "An Act to regulate the practice of veterinary medicine and veterinary surgery in the State of Tennessee, and to define and punish offenses committed in violation of this Act."

To whom Act applies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no person shall practice veterinary medicine or veterinary surgery in any of their departments, including veterinary dentistry, within this State, unless and until such person shall have obtained a certificate of license from the State Board of Veterinary Medical Examiners hereinafter created, and shall have recorded it in the County Court Clerk's office in the county in which he makes his residence; *Provided,* however, that the provisions of this Act shall not apply to any person or persons who, at the time of its passage, shall have been engaged in the practice of veterinary medicine or veterinary surgery in any of their departments, including veterinary dentistry, in the State of Tennessee for a period of three (3) years prior to the enactment of this law. Said existing practitioners shall make application to the State Board

of Veterinary Medical Examiners on or before January 1, 1906, and receive a license as further provided in this Act. Said license shall entitle the holder thereof to continue the practice of veterinary medicine or veterinary surgery in any of their departments, including veterinary dentistry, in this State when recorded in the office of the County Court Clerk of the county in which he makes his residence.

State Board.

SEC. 2. *Be it further enacted,* That there shall be a Board to be known as the "State Board of Veterinary Medical Examiners," said Board to consist of four (4) qualified veterinary surgeons, who shall be graduates of organized and recognized veterinary colleges and of good standing in their professions, and who have had not less than five (5) years' actual experience in the practice of veterinary medicine and veterinary surgery. It shall be the duty of this Board to examine into the qualifications of all applicants for certificates of license to practice veterinary medicine or veterinary surgery in this State.

How appointed

SEC. 3. *Be it further enacted,* That the members of said Board shall be appointed by the Governor within thirty (30) days after the passage of this Act, and shall hold office for a term of four (4) years; but all vacancies occurring in the Board by reason of death or resignation shall be filled by the Board itself for the unexpired term; *Provided,* however, that the first Board appointed upon the expiration of the term of the present Board shall be appointed as the term of the present members of the Board expires and shall within thirty (30) days from said appointment meet and organize, and shall serve, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, and one (1) for four (4) years, deciding by lot or arrangement among themselves as to their respective terms of office.

Organization.

SEC. 4. *Be it further enacted,* That the State Board of Veterinary Medical Examiners is authorized to elect from its own members a President and Secretary, and to create such other offices and to adopt such rules and regulations as may be necessary and proper for the efficient operations of the Board. Three (3) members shall constitute a quorum for the transaction of business and examination of candidates, and a majority of those present shall be necessary to reject any application; but such rejection shall not bar the applicant from a re-examination after the lapse of twelve (12) months.

Date of meetings.

SEC. 5. *Be it further enacted,* That the regular meeting of the Board shall be held on the second Wednesday in June of each year in the State Capitol building, Nashville, Tennessee; but special meetings may be held oftener upon the call of the President and Secretary.

Examinations.

SEC. 6. *Be it further enacted,* That persons desiring to obtain a certificate of license to practice veterinary medicine or veterinary surgery in this State, shall make application therefor in writing to said State Board of Veterinary Medical Examiners upon blanks provided for that purpose. Said applications shall be accompanied by the examination fees hereinafter prescribed, and by satisfactory proof that the applicant is of good moral character. When these preliminary requirements are satisfied, the applicant shall then present himself before said Board for examination upon the following branches—viz., Veterinary Anatomy, Veterinary Physiology, Chemistry, Veterinary Pathology, Veterinary Surgery, Veterinary Obstetrics, Veterinary Materia Medica, and Veterinary Practice. That a graduate of a regularly organized and recognized Veterinary College, which has a curriculum of at least three years of six months each especially devoted to the study of Veterinary Science, and whose corps of instructors shall contain at least four qualified veterinarians, be granted a certificate of permanent license without examination.

Place of meetings.

SEC. 7. *Be it further enacted,* That said Board shall hold one or more meetings each year for the purpose of examining candidates for license. Said meetings shall be held in the State Capitol building, Nashville, Tennessee, or some other convenient place, to be determined upon by the Board. Due notice of all examinations shall be made public at such times as the Board may determine. All examinations shall be held under uniform rules and regulations, to be adopted by the Board. All examination papers shall be examined, graded, and passed upon at the regular meeting of the Board next following date of examination, the results to be declared and certificates issued to those entitled to receive them; *Provided,* that in order to prevent any inconvenience, one member of the Board of Veterinary Medical Examiners may grant a certificate of temporary license to any applicant, whose application is accompanied by the examination fee hereinafter prescribed. Said applicant shall be permanently located at some designated place in this State, and must present satisfactory evidence

Examination—how conducted.

to the examiner that he possesses the qualifications hereinbefore or hereinafter prescribed. Said temporary license shall entitle the holder thereof to practice until he is examined and his papers passed upon.

SEC. 8. *Be it further enacted,* That if the applicant for examination shall thereupon be found worthy and competent by the Board, it shall issue to him a certificate of license to practice veterinary medicine or veterinary surgery, or both, in this State.

Record.

SEC. 9. *Be it further enacted,* That the Board of Veterinary Medical Examiners shall keep a record of their proceedings in a book provided for that purpose, which book shall be open for inspection and shall record the name of each applicant, the time of granting a certificate of license, the names of the members of the Board present; and where a certificate of license is denied by the Board to any applicant under authority of this Act, the fact and ground of such denial shall be entered on the minutes of the Board, and shall be communicated in writing to such applicant.

Fees.

SEC. 10. *Be it further enacted,* That the Board is hereby empowered to demand a fee of ten ($10.00) dollars for an examination, and to demand five ($5.00) dollars for the issuance of a certificate of license.

Registration of license.

SEC. 11. *Be it further enacted,* That any person thus receiving a certificate of license from the Board of Veterinary Medical Examiners shall forewith have it recorded in the office of the County Court Clerk in the county in which he makes his residence, and the date of such recording shall be indorsed thereon; and said license, when so recorded, shall not be collaterally questioned in any legal proceeding. Until this license is recorded the holder shall not exercise any of the rights or privileges therein conferred; and in case said license is not recorded within three months from the date of its issuance, it shall become invalid. The clerk shall be paid a fee of fifty (50) cents for recording said certificate. Any registered veterinarian removing his residence from one county in this State to another in order to practice veterinary medicine or surgery shall in like manner record the certificate of license in the county to which he removes, and the holder of the certificate shall pay to the County Court Clerk the usual fee for so doing. Practitioners who have registered in the county in which they reside may go from one county to another on professional business without being required to re-register.

County Clerk to keep record.

SEC. 12. *Be it further enacted,* That the County Court Clerk of each county shall keep, in a book provided for that purpose, a complete list of the certificates of license recorded by him, together with the date of each and the date of recording. He shall further record the name of the Veterinary College which conferred the diploma, on which the certificate is based, and the date when conferred; and the Clerk shall hereafter, beginning with the first Monday in January, 1906, and regularly at the expiration of every six months thereafter, report to the Secretary of the said Board of Veterinary Medical Examiners a list of such registrations in his office, together with a list of the deaths and removals from his county of veterinarians who have thus registered, for which service the Clerk shall be paid out of the funds of the Board ten (10) cents for each name so reported. The register of the County Court Clerk shall be open for inspection during business hours.

Compensation of Board.

SEC. 13. *Be it further enacted,* That the members of said Board shall receive as a compensation for their services ten ($10) dollars per day while in the actual service of the Board, and also their actual hotel and traveling expenses by the most direct route to and from their respective places of residence, which, together with the necessary expenses of each meeting of the Board, shall be paid out of any moneys in the treasury of the Board upon the certificate of the President and Secretary.

SEC. 14. *Be it further enacted,* That said Board shall have the right and power to revoke any license when it is procured by fraud, or the holder thereof has been guilty of habitual drunkenness or dishonest conduct.

SEC. 15. *Be it further enacted,* That any person who practices or attempts to practice veterinary medicine or veterinary surgery in this State and make a charge therefor without having first complied with the provisions of this Act shall, for each and every instance of such practice, be guilty of a misdemeanor, and on conviction thereof be fined in the sum of not less than twenty-five ($25.00) dollars, nor more than fifty ($50.00) dollars; and any person filing or attempting to file on his own license of another, or a forged affidavit of indentification, shall be guilty of a felony, and upon conviction thereof shall be subject to the punishment prescribed by law for the crime of forgery. All fines for offenses under this Act shall be paid over to

the Board of Veterinary Examiners, to constitute a part of the funds of said Board.

Does not apply to, whom.

SEC. 16. *Be it further enacted,* That nothing in this Act shall be construed to interfere with or punish veterinarians in the United States Army or in the United States Bureau of Animal Industry or State Live Stock Commissioner or his assistants or deputies or County Live Stock inspector, while so commissioned, or any lawfully qualified veterinarian residing in other States or counties meeting registered veterinarians of this State in consultation or any veterinarian residing on the border of a neighboring State and duly authorized, under the laws thereof, to practice veterinary medicine or veterinary surgery therein whose practice extends into the limits of this State; *Provided,* that such practitioner shall not open any office or appoint a place to meet patients within the limits of Tennessee. Nothing in this Act shall apply to persons gratuitously treating animals in cases of emergency; *Provided,* they do not represent themselves to be veterinarians or use any title or degree appertaining to the practice thereof. "And nothing in this Act shall interfere with or prevent persons in rural districts, or small towns where the services of a registered veterinarian are not available, from treating, operating upon or prescribing for domestic animals and charging for same."

It is further provided that the operations known as "castrating," "spaying," and "dehorning," shall not be regarded as practicing veterinary surgery, and nothing in this Act shall be construed to prohibit any one whomsoever from castrating, spaying, or dehorning any wild or domestic animal. It is further provided that nothing in this Act shall prevent or interfere with students practicing under preceptors from the end of one college session to the beginning of the college session next following.

State not liable for compensation.

SEC. 17. *Be it further enacted,* That it shall not be lawful for the Board of Veterinary Medical Examiners or any member thereof, in any manner whatever or for any purpose, to charge or obligate the State for the payment of any money, and said Board shall look alone to the revenue derived from the operation of this Act for the compensation designed in Section 10 hereof; and if said revenue is not sufficient to pay each member in full, together with the necessary expenses of the Board, then the amount available shall be prorated among the members. But if there should be a greater revenue derived than shall be required

to pay the compensation and expenses hereinbefore or hereinafter directed, any surplus remaining therefrom shall be paid to the Comptroller of the State, who shall receipt the Board for the amount so received and shall account for said money as for other State revenue.

Grand Juries to have inquisitorial powers.

SEC. 18. *Be it further enacted,* That the Grand Jury of each county in this State is hereby given inquisitorial power over all offenses against or violations of this Act, and the Circuit and Criminal Judges shall give the same in their charges to the Grand Jury. And it shall be the duty of the Board of Veterinary Medical Examiners or any member thereof to report any violations of this Act to the proper authorities.

SEC. 19. *Be it further enacted,* That it shall be a misdemeanor and shall disqualify from office for the Board of Veterinary Medical Examiners to issue a certificate of license to any person only as prescribed or set forth in this Act; *Provided,* however, if the Board of Veterinary Medical Examiners should be disqualified from office, the Governor shall appoint a new Board of Veterinary Medical Examiners in full, as provided in this Act; *Provided,* the provisions of this bill shall apply only to counties of this State having a population of 40,000 and over by the Federal Census of 1900 or any subsequent Federal Census.

SEC. 20. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 2, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NOTE.—This bill became a law without the Governor's approval, being held by him for more than five days without action. See the Journal.

EDWARD W. THOMAS,
Chief Clerk Senate.

CHAPTER 77.

SENATE BILL No. 139.

AN ACT to amend an Act entitled "An Act to incorporate the town of Crossville, in the County of Cumberland, and to prescribe the duties and powers, and provide for the election of officers, and prescribe their duties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 16 of Chapter 362 of the Acts of the General Assembly of 1901, entitled "An Act to incorporate the town of Crossville, in the County of Cumberland, and to prescribe the duties and powers, and provide for the election of officers and prescribe their duties," be, and the same is hereby, amended by inserting after the words "road taxes" in the eighth line of said section the following: The Board of Mayor and Aldermen shall have power to levy an *ad valorem* tax upon the average capital invested by persons doing business as merchants, but said tax shall not exceed that levied by the State for similar purposes; and every person, firm, company, or corporation applying for license to do business as merchant shall, before receiving the same, execute a bond to the Board of Mayor and Aldermen, to be approved by the Recorder, in the sum of $500, conditioned that such person, firm, company, or corporation will render to the Recorder issuing the license, at the end of twelve months from the date of the bond (or if said merchant ceases to do business before the expiration of twelve months, then as soon as he ceases to do business), a true statement, under oath, showing the amount of capital invested in business to be assessed for taxation, and, at the expiration of the period covered by the bond, file with the Recorder a statement giving the aggregate amount of capital employed during such period, verified by oath that the statement correctly and fully shows the aggregate amount of capital of every kind and character employed during such period.

Second—By striking out all that pertains to the manner of assessment in said section and inserting therefor the following:

It shall be the duty of the Recorder, on or before the first day of March of each year, to assess in a well-bound book all polls, real, personal, and mixed property, within the corporate limits; said assessment to be made by the Recorder in the manner prescribed by law for making county assessments. The Recorder shall receive such compensation as the Board of Mayor and Aldermen may prescribe for making assessments, which shall in no case exceed that fixed by law for District and County Assessors.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 23, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 78.

SENATE BILL No. 113.

AN ACT to establish a School District in Gibson County, Tennessee, to be known as Central High School District No. 26.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a school district, to be known and designated as Central High School District No. 26 of Gibson County, Tennessee, be established in Gibson County, Tennessee, with the following lines and boundaries:

Boundaries.

Beginning at a stake on the south side of North Fork of Forked Deer River, running south to northeast corner of N. E. Alford's land; thence south with said land and James Taylor's to J. S. Norvell's land; thence east to boundary of said land; thence south with east line of J. S. Norvell, L. Turner, J. N. Norvell, to Trenton and

Dyersburg Road; thence east to east line of N. C. Arnold; thence south with said line; thence west with south line of N. C. Arnold and W. E. Adams to Allen Ingram's west line; thence south with said line to Wallace's east line; thence south with said line to Allen O'Neil's north line; thence west to the corner of said land; thence south with lines of said O'Neil and Esquire Buchanan to Sam Grimes; thence east to corner of said Grimes; thence south with east line of Sam Grimes, William Blessings, J. W. Smith, across Dodson land to east line of B. F. Lemons; thence south with said line to corner; thence west to Eaton and Brazil Road; thence north to Big Creek; thence down said creek to the Middle Fork of the Forked Deer River; thence down said Middle Fork of Forked Deer River to the North Fork of Forked Deer River; and thence up the North Fork of Forked Deer River to the beginning.

First Board of Directors.

SEC. 2. *Be it further enacted,* That J. C. Taylor, J. W. Olive, B. F. Lemon are hereby appointed as School Directors for the school district created by the first section of this Act, to serve until the next general election for School Directors, when three Directors shall be elected by the people of said special district, and successively thereafter at every regular election for School Directors in Gibson County.

SEC. 3. *Be it further enacted,* That the school district created by the first section of this Act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules that govern, control, and regulate other school districts in Gibson County, Tennessee.

Trustee to apportion funds.

SEC. 4. *Be it further enacted,* That the Trustee of Gibson County be, and is hereby, directed and empowered to apportion to the district created by the first section of this Act, in proportion to the scholastic population of said district, its *pro rata* of all school funds in his hands at the time of the passage of this Act, or that may hereafter come into his hands, under the same rules and regulations as he does to the other school districts in Gibson County, Tennessee.

SEC. 5. *Be it further enacted,* That said District Directors an other (their) successors in office shall have the power, and they are hereby authorized, to make contracts of consolidation with Trustees, teachers, or other authorities of academies, seminaries, colleges, or private schools, by which the public schools may be taught in such institutions; *Provided,* that the branches of study designated in

the common school laws shall be taught free of any charge in such consolidated or high school; and *Provided* further, that the authority of the County Superintendent, District Directors, and other school officers over those studying such public school branches, shall be as full and ample as in the ordinary public school.

Census to be taken.

SEC. 6. *Be it further enacted,* That upon the passage of this Act the said District Directors shall take the census of the scholastic population within said territory and report the same to the County Trustee, and upon this scholastic report apportion the school fund of the Sixth District between this district and the balance of the Sixth Civil District, according to the scholastic population of the territory covered by this district and the balance of the territory not so covered.

SEC. 7. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 23, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 79.

SENATE BILL No. 168.

AN ACT to amend an Act entitled "An Act to regulate the laying out and working of public roads, and compile the Road Law, and to include all laws on this subject in one Act, passed March 23, 1891, and being Chapter 1 of the published Acts of 1891, so as to make various changes in said Act applicable to counties of over one hundred and fifty thousand inhabitants, according to the Federal Census of 1900, or any subsequent Federal Census."

This Act applies to Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 8 of an Act passed March 23, 1891, and being Chapter 1 of the published Acts of 1891, entitled "An Act to regulate the laying out and working of public roads and compile the Road Law and to include all laws on this subject in one Act," be, and hereby is, amended by adding to said Section 8 the following: "And give bond in the sum of $500, to be approved by the Quarterly Court, conditioned to pay over all moneys and property that may come into his hands and properly perform his duties."

Commissioners to keep record.

SEC. 2. *Be it further enacted,* That Section 10 of said Act be amended by enacting in lieu of said Section 10 the following: "That each Commissioner shall keep in a book provided for that purpose a correct record of all his official transactions, and shall make a quarterly report to the County Court, full and complete, of the condition of the roads in his district, and shall state in his last quarterly report of each year how many delinquent road hands in his district who have failed to work or commute for the full amount of time assessed to them by the County Court for each year, and in each report shall state the amount collected and from whom collected, and shall attach the receipt of the County Trustee for the amount paid him as a voucher for such collections."

Appointment of overseers.

SEC. 3. *Be it further enacted,* That Section 12 of said Act be, and hereby is, so amended as to read as follows: "The Commissioner may appoint one or more overseers when in his judgment he thinks it necessary, who shall perform any duties designated by the Commissioner; and

if road overseers are not appointed, the duties of overseers, as provided in this Act, shall devolve on and be performed by the Commissioner, and the Commissioner shall in any event be responsible for the roads' road money and road property of his district."

Disobedience to Commissioners.

SEC. 4. *Be it further enacted,* That Section 20 of said Act be amended so as to read as follows: "That any such person or persons willfully disobeying the Commissioner or overseer's summons, or so failing or refusing to commute as above, shall be guilty of a misdemeanor and liable to fine and punishment as in other misdemeanors. Any money collected by execution or fine imposed and collected under this Act shall be paid by the officer or person collecting the same to the County Trustee. Said amount to be placed to the credit of the district in which same was collected.

SEC. 5. *Be it further enacted,* That Section 31 of said Act be so amended as to add to the end thereof the following:

"*Provided,* that in any district where it is not necessary to appoint overseers, the Commissioner shall receive $2 for each day's official service of nine hours; and *Provided further,* that where the road fund from all sources in any district does not exceed $150 in any year, the County Court may allow said district's road fund $50, to be paid out of the County Treasury; *Provided further,* that no Commissioner shall receive pay for more than one hundred days in any one year."

SEC. 6. *Be it further enacted,* That Section 40 of said Act be amended so as to provide in that part of said section that authorizes the use of wagons, teams, and plows on the roads of the county so as to read as follows: When by permission of the Commissioner wagons and team are furnished to work out labor tax and day's work with a two-horse plow and team for same or two horse-wagon and team, shall exempt one hand from three days' work. One horse and plow shall exempt one hand from two days' work. When teams and wagons, etc., are furnished that are not described by the above clause, their value in commuting for tax and labor shall be fixed by the Commissioner.

Shelby County.

SEC. 7. *Be it further enacted,* That this Act shall apply only to counties having 150,000 inhabitants by the Federal Census of 1900 or any subsequent Federal Census.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 80.

SENATE BILL No. 117.

AN ACT to be entitled "An Act to amend the Acts entitled 'An Act for the benefit of the indigent and disabled soldiers of the war between the States, and to fix the fees of attorneys or agents for procuring such pensions, and fixing a penalty for the violation of the same,' being Chapter 64, Acts of 1891, and Chapter 244, Acts of 1903."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That $500,000 ($250,000 annually), or so much thereof as may be necessary, be, and the same is hereby, appropriated for the payment of pensions and expenses as provided in Chapter 64, Acts of 1891, and Chapter 244 of the Acts of 1903.

SEC. 2. *Be it further enacted,* That false swearing in pension application, either by the applicant or the witness, shall be deemed a felony, and upon conviction of the party or parties so false swearing, he or they shall be confined in the State Penitentiary for not less than one year, nor more than three years.

SEC. 3. *Be it further enacted,* That the Board of Pension Examiners shall not hold more than four meetings in any one year, and shall not be allowed compensation and expenses for more than ten days at any one meeting of the Board.

SEC. 4. *Be it further enacted,* That the Special Pension Examiner may be employed not to exceed two hundred and fifty days, if thought necessary by the Board of Pension Examiners; and that said Special Examiner shall receive as compensation for his services four dollars per day, with actual expenses for the number of days actually engaged in the performance of such duties.

SEC. 5. *Be it further enacted,* That the Secretary of the Board of Pension Examiners shall be paid twelve hundred dollars per year for his services as Secretary of said Board.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 81.

SENATE BILL NO. 65.

AN ACT to amend Section 9 of Chapter 39 of the Acts of 1893, being "An Act to establish a State Board of Pharmacy, and to regulate the practice of pharmacy, the sale of poisons, and to prohibit the adulteration of drugs in the State of Tennessee," as amended by Chapter 80 of the Acts of 1897.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 9 of Chapter 39 of the Acts of 1893, as amended by Section 80 of the Acts of 1897, be amended by striking out the last two lines of said Section 9 and inserting in lieu therefor the following: "The Grand Jury shall have inquisitorial power to investigate violations of this Act, and the Circuit and Criminal Judges shall give said law in charge to the Grand Juries in their respective districts."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 82.

SENATE BILL No. 72.

A BILL to be entitled "An Act to prohibit gambling on races."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person to record or register, by mechanical or other means, bets or wagers, or sell auction pools, or French mutual pools, or engage in any bookmaking, by or through any device, book, instrument, or contrivance, upon the result of any trial or contest of skill, speed or power of endurance of man or beast, which is to take place within or beyond the limits of this State.

SEC. 2. *Be it further enacted,* That any person who shall bet, or wager, by or through the sale or purchase of auction pools, French mutual pools, or in any book, or by or through any device, instrument, or contrivance, and any person who shall sell auction pools, French mutual pools, or engage in any bookmaking by any known contrivance, shall be guilty of gaming.

SEC. 3. *Be it further enacted,* That any person found guilty under this Act shall, upon conviction, be punished by fine of not less than $25 and imprisonment at the discretion of the Court not exceeding six months.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Judges of the Circuit and Criminal Courts in this State to give the provisions of this Act in instructing Grand Juries in the several counties of the State as a part of the charge.

SEC. 5. *Be it further enacted,* That Section 4881 o the Code of Tennessee, and an Act to amend Section 4881 approved 26th of March, 1891, be, and the same are here by, repealed.

SEC. 6. *Be it further enacted,* That this Act take effect from and after December 1, 1905, the public welfare requiring it.

Passed March 20, 1905.

J. I. COX,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 83.

HOUSE BILL NO. 228.

A BILL to incorporate the town of Decatur in Meigs County, Tennessee, and to define its powers, and to provide for the election of officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Decatur, in the County of Meigs, and the inhabitants thereof within the boundaries hereinafter specified, be, and are hereby, constituted a body politic and corporate under and by the style and name of the "Mayor and Aldermen of the town of Decatur," and shall have perpetual succession; may sue and be sued, plead and be impleaded in all Courts of law and equity and in all actions whatever; may purchase, receive, and hold property, real and personal, in and beyond the limits of the town to be used for the burial of the dead, the erection of schoolhouses, hospital, pesthouse, workhouse, house of correction, or other corporation purposes, and improve, sell, lease, or dispose of said property for the benefit of the town; may own or rent such property and do all other acts touching the same as natural persons, and shall have a common seal and change it at pleasure.

SEC. 2. *Be it further enacted,* That the boundary of the town of Decatur shall be as follows: Beginning at Col. N. J. Lillard's spring, east of his residence, and running thence down said spring branch in a southern direction to Goodfield Creek; thence down said creek to the old boundary line of Decatur; thence with said line in a southwestern direction to the Kincannon's Ferry Road; thence down said road in a southwestern direction to where J. B. Brandon's land line intersects the same; thence with J. B. Brandon's line, in a northern direction, to the old town line; thence with said town line to a point opposite the Methodist church; thence in a western direction, the shortest distance to a branch in Mrs. Buchanan's field; thence up said branch as it meanders in a northern direction to a spring, near the southeast corner of the "Guy Sharp" lot; thence in a straight line to Col. N. J. Lillard's spring, the beginning. And that police authority shall extend to a distance of one mile from the corporate limits hereof, establishing quarantine regulations against contagious diseases, and for suppression of all disorderly acts and practices forbidden by the ordinances of the corporation or by the general laws of the State. Boundaries.

SEC. 3. *Be it further enacted,* That the officers of said corporation shall consist of a Mayor and six Aldermen, to be elected by the qualified voters thereof, and a Recorder and Marshal, to be elected or appointed by the Board of Mayor and Aldermen, who shall hold said offices for one year, or until their successors are elected and qualified. Policemen, watchmen, and such other officers and agents as the public welfare may demand, may by proper ordinance be created and filled by the Board of Mayor and Aldermen; and an additional Justice of the Peace shall be allowed said corporation, who, when elected, shall be commissioned by the Governor. Officers—how elected, etc.

SEC. 4. *Be it further enacted,* That the Mayor and Aldermen of said corporation shall live within the limits thereof, and shall own real estate therein to the amount of not less than $50, and shall be a qualified voter in said corporation. Any person is a qualified voter and may vote in any corporate election who is a legal voter for members of the General Assembly, and who has resided within the corporation limits for a period of three months previous to said election, or who owns or has owned for three months previous to any election real estate within the corporate limits to the amount of $50, as shown by the County As- Qualifications of voters.

First election. sessor. That the first election for Mayor and Aldermen shall be held by the Election Commissioners of Meigs County, after giving ten days' notice by written notices, one posted at the courthouse and two others within the corporate limits, on the fourth Tuesday in April, 1905, as other elections are held, and will give a certificate of election to the person receiving the largest number of votes for Mayor, and to each of six Aldermen certificates to the ones receiving the largest number of votes; on receiving the same, the Mayor and Aldermen shall go before the County Court Clerk or a Magistrate and make and subscribe to an oath to well, truly, impartially, and faithfully discharge the duties of their respective offices, which oath shall be filed with the Recorder. The first meeting of the Board of Mayor and Aldermen shall be on the first Tuesday of May, 1905, and on the first Tuesday of each month following, unless changed by ordinance or special meetOther elections ings hereinafter provided for. All elections for Mayor and Aldermen, and for any other purpose hereafter called, shall be held by officers appointed by the Mayor and Aldermen. At the first meeting of the Board of Mayor and Aldermen the compensation of the Recorder and Marshal may be fixed, and a Recorder and Marshal elected; but on condition the Board does not fix the compensation of said officers and elect the same, a Recorder and Marshal *pro tem.* may be appointed until such time as the pay of such officers may be fixed and a regular election made by the Board; and said officers, before assuming the duties of such, shall, in addition to the same oath taken by the Mayor and Aldermen, give a bond to the Mayor and Aldermen, in such penalty as set by the Board, for the faithful performance of their respective duties, and the payment of all money coming into their hands as such officers to the proper parties designated to receive it, and to make all proper financial reports to the Board as the same may be called for. Said bonds to be filed with and approved by the Board of Mayor and Aldermen.

Duties of Mayor. SEC. 5. *Be it further enacted,* That it shall be the duty of the Mayor to preside at all meetings of the Board of Mayor and Aldermen or Town Council, and he shall have authority to enforce order and decency in the meetings of said Board or Council, and for a breach of the same, either by members of the Council or other persons present, may impose a suitable fine therefor, which may be collected as other fines due the corporation; to vote in all

elections of officers for the town and in all cases of a tie vote. All ordinances shall be approved and signed by the Mayor; all resolutions and the minutes and records of the proceedings of said Board or Council; he shall sign all contracts authorized by the Board, and all orders or warrants on the Recorder for the payment of any moneys appropriated by the Board. The Mayor shall also take care that all the ordinances of the town are enforced, respected, and observed within the limits of the town; call special sessions of the Council when he thinks it expedient, and perform all other duties which the Council by ordinance may impose upon him. The Recorder is hereby vested with all the powers of a Justice of the Peace in criminal cases, and shall try all offenses against the peace and dignity of the town of Decatur, and in case such crime is against the State, he may bind over to the Circuit Court of Meigs County, the same as a Justice of the Peace may do; and if for any reason the Recorder is incompetent or absent, the Mayor or any Alderman may try the case and decide the same with all the authority and powers conferred on the Recorder. In the event an appeal is taken from any fine imposed by the Recorder, Mayor, or Alderman of said town for the violation of any of its ordinances to the Circuit Court of Meigs County, Tenn., the person so appealing shall give bond and security for the payment of said fine and costs, and to abide by and perform the judgment of the Court on appeal, and in no case be entitled to appeal on pauper's oath. The Recorder shall be present at all meetings of the Town Council, and shall keep an accurate minute of all the proceedings of the same; shall issue privilege license and collect taxes on same. He shall collect all special taxes levied by the Council, and shall keep a proper ledger account of the same. He shall make out the town tax book and turn the same over to the Marshal for collection, taking his receipt therefor under the State laws regulating the collection of State and county taxes. He shall act as Treasurer, receive from the Marshal, receipt, take care of, and keep proper account of whatever funds of any nature that may come into his hands belonging to the corporation. For such purpose he shall keep such books as the Council may direct, and shall make such reports and settlements and perform such other duties as may be imposed on him by proper ordinance of the Council. The Marshal shall acquaint himself thoroughly with the laws and ordinances of the town, and it shall

Powers of Recorder.

Other duties.

be his duty to rigidly enforce the same, for which police authority is hereby given him, which he may exercise without warrant in hand within and one mile beyond the limits of said corporation; and the same authority is hereby extended to special policemen and watchmen, should the corporation see fit to appoint or employ such. The Marshal shall collect all taxes levied by the Council, except privileges and special taxes, unless relieved of the same by ordinance of Council. He shall have power to execute State warrants and other processes which constables have within the town limits.

SEC. 6. *Be it futher enacted,* That when any tax or duty shall be levied by said corporation upon any real estate within said town, and the owner or occupiers thereof shall not pay the same, and having no personal property within the corporation limits on which to distrain for said taxes, the Recorder, by and with the consent of the Council, shall take such steps for the collection of said taxes as are provided by the State laws for the collection of taxes.

Liability of Marshal and Recorder.

SEC. 7. *Be it further enacted,* That if the Recorder or Marshal or any other officer or agent of the corporation shall fail to collect, or after collection fail or refuse to pay over any money received by them, or either of them, for the use of said town, said Recorder, Marshal, officer, or agent shall be liable to be proceeded against by motion or suit at common law in the Circuit Court of Meigs County, or any other Court having jurisdiction of the person of such officer or agent, and it shall be the duty of such Court to render up judgment against them and their sureties for the money so received, or that ought to have been collected in the name of the Mayor and Aldermen aforesaid.

Compensation.

SEC. 8. *Be it further enacted,* That the fees and compensation of all officers herein mentioned shall be prescribed by the Council, and that the Board of Mayor and Aldermen are forbidden from making any appropriation of any money or taxes to be assessed and collected in any other manner than for strictly corporate or school purposes.

SEC. 9. *Be it further enacted,* That the corporation, in addition to the streets and alleys, shall take charge of and work out and keep in repair all public roads within the corporate limits, and the County Court Clerk and Trustee of Meigs County shall pay over to the Recorder

of said corporation all road taxes by them collected on property or privileges within the limits of the corporation, taking his receipt therefor.

SEC. 10. *Be it further enacted,* That the Board of Mayor and Aldermen, or Town Council, shall have power within the town by ordinance: Powers of Board of Mayor and Aldermen.

First—To assess property for taxes, and to levy and collect, by proper officers, taxes upon all real and personal property, polls, and privileges taxable by the laws of the State, and all persons subject to labor on the public roads, under the laws of the State, are subject to road labor within the corporation, and the time may be fixed by ordinance not more nor less than that fixed by the laws of the State, labor commuted, and work enforced under the same laws and penalties as the State enforces the same, and the work may be done under overseer appointed by the Board or under contract.

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

Third—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, highways, alleys, and sidewalks and sewers, or to have the same done; also to erect, establish, and keep in repair bridges. Streets.

Fourth—To license, tax, or regulate everything or person by the State or county licensed, taxed, or regulated.

Fifth—To provide for the erection or renting (of) all buildings for the use of the town.

Sixth—To regulate or prohibit and suppress all disorderly or bawdy houses.

Seventh—To regulate the police of the town; to impose fines, forfeitures, and penalties for the breach of any ordinances, and to provide for the recovery and appropriation of the same, and to appoint an officer of the town as hereinbefore provided, before whom such recovery may be had —not, however, to the exclusion of any other competent Court. Police.

Eighth—To provide for the arrest and confinement until trial of all disorderly or riotous persons by day or night; to authorize the arrest and detention of all suspicious persons found violating any ordinance of the town.

Ninth—To prevent or punish by pecuniary penalty or otherwise all breaches of the peace, noise, or disturbance, loud cursing, swearing, or use of obscene language, dis- Breaches of the peace.

orderly assembly in any alley or street, house, or any place in the town, by day or night.

Civic improvements.

Tenth—To provide for the removal of all obstructions from the sidewalks and to prevent riding or leading stock on the same; to provide for the construction, repair, and cleaning of sidewalks; to require owners of property to erect sidewalks and sewers in accordance with such ordinance as the Council may provide, at the expense of the owners of the ground fronting same, and provide suitable ordinance for enforcing same; to provide for setting out shade trees and the protection of the same on any street, alley, or public ground within the corporation, and to prevent the hitching of stock to any shade tree or fence within the limits of the corporation.

School system.

Eleventh—To establish a system of schools, to be run by special taxes imposed by the corporation, or in combination with State and county school funds, to be free or partly free or all pay, as the public welfare and the finances of the corporation may require; said schools may be of a primary, secondary, or collegiate grade, or all three in combination, and the Council may appoint commissioners to control the same, said Commissioners to be appointed from the different political parties and different religious denominations as they are represented in the town, to avoid political or sectarian influences as much as possible.

Twelfth—To enter into an agreement with Meigs County relative to committing prisoners to the county jail or workhouse.

Commitment of violators.

Thirteenth—To commit any person or persons who may fail to pay or secure any fine or costs imposed on them by ordinance thereof, or by the Recorder, or competent Court, for breach of any ordinance, to said jail or workhouse, until said fine and costs are paid or secured; and said persons may be worked within or without the corporation, secured by ball and chain or shackles, and may be worked in the county workhouse or by private individuals, and shall be required to do such labor as his or her strength and health will permit, not exceeding ten hours per day, until the fine and costs are paid, and shall be allowed a credit thereon at the same rate the State allows; *Provided,* that no prisoner shall be kept in the workhouse for a longer period than three months.

Fourteenth—No member of the Town Council shall become a bondsman for any agent, officer, or servant of the

town; nor be directly or indirectly interested in any contract with the corporation.

Fifteenth—To define nuisances and prohibit the same, to make sanitary regulations and enforce the same, to remove or prohibit anything detrimental to the health of the town, to establish quarantine regulations, to prevent the introduction and spread of contagious diseases, and shall have all the powers within the incorporation that are given by law to the County Board of Health. Nuisances.

Sixteenth—To tax, regulate, or restrain theatrical or other public amusements, shows, and exhibitions within the town; to prohibit horse swapping; to remove stock lots from the public square; to prohibit gambling; to pass all ordinances and by-laws not contrary to the constitutional laws of the State that may be necessary to carry out the full intent and meaning of their corporation. Regulate public amusements.

SEC. 10a. *Be it further enacted,* That in criminal proceedings, or proceedings before the Recorder for breach of the ordinances of the town of a criminal nature, the town shall not be liable for defendant's costs, and shall only be liable for such costs as the county would be liable for in a suit of a similar nature, and that the corporation may employ competent legal counsel when deemed necessary, or, if deemed necessary, may create the office of City Attorney and fix the compensation thereof, whose duty it shall be to look after the legal interests of the corporation.

SEC. 11. *Be it further enacted,* That the corporation shall have power to grant franchises over its streets for public utilities, telephone, telegraph, or for lighting the town, or the railroad tracks, under such conditions as may appear equitable to the corporation. Franchises.

SEC. 12. *Be it further enacted,* That if, for any reason, the election of officers authorized by this bill should not be held at the time designated herein, the same will not annul the charter, but said election may be held at any time thereafter, the proper notice being given.

SEC. 13. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1905. W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Approved March 22, 1905. *Speaker of the Senate.*

JAMES B. FRAZIER,
Governor.

CHAPTER 84.

HOUSE BILL No. 311.

AN ACT to fix the compensation of the financial officer or agent of Union County, Tennessee, and to amend Chapter 291 of the Acts of 1901, entitled "An Act to create and regulate the office of County Judge for Union County."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 5 of Chapter 201 of the Acts of 1901 be amended so as to read as follows:

That the compensation of said County Judge shall be $150 per annum, and the compensation which shall be paid him for services as financial agent of the county shall be $150 per annum.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 22, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 85.

House Bill No. 320.

AN ACT to authorize the Board of Mayor and Aldermen of the town of Johnson City to issue interest-bearing bonds to fund its floating and judgment indebtedness, and to provide a sinking fund for the payment of such bonds.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the municipality, the town, of Johnson City, in Washington County, Tennessee, through its Board of Mayor and Aldermen, is hereby authorized to issue the negotiable bonds of said town, in its corporate name, signed by the Mayor and countersigned by the Recorder, with interest coupons attached, to an amount not exceeding ten thousand ($10,000) dollars, which shall be used, or the proceeds of which shall be used, for no other purpose than to pay off the present judgment and floating indebtedness of said town.

Denomination.

Sec. 2. *Be it further enacted,* That the bonds herein authorized may be executed of any denomination from $100 to $500, and shall mature at any time from one to ten years, as may be fixed by ordinance of the Board of Mayor and Aldermen of said town, and shall bear interest at six per cent, or at any less rate which may be fixed by said Board of Mayor and Aldermen by ordinance and at which they can be negotiated at par value. Said bonds shall be paid in lawful money of the United States.

Sinking fund.

Sec. 3. *Be it further enacted,* That the Mayor and Aldermen of the said town of Johnson City shall levy and collect an annual tax, in the aggregate not less than one-tenth of the amount of bonds issued hereunder, which shall be set apart from all other funds and used for no other purpose than paying off the bonded indebtedness created under this Act; *Provided,* said sinking fund may be paid out at any time in liquidation of any bond or bonds issued under this Act, whether the same be due or not.

Funding Board.

SEC. 4. *Be it further enacted,* That the Mayor an Aldermen of said town shall elect two of their numbe who, with the Mayor of said town, shall constitute Funding Board, whose duties it shall be to take charg of the sinking fund herein provided for, and which Boar shall perform their duties according as said Mayor an Aldermen shall direct, provided each member of sai Board shall first take an oath before the Recorder t faithfully discharge their duties as such, and shall joint ly give bond, payable to the Mayor and Aldermen of sai town, in double the amount which shall come into thei hands; and *Provided* further, that said Board shall serv without compensation.

Reports.

SEC. 5. *Be it further enacted,* That the Sinking Fund Board shall make written reports, under oath, of thei actions, not less than once every six months to the Mayor and Aldermen of said town, which shall be subject to ratification or rejection by said Mayor and Aldermen.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 25, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 86.

House Bill No. 323.

AN ACT to change the line between the counties of Trousdale and Smith.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Trousdale and Smith be so changed as to detach the lands of G. W. Evitts from the Fourth Civil District of Smith County and attach the same to the Second Civil District of Trousdale County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 25, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 87.

House Bill No. 232.

A BILL to be entitled "An Act to authorize the Board of Education of the town of Huntingdon to sell the old Academy School property."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Board of Education of the town of Huntingdon, Tennessee, are hereby authorized and empowered to sell the old Academy School property in the town of Huntingdon, and to use the money derived from said sale for educational purposes.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 25, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 88.

House Bill No. 234.

AN ACT to change the line between the counties of Smith and DeKalb.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Smith and DeKalb be so changed as to detach the lands of J. B. Williams from the Seventeenth Civil District of DeKalb County and attach the same to the Seventh Civil District of Smith County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 89.

House Bill No. 155.

A BILL to be entitled "An Act to amend Section 3162 of the Code of Tennessee 'In respect to bonds to be executed on appeals in the nature of a writ of error,' so as to provide for bonds on appeal from judgments in actions on account."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 3162 of the Code of Tennessee be amended to read as follows: "In actions founded on bonds for the payment of money, bills single, bills of exchange, promissory notes, accounts, written obligations for the payment of bank notes, or promissory notes, bonds or written obligations for the delivery of the specific articles, or on indorsements of negotiable instruments, if the appellant take an appeal, or an appeal in the nature of a writ of error, from an inferior to a superior jurisdiction, the bond shall be taken and the sureties bound for the payment of the whole debt, damages and costs, and for the satisfaction of the judgment of the superior court where such cause may be finally tried and determined; *Provided,* that nothing contained in this Act shall be construed as depriving appellants of the right of appeal in *forma pauperis.*"

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 90.

HOUSE BILL No. 271.

A BILL to be entitled "An Act to amend an Act incorporating the town of Humboldt, in Gibson County, Tennessee," said Act being passed March 12, 1903, and being Chapter 158 of the Acts of Tennessee of that year.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 158 of the Acts of Tennessee of 1903 be, and the same is hereby, amended by striking out the figures $50.00 in the seventh line of the seventh section and inserting the figures $60.00 instead thereof, and by striking out the figures $30.00 in the fourteenth line of said seventh section and inserting the figures $50.00 instead thereof.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 91.

HOUSE BILL No. 261.

AN ACT to change the line between Moore and Lincoln Counties so as to include the lands of J. L. Foster in Moore County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Moore and Lincoln Counties be, and the same is hereby, so changed as to include all the lands of J. L. Foster in Moore County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 92.

House Bill No. 334.

A BILL to be entitled "An Act to repeal Section 15 of Chapter 404 of the Acts of 1901, entitled 'An Act to create and regulate the office of County Judge for Dickson County, Tennessee, to fix his salary, and to define his duties and jurisdiction,' passed March 14, 1901, approved March 16, 1901."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 15 of Chapter 404 of the Acts of 1901 be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 93.

House Bill No. 317.

A BILL to be entitled "An Act to create and establish School District No. 17 in the county of Dickson, and define boundaries thereof."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a school district be established in the County of Dickson, bounded as follows: All that portion of the Thirteenth School District lying north of a line beginning at the point where the Fifth School District crosses the Nashville, Chattanooga & St. Louis Railroad, and running westwardly with said railroad to the southwest corner of the W. H. Trummen's tract of land, including the W. H. Trumming's tract of land, and of the north boundary line of the Sixteenth School District. Said district shall be known as the Seventeenth School District of Dickson County, Tennessee.

Sec. 2. *Be it further enacted,* That J. B. Burgie, B. F. Hurt, and Sam Lamastus be, and are hereby, constituted School Directors of said School District No. 17, until the first regular election for electing School Directors or Commissioners under the general law governing such school districts.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 94.

House Bill No. 410.

AN ACT entitled "An Act to create and establish an independent school district, No. 32, in Wilson County, and define the boundaries thereof, and appoint a Board of Directors."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent school district, to be known as No. 32, be, and the same is hereby, created and established in Wilson County, Tennessee, and that the boundaries thereof shall be as follows:

School District No. 32, Wilson County, taken from the Eleventh and Nineteenth Civil Districts, beginning with Thomas H. Stark, on the Lebanon and Sparta pike, following his west boundary line to Widow Robinson; then following her west and north line to Robert Hankins; then to Samuel Fobes; then B. H. Hankins; then to Widow Andrews; then to Mikles; then to Justus Wood; then to W. C. Green; then to William Grimmett; then to William Bass; then to J. W. Bryan; then to R. M. Williams; then to Ben Mosier; then to S. D. Williams; then to W. E. Bass; then to E. Bass; then to J. P. Donnell; then to Widow Williams; then to R. M. Williams; then to S. C. Donnell; then to Walter Bryan; then to E. L. Leeman; then to John Bryan; then to J. A. Donnell; then to Nelson Bryan; then to Toll House tract; then with Lebanon and Sparta pike to the beginning. All of the above farms are included in this district.

Sec. 2. *Be it further enacted,* That D. S. Crips, J. M. Barbee, and N. Bryan are hereby appointed, and shall constitute, the first Board of Directors for this district, and shall exercise all the powers thereof until their successors are elected or appointed according to law.

Sec. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed, so far as necessary to make this Act operative and effective.

SEC. 4. *Be it further enacted,* That this Act take effe
from and after its passage, the public welfare requiring i
Passed March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representative

J. I. COX,
Speaker of the Senat

Approved March 27, 1905.

JAMES B. FRAZIER,
Governo

CHAPTER 95.

HOUSE BILL No. 391.

AN ACT to change the line between the counties of DeKalb and Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of DeKalb and Smith be so changed as to detach the land of Daniel Driver from Smith County and attach the same to DeKalb County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.
Passed March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 96.

House Bill No. 133.

A BILL to be entitled "An Act to remove the disabilities of Mr. G. C. Sherrod, of Crockett County, Tennessee, so as to permit him to practice law, he being under age."

Whereas, Mr. Grover Cleveland Sherrod, of Crockett County, Tennessee, has completed, with a high degree of proficiency, the law course of Cumberland University, at Lebanon, Tennessee, as shown by the attached certificate signed by the faculty; and,

Whereas, He has also stood satisfactory examination by the State Board of Law Examiners, as shown by the records of said Board, and he being a young man of high moral character and splendid personal attainments, but will not be twenty-one years of age until July 29, 1905; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the disabilities of Mr. G. C. Sherrod, of Crockett County, Tennessee, be, and the same are hereby, removed; and he be permitted to practice law before the courts of this State; and the State Board of Law Examiners are hereby permitted to issue to the said Sherrod their license so permitting him to be qualified as an attorney at law and solicitor in chancery.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 97.

HOUSE BILL No. 386.

AN ACT to prevent the running at large of certain stock in counties having a population of not less than twenty-two thousand seven hundred and thirty-eight, and not more than twenty-two thousand seven hundred and fifty, according to the Federal Census of 1900, or any subsequent Federal Census, and to provide a remedy for its violation.

This Act applies to Roane County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be a misdemeanor for the owner or owners of any sheep, goat, swine, or geese to permit the same to run at large or to run loose upon any public street, road, highways, or upon any unfenced ground in any county in this State having a population of not less than twenty-two thousand seven hundred and thirty-eight, nor more than twenty-two thousand seven hundred and fifty, according to the Federal Census of 1900, or any subsequent Federal Census; and any person violating the provisions of this section shall, upon conviction, be fined not less than five nor more than fifty dollars for each offense.

SEC. 2. *Be it further enacted,* That the grand juries of all counties in this State having a population designated in the first section of this Act be, and they are hereby, given inquisitorial power over offenses committed against the provisions of this Act, and the Circuit Judges of this State are hereby required to give this Act in charge to all grand juries in all counties of the population provided in the first section of this Act.

SEC. 3. *Be it further enacted,* That this Act take effect on and after the first day of April, 1905, the public welfare requiring it.

Passed March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 98.

House Bill No. 385.

AN ACT entitled "An Act to establish and define a lawful fence for counties having a population of not less than twenty-two thousand seven hundred and thirty-eight, nor more than twenty-two thousand seven hundred and fifty, according to the Federal Census of 1900, or any subsequent Federal Census."

This act applies to Roane County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That four barbed wires, securely fastened to posts and stays, as below described, should be one of the lawful fences in counties having a population of not less than twenty-two thousand seven hundred and thirty-eight, nor more than twenty-two thousand seven hundred and fifty, according to the Federal Census of 1900, or according to any subsequent Federal Census; *Provided,* the same be built on good-sized, substantial posts, set firmly in the ground, nor more than twenty-four feet apart, with good, sound stays or braces, not less than two inches thick and not to be more than eight feet apart, said stays or braces to reach from the ground to the top of the fourth wire; *Provided further,* that the bottom wire shall be about twelve inches from the ground where posts are set and stays are stationed, the second wire about twelve inches above the first, the third wire about twelve inches above the second, and the fourth wire about twelve inches above the third; provided said wires shall be securely fastened to posts and stays as above described.

Sec. 2. *Be it further enacted,* That in counties having a population as described in Section 1 of this Act, a four-plank or rail fence shall also be and constitute a lawful fence, said rail or plank not to be less than four inches wide; *Provided,* the rails or planks are attached to posts firmly set in the ground, and said posts to be not more than eight feet apart, and said rails or planks to be fastened to said posts the same distance from the ground, and such other as the wires designated to be fastened in Section 1 of this Act.

SEC. 3. *Be it further enacted,* That said wires, rails, or planks may be fastened to growing timber where such timber is so located as to take the place of posts provided for in Section 1, or where they are located within one foot of the place provided for a post in Section 1, and where such timbers are of sufficient size to make a support for said wires or planks or rails equal to the support furnished by the posts provided for in Section 1 of this Act.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after the first day of April, 1905, the public welfare requiring it.

Passed March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 99.

SENATE BILL No. 116.

Be it enacted by the General Assembly of the State of Tennessee:

The original bill of this act has no caption.

SECTION 1. That for the purpose of constructing and operating a turnpike road from Mountain City, in the county of Johnson, to the North Carolina State line near Trade, Tennessee, the formation of a corporation, with a capital stock not exceeding twenty thousand dollars ($20,000), to be styled "The Mountain City and Roan's Creek Turnpike Company," is hereby authorized.

SEC. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation in the town of Mountain City under the direction of any of the following named persons—to wit: I. S. Rambo, Edward E. Butler, T. H. Taylor, L. D. Lowe, and T. S. Coffey.

Capital stock.

SEC. 3. That the capital stock of said association shall be divided into shares of fifty dollars each, and whenever twenty of such shares shall be subscribed for on the books authorized to be opened for that purpose, the subscribers for the same and their future associates and successors are hereby declared to be a body politic and corporate by the name and style of "The Mountain City and Roan's Creek Turnpike Company," with all the rights, powers, and privileges as herein set forth.

Organization.

SEC. 4. So soon as twenty shares of the capital stock of said coroporation shall be subscribed for it shall be lawful for any three of the persons hereinbefore mentioned to call a general meeting of such subscribers, by writing, at least ten days prior to such meeting, and such subscribers at said meeting shall elect one of their number President of said corporation. They may adopt all such by-laws as may be considered necessary for the election of Treasurer, Secretary, and Superintendent, and for the good management of said corporation; and all matters not provided for by such by-laws shall be regulated and done as the Board of Directors shall from time to time order and direct.

Payment on capital stock.

SEC. 5. That the Board of Directors may require payments of subscription to the capital stock of said corporation to be made in such installments as they may deem proper; and in case any subscriber shall fail to pay the amount of his subscription after thirty days' notice, given in writing, the Directors may sell said share or shares of stock, so subscribed for by him, by public auction, or so many of them as may be necessary to pay the amount of his subscription then remaining unpaid; and if a balance shall remain unpaid, after applying the proceeds of the sale as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount so remaining unpaid.

Damages for lands, stone, etc.; how assessed.

SEC. 6. That whenever any lands, stone, or other material may be required for said turnpike, either for a roadway or for toll houses, or other appurtenances thereto, and an agreement cannot be made with the owner or owners of such lands, the company or owner may, in writing, apply to the Clerk of the Circuit Court of Johnson County to cause the damages of such owner, if any, to be assessed by three disinterested freeholders, competent to act as jurors, to appraise the same, one to be chosen by the owner, one by the corporation, and one by the Clerk of said court; if

either party or both shall fail to appoint, after ten days' notice of the application to the Clerk, then the Clerk shall appoint instead. The appraisers so appointed, being duly sworn by some person authorized to administer oaths to act impartially, lay off a right of way forty feet in width or less, as the company may elect, and also, if required by the company, shall lay off a suitable site or sites for a toll house or houses not exceeding two acres of land at each toll house, and assess the damages, if any, to the owners of the land, taking into consideration any benefit or advantages to accrue to each owner from the making of such road, and return their report in writing within ten days to said Clerk; and such award of said appraisers, or any two of them, when returned shall become a judgment of the Circuit Court of said county, on

(This section reads as set out in original.)

SEC. 6. Which execution may issue, as on other judgments of said court, if the amount is not paid by said company within thirty days after notice of such return. If either party is dissatisfied with the amount allowed by the said appraisers, the issues shall be tried by a jury on appeal to the Circuit Court. So soon, however, as an award is returned by a majority of such appraisers as aforesaid, whether there is an appeal or not, the company may enter upon the lands thus appraised and use the same for constructing a said turnpike road, or for erecting toll houses, or use stone or other materials, as the case may be. The said company may purchase land for the purpose of procuring stone, gravel, dirt, wood, timber, or other material necessary for the construction or repairing said road. It shall also be lawful for said company, its officers or agents, to enter upon the lands of the owners along said turnpike for the purpose of making ditches and culverts for the better drainage of said road, or for procuring stone, gravel, dirt, wood, timber, or other material necessary for the construction or repairing said road, or for cutting and removing timber or shade from the same, doing as little damage as may be to the owners, and to pay just compensation for the material used or damage done in the construction of ditches and culverts.

Tolls.

SEC. 7. That said company shall be authorized to demand, recover, and receive from all persons using the road of said company as compensation no greater than the following fare or toll: For two-horse or two-ox team, twenty-five cents (25 cents)each way, and for each additional animal five cents (5 cents); two-horse buggy or

back, twenty-five cents (25 cents) each way; one-horse buggy or wagon, fifteen cents (15 cents) each way; horse and rider, ten cents (10 cents) each way; loose horses, five cents (5 cents) each; cattle, three cents (3 cents) each; sheep, one cent (1 cent) each; *Provided,* that no toll shall be demanded from persons passing from one to another part of his farm, or from persons attending funerals or religious worship, or in going to or returning from

(Original bill reads as set out here.)

SEC. 7. precincts at elections, the persons being authorized to vote, or from persons going to or returning from grist mills on horseback with grain for family use or from any persons traveling on foot. Any person who shall shun a gate for the purpose of evading toll, or who shall use any part of said road without paying the fare or toll due and payable for such use, and demanded by any officer or agent of said company at the established toll gate, shall forfeit the sum of five dollars to the use of said company, to be recovered before any Justice of the Peace; and upon failure to pay said forfeiture, the person so offending shall be guilty of a misdemeanor and imprisoned by said Justice not less than five days, nor more than ten days.

Toll gate near Mountain City.

SEC. 8. That said company is hereby authorized to erect a toll gate across said turnpike at some convenient place, as the Board of Directors may select after the road from the coroporate limits of Mountain City leading up Roan's Creek to the North Carolina State line shall have been put in good condition for a road of that character, and at such place may demand, receive, and recover the fare or toll authorized by this Act.

SEC. 9. That the fare or toll received for the use of said road shall be expended in keeping the toll house, grading and constructing said turnpike, paying the expenses incident thereto, keeping the post thus made in repair, and keeping the old road from the corporate limits of Mountain City to the State line, or so much thereof as may be temporarily used by said company, in repair until the whole turnpike from the corporate limits of Mountain City to the State line is completed, and after said road is completed as aforesaid the said company shall be authorized to declare dividends for the benefit of the stockholders.

Grade.

SEC. 10. That the said turnpike, when completed, shall have no grade to exceed any angle of five degrees with the horizon. The said company shall not be required to con-

struct the roadbed of greater width than twelve on mou
tain sides through cliffs of

(These sections are correctly printed.)

SEC. 10. stone, if sufficient turnouts be constructe for the convenient and safety passage of vehicles; and th said company shall not be required to use stone or grav on such parts of the road as have a compact and gravell nature, if the road be well drained to prevent an accumu lation of water.

SEC. 11. That if before or after the said turnpike completed the said company shall elect to keep two to gates the rate of fare or toll shall be no greater than th charges at one gate.

SEC. 12. That any person who shall in any manne injure or obstruct the road of said company or any bridg connected therewith, besides being liable in a civil actio for damages, shall be guilty of a misdemeanor, and o conviction thereof be fined or imprisoned, or both, in th discretion of the court.

SEC. 13. That the stockholders shall not be individ ually liable for the debts of the corporation.

SEC. 14. That all laws and clauses of law in conflic with this Act are hereby repealed.

SEC. 15. That this Act shall be in force from and after its passage.

Passed February 3, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

This Act creates a private corporation, and is admittedly in contravention of Art. XI., Sec. 8, of the Constitution. It was signed by Governor Frazier through mistake.

JOHN W. MORTON,
Secretary of State.

CHAPTER 100.

SENATE BILL No. 138.

AN ACT to create a special school district out of portions of the Fifteenth, Sixteenth, and Twenty-second Civil Districts of Rutherford County, and to provide directors and government for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special school district be, and the same is hereby, created out of portions of the Fifteenth, Sixteenth, and Twenty-Second Civil Districts of Rutherford County to be bounded as follows:

Beginning at R. E. Jarman's farm, running east with the Wilson County line to Robert Nolen's farm; thence south with the lands of David Crouse, Jake Dillon, M. R. Allen, and William Butler to the Murfreesboro & Milton turnpike; thence east with said pike to Browley's Creek; thence south to and including the farm of James Greer; thence west to Sam Knight, Will Butler and W. S. McHenry's farms; thence southwest to E. G. Brown's farm; thence with Stones River to the bridge near G. H. Burke, Esq.; thence with his lines and crossing said river and with the meanderings of the same to Walter Hill corporation line; thence north with said line to include the lands of R. M. Rucker; thence easterly to the lands of E. N. Dunnaway, John Dillon, Z. T. Herron, W. B. Loughry, A. T. Young, Mrs Jacob Dunnaway, Willie Freas, M. W. White, J. G. Barlow, and P. B. Florida; thence east with the Wilson County line to the beginning, including the above-named farms.

SEC. 2. *Be it further enacted,* That the directors of the said Fifteenth, Sixteenth, and Twenty-second Civil Districts of said county be, and the same are hereby, directed and empowered to pay over to the directors of the special district created by this Act, in proportion to the scholastic population of said special district, its *pro rata* of all school funds in their hands at the time of the passage of this Act.

SEC. 3. *Be it further enacted,* That the County Superintendent for Rutherford County is hereby authorized

and directed to number said special school district, and to appoint three directors for the same to serve until the next regular election for school directors, when three directors shall be elected by the people of said special district, in the manner now provided by law; and said special district shall be entitled to the same lawful privileges, immunities, and rights of other school districts, and be subject to the same regulations and restrictions.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 23, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 101.

SENATE BILL No. 182.

A BILL to be entitled "An Act to amend Section 1, Chapter 227, of the Acts of the General Assembly of Tennessee, passed March 24, 1903, and approved March 25, 1903, which was entitled 'An Act to amend an Act of the General Assembly passed April 21, 1899, and approved April 22, 1899, entitled House Bill No. 770, an Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions and provide for the administration of justice and equity in the Circuit and Chancery and other inferior courts of this State, and to fix the time for holding the terms of said Chancery, Circuit, and other courts so as to change the time for holding the Circuit Courts in the Second Judicial Circuit, and provide that the Chancellor of the Fourth Chancery Division hold the Circuit Courts of Fentress County,' so as to change the time for holding the terms of the Circuit Courts in Sevier and Morgan Counties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1, Chapter 227 of

the Acts of the General Assembly, passed March 24, 1903, approved March 25, 1903, entitled "An Act to amend an Act of the General Assembly passed April 21, 1899, and approved April 22, 1899, entitled 'House Bill No. 770, an Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and provide for the administration of justice and equity in the Circuit and Chancery and other inferior Courts of this State, and to fix the times of holding said Chancery, Circuit, and other Courts, so as to change the time for holding the Circuit Courts in the Second Judicial Circuit and provide that the Chancellor of the Fourth Chancery Division hold the Circuit Courts of Fentress County," be amended so as to change the time for holding the terms of the Circuit Courts in Sevier County from the first Mondays of March, July, and November to the third Mondays of March, July, and November of each year; and to change the time for holding the terms of the Circuit Courts for Morgan County from the third Mondays of March, July, and November to the first Mondays of March, July, and November of each year.

Change of time in holding Circuit Courts in Sevier and Morgan Counties.

SEC. 2. *Be it further enacted,* That all bonds and recognizances shall be taken and all process made returnable to the Courts at the times and places fixed for holding the same in the first section of this Act; and all bonds and recognizances and all process, heretofore taken and issued under the provisions of said Act hereby amended, shall be made returnable to the terms of the Court hereafter to be held under the provisions of this Act and may be enforced accordingly.

SEC. 3. *Be it further enacted,* That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1903.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

CHAPTER 102.

HOUSE BILL NO. 104.

AN ACT to reorganize the Circuit Court of Shelby County.

Terms, rules, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Circuit Court of Shelby County be, and is hereby, divided into four parts, to be known and designated as Divisions One, Two, Three, and Four of said Court. The terms of said Court in said four divisions shall be held, beginning on the third Mondays in January, March, May, September, and November of each year, as now required by law, and said Court shall have such civil jurisdiction and powers as are now exercised by Circuit Courts in this State. The procedure, rules of practice, and the laws governing said Court shall be the same as are now in force, except as they are changed by this Act, or as the rules of practice may hereafter be changed by said Court; and each division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, each division of said Court shall regulate its own sessions and sit upon its own adjournments.

SEC. 2. *Be it further enacted,* That the present Judge of the Circuit Court of Shelby County, and his successors in office, shall sit and hold Court regularly in Division One; and the offices of three additional Circuit Judges of Shelby County are hereby created, which shall be filled by the appointees hereafter to be named until the election of Judges to fill said offices, as hereinafter provided, and said three Circuit Judges, to be so appointed or elected, and their successors in office, shall sit and hold Court regularly in Divisions Two, Three, and Four thereof.

Governor to appoint first judges.

SEC. 3. *Be it further enacted,* That the Governor, as soon after the passage of this Act as practicable, shall appoint persons qualified, under the law, to fill the offices hereby created of Circuit Judges in Divisions Two, Three, and Four of said Court, and shall designate which of said three persons shall hold Division Two and Division Three and Division Four thereof, all of whom shall hold office

until their successors are elected and qualified. An election shall be held in said county, as required by law, on the first Thursday in August, 1906, for said three Judges, who shall hold said offices respectively as in the case of a vacancy, and shall hold office until the next regular election of judicial officers in the State, and until their successors are elected and qualified.

Powers, jurisdiction, and salary.

SEC. 4. *Be it further enacted,* That the three Judges herein provided for shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

To formulate rules of practice.

SEC. 5. *Be it further enacted,* That the Judges presiding in Divisions One, Two, Three, and Four of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the four divisions thereof, and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the four divisions, assigning to each division, for trial and disposition, a proper proportion of the docket. The Judge holding Division No. Four of said Court shall hear and determine all cases appealed to said Court from Justices of the Peace in Shelby County, and all cases taken to that Court by writs of *certiorari* or other appellate processes from inferior jurisdictions, except the Probate Court of Shelby County, and shall also hear and determine all divorce cases instituted in said Court, and the same shall be assigned by the Clerk to said division; *Provided,* however, that either Judge in Divisions One, Two, or Three of said Court may hear and determine the causes now allotted to Division Four, upon the conditions and upon assignment of the same to said divisions respectively as hereinafter provided.

Minute books.

SEC. 6. *Be it further enacted,* That the minutes of Divisions One, Two, Three, and Four of said Court shall be kept in separate books, the same to be numbered in regular sequence, as heretofore. The minutes of each division shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

Transfer of causes to expedite business.

SEC. 7. *Be it further enacted,* That if at any time either of said Divisions One, Two, Three, or Four shall dispose of the cases assigned to such division, and either of the other divisions shall then have cases on its own docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign

to one of the other divisions of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the division to which they are assigned or transferred.

Disposition of cases now pending.

SEC. 8. *Be it further enacted,* That all cases now pending in the Second Circuit Court of Shelby County shall be assigned and transferred to Division Four of the Circuit Court, to be tried and determined, as herein provided. Hereafter all appeals to the Circuit Court of Shelby County and all cases taken to that Court by *certiorari* or other appellate proceedings shall be kept upon a separate docket, to be known as the Docket of Division No. Four. All cases brought in the Circuit Court and assigned to Divisions One, Two, and Three shall be kept upon one docket.

County to furnish records.

SEC. 9. *Be it further enacted,* That the County Court of Shelby County shall furnish all books and necessary supplies for said Court, and shall also furnish for the sittings of said Courts separate rooms, but as near together as may be convenient, and the Sheriff of said county shall in person or by deputy attend upon each division of said Court when in session.

As to Circuit Court Clerk.

SEC. 10. *Be it further enacted,* That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties, and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon each division of said Court when in session.

SEC. 11. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be, and they are hereby, repealed.

SEC. 12. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

CHAPTER 103.

House Bill No. 29.

A BILL to amend Chapter 198 of the published Acts of the General Assembly of Tennessee of 1903, entitled "An Act to fix the times and places for holding the Circuit Courts of the First Judicial Circuit of Tennessee," so as to change the time of holding the Circuit Court for Hawkins County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Chapter 198 of the Acts of 1903, the same being the Act described in the caption hereof, be, and the same is hereby, amended so as to provide that the Circuit Court for Hawkins County shall be held on the first Mondays in March, July, and November, instead of the second Mondays in said months as provided in said Act of 1903.

Sec. 2. *Be it further enacted,* That all bonds andrecognizances taken requiring the appearance of any person or the performance of any duty at any term provided for in the Act hereby amended, and all process issued returnable to any Court, as provided for in said Act hereby amended, shall be held as valid and binding at the terms provided for herein and returnable thereto.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

CHAPTER 104.

HOUSE BILL No. 39.

AN ACT to amend Chapter 255, Acts of 1903, entitled "An Act to provide and regulate the compensation of Circuit Court Clerk in the State of Tennesse," so as to provide another class for counties having a population between seven thousand four hundred and fifty and seven thousand five hundred, according to the Federal Census of 1900, or any subsequent census.

This act applies to Meigs County; population being 7,491.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Chapter 255 of the Acts of 1903, Section 1, be, and the same is hereby, amended by adding the following clause after the "to wit" in the fourth line of said Act as printed in the published Acts of 1903—viz.: In counties having a population between 7,450 and 7,500, according to Federal Census of 1900, or any subsequent census, and three hundred ($300) dollars.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

CHAPTER 105.

House Bill No. 233.

AN ACT to incorporate the town of Doyle, Tennessee, in the county of White and State of Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Doyle, in the County of White and State of Tennessee, and the inhabitants thereof be, and are hereby, constituted a body politic and corporate, under and by the name and style of the "Mayor and Aldermen of the town of Doyle;" may sue and be sued; grant, receive, purchase, and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of said town of Doyle; and may have and use a common seal, and change the same at pleasure.

Sec. 2. *Be it further enacted,* That the corporate limits of said town of Doyle shall be as follows: Beginning at a stake, M. V. Nichol's southwest corner in W. M. Cooper's line, running south 87½ degrees, east with said line crossing the N., C. & St. L. R. R. at 83 poles and crossing the Sparta and McMinnville Road at 137 poles, in all 263 poles, to a cedar in W. M. Moore's and Hollingsworth's line; thence 3 degrees east, crossing the Doyle and Johnson Mill Road at 58 poles, in all 301 poles, to a stake at the northeast corner of W. M. Felton's blacksmith shop on the south side of the onward Seminary and Eaton Road; thence westwardly with the south side of said road, crossing the Sparta and McMinnville Road at 88 poles, crossing the N., C. & St. L. R. R. at 129½ poles, and passing the mouth of a lane leading to Doyle at 222 poles, leaving the said road at the northwest corner of Smith Swindell's barn lot at 240 poles; thence west through a woods lot, in all 260 poles, to a small persimmon in Smith and Mrs. E. A. Swindell's dividing line; thence south 2½ degrees, west with said line 59 poles, to S. A. Mitchell's southwest corner in the center of a lane; thence 3½ degrees west, crossing Mountain Street at 56 poles near Dr. Wood's barn, passing M. V. Nichol's northwest corner in R. E. Lee Smith's line at 201 poles, and with his (Nichol's) line through an orchard, in all 241½ poles, to a stake, the beginning. Boundaries.

First Board of Mayor and Aldermen.

SEC. 3. *Be it further enacted,* That the first Board of Mayor and Aldermen of the town of Doyle, under this charter, shall be the following named persons—to wit: Mayor, R. E. Lee Smith; Aldermen, A. P. Johnson, W. H. Gooch, G. D. Carlock, J. L. Horton, M. N. Camp, Wilson McConnell. The said Board of Mayor and Aldermen shall at their first meeting proceed to elect a Marshal and Recorder, and that they hold their said offices and be vested with all the powers of regularly elected officers until the first Saturday in January, 1906, and their successors are elected and qualified; *Provided also,* that at the expiration of the term of the above-named officers there shall be held on the first Saturday in January, 1906, an election within the corporate limits of said town of Doyle for the purpose of electing a Mayor and six Aldermen for the said town of Doyle, who shall for a term of one year and until their successors are elected and qualified, and an election shall be held on the first Saturday in January of each subsequent year for the purpose of electing a Board of Mayor and Aldermen for the said town of Doyle; *Provided further,* that the Board of Mayor and Aldermen of said town of Doyle shall have the power to appoint officers, Judges, and Clerks to hold said election under the general rules and regulations prescribed by law for holding general, State, county, and municipal elections; *Provided further,* that all vacancies in the Board of Mayor and Aldermen shall be filled by the remaining members of said Board. In all elections held under this Act, all persons living within the limits of said corporation for six months next preceding the election, and who shall be qualified to vote for members of the General Assembly of the State, and all male persons twenty-one years of age and qualified to vote for members of the General Assembly of the State, owning fifty ($50) dollars' worth of real estate in said corporate limits, assessable for taxes for said year, such ownership to be evidenced by registered conveyance prior to the tenth day of the preceding January, shall constitute the qualified electors in said election, and be entitled to vote for all the officers elected in such election.

Who may vote.

Result of elections; how declared.

SEC. 4. *Be it further enacted,* That the person having received the highest number of legal votes at any election held shall be declared elected, and the officers holding the election shall, within two days thereafter, issue to each of the Aldermen elected certificates of election; and that at all subsequent elections the officers holding the said elec-

tion shall make certified returns thereof, on the day succeeding the election, of said election to the acting Mayor, whose duty it shall be to issue to the persons receiving the highest number of legal votes in said town of Doyle certificates of election within two days. It shall be the duty of the persons elected to meet at some convenient place and proceed to organize by the election of a Recorder, Treasurer, Marshal, and such Assistant Marshal or Policemen as the Board of Mayor and Aldermen may from time to time provide, and as may be necessary for the dispatch of municipal business.

SEC. 5. *Be it further enacted,* That no person shall be elected to any office in the municipality unless he has been a resident for at least six months next preceding his election, and unless he is twenty-one years of age.

SEC. 6. *Be it further enacted,* That the compensation of all officers, agents, and servants of the municipality shall be fixed by the Board of Mayor and Aldermen before the election of officers, agents, and servants, and shall not be changed during his term of office. Compensation —how fixed.

SEC. 7. *Be it further enacted,* That the corporation aforesaid shall have full power and authority to make and pass such laws and by-laws as are necessary to prevent or remove nuisances; to provide for licensing and regulating auctions, taxing, regulating, or restraining theatricals or public amusements, shows, or exhibitions, within the boundary of the corporation; for restraining or prohibiting gambling houses; to regulate the sale of intoxicating liquors; to establish night and day watches and patrol; to ascertain when necessary the boundary of streets and alleys; to have and keep in repair the streets, alleys, etc., and pass all laws necessary for the same; to repair and regulate markets, drayage, and personal privileges; to provide for the establishment and regulation of a fire company, the sweeping of chimneys, and the safe condition of flues; to impose and appropriate fines, penalties, and forfeitures for breach of by-laws and ordinances; to build and keep in good condition a lockup or calaboose for the safekeeping of persons, before trial, who have violated any of said ordinances or by-laws of said corporation; to levy and collect taxes of privileges, real and personal property, for the purpose of carrying necessary measures into operation for the benefit of said town; to regulate the speed of locomotives, engines, and cars passing through said corporation, and prevent engines and cars from blocking pub- Powers of corporation.

lic highways at their crossings, or standing in certain prescribed distance from crossings of said highway for a longer time than actually necessary to transact their business; to establish fire limits and such general regulations by ordinance, for the prevention and extinguishment of fire, as they may see or deem expedient; to regulate the storage and transportation of illuminating oils, high explosives, gunpowder, tar, pitch, resin, and other explosives and combustible material, and to regulate or prohibit the use of firearms; to alter, abolish, widen, extend, establish, and create streets, avenues, lanes, alleys, and sidewalks, and to improve and keep in repair the said streets, avenues, lanes, alleys, and sidewalks, drain, and sewer; and to provide for the planting and protection of shade trees upon the streets, avenues, or park, or other public grounds, and to regulate same; to remove all obstructions from the streets, lanes, alleys, avenues, and sidewalks and curbstones, and to provide for the removal of all encroachments into or upon all or any streets, lanes, avenues, or alleys within the town of Doyle established by law or ordinances; to regulate the running of horse or railway cars, propelled by dummy engines, cable, or electricity, and the laying of tracks for the same, transportation for passengers thereon, and the form of rail to be used, and to require railroad companies using streets to lay their tracks at the official grade thereof, and require them to bring such streets between the sidewalks to their official grade at their own expense, and to compel them to pave and keep in repair the streets between their tracks and for a distance of two feet on each side of same; to erect and maintain a workhouse, a house of correction, and to provide for the regulation and government thereof; to provide for lighting the streets, to erect lamp posts, electric towers, or other apparatus; to prevent and restrain riots, noise, disturbances, or disorderly assemblages in any streets, houses, or places within the town of Doyle, breaches of the peace, fighting or disorderly conduct, and to suppress bawdy houses; to prohibit and punish the abuse of animals; to provide the town with water, to erect hydrants and pumps, construct cisterns and reservoirs, to lay pipes for conducting and distributing water over the town, and keep the same in repair; to acquire and own stock in any water company organized for the purpose of supplying with water for domestic, irrigating, mechanical, or other purposes; to build and construct reservoirs for the storage of water; to construct or

Explosives.

Franchises.

Waterworks.

purchase waterworks for the use of the town, and enlarge their capacity from time to time and keep the same in repair, and generally to do whatever may be needful and necessary to be done by contracting with water companies, or otherwise, in order to supply the town with water for fire, domestic, irrigating, mechanical, and other purposes, and to regulate the same and fix the price to be charged private consumers thereof; to establish and enforce quarantine laws and regulations, and enforce the same within the town; to regulate or prevent the use of fireworks, and to prevent the carrying on of manufactories dangerous in causing or promoting fires; to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this Act, and make all ordinances which it may deem necessary or requisite for the good order, health, good government, or general welfare of the town, and also for the protection and preservation of any town properties, privileges, and franchises, and enforce the same by proper fine, imprisonment, or other penalties, and all the powers and authority set out in Section 1607 of Milliken & Vertrees' Compilation of the Code of Tennessee.

Grade of streets

SEC. 8. *Be it further enacted,* That the Board of Mayor and Aldermen shall have the power to establish and change the grade of streets of said town of Doyle.

Oath and bonds of officers.

SEC. 9. *Be it further enacted,* That before entering upon the discharge of their duties the Aldermen and all municipal officers shall take an oath to faithfully demean themselves, as the law directs, during their existence in office; that the Recorder, Treasurer, and other officials charged with the collection, safe-keeping, and disbursement of the corporation funds, shall give bond in such sum or sums as the Board of Mayor and Aldermen may require for the faithful performance of their duties; *Provided,* the bond of the Recorder shall not be less than five hundred ($500) dollars.

Duties of Mayor.

SEC. 10. *Be it further enacted,* That it shall be the duty of the Mayor to preside at all meetings of the Board of Mayor and Aldermen; to see that all ordinances and by-laws of the corporation are duly and properly performed, respected, and observed within the town of Doyle; call special meetings of the Board of Mayor and Aldermen whenever he may deem it expedient; to make such suggestions and give instruction in reference to the action of said Board as in his judgment will be the most con-

ducive to the interest of said corporation; to give orders, in connection with the Recorder, upon the Treasurer of said town of Doyle, whenever said Board directs, same to be done for the payment of money that may be due from said corporation; to employ counsel upon advice of the Board in behalf of said corporation in any case in which said corporation may be interested, when in his judgment the same may be necessary. He shall be allowed one vote, as any other Alderman, in all questions coming before the Board for consideration, but shall not be allowed a second in case of a tie; but unless a majority of the Aldermen present shall vote in favor of any proposition coming before the Board, the same shall be declared lost.

Powers and duties of Recorder.

SEC. 11. *Be it further enacted,* That the Recorder shall be vested with full power and authority to try all offenses for the violation of ordinances and by-laws of said corporation; and said Recorder of the town of Doyle shall be, and is hereby, invested with concurrent jurisdiction with the Justice of the Peace in all cases for the violation of the crimina laws of the State, or the ordinances or by-laws of the Board of Mayor and Aldermen of the town of Doyle, within the corporate limits of said town; and for trial of State offenses the cost incident thereto shall be the same as allowed to Justices of the Peace for like services, which cost, when collected, shall be paid into the town treasury. Said Recorder shall keep a regular docket, in a well-bound book, the same as are kept by the Justices of the Peace, and shall docket every case tried by him and show amount of bill of costs of same.

Workhouse.

SEC. 12. *Be it further enacted,* That the Board of Mayor and Aldermen of said corporation shall have full power and authority to erect a workhouse and lockup or calaboose for the safe-keeping of persons when arrested, who fail to give or fail to put up forfeitures for their appearance before the Recorder for trial; and when any person or persons, who have been convicted of any violation of any by-laws or ordinances of said corporation, fail or refuse to pay or to secure to be paid the fine and costs accruing thereon, the Board of Mayor and Aldermen may provide by an ordinance for the confinement in said lockup, workhouse, or calaboose, and put them to work for the town, either within an enclosure, on the streets, or other public works, under proper guards or secured by ball and chain, at such wages as the Board may adopt by ordinance, until the costs and fine are paid.

Removal of officers.

SEC. 13. *Be it further enacted,* That the Board of Mayor and Aldermen shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them, including the Recorder or Marshal, for incompetency or any violation, neglect, or disregard of the duties imposed upon them by the by-laws or ordinances of said corporation; *Provided,* that two-thirds of the Board of Mayor and Aldermen concur in the removal or dismissal.

Jurisdiction of officers.

SEC. 14. *Be it further enacted,* That the Board of Mayor and Aldermen of the town of Doyle shall have full power and authority by ordinance, within the town, and for a distance of one mile from the corporate limits thereof, to provide for the sanitary measures necessary to prevent sickness, and to establish quarantine when, in the judgment of the Board, the same is necessary, and also to set the fees of the Recorder, town Marshal, and other officials and witnesses, who may be required to attend trial of causes on behalf of the corporation.

Power to open streets.

SEC. 15. *Be it further enacted,* That the Mayor and Aldermen of the town of Doyle shall have full power and authority to lay off and open new streets, lanes, and alleys in said town and extend old ones for the convenience of the inhabitants thereof, in the manner and mode prescribed by Sections 1388, 1389, 1391, of Thompson & Steger's Compilation of the Code of Tennessee; also may require the owners of business houses and residences in said town of Doyle to make good stone, brick, gravel, or wood pavements in front of their said business houses and residences.

Taxes.

SEC. 16. *Be it further enacted,* That the Board of Mayor and Aldermen shall have full power to levy and collect taxes for city purposes upon all taxable property, real, personal, and mixed, within the limits of the town, not exceeding the total levy for all State and county purposes levied in any year.

Franchises limited.

SEC. 17. *Be it further enacted,* That all franchises or privileges granted by said town of Doyle, to corporations or individuals, shall be limited to twenty years from the granting of the same, and such franchises or privileges so granted shall plainly specify on what particular street, alley, or avenue the same shall apply, and no franchises or privileges shall be granted by the town of Doyle in general terms, or that will apply to the town generally; *Provided, however,* those franchises and privileges may be granted to gas, waterworks, electric lights, companies, and manufac-

tures in general terms and for a period of longer than twenty (20) years, in the discretion of the Board of Mayor and Aldermen.

Justice of Peace.

SEC. 18. *Be it further enacted,* That the citizens living within the corporate limits of the town of Doyle shall be entitled to elect a Justice of the Peace, who shall sit in the County Court of said county, and who shall have the same jurisdiction and powers as other Justices of the Peace.

SEC. 19. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

CHAPTER 106.

HOUSE BILL No. 384.

AN ACT to authorize Rhea County to issue bonds for the purpose of laying out, building, and constructing roads in said county.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County of Rhea, through the following five Commissioners—to wit, W. C. Paine, of the First; W. D. Browder, of the Second; E. T. Waterhouse and W. H. Rogers, of the Third; and J. D. Ellis, of the Fourth Civil District of said county—be, and is hereby, authorized to issue bonds not to exceed in amount the aggregate sum of $150,000, payable in lawful money of the United States, for the purpose of laying out, building, and constructing public roads in said county; *Provided,* a majority of the qualified voters of the said county, at an election called for that purpose, as hereinafter provided, shall vote in favor of the issuance of said bonds.

Denomination of bonds, etc.

SEC. 2. *Be it further enacted,* That said bonds shall be issued in denominations not to exceed $1,000 each, numbered consecutively from one upwards, and shall be at a rate of interest not exceeding five per centum per annum, payable semi-annually; and each one shall have attached to it a correspondingly numbered coupon for each semi-annual installment of interest, which coupons shall be receivable for any tax due said county, except taxes due for school purposes and upon the sinking fund for the redemption of said bonds hereinafter provided for. Said bonds shall be due and payable at the expiration of twenty years from the date of issuance; *Provided,* that before the expiration of twenty years from the issuance of said bonds the Trustee may redeem any of said bonds presented for redemption out of any moneys that may be in his hands, derived from the sinking fund taxes hereinafter provided for, or may receive said bonds for payments of said sinking fund taxes.

How signed, etc.

SEC. 3. *Be it further enacted,* That said bonds shall be signed by the Chairman of the County Court of said Rhea County, countersigned by the Clerk of said county, with the seal of said County Court affixed, and the coupons attached to said bonds shall be signed in the same way; *Provided,* the signature and seal aforesaid to said coupons may be lithographed, and after the signature aforesaid is attached to said bonds, the same shall be delivered to the Commissioners appointed by this Act, whose duty it shall be to sell the same, receive the proceeds, pay the same over to the Trustee of said county, and expend the said funds in laying out, building, and constructing such public roads in said county as to them may seem proper, having in view the necessity of public travel and the best interests of the citizens of said county; and *Provided further,* that said bonds shall not be sold for less than par, and that no commissions shall be paid for the sale of said bonds herein provided for; and said Commissioners shall make a written report, sworn to, to the quarterly session of said County Court, succeeding the sale of said bonds, showing the number of each bond sold, to whom sold, the rate of interest, and the amount received therefrom, which report shall be entered upon the minutes of said Court; and *Provided further,* that said Commissioners shall at each subsequent quarterly session of said County Court make and file a written report with the Chairman thereof, showing by the first report so made what road or roads they

propose to make, the length and width of the proposed road or roads, the probable cost of the right of way, if any, and the estimated probable cost of the construction of said road or roads, and by each subsequent report so made, showing the status of the work done on each road; and upon the completion of all said roads, said Commissioners shall make and file a final written report and settlement with the Chairman of the said County Court of said county, showing by items how they have expended said road fund, and upon what road or roads, which report and final settlement shall be sworn to and spread upon the minutes of said County Court; and *Provided further*, that said Commissioners may employ a competent, experienced engineer and such assistants as may be necessary, whose duty it shall be to lay out such roads and superintend the construction of same; and *Provided further*, that none of said roads shall be a greater width of roadbed than twenty-five feet, nor less width than fourteen feet, and none of heavier grade than three per cent when practicable. After said final report and settlement, shall there remain any of said road fund, the same shall be converted into the sinking fund for the redemption of said bonds hereinafter provided for.

Estimate of cost and width of road.

SEC. 4. *Be it further enacted*, That in the construction of said roads said Commissioners are authorized to lay out, locate, alter, change, or widen said roads, as in their judgment seems right and proper, and to fix the amount of damages any citizen may sustain on account of laying out, locating, widening, altering, or changing said roads, their finding of amount to be fixed in writing, from which action any citizen feeling aggrieved may appeal to the next term of the Circuit Court, and any sum recovered shall be a charge against and payable out of the funds derived from the sale of said bonds.

Commissioners to locate.

SEC. 5. *Be it further enacted*, That it shall be the duty of the County Court of said Rhea County annually to levy a tax upon the taxable property and privileges of said county for the purpose of paying the interest on said bonds, and for the purpose of creating a sinking fund for the redemption of said bonds; *Provided*, the Trustee of said county shall collect said taxes in the same way and upon the same terms as other taxes of said county are

Interest and sinking fund tax.

collected; and *Provided further,* that said Trustee shall keep said taxes separate from other taxes, shall loan the same and upon undoubted security, and the same shall not be paid out by him except by redemption of said bonds and payment of the semi-annual interest due therefor.

Election.

SEC. 6. *Be it further enacted,* That the Election Commissioners of said county, as soon after the passage of this Act as is practicable, shall hold an election at the several voting places in said county for the purpose of determining whether more bonds shall be issued; *Provided,* said election shall be held in the same way as general elections are now held; *Provided,* all persons who are now and who were legally qualified to vote at the November, 1904, election, or who have since become so, shall be qualified to vote thereat; and if the majority of the legal votes cast at said election shall be in favor of the issuance of said bonds, the same shall be issued; otherwise said bonds shall not be issued.

Disbursement of funds.

SEC. 7. *Be it further enacted,* That the Trustee of said county shall pay out the fund realized from the sale of said bonds upon the written order of the majority of the Commissioners named by this Act, or their legal successors, and add a compensation thereof not to exceed ten cents of each $100 when paid out by him.

SEC. 8. *Be it further enacted,* That in case of any vacancies in the Board of Fire Commissioners created by this Act, the same shall be filled by the majority vote of the remaining members of said Board; *Provided,* in the event all said Commissioners fail or refuse to act, then the members of the Quarterly Court of said county, at a quarterly term thereof, shall elect a Board of Fire Commissioners as herein provided for.

Compensation of Commissioners.

SEC. 9. *Be it further enacted,* That said Commissioners shall be paid a reasonable compensation for their services, not to exceed $2 for each day's work and expenses, which shall be paid, by order of said County Court, out of the general fund of said county; and that each of said Commissioners shall execute a good and solvent bond for the sum of $10,000, payable to the State of Tennessee, for the use of Rhea County, for the faithful performance of their duty. Said bond to be approved by the Chairman of the County Court.

SEC. 10. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

CHAPTER 107.

HOUSE BILL No. 383.

AN ACT to amend "An Act to incorporate the City of Dayton, in the county of Rhea and State of Tennessee, and provide for the election of officers, and prescribe their duties and for other purposes," being House Bill No. 326, Chapter 229, of the Acts of 1903.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the City of Dayton, being House Bill No. 326, Chapter 229, Acts of 1903, be amended so as to strike out in Section 4 the following words in lines 23 and 24 in said Section 4—to wit: "The Board of Mayor and Aldermen"—and insert instead the following—to wit: The Election Commissioners for Rhea County.

SEC. 2. *Be it further enacted,* That Section 8 of said Chapter 229 be amended so that these words shall be added to said Section 8: Defining the powers of the corporation of the City of Dayton; that the corporation through its Board of Mayor and Aldermen shall have power and authority to pass by-laws and ordinance requiring owners of property to build such sidewalks along the streets in front of their property as required by ordinance; or in the event the owner or owners of property refuse to build said sidewalks, such as are fixed by and in accordance with the ordinance enacted, then said corporation shall have the power by ordinance to build said sidewalks in front of

said property where the owner or owners refuse to build the same, and charge the same up to the owner or owners, and the amount so expended by the city for the building of said sidewalks shall be a lien on the property of the owner or owners who refuse to build the same, and shall be enforced as provided in Section 3543 of Shannon's Code of Tennessee; that the corporation shall have power by ordinance to lease its convicts to the State of Tennessee, the county of Rhea, or to any person, firm, or corporation.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

CHAPTER 108.

HOUSE BILL No. 388.

AN ACT to incorporate the town of Clifty, in the counties of White and Cumberland, in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory in the counties of White and Cumberland, in the State of Tennessee, bounded and described as follows—viz.: Beginning at a stake in the east boundary of Grant No. 6214 from the State of Tennessee to Thomas B. Eastland, said stake being due east of the northeast corner of the Scarbrough 300-acre tract, grant No. 7901, now owned by the heirs of Thomas Snodgrass, deceased; thence west (274) two hundred and seventy-four poles with the north boundary of the Scarbrough tract, to the southeast corner of the Fannie Albie tract in said line; thence north (80) eighty poles with the east line of the Albie tract to a rock corner; Boundaries.

thence west (98) ninety-eight poles with the north boundary of the Albie tract to a corner in the east boundary of the Green 300-acre tract; thence north with the east boundary of said Green tract, passing the northeast corner of same (200) two hundred poles to a corner in the south boundary of the Warren tract; thence east with the Warren line (22) twenty-two poles to the southeast corner of the Warren tract; thence north with the east boundary of the Warren tract (30½) thirty and one-half poles to a stake; thence east (346) three hundred and forty-six poles to a stake in the east line of grant No. 6214; thence south with the east boundary of grant No. 6214 to the beginning—be, and the same is hereby, constituted a municipal corporation, under the name and style of "Clifty," by which name said corporation shall be known.

SEC. 2. *Be it further enacted,* That the corporation hereby created shall have all the rights and powers and be subject in all respects to the laws of this State relating to municipal corporations under the general laws of the State.

General powers

The intent of this Act being that the powers and liabilities of said corporation of Clifty, the number and style of its officers, the election of its officials, their duties and terms of office, and all the relations of said corporation with its members and with others, shall be the same as if said corporation had been organized under the provisions of the general laws of the State of Tennessee. All provisions of law now in force applicable to municipal corporations under the general laws of this State shall be applicable to the corporation hereby created.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

CHAPTER 109.

HOUSE BILL No. 16.

AN ACT to regulate the business of lending money on personal property, wages or salaries, and the buying of salaries or wages; and to prescribe the penalties for its violation in counties of not less than fifty thousand population, according to the Federal Census of 1900, or any subsequent Federal Census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no person, firm, or corporation shall engage in the business of making loans on personal property or wages or salaries, or in the business of buying wages or salaries, without first filing bond, as hereinafter required, and obtaining a license for carrying on such business. The applicant for license shall, before the same is issued, file with the officer authorized to issue it a statement on oath, giving the location where such business is to be conducted; the name and the residence and business address of the applicant, if the licensee is an individual; the name and the residence and business address of each of the partners, if the licensee is a firm; and the name and the residence and business address of each of its officers, if the licensee is a corporation; and in the case of a corporation, the State under the laws of which it is organized. Said license, when issued, shall not be transferable; and should the licensee change the location of his business, said license shall immediately become void, unless said licensee shall, ten days before changing the location, file with the officer authorized to issue said license a notice of the proposed change of location. And so changing the location the licensee shall have the officer issuing said license indorse upon it a permit authorizing said change. In default of compliance with the provisions, said license shall be null and void. The license shall at all times be kept publicly exposed by the licensee on his business premises. No license shall be good for a period longer than a year, and a new bond shall be given upon each renewal thereof. License. Expiration.

SEC. 2. *Be it further enacted,* That no license shall be issued to any person, firm, or corporation to carry on

the business as specified in Section 1 of this Act until the applicant shall file with the officer authorized to issue such license a bond with good security in the penal sum of fifteen hundred dollars for the faithful performance by the licensee of the obligations pertaining to the business so licensed, and the prompt payment of any judgment which may be recovered against said licensee on account of damages or other claims directly or collaterally from any loan of money or sale of wages or salaries. Said bond shall not be valid until it shall be approved in writing by the officer taking the same.

Bond of licensee.

SEC. 3. *Be it further enacted,* That whoever shall have any cause of action against said licensee arising collaterally or directly out of any loan of money or sale of wages or salary may join as defendant in said suit the surety or sureties on said bond, and shall have the right to recover from the licensee and said sureties, as though the plaintiff in said suit were the obligee in said bond.

SEC. 4. *Be it further enacted,* That should any surety on such bond become insolvent, the officer taking the bond or the grand jury of the county shall immediately require the licensee to file an additional bond with good security, and on failure to do so within ten days after notice, said license shall stand *ipso facto* revoked.

Renewal of insolvent bond.

SEC. 5. *Be it further enacted,* That every person engaged in the business herein regulated shall keep on the premises where such business is conducted a book in which shall be recorded, consecutively numbered, legibly written in English, at the time of making each loan, the name and the residence of the borrower, the amount of the loan, the time of maturity, the rate of interest, the fees charged in connection with the loan, and a full description of the security; and the licensee shall at the time give to the borrower, legibly written in English, a duplicate statement of the entry in said book, which statement shall be signed by the licensee or a duly authorized agent or employe, and numbered to correspond with the number in said book.

Record of loans to be kept.

SEC. 6. *Be it further enacted,* That whenever any loan governed by the provisions of this Act shall be renewed, or the borrower shall make a partial payment thereon, an entry shall be made on the book referred to in the preceding section, giving the particulars of said renewal or of said partial payment, and the borrower shall be given a legibly written duplicate of the entry so made. When

As to renewal of loans.

said loan shall be paid in full a proper entry to that effect shall be made upon the book, and the borrower shall immediately be given a receipt in full and a cancellation of the mortgage or lien given to secure the debt.

Books open to inspection.

SEC. 7. *Be it further enacted,* That said book shall be at all times, during the usual business hours, open to the inspection of all officers of the law or the grand jury of the county in which said business is conducted, or other persons interested in the same, or to any person authorized in writing by such officer or grand jury to inspect said book.

Refusal of inspection revokes license.

SEC. 8. *Be it further enacted,* That should such book not be faithfully or correctly kept, or should any licensee or the agent or officer of any licensee refuse to allow the inspection of said book by any one authorized to inspect same, or willfully hinder or delay such person in said inspection, the licensee under which the business is conducted shall stand *ipso facto* revoked.

Fees allowed for investigating securities, etc.

SEC. 9. *Be it further enacted,* That if it be agreed on in writing by the borrower and lender at the time the loan is made, the lender may charge for investigating the security or title and closing the loan a fee of not more than fifty cents where the amount borrowed is five dollars or less; not more than seventy cents where the amount borrowed is more than five dollars and not more than ten dollars; not more than one dollar where the amount borrowed is more than ten dollars and not more than twenty dollars; not more than one dollar and a half where the amount borrowed is more than twenty dollars and not more than thirty-five dollars; and not more than two dollars where the amount borrowed is more than thirty-five dollars, which said fee may be charged, if so agreed, upon each original loan, or any renewal thereof; *Providing, however,* that no fee whatever shall be allowed on any renewal or extension which occurs within thirty days from the time of making the loan from the time of the last loan or renewal; and *Provided further,* that the fee provided for in this section shall not be charged on any renewal made after the expiration of four months from the date of the original loan, but that all renewals made after said four months shall be at a fee not greater than one-half the amount herein provided; and *Provided further,* that any loan which shall be made between the parties immediately upon, or a short time after, the payment of a pre-existing loan of approximately the same amount shall be construed

in all cases to be a renewal of said pre-existing loan. No original loan shall be split up into smaller loans in order to increase the fees allowed; but if two or more loans are made at or about the same time between the same parties, they shall be construed to be but one original loan, unless the contrary plainly and unequivocally appears. On loans of sixty dollars or more the borrower may, if agreed upon, pay such fees as will be a fair and reasonable compensation for services actually rendered, if any, by the lender in examining the title or the property pledged as security, but in no event to be more than six per cent of the amount of the loan, and this fee shall not be paid on any renewal of said loan.

To charge only 6 per cent interest.

SEC. 10. *Be it further enacted,* That any interest charged by the lender to the borrower in excess of six per cent per annum, or any fee, fine, or charge whatsoever charged by the lender against the borrower, whether for negotiating a loan or for commissions, examinations, attorneys' fees, or any other bonus or additional charge whatsoever to those allowed in Section 9 of this Act, and any charge of more than six per cent of the amount of any loan of more than sixty dollars, shall be considered as a payment on the principal of said loan, and the same shall be credited with the amount of such additional charge or excess.

No fire insurance charge.

SEC. 11. *Be it further enacted,* That it shall be unlawful for any licensee under this Act to charge any sum of money for fire insurance on any article of personal property pledged as security for any loan, or any fee for recording any papers connected with any loan or sale under the terms of this Act, except such as are actually paid by such licensee; "nor shall such licensee by pretended or fictitious sale, or by the giving of a bill of sale and the taking of notes for the money borrowed, charge any more than the legal rate of interest, nor charge any fee for endorsing such notes."

License—how issued.

SEC. 12. *Be it further enacted, by the authority aforesaid,* That the license under which said business shall be conducted shall be issued, if the business is sought to be conducted within the limits of any incorporated city or town, by the officer of said city or town whose duty it is to issue licenses granted by the authority of such corporation, and if without the limits of an incorporated city or town, said license shall be issued by the County Court Clerk of the county within which said business is sought

to be conducted. The officer issuing the license shall receive for each license so issued a fee of one dollar and fifty cents, to be paid by the applicant.

Penalty for failing or refusing to take out license.

SEC. 13. *Be it further enacted,* That if any person, firm, or corporation shall engage in the business of making loans or purchasing wages or salaries, as prescribed in Section 1 of this Act, without first obtaining a license for carrying on such business in the city, town, or county in which said business is transacted, or shall continue to conduct said business after forfeiture or cancellation of the license under which same is conducted, such person, each and every member of such firm or each and every officer of such corporation, shall forfeit the license and all interest charged on the loan; "and shall be guilty of a misdemeanor, and the grand jury is hereby given inquisitorial powers over all violations of this Act."

SEC. 14. *Be it further enacted,* That if any licensee licensed under this Act shall violate any of the provisions of Sections 6, 7, 8, and 9 of this Act, or shall charge for the making of any loan any rate of interest in excess of six per cent per annum, or any fee or bonus in excess of those provided in this Act, the license under which said business is conducted shall become *ipso facto* void.

Does not apply to banks.

SEC. 15. *Be it further enacted,* That none of the provisions of this Act shall apply to or in any way affect any regularly chartered bank, or any firm or person engaged regularly in what is known as a "banking business" as now recognized by the laws of this State, nor shall any of the provisions of this Act be construed to apply to pawnbrokers or to affect any existing laws relating to pawnbrokers, "or to apply to merchants who furnish goods or supplies and take a mortgage or other lien on personal property to secure such debt."

SEC. 16. *Be it further enacted,* That none of the provisions of this Act shall apply to persons, firms, or corporations who loan money or furnish goods and take a mortgage or lien on buggies, wagons, live stock, agricultural products, or farming implements.

SEC. 17. *Be it further enacted,* That this Act shall apply only to counties of fifty thousand population or more by the Federal Census of 1900 or any subsequent Federal Census.

SEC. 18. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 19. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 30, 1905.

JOHN I. COX,
Governor.

CHAPTER 110.

HOUSE BILL No. 299.

AN ACT to redistrict Davidson County, and to lay off and define the Civil Districts, and to fix the number thereof at fourteen, and to provide for the election of Justices of the Peace and all other Civil District's officers in such districts, and to fix the number of Justices of the Peace for the city of Nashville, in the First District of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Davidson County shall be redistricted and laid off into fourteen civil districts as hereinafter defined and divided.

Boundaries of First District

SEC. 2. *Be it further enacted,* That there shall be one district, including the territory known as the First Civil District of Davidson County, Tennessee, and comprising the City of Nashville; and that portion of the Tenth and Ninth Civil Districts of Davidson County, Tennessee, commencing at the intersection of the Harding or Richland turnpike and the corporation line of the City of Nashville at a point where Eton street intersects said turnpike and said corporation line; thence southeastwardly with Eton street to a point where Blakemore street, if continued westwardly, would intersect with said Eton street; thence eastwardly with Blakemore street to the Hillsboro turnpike; thence southwardly with said turnpike to Jones Avenue; thence eastwardly to Belmont Heights Avenue or Boulevard; thence southwardly to Elmwood Avenue

at or near the terminus of the railway line of the Nashville Railway and Light Company in Belmont Heights; thence eastwardly with Elmwood Avenue to the Granny White turnpike; thence southwardly with said turnpike to the intersection thereof with Montrose Avenue; thence eastwardly with Montrose Avenue to the intersection thereof with Preston Avenue; thence southwardly with Preston Avenue to Halcyon street; thence eastwardly with Halcyon street to a point opposite and south of the intersection of Kirkman and Tennessee avenues; thence northwardly to the intersection of Kirkman Avenue and Tennessee Avenue; thence eastwardly with Tennessee Avenue to the intersection thereof with the Franklin turnpike; thence eastwardly to the Nashville and Decatur Railroad; thence northwardly with said railroad to Hamilton street; thence eastwardly with Hamilton street and in line therewith to the Tennessee Central Railroad; thence northwardly with the Tennessee Central Railroad, including two hundred feet on the east side thereof, to South Hill street and to the corporation line of the City of Nashville; and that portion of the Eighteenth Civil District of Davidson County, Tennessee, commencing at the corporation line of the City of Nashville at the intersection of Sevier and Fourteenth streets; thence southwardly to Sevier street as continued toward the east; thence eastwardly with Sevier street to Nineteenth street; thence northwardly with Nineteenth street, including two hundred feet on the east side thereof, to a point two hundred feet east to Nineteenth street, and opposite and east of a point where Grove street would intersect with Nineteenth street if continued in an eastwardly direction; thence westwardly in a line toward Grove street to Sixteenth street; thence with Sixteenth street, including two hundred feet on the east side thereof, to a point two hundred feet north of the Vaughn turnpike, where it intersects with Sixteenth street; thence westwardly and parallel with said Vaughn turnpike to the Gallatin turnpike; thence westwardly in a straight line to McFerrin Avenue, where it is intersected on its west side by Mansfield street; thence westwardly with Mansfield street, including two hundred feet on the north side thereof, to the intersection of said street with the Louisville & Nashville and the Great Southern Railroad, and to the corporation line of the City of Nashville; and that portion of the Seventeenth Civil District of Davidson County, Tennessee, commencing at a point in the corporation line

Boundaries of First District —Continued.

of the City of Nashville, where Bayard street and the Louisville & Nashville and the Great Southern Railroad intersect; thence northeastwardly with said railroad to Mile-end street; thence westwardly with Mile-end street to Lischey Avenue; thence southwardly with Lischey Avenue, including two hundred feet on the west side thereof, to the corporation line of the City of Nashville, Tennessee; and that portion of the Seventeenth Civil District of said county, commencing at a point where East Brown street intersects the corporation line of the City of Nashville on North First street; thence westwardly with East Brown street to the east bank of Cumberland River; thence southwardly with the east bank of said river to the corporation line of the City of Nashville, Tennessee; and that portion of the Thirteenth Civil District of Davidson County, Tennessee, commencing at a point on the west bank of Cumberland River at the intersection thereof with the corporation line of the City of Nashville; thence northwardly with said river to a point east of and in line with Cass street; thence westwardly to a point in the corporation line of said city northeast of Third Avenue (formerly College street); thence westwardly with the corporation line of said city to said Third Avenue; thence northwardly with said Third Avenue, including two hundred feet on the east side thereof, to a point in an unnamed street east of and opposite McKinney street; thence westwardly in a line with McKinney street to the intersection thereof with Darmstadt street; thence westwardly with McKinney street, including two hundred feet on the north side thereof, to the intersection thereof with Hamburg street; thence northwardly in a line with Hamburg street to a point in line with and east of Springer street; thence westwardly to said Springer street and the intersection thereof with Buena Vista turnpike and Crooked street; thence westwardly with said Springer street, including two hundred feet on the north side thereof, to the intersection of said street with North Webster street; thence southwardly with North Webster street to North Clay street; thence westwardly with North Clay street to the intersection thereof with Salem street; thence northwardly with Salem street to the intersection thereof with the New Bridge Road; thence southwardly with Salem street, including two hundred feet on the west side thereof, to Buchanan street and to the corporation line of the City of Nashville; and that portion of the Thirteenth Civil District of said county, commencing at a point where

Boundaries of First District —Continued.

Estrella and Jefferson streets intersect in the corporation line of said city; thence westwardly with Jefferson street or Centennial Avenue to Twenty-third street in the town or suburb known as West Nashville; thence southwestwardly along Twenty-third street, including two hundred feet on the west side thereof, to the Morrow Road; thence southeastwardly along said Morrow Road, including two hundred feet on the western side thereof, to the Charlotte turnpike; thence westwardly along said Charlotte turnpike, including two hundred feet on the northern side thereof, to Richland Avenue; thence southwardly along said Richland Avenue to a point where Second Avenue would intersect Richland Avenue if continued in a westwardly direction; thence eastwardly in a straight line to a point where Tenth street and Second Avenue intersect; thence eastwardly with said Second Avenue, including two hundred feet on the south side thereof, to the intersection thereof with First street; thence southwardly with said First street, including two hundred feet on the west side thereof, to the Nashville, Chattanooga & St. Louis Railway; thence westwardly with said railway to First street or West Nashville Road in said West Nashville; thence southwardly to the Richland or Harding turnpike; thence eastwardly with said turnpike to the corporation line of the City of Nashville; and all said territory shall be and shall be designated as the First Civil District of said county; *Provided, however,* that in addition to the three Justices of the Peace elected in the First Civil District of said county, including the county town of Nashville, there shall be appointed and elected in the incorporated town known as the City of Nashville, sixteen Justices of the Peace, making in all nineteen Justices of the Peace to be elected in said district, including said county town and incorporated city.

Second District.

SEC. 3. *Be it further enacted,* That the territory included in and comprising the Third and Fifth Civil Districts of said county shall be and shall be designated as the Second Civil District of said county.

Third District.

SEC. 4. *Be it further enacted,* That the territory included in and comprising the Second and Fifteenth Civil Districts of said county shall be and shall be designated as the Third Civil District of said county.

Fourth District.

SEC. 5. *Be it further enacted,* That the territory included in and comprising the Fourth and Sixteenth Civil Districts of said county shall be and shall be designated as the Fourth Civil District of said county.

Fifth District.

SEC. 6. *Be it further enacted,* That the territory included in and comprising the Sixth and Seventh Civil Districts of said county shall be and shall be designated as the Fifth Civil District of said county.

Sixth District.

SEC. 7. *Be it further enacted,* That the territory included in and comprising the Eighth (8th) and remainder of the Ninth Civil Districts of said county shall be and shall be designated as the Sixth Civil District of said county.

Seventh District.

SEC. 8. *Be it further enacted,* That the territory included in and comprising the remainder of the Tenth Civil District of said county not hereinbefore laid off and defined, and the territory included in and comprising the Eleventh Civil District of said county, shall be and shall be designated as the Seventh Civil District of said county.

Eighth District

SEC. 9. *Be it further enacted,* That the territory included in and comprising the Twelfth Civil District of said county, and the territory included in and comprising the remainder of the Thirteenth Civil District not hereinbefore laid off and defined, shall be and shall be designated as the Eighth Civil District of said county.

Ninth District.

SEC. 10. *Be it further enacted,* That the territory included in and comprising the Fourth Civil District of said county shall be and shall be designated as the Ninth Civil District of said county.

Tenth District.

SEC. 11. *Be it further enacted,* That the territory included in and comprising the Twentieth and Twenty-second Civil Districts of said county shall be and shall be designated as the Tenth Civil District of said county.

Eleventh District.

SEC. 12. *Be it further enacted,* That the territory included in and comprising the remainder of the Eighteenth Civil District of said county not hereinbefore laid off and defined, and the territory included in and comprising the Nineteenth Civil District of said county, shall be and shall be designated as the Eleventh Civil District of said county.

Twelfth District.

SEC. 13. *Be it further enacted,* That the territory included in and comprising the remainder of the Seventeenth Civil District of said county not hereinbefore laid off and defined, and the territory included in and comprising the Twenty-first Civil District of said county, shall be and shall be designated as the Twelfth Civil District of said county.

Thirteenth District.

SEC. 14. *Be it further enacted,* That the territory included in and comprising the Twenty-third and the Twenty-fifth Civil Districts of said county shall be and shall

be designated as the Thirteenth Civil District of said county.

Fourteenth District.

SEC. 15. *Be it further enacted,* That the territory included in and comprising the Twenty-fourth Civil District of said county shall be and shall be designated as the Fourteenth Civil District of said county.

SEC. 16. *Be it further enacted,* That all of the several school districts and road districts in said county shall remain as now existing until changed by lawful authority.

SEC. 17. *Be it further enacted,* That all election precincts now established and existing in said county shall continue and shall be legal election precincts in and for the several civil districts of said county, as herein and hereby established, in which such precincts may be located until changed by lawful authority; and that the number of registration places and registrars of votes of each of the several civil districts of said county shall continue and shall be legal registration places and registrars for votes for each of the civil districts of said county as herein and hereby established until changed by lawful authority.

SEC. 18. *Be it further enacted,* That an election for Justices of the Peace and all other district officers in the districts herein laid off and defined shall be held by the election officers and commissioners, under the existing election laws, on the first Thursday in August, 1906; but the incumbent Justices of the Peace and all other civil district officers shall hold their offices and shall serve until the end of the terms for which they were elected, and shall be vested with all the powers and authority of their respective offices.

SEC. 19. *Be it further enacted,* That this Act, for the purpose of electing Justices of the Peace and all other civil district officers in the districts herein laid off and defined, shall take effect on the first Thursday of August, 1906; but this Act, for all other purposes, shall take effect on the first day of September next succeeding said election in 1906.

Passed March 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 30, 1905.

JOHN I. COX,
Governor.

CHAPTER 111.

HOUSE BILL No. 294.

AN ACT to amend Section 1 of Chapter 78 of the Acts of 1901, entitled "A Bill to be entitled 'An Act to regulate the practice of medicine and surgery in the State of Tennessee, and to define and punish offenses committed in violation of this Act, and to repeal an Act passed April 3, 1889, and approved April 4, 1889, and being Chapter 178 of the Acts of 1889, entitled "An Act to regulate the practice of medicine and surgery in the State of Tennessee," and to repeal all Acts amendatory of said Chapter 178 of the Acts of 1889.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Chapter 78, Acts of 1901, be amended by adding: And *Provided further,* that the provisions of this Act shall not apply to any graduate of a reputable medical college who has been a practitioner of medicine or surgery for more than ten years in the State of Tennessee at the date of the passage of this Act.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 30, 1905.

JOHN I. COX,
Governor.

CHAPTER 112.

House Bill No. 188.

AN ACT to provide for the registration of certified copies of power of attorney to convey real estate where the lands to be so conveyed are located in more than one county where said power of attorney may have been registered in one county.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any power of attorney to convey more than one tract of land lying in different counties in the State with proper probates shall have been, or may hereafter be, registered in any county in the State in which one or more of said tracts may be located, it shall and may be lawful for any one interested therein to have registered in the county or counties in which the other tract or tracts are located. A copy of said power of attorney and certificate of probate, certified by the Register of the county in which said power of attorney may have been registered, and such registration shall be good and valid in law; and the copy so registered, with the certificate of the Register affixed, or a certified copy of the same, shall be evidence as if such registration had been of the original power of attorney.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 30, 1905.

JOHN I. COX,
Governor.

CHAPTER 113.

House Bill No. 23.

AN ACT authorizing and empowering Judges of the Circuit Courts, when holding any regular term of the Circuit or Criminal Court, to adjourn the regular term thereof over to and hold an adjourned term of said court to a time during or following the expiration of the time allowed by law for holding the regular term and following any time or times fixed by law for holding the Circuit or Criminal Court by said Judge in some other county or counties, and provide for jurors to serve at said adjourned term.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any Judge of the State, when holding any regular term of the Circuit or Criminal Court and the business of such court requires it, may, and is hereby authorized and empowered to, adjourn such court over to and hold an adjourned term of said court at a time during or following the expiration of the time allowed by law for holding such regular term and subsequent to a time or times fixed by law for the holding of the Circuit or Criminal Court by said Judge in some other county or counties in the same Judicial Circuit with the county in which such adjourned term of the court is to be held.

Sec. 2. *Be it further enacted,* That the regular jurors, both grand and petit, serving as such at the regular term of said court, shall continue to serve as such jurors at the adjourned term of said court, and at such adjourned term shall perform and do all things as fully as if done at the regular term.

Sec. 3. *Be it further enacted,* That all proceedings of said court, at the regular and adjourned terms of the court, herein provided for, shall be valid and legal and have the same force and effect as if all done at the regular term and no time has intervened between the terms, and the two terms shall be and constitute but one term.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 30, 1905.

JOHN I. COX,
Governor.

CHAPTER 114.

SENATE BILL No. 490.

AN ACT to enable County Courts in counties having a population of not less than seventy thousand, and not more than ninety thousand, under the Federal Census of 1900, or any subsequent Federal Census, to make appropriation from the public school fund for the professional education and training of teachers in summer institutes and summer schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the professional education and training of teachers in teachers' institutes and summer schools the County Court of any county having a population of not less than seventy thousand and not more than ninety thousand, under the Federal Census of 1900 or any subsequent Federal Census, may appropriate out of the public school fund of that county a sum not exceeding two per cent of the total school fund of the county for the year in which the appropriation is made.

This act applies to Knox County

SEC. 2. *Be it further enacted,* That the expenditure of any moneys appropriated under the provision of this Act shall be made under the direction of the County Superintendent of Public Instruction and a committee of three appointed by the court, and a report of the expenditure of the same shall be made by the County Superintendent of Public Instruction in his annual report to the County Court.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved March 31, 1905.

JOHN I. COX,
Governor.

CHAPTER 115.

SENATE BILL No. 321.

AN ACT to create the Twenty-first School District in Hamilton County, and to provide for the selection of School Directors for same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an additional school district, known as the Twenty-first School District, in Hamilton County, is hereby created and established within the present Second and Third School Districts, bounded as follows: Beginning on the east bank of the Tennessee River at intersection at the south line of the Jeff Sawyer's land with the said Tennessee River; thence easterly along the south land line of said Sawyer's land, extended to the top of Stringer's Ridge; thence northeastwardly with the top of said ridge to White Oak Cemetery; thence eastwardly along the line of the old Jeff Sawyer's lands and the south land line of what is known as the Caldwell Place, to the Tennessee; thence up the Tennessee River to the north land line of the said Caldwell Place; thence northwardly along the east land line of the Mat Rogers, Jarnagin, and I. N. Plumlee; thence westwardly along the north land lines of I. N. Plumlee, Chattanooga Company, Limited, and William Miles' lands; thence northwardly along the east of the old Hartman lands; thence

westwardly along the north line of said Hartman lands to the H. H. Hamilton lands; and thence westwardly along the north land lines of James Brown to the bluff of Walden's Ridge; thence southwardly with said bluff along the line of the old Third District lines, crossing the Tennessee River, and back with the lines of the old Fourth District to the Tennessee River; thence along the river to the beginning.

SEC. 2. *Be it further enacted,* That the school district created by Section 1 of this Act shall have the rights, privileges, and emoluments and be governed by the same rules and laws that govern and regulate the other school districts of Hamilton County.

SEC. 3. *Be it further enacted,* That the County Superintendent shall appoint three School Directors for said district, to serve until the next regular August election, when their successors shall be elected.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 3, 1905.

JOHN I. COX,
Governor.

CHAPTER 116.

SENATE BILL No. 212.

A BILL to be entitled "An Act to create a new School District in the Third and Seventh Civil Districts of Decatur County, Tennessee."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an additional school district be created in Decatur County—to wit:

Beginning on J. P. Houston's southeast corner, running west with his and L. M. Hurst's line to W. R. Den-

nison's northeast corner; thence west with the meanders of the Perryville and Decaturville Road to T. D. Stant's southeast corner; thence west to W. Stants' line; thence north with said line to T. D. Stants' line; thence north with said line to J. C. Partin's southwest corner; thence with his west boundary line to his northwest corner; thence in a northeast direction to J. W. Alley's north boundary line; thence with said Alley's line to Tennessee River; thence south with the meanders of said river to the beginning.

SEC. 2. *Be it further enacted,* That the school district created by Section 1 of this Act be known as District Number Thirteen in said county, and to have all the rights, emoluments, and privileges and be governed by the same laws, rules, and officers that regulate and govern other districts of the county, and that the County Superintendent of Public Instruction of said county shall appoint three Directors in said district, to serve until the next regular election, or until their successors are elected and qualified.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 3, 1905.

JOHN I. COX,
Governor.

CHAPTER 117.

SENATE BILL No. 317.

AN ACT to create School District No. 15 in Macon County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent school district be established out of portions of the school districts Nos. 2 and 5 of Macon County, Tennessee, so as to include the following farms: Beginning on a stake east of Long Creek and about one-fourth of a mile north of the widow J. M. Douglas' farm in the line between the States of Tennessee and Kentucky; running thence south one mile to E. Payne's; thence south five-eighths of a mile to H. D. Jents; thence south forty-five degrees, east one-half a mile, to the widow Margaret Lyles; thence south eighty degrees, east three-fourths of a mile, to Joel Blankenship's; thence eighty degrees east, one-half mile, to A. P. House's place; thence south one mile to Rufus Driver's; thence north fifteen degrees, east three-fourths of a mile, to T. P. Whirley's; thence north twenty degrees, east one-half mile, to J. W. Crowder's; thence north one-fourth of a mile to the State line; thence west with same State line three miles to the beginning. Said district will be known and numbered the Fifteenth School District of Macon County.

SEC. 2. *Be it further enacted,* That the election authorities of Macon County be, and are hereby, empowered and required to hold an election within said district by the qualified voters of said district on the fourth Saturday in April, 1905, for School Directors, to hold their office until next regular election.

SEC. 3. *Be it further enacted,* That the Clerk of said district shall furnish to the County Superintendent of Macon County a correct statement of the number of children within said district.

SEC. 4. *Be it further enacted,* That the County Superintendent shall furnish a copy of said enumeration to the Trustee of Macon County, who shall pay the moneys belonging to that portion of said county upon the order of the Directors of the district.

SEC. 5. *Be it further enacted,* That all laws and part of laws in conflict with this Act be, and the same ar hereby, repealed; and that this Act take effect from an after its passage, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate

J. J. BEAN,
Speaker pro tem. of the House of Representatives

Approved April 3, 1905.

JOHN I. COX,
Governor

CHAPTER 118.

SENATE BILL No. 249.

AN ACT to authorize Hamilton County to fund her floating indebtedness, to refund a part of her bonded indebtedness created by virtue of Chapter 18, of the Acts of 1895, and for this purpose to issue not exceeding one hundred thousand dollars in bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in order to enable Hamilton County to pay off her floating indebtedness and to refund a part of her bonded indebtedness, maturing April 1, 1905, being one hundred and fifty thousand dollars, in bonds issued by Hamilton County by virtue of Chapter 18 of the Acts of 1895, the Quarterly Court may, and is hereby authorized and empowered to, issue coupon bonds, signed by the County Judge and countersigned by the Clerk of the County Court, to an amount not exceeding one hundred thousand dollars.

SEC. 2. *Be it further enacted,* That the bonds herein authorized may be executed in denominations of one hun-
Denominations dred dollars or multiples thereof, and shall run for a term not exceeding twenty years from April 1, 1905, and shall bear a rate of interest not exceeding four and one-half per cent per annum, payable semi-annually, and in no case shall be sold for less than par.

SEC. 3. *Be it further enacted,* That the Quarterly Court of said Hamilton County shall each year levy a tax for the purpose of paying the interest of said bonds, and also sufficient with its accumulations as nearly as may be estimated to meet the principal indebtedness at its maturity. Tax levy.

SEC. 4. *Be it further enacted,* That a sufficient amount of money derived from the sale of said bonds be added to the present accumulated sinking funds to redeem the outstanding bonded indebtedness of one hundred and fifty thousand dollars, issued by virtue of Chapter 18 of the Acts of 1895, and the money remaining from the sale of said bonds shall be applied to the liquidation of the floating indebtedness of Hamilton County, and for no other purpose. To augment sinking fund.

SEC. 5. *Be it further enacted,* That a record showing the number and denomination of each bond issued, the name of the person or party to whom it was sold, and the price for which it was sold, shall be kept and spread upon the minutes of the court; and each of said bonds as it is taken up shall be cancelled by the County Judge and exhibited at the Quarterly Court at the next session and disposed of as the court may direct. Record of bonds shall show—what.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved March 31, 1905.

JOHN I. COX,
Governor.

CHAPTER 119.

SENATE BILL No. 107.

AN ACT to amend an Act entitled "An Act to provide and regulate the compensation of Circuit Court Clerks, in the State of Tennessee, passed and approved April 15, 1903, being Chapter 255 of the Acts of 1903," so as to exclude from the provisions of said Act all counties having a population of less than four thousand, according to the Federal Census of 1900, and any subsequent Federal Census.

This act applies to Sequatchie and VanBuren counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 255, being House Bill No. 956, of the Acts of 1903, entitled "An Act to provide and regulate the compensation of Circuit Court Clerks in the State of Tennessee," passed and approved April 15, 1903, be, and the same is, so amended as to exclude from the provisions of said Act all counties having a population of less than four thousand, according to the Federal Census of 1900 and any subsequent Federal Census.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 3, 1905.

JOHN I. COX,
Governor.

CHAPTER 120.

SENATE BILL No. 298.

AN ACT to fix the time for holding the Chancery Courts in the Fourth Chancery Division.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Chancery Courts in the Fourth Chancery Division shall hereafter be held as follows:

Cannon County, first Tuesday after first Monday in January and July.

Trousdale County, first Tuesday after second Monday in January and July.

Cumberland County, first Tuesday after second Monday in February and August.

Smith County, first Tuesday after first Monday in March and September.

Macon County, first Tuesday after second Monday in March and September.

Jackson County, first Wednesday after third Monday in March and September.

Clay County, fourth Monday in March and September.

Fentress County, first Monday in April and October.

Pickett County, second Monday in April and October.

Overton County, first Thursday after second Monday in April and October.

Van Buren County, first Thursday after fourth Monday in April and October.

White County, first Tuesday after first Monday in June and first Monday after fourth Monday in October.

DeKalb County, second Monday in May and fourth Monday in November.

Morgan County, first Tuesday after the third Monday in May and November.

Putnam County, second Monday in June and December.

SEC. 2. *Be it further enacted,* That all laws in conflict with this Act be, and the same are hereby, repealed;

and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 3, 1905.

JOHN I. COX,
Governor.

CHAPTER 121.

SENATE BILL No. 198.

AN ACT to authorize the municipal corporation of "The Mayor and Aldermen of the town of Morristown," in Hamblen County, Tennessee, to issue coupon bonds in the sum of sixty-five thousand ($65,000) dollars for the purpose of funding under certain conditions its indebtedness, consisting of outstanding coupon bonds to the amount of forty thousand ($40,000) dollars, issued by authority of Chapter 88 of the Acts of 1893, and a floating indebtedness of twenty-five thousand ($25,000) dollars.

WHEREAS, The municipal corporation of "The Mayor and Aldermen of the town of Morristown," in Hamblen County, Tennessee, under and by virtue of Chapter 88 of the Acts of 1893, has outstanding coupon bonds in the sum of forty thousand dollars ($40,000), which are, at the option of said municipality, redeemable in July, 1905, bearing six per cent interest, and has outstanding a floating indebtedness evidenced by warrants in the sum of twenty-five thousand dollars ($25,000), bearing six per cent interest; and,

WHEREAS, Said municipal corporation is desirous of funding said indebtedness to the end that bonds may be issued bearing not more than five per cent interest.

SECTION 1. *Be it therefore enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for "The Mayor and Aldermen of the town of Morris-

town" to issue its coupon bonds in the sum of sixty-five thousand dollars ($65,000), but not exceeding that sum, for the purpose of funding its said bonded indebtedness of forty thousand dollars ($40,000) and its floating indebtedness of twenty-five thousand dollars ($25,000) in the manner and under the restrictions hereinafter provided.

Denomination and series of bonds.

SEC. 2. *Be it further enacted,* That the bonds issued for the above purpose and under this Act shall be of such denomination and shall bear such rate of interest, not to exceed, however, five per cent per annum, as the said Board of Mayor and Aldermen may determine by ordinance. Said interest shall be payable semi-annually, in January and July. Of said bonds forty-five thousand dollars ($45,000) shall be due thirty years from the date of their issuance, and twenty thousand dollars ($20,000) shall be payable at any time after the end of ten years, or may run thirty years, at the option of said Board of Mayor and Aldermen. All said bonds issued for the above purpose shall be payable in lawful money of the United States at such place as the Board of Mayor and Aldermen may determine, and shall show on their face that they are issued under and in pursuance to the authority of this Act.

How issued.

SEC. 3. *Be it further enacted,* That the bonds provided for by this Act shall be signed by the Mayor and Recorder of the town, shall have the corporate seal thereof, and in no case be sold for less than par; and the coupons attached shall, as they mature and become due, be receivable for all taxes and dues to the said municipality, except the sinking fund tax hereinafter provided for.

Sinking fund.

SEC. 4. *Be it further enacted,* That before the issuance hereunder of any bonds, the said corporation shall provide by ordinance for a sinking fund, wherewith to rebut the bonds by levying a special tax on property, the same to be designated "The Sinking Fund Tax," the tax to run with the bonds and to be collected annually and used exclusively for the purpose levied, and to be sufficient with its accumulations as near as can be estimated to meet or retire the said bonds at maturity.

Sinking Fund Commissioners.

SEC. 5. *Be it further enacted,* That said corporation, before issuing any of the bonds authorized by this Act, shall, through its Board of Mayor and Aldermen, elect three citizens of the corporation who shall be known as the Sinking Fund Commissioners. They shall be elected

for three years, and shall hold office until their successors are elected and qualified. They shall be so elected that the term of office of one of the said Commissioners shall expire each year, which shall be done by electing at the first election one Commissioner whose term of office shall be one year, one whose term of office shall be two years, and one whose term of office shall be three years; and thereafter the Commissioners elected shall be elected for the term of three years, as provided herein.

Oath and bond of Commissioners.

SEC. 6. *Be it further enacted,* That said Commissioners shall take and subscribe an oath in writing before any persons authorized to administer oaths to faithfully discharge their duties, and shall give bond and otherwise qualify themselves as said Board of Mayor and Aldermen may prescribe, and shall receive such compensation as the Board may deem just and proper. Said Sinking Fund Commissioners are authorized on giving bond and qualifying, as provided herein, to receive the Sinking Fund that has accumulated for the liquidation of the forty thousand dollars ($40,000) of bonds issued under Chapter 88 of the Acts of 1893, whose funding is provided for in this Act, and said Sinking Fund so received shall be and become a part of the Sinking Fund for the liquidation of the bonds herein authorized to be issued.

Disbursement of sinking fund taxes.

SEC. 7. *Be it further enacted,* That said Commissioners shall receive from the Collector of Taxes or the treasurer of the corporation said "Sinking Fund Taxes," and shall invest the same from time to time in such manner as will best serve the interest of the corporation; and they will make settlement in such manner and with such persons as the corporation by ordinance may direct. The Sinking Fund, in the hands of the Sinking Fund Commissioners, may at any time be used for the purpose of taking up and cancelling any bonds issued under authority of this Act, which are not due; *Provided,* the holders of such bonds are willing to surrender same at par value.

Purposes.

SEC. 8. *Be it further enacted,* That bonds authorized to be issued under this Act shall be issued for the purpose of funding the bonded and floating indebtedness hereinbefore mentioned. All bonds and warrants of said corporation funded and called in by the issuance of the bonds provided for in this Act shall be cancelled in the presence of the Board of Mayor and Aldermen, and in such manner as may be determined by said Board.

SEC. 9. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 122.

SENATE BILL No. 271.

A BILL to be entitled "An Act to create and establish a School District, No. 21, in Robertson County, Tennessee, to define its boundaries, and to provide for Directors thereof."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, known as No. 21, be, and the same is hereby, established in Robertson County, Tennessee, and that the boundaries shall be as follows—viz.:

Boundaries.

Beginning at the north end of Washington Bridge over Sulphur Fork Creek, in the Eighth Civil District of Robertson County, Tennessee; thence west or nearly so with the said Sulphur Fork Creek to the southwest corner of the land of W. W. Sherrod; thence north or nearly so, including the lands of W. W. Sherrod, Joe Pitt, G. A. Sherrod, H. W. Williams, and B. S. Byrns, to the northwest corner of the land of B. S. Byrns; thence east or nearly so, including the lands of B. S. Byrns and F. E. Alford, to the northwest corner of the land of F. E. Alford; thence south or nearly so, including the lands of F. E. Alford, Mrs. N. C. Mathews, Thomas Menees, Mrs. Lula Fizer, and D. S. Williams, as far as Spring Creek; thence with the meanderings of said creek to the beginning.

County Superintendent to appoint Directors.

SEC. 2. *Be it further enacted,* That the County Superintendent of Public Instruction of Robertson County is hereby authorized and directed to appoint three Directors for said district, to serve until the next regular election for School Directors, when three Directors shall be elected by the people of said district in the manner now provided by law; and said district shall be entitled to all the privileges, immunities, and rights of other school districts, and be subjected to the same organizations and restriction.

SEC. 3. *Be it further enacted,* That the Clerk of said district, as soon as practicable after coming into office, shall furnish to the proper authorities a correct statement of children of school age within said district, and the County Trustee of Robertson County, upon said enumeration, shall disburse the funds belonging to said district upon the orders of the Directors of said district.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 123.

SENATE BILL No. 348.

AN ACT to authorize, empower, and enable Davidson County to issue bonds for the purpose of building a courthouse and county jail, and to submit the proposition of the issuance of said bonds to the qualified voters of said county at an election to be held under this Act, and to provide for the payment of said bonds and the interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Davidson County in any quarterly session assembled may, a majority of the Justices of the Peace being present and voting therefor, submit a proposition to the qualified voters of said county to determine at an election to be held under the provisions of this Act whether said county shall issue bonds in an amount not exceeding the sum of five hundred thousand dollars for the purpose of building a courthouse and county jail in said county; *Provided,* that said propositions shall state the amount of bonds proposed to be issued for a courthouse and the amount of said bonds proposed to be issued for a county jail, and said proposition shall be published for at least thirty days before the date of election herein provided for in some newspaper published in said county.

Submission to people by County Court

SEC. 2. *Be it further enacted,* That the County Court of said county shall submit said proposition to the people at an election to be held at each voting precinct in the county not less than sixty days from the date the County Court shall authorize the submission of said proposition, and said election shall be held under the provisions of the law governing county elections, and said bonds shall not be issued under said proposition unless a majority of all qualified voters in said election shall be in favor thereof, the qualifications of voters at said election to be the same as the qualifications of voters for county officers; and *Provided,* that those voting in favor of the issuance of said bonds shall have written or printed on their ballots "For the issuance of bonds," and those opposed to said bonds shall have written or printed on their ballots "Against the issuance of said bonds;" and *Provided,* that

the returns of said election shall be certified as required by law for the certification of county elections, and the result determined in the same manner; and *Provided further,* that a failure to carry out the election for bonds herein shall not prevent the submission of another proposition under this Act, and that a substantial compliance with the provisions of this Act in regard to said election shall be sufficient, and no irregularity in said election shall invalidate the same.

Amount of bonds.

SEC. 3. *Be it further enacted,* That if said proposition for the issuance of said bonds shall be voted under the provisions of this Act, then the said Davidson County, through its County Court in any quarterly session assembled, a quorum of the Justices of the Peace being present, a majority voting therefor shall be, and it is hereby authorized, empowered, and enabled to issue bonds of the county for the purpose of erecting a courthouse and a county jail, not exceeding the sum of five hundred thousand dollars, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually or annually, as said court may direct, and said bonds shall be payable in from one to thirty years from the date thereof, as said County Court may order and direct.

How signed.

SEC. 4. *Be it further enacted,* That said bonds shall be executed in the name of Davidson County and shall be signed by the County Judge or Chairman of the County Court in said county, and countersigned by the Clerk of said court, with his official seal affixed thereto; and such bonds shall be in such denominations as said court may direct, not less than one hundred dollars each, and shall be numbered consecutively in the order of issuance, beginning with one.

Interest coupons attached.

SEC. 5. *Be it further enacted,* That each of said bonds shall have attached to it interest coupons, showing the amount of each annual or semi-annual installment of interest on said bonds and when same shall fall due, and each coupon shall be signed in the same manner as the bonds, but without the official seal of the Clerk, and showing on their face the number of the bond to which they are attached; and the County Judge or Chairman of the County Court of said county shall keep in a well-bound book a record of the number and denominations of all said bonds issued, to whom issued, and also of all bonds and interest coupons redeemed or paid; and he shall make settlement with the County Trustee upon the receipts and

disbursements in the same manner as provided for settlements in regard to other county funds.

May be redeemed—30 days notice to holder.

SEC. 6. *Be it further enacted,* That said bonds or any part thereof may be redeemed at any time during the period for which they were issued by order of the County Court in quarterly session by giving thirty days notice to the holder of said bonds by publication in some newspaper published in Davidson County, and said publication shall prevent the accrual of any interest thereafter.

Interest and sinking fund tax.

SEC. 7. *Be it further enacted,* That the County Court of said county in quarterly session assembled shall have the power and authority, and it shall be the duty of said court, to levy a tax on all taxable property, privileges, and polls of such county for the purpose of paying said bonds and the interest thereon, and to create a sinking fund for the payment of said bonds when due.

Trustee to collect.

SEC. 8. *Be it further enacted,* That the Trustee of said county shall collect and account for the taxes herein authorized in the same manner as he is required by law to collect and account for other taxes, and shall receive the same compensation as he receives for the collection of other taxes; and the County Court may, if it deems it proper, require said Trustee to give additional bond for the performance of his duties in accounting for and collecting said funds.

Committee to secure plans and specifications.

SEC. 9. *Be it further enacted,* That the County Court of said county shall elect or appoint three disinterested persons not members of said court and freeholders of said county, together with two members of said court, who shall be authorized to employ an architect and to procure other necessary services of experts to draw and prepare plans and specifications for said courthouse and county jail, and to make sale of said bonds; *Provided,* that said bonds shall not be sold for less than par value; and *Provided further,* that no commission shall be paid for the sale of said bonds, but the County Court shall have the authority to make an appropriation for a reasonable amount for the compensation of said parties for their services.

SEC. 10. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905. E. RICE,
Speaker of the Senate.
J. J. BEAN,
Speaker pro tem. of the House of Representatives.
Approved April 4, 1905. JOHN I. COX,
Governor.

CHAPTER 124.

SENATE BILL No. 254.

AN ACT to amend House Bill No. 281, passed February 2, 1905, and approved February 4, 1905, entitled "An Act to authorize the County of Shelby to issue and sell not exceeding $1,000,000 of bonds for the purpose of building a courthouse in said county, and to declare the manner in which said bonds shall be issued and disposed of, and the manner in which the proceeds of said bonds shall be kept and paid out and said courthouse erected, and to provide for the payment of said bonds and interest thereon;" so as to require the bonds of the Chairman and Secretary of the Commission to be approved by the Quarterly Court, and to authorize the Chairman of the Commission, if a member of the court, to receive whatever compensation may be fixed by the court; and to provide a method for filling any vacancy that may occur in said Commission, and to permit the county to condemn property for courthouse site.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 7 of an Act passed February 2, 1905, and approved February 4, 1905, and being House Bill No. 281, and entitled as set forth in the caption hereof, be, and is hereby, amended so as to read as follows:

Said Commission shall elect annually a Chairman and a Secretary, the Secretary not to be a member of the County Court. They may receive compensation for their services, to be fixed by the County Court, not to exceed two thousand ($2,000) dollars per annum each. And the fact that the Chairman so elected is a member of the County Court shall not disqualify him from receiving such compensation as may be fixed by the court, as above provided; said Chairman and Secretary shall enter into bonds, to be fixed by the Commission and to be approved by the Quarterly County Court of Shelby County, conditioned for the faithful performance of their duties, and shall quarterly make a full and complete report to the County Court. The Commission may require bonds of said Chairman and Secretary in some solvent surety company, and may pay the premiums thereon out of said fund, or may require said officials to pay the same. It shall be the duty of the Secretary of said Board to keep

the books and accounts of said Board, but the Chairman of the County Court shall also keep books showing the amount received and paid out by the depositories.

In the event of a vacancy in said Commission by the death or failure or refusal of any member to act, or his removal from Shelby County, or his removal from the Commission by the Quarterly Court of Shelby County, because of his failure to properly and satisfactorily perform his duties as a member of said Commission, the Chairman of said court is empowered and directed to appoint his successor.

SEC. 2. *Be it further enacted,* That the Courthouse Commission, in the name of the State for the use of the County of Shelby, be, and is hereby, expressly given the power to condemn any land that may be necessary for the courthouse site; and the proceedings for the exercise of this power of condemnation shall be the same as those now provided by law for the taking of private property for public uses, the compensation for land so condemned to be paid out of the proceeds of said bonds in all respects as if said property were acquired by purchase.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 125.

SENATE BILL No. 278.

AN ACT to amend an Act entitled "An Act to incorporate the town of Humboldt, in Gibson County, Tennessee, and to confer powers on the said corporation; and to define its boundaries and to provide for the government of said town, and the debts of the town contracted under a charter thereof repealed in 1903, and for other purposes," so as to provide for the collection of the taxes due the said town, define the duties of the said Tax Collector, and provide for the collection of back or delinquent taxes due the said town on real estate within the corporate limits of the said town, and to provide penalties and attorney's fees for the collection of back or delinquent taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act entitled "An Act to incorporate the town of Humboldt, in Gibson County, Tennessee, and to confer powers on the said corporation; and to define its boundaries and to provide for the government of said town, and the debts of the town contracted under a charter thereof repealed in 1903, and for other purposes," passed on the 12th day of March, 1903, and approved on the 20th day of March, 1903, be, and the same is hereby, amended so as to provide as follows: That the taxes in the said town shall be due and payable on the 1st day of October of the year for which they are assessed, and shall be paid on or before the 1st day of February thereafter. That after the first day of January of each year the tax books or lists of taxes for said town, whether the same be for the year next preceding or any prior year within the statute of limitations applicable to taxes, shall have the force and effect of an execution from a court of records, and shall have authority for distraining or levying on personal preperty for the collection of such taxes and penalties, and the said Tax Collector, with such books or lists in his hands for collection, shall levy on such property when necessary, in his judgment, to collect such taxes, or he may garnishee for the same purpose and in the same manner that a Sheriff or Constable may garnishee with an execution, and upon such levy or garnishment the Tax Collector shall be paid the same fees as are allowed to the Sheriff or Constable for such services by law, to be paid by the delinquent taxpayer; and he shall also

Taxes—when due.

How collected.

be allowed ten per cent commission on taxes collected by levy, to be paid by the delinquent taxpayer as a penalty on him, or her, for failure to pay taxes until the levy is made. That said collector shall, when he levies on personalty, advertise the same by printed or written posters for ten days within the corporation, and sell the same to the highest bidder at public outcry, and apply the proceeds to the payment of unpaid taxes and costs and penalties. But if the said Tax Collector cannot collect or find personalty on which to levy for unpaid taxes before the first day of June next after the year for which such taxes are assessed or for any unpaid taxes prior to that, the Board of Mayor and Aldermen of said town may file a bill in Chancery in the corporate name of said town against the delinquent taxpayer, or heirs, or distributees of the same, to enforce the tax lien and to collect such taxes as may be due up to date of filing such bill, and they may make twenty or less delinquent parties to said bill. And such cause shall be conducted and tried as other Chancery causes, and such delinquent on recovery by complainant in such cause shall be taxed in addition to other costs of the cause the sum of two and one-half dollars ($2.50) each, and ten per cent of the amount of the taxes delinquent to cover solicitors' fees for complainants, and this shall be a lien on the property ordered sold. The certificate of the said Tax Collector attached to the list of delinquents turned over to the Board of Mayor and Aldermen by him, to the effect that after diligent search he has failed to find any personalty on which to levy for said taxes, shall be *prima facie* evidence that the delinquent taxpayer has no personal property on which to levy for said taxes. Such sales made by the Chancery Court may be made on a credit of seven months, barring the equity of redemption.

Delinquent tax—how collected.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905. E. RICE,
Speaker of the Senate.
J. J. BEAN,
Speaker pro tem. of the House of Representatives.
Approved April 4, 1905. JOHN I. COX,
Governor.

CHAPTER 126.

SENATE BILL No. 185.

AN ACT to be entitled "An Act to authorize the Mayor and Aldermen of the City of Jackson to execute ten interest-bearing notes of said city, said notes or the proceeds thereof to be used in paying for a new pump for the waterworks."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the City of Jackson be, and they are hereby, authorized and empowered to execute ten promissory notes of said city, each note to be in the sum of twenty-five hundred dollars ($2,500), making a total of twenty-five hundred dollars ($2,500) principal, said notes to be numbered consecutively from one to ten inclusive and payable one each year respectively after date of issuance—to-wit: The first of said notes to be payable one year after date of issuance, the second note to be payable two years after date of issuance, and so on with the entire series, note number ten maturing ten years after date of execution. Said notes or the proceeds thereof to be used in purchasing or paying for a new six-million-gallon pump now being installed in the Waterworks Plant of said city, and for no other purpose.

Rate of interest

SEC. 2. *Be it further enacted,* That the notes to be executed as herein authorized shall bear interest at a rate not exceeding five per cent per annum, payable semi-annually, but no interest shall be paid without proper receipt being given therefor, and the payment and date thereof being stamped upon said note. And none of said notes shall be delivered, transferred, or assigned for less than the face value of the same.

SEC. 3. *Be it further enacted,* That before the execution of said notes the Mayor and Aldermen of said city shall by ordinance passed at a regular meeting or a special meeting to be called for the purpose, prescribe the form of said notes, fix the dates of issuance and maturity, and direct what disposition shall be made of the same or their proceeds. Said notes shall be executed by the Mayor of

said city, who shall sign the name of the municipality by himself as Mayor, and they shall be stamped with the corporate seal of the city.

SEC. 4. *Be it further enacted,* That said Board of Mayor and Aldermen shall have the power to pledge the faith and property of said city for the payment of the principal and interest of said notes, and to levy and collect taxes on the taxable property within the corporate limits of said city to meet and pay the interest on said notes as it falls due, and to pay the principal when the notes mature.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 127.

SENATE BILL No. 261.

A BILL to be entitled "An Act to authorize Fentress County to issue bonds for the purpose of building a courthouse, and to provide for and restrict the expenditure of the funds raised by the sale of said bonds."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County of Fentress be, and is hereby, authorized to issue bonds of the said county in a sum not to exceed fifteen thousand dollars ($15,000); *Provided,* that the County Court of said county, assembled in regular quarterly session, shall, by a vote of a majority of the Justices of the Peace comprising said court, vote for the issuance of said bonds; the said bonds when so issued to be sold, and the funds derived from such sale to be used in building a courthouse in the town of Jamestown, Tennessee.

How issued.

SEC. 2. *Be it further enacted,* That the said bonds shall be signed by the County Judge of Fentress County and countersigned by the County Court Clerk of said county, with his official seal affixed to the same; and said bonds shall be in such denominations as the court shall direct; *Provided,* however, that no bonds shall be issued in denominations less than one hundred dollars ($100), nor more than one thousand dollars ($1,000), and they shall be numbered consecutively in the order of issuance, beginning at one.

Coupons.

SEC. 3. *Be it further enacted,* That each of said bonds shall have attached to it interest coupons showing the amount of annual or semi-annual installments of interest, as the court directs, and when the same falls due, which coupons shall be signed in the same manner as the bonds, but without the seal of the court, and they shall show on their face the number of the bond to which they are attached.

Time to run, interest, etc.

SEC. 4. *Be it further enacted,* That said bonds shall mature at any time fixed by the said county before their issuance; *Provided,* that the time of maturity shall not exceed twenty (20) years; and that the said court shall fix the time when the interest on said bonds shall be due and payable, whether annually or semi-annually, and the said court shall also, before the issuance of said bonds, fix the rate of interest, not to exceed four (4) per cent per annum; and that the said bonds or any part thereof may be redeemed at any time during the period for which they are issued, after the expiration of the first five years, upon the order of the said court, by giving thirty (30) days notice to the holders of said bonds by publication of said notice in some newspaper published in said county, which notice shall enumerate the bonds to be redeemed, beginning, always, with the lowest numbered bond outstanding, and said notice when so published shall be an estoppel of interest on the bonds enumerated in said notice.

Interest and sinking fund tax.

SEC. 5. *Be it further enacted,* That it shall be the duty of the said Quarterly Court to annually levy a tax upon the taxable property and polls of said county for the purpose of paying the interest on said bonds and to create a sinking fund for the payment of the said bonds when they become due. The Judge of the County Court of said county shall keep in a well-bound book the number and denomination of each and every bond issued, to whom

issued, and a record of all the interest coupons and bonds redeemed or paid, and he shall make settlement with the County Trustee upon receipts and disbursements in the same manner as he does with regard to the county funds.

SEC. 6. *Be it further enacted,* That the proceeds arising from the sale of said bonds shall be paid into the County Treasury as a special fund, and shall be kept separate and apart from all other accounts; and the Trustee shall give a special bond for this fund, and shall pay the same out upon the warrant or order of the County Judge, which warrants or orders shall be issued by the County Judge upon the certificate of the Building Commission as the work progresses, except twenty (20) per cent of the estimates shall be retained until the entire work is completed and the building accepted by the said Commission.

Building Commissioners to be elected by the County Court.

SEC. 7. *Be it further enacted,* That the Quarterly Court shall, at its next regular term after the passage of this Act, appoint or elect five (5) Commissioners, to be known as the Building Commission. It shall be their duty to employ architects to draw plans for the said courthouse and to receive sealed bids for the contract of erecting the same. And they are hereby invested with power to select plans for the said courthouse, but under no circumstances to select plans for a building which will cost more than the issuance of bonds made by the said Quarterly Court, in pursuance with this Act. And after the financial arrangements have been made, the said Building Commission is empowered to let the contract for the building of the said courthouse to the lowest and best bidder. It shall be the duty of the said Building Commission to exact a good and solvent bond from each bidder, the same to be filed with the sealed bids. And no bid shall be received or considered unless accompanied by the bond, which said bond shall be approved by the County Judge and shall provide for the faithful performance of the contract in every manner. The said Commission shall make reports to each term of the Quarterly Court which meets during the course of the erection of the said courthouse, and the members of the said Building Commission shall receive such compensation as the said Quarterly Court deems proper.

Bids—how taken.

SEC. 8. *Be it further enacted,* That no bond herein provided for shall be sold for less than its par value.

SEC. 9. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 128.

SENATE BILL No. 181.

A BILL to be entitled "An Act to create and establish School District No. 17 in the County of Dickson, and define boundaries thereof."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District be established in the County of Dickson, bounded as follows:

All that portion of the Thirteenth School District lying north of a line beginning at the point where the Fifth School District crosses the Nashville, Chattanooga & St. Louis Railroad, and running westwardly with said railroad to the southwest corner of the W. H. Trummin's tract of land, including the W. H. Trummin's tract of land and of the north boundary line of the Sixteenth School District. Said district shall be known as the Seventeenth School District of Dickson County, Tennessee.

SEC. 2. *Be it further enacted,* That J. B. Burgie, B. F. Hurt, and Sam Lamastus be, and hereby are, constituted School Directors of said School District No. 17 until the first regular election for electing School Directors or Commissioners under the general law governing such school districts.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 129.

SENATE BILL No. 155.

A BILL to be entitled "An Act to authorize and empower the County of Sumner to purchase, extend, or construct turnpike roads, and make them free roads, and to issue bonds for the purpose of paying for the same; and to submit the question of the issuance of the bonds to a vote of the people of said county, and to levy and collect a tax to pay said bonds and the interest thereon, and to levy and collect a tax to raise money to purchase, build, extend, or maintain turnpike roads."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County of Sumner be, and is hereby, authorized and empowered to purchase, upon such terms as it may see fit, any turnpike road or roads, or any part thereof, which may be situated within the territorial limits of said county, and when so purchased the same shall become free roads, and no toll or other charge shall ever be made or collected for travel thereon.

SEC. 2. *Be it further enacted,* That said County of Sumner is further authorized and empowered to extend the line of road of any turnpike which it may purchase to any point it may be desired to extend it; *Provided,* it shall not go beyond the territorial limits of the county; and in making said extension or extensions it is authorized and empowered to build or construct the road in such manner or of such material as it may see fit; and said county is further authorized and empowered to build

May extend roads.

or construct a turnpike road or roads in any portion of the county it may desire and of such material and in such manner as it may deem best.

SEC. 3. *Be it further enacted,* That if said county shall purchase the road of any turnpike company regularly chartered and organized under the laws of the State of Tennessee, it shall not be held to have thereby assumed any of the duties or liabilities imposed by such charter or the laws of the State of Tennessee, or any contract of such turnpike company, but the said county shall only purchase and succeed to the rights of property in the turnpike road itself, and shall hold the same free of all encumbrances of any sort.

Bonds may issue.

SEC. 4. *Be it further enacted,* That said county may provide all or any part of the money with which to pay for said road or roads, their extension, construction, or maintenance, by taxation; or in lieu thereof, or in addition thereto, it may issue, not exceeding one hundred thousand dollars ($100,000) in negotiable, interest-bearing, coupon bonds, payable not longer than thirty years from date, and bearing interest at a rate not exceeding five per cent per annum, and having appropriate interest coupons thereto attached. Said bonds may be made redeemable by the county at its option, before their maturity, upon notice to the bond holder given by publication or other manner to be specified on the face of said bonds. The said bonds, or their proceeds or such portion of them as may be issued, shall be used to pay for any turnpike road that may be purchased, or in paying for the extension of any of such turnpike roads, or in the construction of such manner or of such material as it may see fit; and said bonds or their proceeds shall not be used for any other purpose. Said bonds, whether used to pay for said roads or their extension or the construction of turnpike roads directly or sold for cash, shall not be disposed of at less than their par value.

Annual tax.

SEC. 5. *Be it further enacted,* That said county, through its legally constituted authorities, is hereby authorized and empowered to levy and collect a tax annually for the purpose of raising money with which to purchase, extend, construct, or maintain turnpike roads, or with which to pay any bonds and the interest on same that may be issued under the authority of this Act, which tax shall at no time be more than twenty cents on the one hundred dollars of taxable property in said county in

any one year, and in the assessment and collection of which all taxable property, real, personal, or mixed, in said county, shall be burdened and charged alike, and property within the limits of any incorporated town in said county shall be burdened and taxed along with all other property, and no exception or exemption of any taxable property shall be allowed.

All authority in County Court.

SEC. 6. *Be it further enacted,* That the powers conferred upon said county by this Act shall be exercised by and through its County Court, at any quarterly term thereof, by a majority of the Justices present; *Provided,* there be a quorum present. Said Quarterly Court may adjourn to any day desired for the purpose of considering the question of the purchase, extension, or construction of turnpike roads, or any question connected therewith. And it is further provided that a special term of the said court may be called and held at any time the Chairman of said court may think such special term necessary, and said Chairman is hereby authorized to call a special term of the court whenever, in his opinion, the necessities of the case require it, to consider any question connected with the purchase, extension, or construction of said turnpike roads, or the levy of the tax, or the issuance of the bonds authorized hereby; *Provided,* he shall publish a call for said special term in any newspaper published in Gallatin, Tennessee, not less than fifteen days before the court is called to meet. Said court, in determining the question as to whether it will purchase, extend, or construct any turnpike road, shall proceed in such manner as it may appear advisable, and it is hereby authorized and empowered to make any and all contracts necessary or proper to be made in the matter of the purchase, extension, or construction of any turnpike road, and to bind the county accordingly.

Court to elect Commissioners.

SEC. 7. *Be it further enacted,* That there shall be elected by the County Court of said county at its quarterly meeting on the first Monday of January, 1906, three turnpike Commissioners, whose terms of office shall be one, two, and three years respectively, or until their successors are elected and qualified, and on the first Monday of January of every year thereafter one Turnpike Commissioner shall be elected by said court, whose term of office shall be three years, or until his successor is elected and qualified. Before entering upon the discharge of his duty, each and every Commissioner shall execute a bond with

approved security in such amount as may be fixed by said court, conditioned to faithfully discharge the duties of his position and account for all money or other property that may come into his hands by virtue of his office, and he shall also be required to take and subscribe to an oath before the Clerk of the County Court that he will faithfully discharge the duties of his position, and that he will not be or become interested directly or indirectly in any contract in connection with the purchase, building, or maintenance of any turnpike road in said county, which oath shall be filed and preserved in the office of the Clerk of the County Court. The said Commissioners shall be invested with such powers and shall perform such duties as may from time to time be vested in them by order of said court, duly entered upon the minutes of the same. They shall receive no compensation, except such as may be allowed by said County Court. And said court is authorized to fill any vacancy that may occur by reason of the death, resignation, removal, or other cause of any Commissioner, and is authorized to remove any Commissioner for any reason that may be thought sufficient by said court.

Powers and duties.

Election to be held.

SEC. 8. *Be it further enacted,* That before any bonds shall be issued hereunder, there shall be opened and held by the Commissioners of Election for the County of Sumner, or other person or persons authorized by law to hold elections in said county, an election after giving notice of the time, and in the manner now required by law in general elections, for the purpose of determining whether the qualified voters of said county favor the issuance of not exceeding one hundred thousand dollars ($100,000) in interest-bearing, coupon bonds, for the purpose of providing money to pay for the purchase, extension, or construction of turnpike roads in said county, and at such election the qualification of the voters shall be the same as at general elections for the selection of State or county officers, and shall be held in the same manner. That at such election those who favor the issuance of the bonds shall have written or printed on their tickets the words "For bonds," and those opposed to the issuance of the bonds shall have written or printed on their tickets "Against bonds." Said election shall be held by said Election Commissioners whenever request therefor is made by the County Court of said county, through its Chairman,

and at such time as may be fixed and designated by said court.

Returns to be filed with County Court Clerk.

SEC. 9. *Be it further enacted,* That after the Commissioners of Election shall have received and canvassed the returns of such election, it shall be their duty to file a report in writing with the Clerk of the County Court of said county, showing the number of votes cast in said election "For free pikes" and the number of votes cast "Against free pikes," and which report shall be submitted by the Clerk to the next meeting thereafter of the Quarterly County Court, and the said report shall be copied on the minutes of said court, and shall be final and conclusive as to the number of the respective votes cast at such election. If it shall appear from the said report of said election a majority of the votes cast were "For free pikes," then the issuance of said bonds is authorized. If it shall appear, however, that at such election a majority of the votes cast were "Against free pikes," the said Quarterly Court may make demand of said Commissioners of Election to hold another election, similar to the first election in all respects, fixing a time in said demand for the holding of the same; *Provided,* however, that no other election shall be held upon this proposition until after the expiration of six months' time from the date of said first election.

Court to determine time to run.

SEC. 10. *Be it further enacted,* That if it shall be determined to issue the bonds, or any of them, as provided in this Act, the County Court of Sumner County shall determine the length of time said bonds shall run, the rate of interest they shall bear (all within the limits prescribed in Section four (4) hereof), the denominations in which they shall be issued, and whether they shall be subject to call or redemption before maturity, and if so, after what time, and may provide for the sale or negotiation of the same. Said bonds when issued shall be signed by the Chairman of the County Court of Sumner County, and attested by the Clerk of the County Court, with the seal of the court attached; and the bonds shall be numbered consecutively, beginning with number one.

How signed.

For their services in the execution and issuance of said bonds, said Clerk and Chairman shall receive no compensation, except such as may be allowed by order of the County Court of said county.

SEC. 11. *Be it further enacted,* That the proceeds of the sale of said bonds shall be paid into the office of the

County Trustee to receive proceeds of bonds.

County Trustee, who shall execute a receipt for all money so received by him, which receipt shall be filed with the Clerk of the County Court and by him entered upon the minutes of said court. This money shall be kept separate and distinct from all other funds in the hands of said Trustee, and shall be paid out only upon the warrant of the Chairman, as other county funds in his hands are disbursed. Said Trustee shall receive as his compensation for receiving, disbursing, and being responsible for said fund one-fourth of one per cent of all amounts disbursed by him out of said fund.

SEC. 12. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 130.

SENATE BILL No. 279.

AN ACT to enable the town of Humboldt, in Gibson County, Tennessee, to issue bonds for the purpose of erecting a new school building in said town for white school children, or repairing or remodeling the present school buildings in said town, and also to refurnish or to replenish the present school furniture in said buildings, and providing for an election to be held in said town to carry into effect this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Humboldt, in Gibson County, Tennessee, be, and the same is hereby, authorized and enabled to issue and sell interest-bearing coupon bonds in a sum not to exceed twelve thousand dol-

lars ($12,000), the proceeds of which shall be used for the purpose of erecting a new public school building in said town for white children, or repairing or remodeling the public school buildings in said town and the furnishing of said buildings.

Election to be held by Election Commissioners.

SEC. 2. *Be it further enacted,* That before the issuance of any bonds under the authority of this Act, the Board of Mayor and Aldermen of said town shall first cause to be held an election in said town, and shall notify the Election Commissioners of Gibson County, Tennessee, of the time and place of the holding of the said election; said Election Commissioners shall proceed to appoint judges and clerks and officer of said election, prepare the ballots, and notify the Registration Commissioners, and said election to be held under and in accordance with the regular election laws of the State of Tennessee, except it shall be the duty of the said Election Commissioners after receiving and canvassing the returns of the said election to certify the result of the said election to the Board of Mayor and Aldermen of said town, and if it appear that a majority of the votes cast in said election be in favor of the issuance of said bonds, the Board of Mayor and Aldermen shall proceed to issue said bonds as hereinafter provided. The Board of Mayor and Aldermen shall direct the City Marshal of said town to advertise the said election by printed hand bills at least twenty (20) days prior to the date of the said election, said printed hand bills to state the purpose of the said election. The ballots to be used in said election shall contain the words "For bonds" and the words "Against bonds," and those voting in said election in favor of the issuance of the bonds shall mark the ballot with a cross (X) mark before and after the words "For bonds," and those voting in said election against the issuance of bonds shall mark the ballot with a cross (X) mark before or after the words "Against bonds." Only legally qualified voters residing within the corporate limits of the town of Humboldt will be permitted to vote in said election.

Ballots. (This paragraph is correctly printed.)

Bonds—how issued.

SEC. 3. *Be it further enacted,* That said bonds shall be issued on the order of the Mayor and Aldermen; shall be signed by the Mayor and Secretary of the Board of Aldermen; and that the bonds issued under this Act shall be of such denomination, bear such a rate of interest per annum, not to exceed six per cent, and mature at such times and places as the Board of Mayor and Aldermen

shall determine by ordinance. Said bonds and interest shall be payable in lawful money of the United States of America. The Board of Mayor and Aldermen shall provide by ordinance for the sale of said bonds.

Town Treasurer to be custodian of bonds.

SEC. 4. *Be it further enacted,* That upon the issuance of the bonds under this Act the Treasurer of said town shall receive and receipt for the same and retain the custody of said bonds, pending a sale and delivery of the same to the purchaser; that after the said bonds shall have been sold the proceeds of the sale of said bonds shall be placed with the said Treasurer of the said town as a separate fund for the purposes set out in this Act, and shall be paid out by him as hereinafter directed; the Treasurer of said town shall be required to enter into a special bond, payable to the Board of Mayor and Aldermen of said town, and to be approved by said Board, in double the amount of said bond issue, for the faithful handling, safe-keeping, properly paying over and accounting for such funds; the said Treasurer to receive a commission of one-fourth of one per cent for the said services.

Funds—how expended.

SEC. 5. *Be it further enacted,* That the Board of Education of said town and the Board of Mayor and Aldermen of said town shall constitute a joint board or committee, who shall have the sole power, and it shall be their duty, to have prepared plans and specifications for the buildings to be erected, repaired, or remodeled under the provisions of this Act; contract for the erection, repairing, or remodeling said buildings, and furnishing the same. said joint board or committee may appoint sub-committees from among the members of said joint board or committee, and the Secretary of the Board of Aldermen shall be the Secretary of said joint board or committee, and the Mayor of said town shall be the Chairman of said joint board or committee; the Treasurer of said town shall pay out the funds arising from the sale of the said bonds on the order of the Chairman and Secretary of the said joint board or committee and as directed by said joint board or committee.

Record to be kept by Secretary.

SEC. 6. *Be it further enacted,* That it shall be the duty of the Secretary of the Board of Mayor and Aldermen to keep in a well-bound book a record of all bonds issued under this Act, showing date of issuance, number of bonds, amounts, time to run, when matured, number of coupons, and when they are payable.

SEC. 7. *Be it further enacted,* That all laws and Acts heretofore enacted by the General Assembly of the State of Tennessee, authorizing the said town to issue bonds for school purposes, and under which no bonds have been issued or sold by said town, be, and the same are hereby, repealed.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 131.

SENATE BILL No. 184.

AN ACT to be entitled "An Act to extend the corporate limits of the City of Jackson, a municipality incorporated under the name of the Mayor and Aldermen of the City of Jackson, so as to include therein certain territory lying south of the present corporate line of said city and east of Chester's Levee."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the City of Jackson, a municipality incorporated under the name of the Mayor and Aldermen of the City of Jackson, are hereby extended from a stake in the present corporate line of said city at the intersection of the east margin of Royal Street and the north margin of Magnolia Street at the southwest corner of the Waterworks lot, south eighteen hundred and eighty feet, parallel with Chester's Levee, to a stake sixty feet north of the north bank of the Forked Deer River; thence east two and one-half degrees, south thirteen hundred and sixty feet, to Taylor's west line; thence north about nineteen hundred feet to the north line of Magnolia Street, at a point in the present

corporate line of said city, so as to include within the corporate limits of said city the above described territory.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 132.

SENATE BILL No. 248.

AN ACT to amend the charter of Lookout Mountain, so as to change limits thereof and enlarge the powers of said corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1, of Chapter 197, of the Acts of 1899, passed March 29, 1899, and approved April 3, 1899, be amended as follows:

Strike out the words, "Thence westwardly with the south line of said right of way to the point where said line intersects the southern line of the right of way of what is known as the narrow-gauge railway; thence with the southwestern line of said right of way of said narrow-gauge railway to a point near the Point Hotel." And, in lieu of said words so stricken, insert the following language: "Thence southwardly with the top of the bluff to the State line between Tennessee and Georgia; thence west along said State line to the top of the bluff on the western side of the mountain; thence along the top of the western bluff of the mountain to a point on the western line of the right of way of the electric railway near Sunset Rock, where said western bluff intersects said right of way; thence with the western line of said right of way to a point near the Point Hotel."

SEC. 2. *Be it further enacted,* That Article 12, Section 4, of said Act, be amended by striking out the word "thirty," and inserting in its place the word "fifty."

SEC. 3. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after the 1st day of April, 1905, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 133.

SENATE BILL No. 196.

AN ACT to establish and create a School District in the Twenty-first District of Gibson County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special school district, to be known and designated as Union Academy District No. 68, be established in the Twenty-first Civil District of Gibson County, Tennessee, with the following lines and boundaries:

Beginning on the north fork of the Forked Deer River (Stults' old mill stand), and running thence in a northerly direction with the road out to the Dyersburg and Trenton Road; thence north across the farms of J. T. Hunt and Allen James' hrs., crossing into the Dyer and Hanton Road, and running with said road on the east line of Bob Collins' farm; thence west to Tabernacle Road; thence north with said road to the South Creek to Mud Creek; thence with the meanderings of Mud Creek to the north fork of the Forked Deer River; thence with said river to the beginning.

SEC. 2. *Be it further enacted,* That the school district created by the first section of this Act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules that govern, control, and regulate other districts in Gibson County, and that T. B. Fisher, S. D. Davidson, O. T. Fletcher are hereby appointed School Directors of this special school district, and shall serve until the next regular election for School Directors in Gibson County, Tennessee, at which time three Directors shall be elected by the qualified voters of this special school district and successively thereafter at every regular election for School Directors in Gibson County, Tennessee.

SEC. 3. *Be it further enacted,* That the Trustee of Gibson County, Tennessee, be, and is hereby, authorized to apportion to this special district, created by this Act, all funds now on hand or to be collected not yet apportioned, in proportion to the scholastic population of said special school district, which funds shall be subject to the orders of the School Directors of this special district.

SEC. 4. *Be it further enacted,* That all laws or parts of laws in conflict with this Act are hereby repealed, so far as it may affect this Act; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 134.

Senate Bill No. 64.

AN ACT to amend an Act entitled "An Act to provide for the organization of corporations," approved March 23, 1875, so as to provide for and authorize the organization of acetylene gas companies for the manufacture and sale of acetylene gas.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act entitled "An Act to provide for the organization of corporations," approved March 23, 1875, be so amended that any five or more persons over the age of twenty-one years may apply for and obtain a charter of incorporation for the manufacture of acetylene gas.

Sec. 2. *Be it further enacted,* That the form of charter for acetylene gas companies shall be as follows:

State of Tennessee, Charter of Incorporation.

Be it known that (here insert the names of five or more persons over the age of twenty-one years) are hereby constituted a body politic and corporate by the name and style of (here insert name of corporation and amount of capital stock). Form.

The business of said company shall be to establish and construct gas works in or near the city, town, or village of (here insert the name of the city, town, or village) for the manufacture of acetylene gas and the distribution and sale of the same. The general powers of said corporation are (here set forth the powers set out in Section 5, Chapter 142, of the Acts of 1875).

Sec. 3. *Be it further enacted,* That, in order to enable the company to establish such gas works, it is hereby authorized and empowered to lay down pipes and extend conductors through the lanes, streets, and alleys of the town or city in which it is located; but in such manner, however, as to produce the least possible inconvenience to the city, town, or village, and the inhabitants thereof, and to travelers; and in order to lay such pipes and conductors the company is authorized and empowered to take up pavements and sidewalks, but it is hereby required to relay and repave same with the least possible delay; Special powers

Provided, however, that no one of the lanes, streets, or alleys of any incorporated town shall be entered upon or used by the company for laying pipes and conductors, or otherwise, until the consent of the municipal authorities shall have been first obtained and an ordinance shall have been passed prescribing the terms on which the same may be done.

SEC. 4. *Be it further enacted,* That the said company shall have the privilege of erecting, establishing, and constructing acetylene gas works, and manufacturing and vending acetylene gas in the city, town, or village in which the company is located; and that said company be authorized to charge a reasonable price for its product; *Provided, however,* that said company shall never charge the authorities of such city, town, or village more per cubic foot for acetylene gas than it is receiving at the same time from the people.

SEC. 5. *Be it further enacted,* That the works of said company shall be so constructed and the operations so managed that no nuisance shall accrue therefrom affecting the health or comfort of the inhabitants of the city, town, or village where located; *Provided,* that nothing herein shall be construed so as to absolve the company, its officers or agents from any legal proceeding, to restrain any nuisance arising from such works or operations.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 135.

SENATE BILL No. 313.

AN ACT to authorize the town of Bells, Tennessee, to issue bonds for the purpose of improving and furnishing the present school buildings, or for the purpose of buying a new site and erecting thereon a new building or buildings, and furnishing and equippn g the same.

Amount and purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this Act, it shall be lawful for the Board of Mayor and Councilmen of the town of Bells to issue coupon bonds in the manner and under the restrictions hereinafter provided, in the sum of not to exceed ten thousand dollars ($10,000); *Provided,* said bonds or their proceeds shall be used exclusively for the purpose of improving and furnishing and equipping the present school building and property, or for the purpose of purchasing a new site, erecting a new building or buildings thereon, furnishing and equipping the same in such manner as may be determined by the corporate authorities of said town.

Denomination and rate of interest.

SEC. 2. *Be it further enacted,* That all bonds issued under this Act shall be of such denomination, bear such rate of interest, not to exceed six per cent per annum, be due in sixteen years, and payable, both principal and interest, at such time and place as the corporate authorities may determine, and be payable in lawful money of the United States.

The said town of Bells may retain the right to call in and pay off the principal of said bonds at any time after ten years from date of their issuance, said call to be made by said Board of Mayor and Councilmen, and be posted conspicuously in the town of Bells, and also published for four consecutive issues in some newspaper published in said town; and no interest shall accrue on said bonds so called after the expiration of thirty days, the termination of the publication so made.

Sale to be at par

SEC. 3. *Be it further enacted,* That the bonds provided for in this Act shall in no case be sold for less than par or face value, and no commission whatever shall be paid for the sale of said bonds.

Interest and sinking fund tax.

SEC. 4. *Be it further enacted,* That said Board of Mayor and Councilmen shall provide and levy, by ordinance, a tax upon all the taxable property and privileges in said town of Bells, to pay the interest on said bonds as the same accrues, and in like manner provide a sinking fund wherewith to retire said bonds, by levying a special tax in addition to the tax that can now be levied under the charter powers of said town, to be designed as the sinking fund tax, both said interest and sinking fund tax not to exceed one hundred cents on the one hundred dollars; the tax to be levied, collected, and used exclusively for the purpose levied.

Bond election to be first held.

SEC. 5. *Be it further enacted,* That said bonds shall not be issued unless so ordered by a vote of the majority of the qualified voters of said town of Bells, voting at an election to be held for that purpose by order of the Board of Mayor and Councilmen of said town of Bells. Said election shall be held at any time, or at as many times, as said Board of Mayor and Councilmen may deem necessary, and the said Board of Mayor and Councilmen may submit the question of the issuance of a portion of said bonds at one election, and another portion at another election, until the whole amount of said bonds herein provided for are ordered to be issued.

At least thirty days' notice shall be given of any election ordered to be held under this Act, by publication in some newspaper published in said town of Bells.

Ballots.

And those voting for the proposition shall have written or printed on their tickets "For bonds," and those voting against the proposition shall have written on their tickets "Against bonds." And if a majority of the votes cast in the election shall be for the proposition, bonds to the amount specified in the ordinance, or such part thereof as shall be necessary to carry out the purpose of this Act, shall be issued.

If any proposition be defeated at an election held to test the will of the said voters in reference thereto, then it may be resubmitted at any time after the expiration of six months. Said election or elections shall he held at such time or times as the Board of Mayor and Councilmen of said town of Bells may designate, and shall be held at the same place and by the same officers as other corporate elections for said town and within the same hours.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 136.

SENATE BILL No. 233.

AN ACT to change the line between Lincoln and Moore Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Lincoln and Moore be changed so as to include what is known as the Dave Wagster Place on Chestnut Ridge, containing about two acres, more or less, and being the same place which Joe Stevenson recently purchased from said Wagster, within the limits of Lincoln County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 137.

SENATE BILL No. 47.

AN ACT to repeal Chapter 99 of the Acts of 1893 entitled "An Act to create the Second Circuit Court of Shelby County, and to define its jurisdiction."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 99, of the Acts of 1893, approved April 10, 1893, entitled "An Act to create the Second Circuit Court of Shelby County, and to define the jurisdiction," be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 138.

SENATE BILL No. 48.

AN ACT to repeal Chapter 62 of the Acts of 1893, approved April 1, 1893, entitled "An Act to make the Judge of the Probate Court of Shelby County, and his successors in office, the Judge of the Second Circuit Court of Shelby County, and defining his powers."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 62, of the Acts of 1893, approved April 1, 1893, entitled "An Act to make the Judge of the Probate Court of Shelby County, and his successors in office, the Judge of the Second Circuit Court of Shelby County, and defining his powers," be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 139.

SENATE BILL No. 260.

AN ACT to authorize the Mayor and Aldermen of the City of Chattanooga to issue its bonds for the purpose of paying the indebtedness incurred for grounds purchased for public parks, public schools, the erection of public school buildings, and to build, open, and improve streets and sewers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the City of Chattanooga be, and it is hereby, authorized in its corporate capacity to issue its bonds, to be signed by the Mayor and countersigned by the Auditor of said city, to an amount not exceeding in the aggregate two hundred and seventy-five thousand dollars ($275,000), of which bonds one hundred and twenty-five thousand dollars ($125,000) shall be issued for the purpose of paying off the indebtedness heretofore incurred by said city in the purchase of grounds for public parks, for public schools, and for the erection of public school buildings, and one hundred and fifty thousand dollars ($150,000) of said bonds shall be issued for the purpose of building sewers, and building, opening, and improving streets in said city; *Provided, however,* that said bonds shall not be issued until an election is first held in said City of Chattanooga of the qualified voters thereof, and until a majority of the qualified voters voting in said election shall have, by their ballots, voted in favor of the issuance of said bonds; *Provided further,* that said election shall be held within one year from the date of the passage of this Act; and *Provided also,* that the date of said election shall first be fixed by resolution of the General Council of the said City of Chattanooga. And on the passage of said resolution, it shall be the duty of the Commissioners of Registration of Hamilton County to call and hold an election in the same manner as other elections are now called and held by law for the purpose of determining the question of the issuance of the bonds aforesaid. On the tickets or ballots used in said election there shall be written or printed the words "For School and Park

Election to be first held by Election Commissioners.

Ballots.

Bonds," "Against School and Park Bonds;" "For Street and Sewer Bonds," "Against Street and Sewer Bonds." And the voter shall express and indicate his will in the same manner as now required by law in regular or general elections; and the voter may vote for or against either one or both sets, or series, of said bonds, as he may desire. And in the event a majority of the voters voting in said election shall declare by their ballots in favor of the issuance of both sets, or series, of said bonds, then the said City of Chattanooga shall have the authority to issue its bonds to an amount not exceeding two hundred and seventy-five thousand dollars ($275,000). But, should only one set, or series, of said bonds carry, then said city shall have the authority to issue the set, or series, of bonds thus carried; and the failure of one set, or series, of bonds shall in no wise affect the validity of the set, or series, of bonds which may receive a majority of the votes cast in said election.

Denomination, length of time to run, etc.

SEC. 2. *Be it further enacted,* That said bonds and interest shall be payable in lawful money of the United States, shall be executed in denomination of one hundred dollars ($100), or multiples thereof, no single bond to exceed one thousand dollars ($1,000), and shall run for a period not to exceed thirty years from the date of the issuance thereof, and shall bear a rate of interest not to exceed four and one-half per cent per annum, as the General Council of said city of Chattanooga shall by resolution determine, said interest to be payable semi-annually, and to be evidenced by coupons in the usual form; and in no case shall said bonds be sold for less than par.

Name, style and purposes of bonds.

SEC. 3. *Be it further enacted,* That in the event of the issuance of both sets, or series, of bonds herein authorized to be issued, the same shall be known as the "School, Park, Street, and Sewer Bonds of the City of Chattanooga, of 1905." But should only one set, or series, of said bonds be issued, then the same shall be known as the "School and Park Bonds, of the City of Chattanooga, of 1905," or "Street and Sewer Bonds of the City of Chattanooga, of 1905," as the case may be. And the proceeds of said bonds shall be used exclusively for the purpose for which they are authorized to be issued; and in no event shall the proceeds arising from one set, or series, of bonds be used for any other purpose than the one for which the same was issued.

Interest and sinking fund tax.

SEC. 4. *Be it further enacted,* That it shall be the duty of the corporate authorities of the said City of Chattanooga for the year 1905 and for each succeeding year thereafter, to make provision in the tax levy for the interest to become due on such bonds as may be issued under the authority of this Act, and for a sinking fund which will be sufficient with its accumulation, as nearly as may be estimated, to meet the principal indebtedness at its maturity.

Sinking Fund Trustees—duties of.

SEC. 5. *Be it further enacted,* That the Sinking Fund Trustees, now provided for by law, for the City of Chattanooga shall have charge of the sinking fund to be raised for bonds hereby authorized to be issued, and their powers and duties in reference to these bonds and in the management of the sinking fund shall be the same as those prescribed and defined for said Trustees by an Act passed March 20, 1873, Chapter 59, entitled "An Act to provide for the issuance of bonds by cities," except that said Trustees shall have the money at six per cent interest, and shall not purchase any bonds therewith, except the bonds authorized to be issued under this Act; and the said Trustees shall give such bonds, from time to time, as the General Council of said city shall prescribe.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 140.

SENATE BILL No. 108.

AN ACT to amend the charter of Newbern, it being Chapter 450 of the Acts of 1901, so as to extend the corporate limits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Acts of 1901, Chapter 450, being entitled "A Bill to incorporate the town of Newbern, in Dyer County, and to define its powers and provide for the election of officers," be, and is, amended so as to extend the limits of the said corporation in the following manner:

Boundaries.

Beginning at a stake four chains west of the southwest corner of the cemetery lot, same being now one of the southwestern corners of the said corporation; thence westward with Q. Shumate's north line to a stake in the southwest corner of H. C. Porter's lot; thence north to a stake to the present corporation line; thence on west and north with the present corporation line to a stake in A. D. Cude's lot, forty poles west of the present most westerly southwest corner of the said corporation; thence north sixty poles to a stake in J. G. Wynne's field, northwest from his house; thence forty poles to the present corporation line; thence on with the present corporation line to a stake in the northwest corner of Ben Haskins' lot; thence on north to a stake twelve poles north of the Lake Ferry Road; thence east to a stake in the west side of the Sharps Ferry Road; thence south along the side of the said road to the present corporation line; thence with the present corporation line to the northwest corner of a five-acre lot, purchased by the Mayor and Aldermen of Newbern for school purposes; thence east with the north line of said lot to a stake in the Yorkville Road; thence south with the said road to the present corporation line.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 141.

SENATE BILL No. 33.

AN ACT authorizing the officers and members of a Lodge of the Order of Knights of Pythias to purchase, own, hold, or take by deed or otherwise, ground or real estate for the purpose of building a hall thereon, or to purchase, or to take by deed or otherwise, suitable lots and buildings, or to erect a building or hall upon their lots, and to purchase, own, hold, or take by deed or otherwise, ground for burial purposes; and to vest the title to same in such officers and members and their successors for the use and benefit of the lodge, and to authorize the issuance of evidence of indebtedness, secured by mortgage or deed of trust on said real estate, to pay for same, or for the purposes set forth in this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the officers and members of a lodge of the order of Knights of Pythias may purchase, own, hold, or take, by deed or otherwise, such quantity of ground or real estate for the purpose of building a hall, or for a burial place, as may be deemed necessary by such officers and members, or to purchase, own, hold, or take, by deed or otherwise, a lot and building, or lots and buildings, for the purpose of converting the same into and using same as a suitable hall. The deed, or other instrument, shall vest the legal and equitable title to the

said real estate in such officers and members and their successors, in the name of the lodge, and for its use and benefit.

Power to issue evidences of indebtedness

SEC. 2. *Be it further enacted,* That all lodges of the order of Knights of Pythias shall have authority and power to issue evidences of indebtedness, bearing legal interest, secured by a mortgage or deed of trust on the said real estate, for the purpose of purchasing a suitable building or buildings for hall purposes or of erecting a building or hall upon their lots, or for the purpose of converting a building or buildings into a suitable hall, or for the purpose of improving or repairing the same, or furnishing the same, or for the purchasing and paying for grounds for burial purposes; and all of said lodges, which shall issue evidences of indebtedness under the provisions of this Act, are empowered to execute a mortgage or deed of trust upon said real estate to secure and make certain the payment of the indebtedness thereby secured. Such lodges are further empowered, through its proper officials, to execute a mortgage or deed of trust upon any real estate owned by them for the purpose of borrowing money to purchase ground for such burial place, or ground for erecting or remodeling, improving, or repairing a building suitable for hall purposes, as provided for in this Act, or for repairing or improving the same whenever it may become necessary, or to secure the payment of any indebtedness already contracted for, as authorized under the terms of this Act.

Execution of such evidence.

SEC. 3. *Be it further enacted,* That the Chancellor Commander of the lodge shall have authority and power to execute and issue said evidences of indebtedness, to execute any mortgage, deed of trust, transfer, or other conveyance provided for in this Act, whenever he has been instructed by a meeting of his lodge to do so; and all such evidences, indebtedness, mortgages, deeds of trust, or other conveyances provided for in this Act shall be executed by such Chancellor Commander in the name of the lodge, and shall be attested by the Keeper of Records and Seal of such lodge under its seal. Neither said Chancellor Commander, nor said Keeper of Records and Seal, nor any member of said lodge, shall be individually liable for any of the indebtedness incurred by authority of or mentioned in this Act.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 142.

SENATE BILL No. 281.

AN ACT to authorize the town of Collierville, Shelby County, Tennessee, to issue bonds for the purpose of erecting and maintaining an electric light and power plant, and water system.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Board of Mayor and Aldermen of the town of Collierville, Shelby County, Tennessee, is hereby authorized and empowered to issue negotiable, interest-bearing bonds of the denomination of one hundred dollars to the amount of ten thousand dollars ($10,000), or such part thereof as they shall find necessary, and to negotiate and sell the same for the purpose of raising money for improving the present waterworks, and for erecting in said corporation an electric plant and system to furnish light, heat, and power; and the wires of said plant may be extended to outlying territory from the town of Collierville, so as to furnish said territory with said light, heat, or power. But said bonds shall not be sold for less than par value, and the rate of interest on said bonds shall not exceed six per centum per annum, payable annually.

How issued—time to run, etc.

SEC. 2. *Be it further enacted,* That said bonds shall be signed by the Mayor and Register of said Board, and shall mature in twenty years from date of issue; the said

town reserving the option to pay or redeem the same, or any part of them, at any time after the expiration of five years from date of issue. The said bonds shall be numbered in consecutive order as they are issued, commencing with one, and ending with one hundred, if so many shall be issued, and shall be bound in substantial book form, with a suitable stub for each bond, upon which stub shall be entered the number, date and amount of the bond, the date of its issuance, date of maturity, rate of interest, to whom issued, and the amount paid therefor, also the date when such bond is redeemed or paid.

Interest and sinking fund tax.

SEC. 3. *Be it further enacted,* That the said Board of Mayor and Aldermen are hereby authorized to levy and collect annually a special tax in said town to create a fund to pay the interest and also to pay off and redeem the said bonds herein authorized to be issued. And the said Board of Mayor and Aldermen may set aside a portion of the net earnings of said electric plant and waterworks as a fund to be used to redeem said bonds.

SEC. 4. *Be it further enacted,* That when any of said bonds are called in for redemption and payment, notice shall be given by said municipality to the holder of such bonds personally, or by three publications in a newspaper published in Shelby County, Tennessee, to present same for payment on a day fixed, at least thirty days after such personal notice or after the last publication above provided for; and if the same be not presented at the time so named, interest thereon shall cease, and shall not be collectable from that date.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 143.

House Bill No. 407.

A BILL to be entitled "An Act to create and establish a School District, to be known as School District No. 25, in the County of Williamson, to define the boundaries thereof, and to provide a Board of Directors for said district."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a school district, to be known as School District No. 25, be created and established in the County of Williamson, bounded as follows—viz.:

Beginning at Reuben Anglin's, in the Second Civil District of said county, and running north to the west prong of South Harpeth at the mouth of Cash Hollow; thence west to the Lick Creek Road, near R. Owens', in the First Civil District; thence with said road to J. A. Prewitt's; thence down the creek to the forks of Younger's Branch; thence south to Shoal Branch, at Daniel Fisher's; thence southeast to Frank Harris', in the Second Civil District; thence northeast to the beginning, and so as to include in said district the lands of the persons above named.

Sec. 2. *Be it further enacted,* That J. W. Hendrix, G. A. Green, and Reuben Anglin, as Directors, be, and they are hereby, created and constituted Directors of said School District No. 25, to serve as such until the next regular election for electing School Directors in Williamson County.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 144.

House Bill No. 280.

AN ACT to create and establish an independent School District in Washington County, and define the boundary thereof.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a school district be established in the Fourth and Eighth Civil Districts of the County of Washington, and bounded as follows:

Beginning at the Joe Harris farm, running straight to the John Borin farm; thence straight to Thomas Keplingies' farm; thence straight to the John Miller farm; thence straight to the Fannie Hoss farm; thence to the beginning, being part of the Fourth and Eighth Civil Districts of Washington County, Tennessee. Said district will be known and remembered as the Nineteenth School District of said county.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 145.

House Bill No. 282.

A BILL to be entitled "An Act to create a special School District at and near Bellwood, in Wilson County, Tennessee."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special school district, No. 31, be created and established at and near Bellwood, in Wilson County, from the Seventh, Eighth, and Ninth Civil Districts, with boundaries defined as follows:

Boundaries.

Beginning at the point where the Rome and Lebanon Turnpike intersects the line between Smith and Wilson Counties, and running with said line to and including farm of E. C. Maxey; thence northwest to and including farm of Mrs. Ruth Massey; thence southwest to and including farm of L. W. Baird; thence west running with meanderings of County Road to Carder's Church (col.); thence west with the meanderings of County Road to and including farm of Mrs. Lee Miller; thence running with said road to the farm of Mrs. Polly Talley; thence west to and including the farm of J. M. Bradshaw; thence southeast to farm of John L. Bass, including farm of E. A. Elam; thence with meanderings of Big Spring Road to farm of J. C. Ragland; thence east to and including farm of James T. Green; thence east to and including farm of Alfred L. Baines; thence northeast to and including farm of John Caplenor; thence to the county line with its meanderings to point of beginning.

Sec. 2. *Be it further enacted,* That T. B. Harding, L. A. Green, and B. R. Purnell be, and are hereby, appointed the first Board of Directors for this district, and that they exercise all the power as such to which the laws entitle them until their successors are elected or appointed according to law.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in confiict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 146.

HOUSE BILL No. 169.

AN ACT to provide a system of highways and improved highways for counties in this State having a population of not less than twenty thousand nine hundred and twenty, nor more than twenty-two thousand and seventeen, under the last or any subsequent Federal Census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Quarterly Courts of the several counties embraced in this Act shall have general supervision of the public roads and bridges, subject to the provisions of this enactment.

This Act applies to Lauderdale County.

SEC. 2. *Be it further enacted,* That the public roads of this State shall be divided into four classes. Roads of the first class shall be not less than thirty nor more than sixty feet wide; roads of the second class shall be not less than twenty-five nor more than forty feet wide; roads of the third class shall be not less than eighteen nor more than twenty-five feet wide; roads of the fourth class shall be not less than fourteen nor more than twenty feet wide.

SEC. 3. *Be it further enacted,* That all roads shall be graded with a slope of at least one inch per foot from the center outwards, and with a ditch on each side capable of running the water off.

New roads—how opened.

SEC. 4. *Be it further enacted,* That all applications to open, change, close, or restore to the public use any and all public roads in this State shall be made by written petition to the Chairman or Judge of the County Court, signed in each case by at least five land owners of the county, which petition, in case of change, shall set forth in writing a description of the road and what part thereof is to be changed or abandoned. If the petition is for a new road, the names of the owners and tenants of the land over which the road is to pass, the points at or near which it is to commence its general course, and the place at or near which it is to terminate, shall all be set forth in the petition.

Notice to be given.

SEC. 5. *Be it further enacted,* That previous to the filing of any petition mentioned in the preceding sections, ten days notice shall be given in writing to all persons owning or controlling land to be affected by the proposed change. Said notice shall state the time when said petition is to be presented to the Chairman or County Judge, the substance thereof; and a copy of said notice, with the return of the officer serving same, shall be filed with the petition.

SEC. 6. *Be it further enacted,* That when said petition is presented to the Chairman or County Judge he shall appoint three disinterested freeholders as commissioners to view the route and assess damages if there be any.

Commissioners to view route.

SEC. 7. *Be it further enacted,* That it shall be the duty of said Commissioners to view the ground along which the road is proposed to be conducted, and to view both the old and the new routes, if a change of road is proposed; they may examine other routes than that set forth in the petition, and shall report to the Judge or Chairman of the County Court in favor of the route they prefer, with reasons for their preference.

Said Commissioners shall determine what will be a just compensation to each owner and tenant for the land proposed to be taken, the additional fencing which will be thereby rendered necessary, and if a person has an estate for life or years in the land and the remainder belongs to another the Commissioners shall apportion the damages between them.

Report of Commissioners.

SEC. 8. *Be it further enacted,* That said Commissioners shall return a report in writing signed by them to the County Chairman or Judge, stating the convenience or inconvenience which will result to individuals and the public from the opening, change, or discontinuance of the road.

The report shall state the commencement and termination, courses and distances of any proposed road, or alteration, so that the same can readily be found and located.

The value of the land sought to be appropriated for the establishment of the road, or change, and the amount of damages which should be paid, and to whom, shall be stated.

The Judge or Chairman shall, if deemed necessary, direct the County Surveyor to attend the Commissioners and make out and return a map or diagram of the routes viewed.

County Court to hear case.

SEC. 9. *Be it further enacted,* That at the first day of the next term of the County Court after the filing of the report of the Commissioners, the Judge or Chairman of the County Court shall hear the whole case and may either grant or reject the application, or take such other action as may be deemed advisable. If the application be to open or change a highway, damages may be assessed either against the county or petitioners, as the court may adjudge. If against the county, the Chairman or Judge of the County shall draw a warrant in favor of the aggrieved party for the amount of said damages, and said warrant shall be paid by the Trustee out of the road fund of the road section in which said road is, or if there be no fund to the credit of said road section, then out of the County fund. If against the petitioners, the Court will give judgment against them and execution will issue for same. The cost will be adjudged as the Court deems proper.

SEC. 10. *Be it further enacted,* That an appeal may be taken by any aggrieved party within ten days after the action of the Court to the Supreme Court of the State, which shall hear and decide the case upon the record transmitted from the County Court.

Position of Road Commissioners abolished.

SEC. 11. *Be it further enacted,* That the position of Road Commissioner is hereby abolished, and road districts in the counties to which this Act is applicable are likewise abolished.

System of road sections and overseers.

It shall be the duty of the Quarterly Court at the January term, 1906, and at the January term each two years thereafter, to divide the highways of their respective counties into road sections, and fix boundaries for the same. At the same time the Court shall appoint an overseer for each road section, who shall hold his place for two years, and under whom all hands residing in his territory shall

work. The order appointing overseers and defining road sections shall be entered on the minutes of the court, and published twice in a newspaper at the County seat, having the largest circulation, or if the Court deem necessary in two newspapers at the County seat, which publication shall be sufficient notice to the overseers of their appointment. It shall be a misdemeanor on the part of any overseer to fail to act or to discharge his full duty, after such notice. The overseers heretofore appointed shall serve for the year 1905, and the road sections shall remain as now established until January, 1906.

Duties of overseers.

SEC. 12. *Be it further enacted,* That the overseer shall be a person subject to road duty. He shall be exempt during his term from jury service, from payment of poll tax, and from actual road labor, and shall receive no other compensation. He shall not be required to serve more than one term in three, and if he discharge his duty faithfully shall be exempt from road duty for two years following the expiration of his term of office. He shall have charge of the highways and bridges upon his section, and shall superintend the road hands while at work. It shall be his duty to preserve the road tools committed to his care, to take them to and from the place where they are to be used by the road laborers, and to turn them at the expiration of his term over to his successor, whether damaged by use or not, taking a receipt for them. All road tools shall be purchased by the Judge or Chairman of the County Court on application of the overseer in whose section they are to be used. The check for their payment shall be drawn against the road section, if there be money on hand to the credit of the section; if not, then against the County Treasury. The overseer shall receipt for the tools obtained by him in a book to be kept in the office of the Chairman of the County Court, or County Judge, and in his annual report as to delinquent road hands shall state what road tools are in his possession. Broken or damaged tools must be kept and turn over to the overseer at cost price. The overseer shall promptly notify the Chairman or County Judge of any unexpected damages to roads on his section, and the Chairman or County Judge shall have same repaired at the cost of section or County, as above provided.

It shall be the duty of the road overseer to report to the Attorney General of his County the names of all persons placing obstructions on a highway or in the ditches of his section, and it is hereby made the duty of the State's offi-

cer to prepare indictments against such persons for the consideration of the next grand jury.

In case of failure of any overseer to comply with all the provisions of this Act, he shall be guilty of a misdemeanor and punished accordingly.

Who subject to road duty.

SEC. 13. *Be it further enacted,* That all male residents of the County between the ages of twenty-one and fifty years shall be subject to road duty, except such as have been released by the County Court for physical disability. Six days' labor shall be performed on the highways each year. Eight hours of actual labor shall constitute a day's work. The hands of each road section shall be notified by the overseer of their section five days before he will begin work, the time and place he will start, and at the end of each day's work he will notify them of the next day he will work, and the place and time he will begin. It shall be the duty of the overseer to work all roads in his section, and if the same are not worked he will be guilty of a misdemeanor and dealt with accordingly.

List of hands who fail or refuse to work.

The overseer shall keep a list of all hands belonging to his section, and at the end of each day will make a note of those who work faithfully, those who fail to do good work, and those who fail to appear at all. On the first Thursday in June, October, and February of each year he shall mail or bring this list to the Chairman or Judge of the County Court, who shall present the same to the Attorney General of the Court or Circuit at the next succeeding term of the Circuit Court. The Trustee of the County shall at each term of the Circuit Court of his County present to the Attorney General a list of the road hands of each road section of the County that have commuted for his labor, as hereinafter provided by this Act. All persons who have neither commuted nor paid by the first Thursday in July of each year for which service is due, are hereby declared to be guilty of a misdemeanor, and it is hereby made the duty of the Attorney General to prepare and present to the Grand Jury indictments against said delinquent road hands for their consideration. The State officer at the same time shall prepare indictments against any overseer failing to report as herein required for the consideration of the Grand Jury, and any overseer failing to report as herein required shall be deemed guilty of a misdemeanor and punished accordingly. If the delinquents, one or more, plead guilty, the court shall fine them one dollar for each day's delinquency, together with all costs,

Duty of Attorney General.

and on failure to pay or secure the fine and costs they shall be committed to the workhouse of the County and work the same out as in other cases; if there be no work? house, then to the County Jail. If an overseer plead guilty of neglect of duty, he shall be fined five dollars and costs for such neglect and committed to the workhouse or jail if same is not secured or paid. If they plead not guilty the Court shall try them as in other misdemeanor cases. In no cases shall the County be taxed with any part of the cost in proceedings against delinquent road hands.

Commutation road money.

SEC. 14. *Be it further enacted,* That any person liable to road duty may commute for same by payment to the County Trustee of his County six dollars by the first day of June of each year. After this time he shall not be permitted to commute at any price. The County Trustee shall, when he receives commutation road money, enter in a book to be kept for the purpose, the civil district, road, and section of the person commuting, and the sum paid shall be placed to the credit of the road section to which said person had been assigned to work. For keeping this account the Trustee shall be entitled to such commission as he receives for collecting and disbursing the County revenue fund.

SEC. 15. *Be it further enacted,* That it shall be the duty of the County Court, at any quarterly session, to make appropriations for improving highways when the work cannot be done by the overseer and his hands.

SEC. 16. *Be it further enacted,* That any person subject to road duty must either work himself or commute the same, and cannot work by substitute.

Overseers may hire teams.

SEC. 17. *Be it further enacted,* That the road overseers are authorized to hire teams to work to road scrapers in their section, if the same cannot be furnished by road hands. The bill for hiring said teams shall be ratified by the overseer and presented to the Judge or Chairman of the County Court, who shall draw his warrant on the County Trustee for same to be paid out of the highway fund of that road section; *Provided,* no teams shall be hired by any one overseer for more than six days' work on his road section.

SEC. 18. *Be it further enacted,* That this Act shall only apply to counties in this State having a population of not less than twenty thousand nine hundred and twenty, nor more than twenty-two thousand and seventeen, under the last or any subsequent Federal Census.

SEC. 19. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker pro tem. of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 147.

HOUSE BILL No. 498.

A BILL to be entitled "An Act to amend the charter of the City of Chattanooga, set out in the Acts of the General Assembly of Tennessee of 1869-70, Chapter 4; and Acts 1889, Chapter 29; Acts to Extra Session 1890, Chapter 1; and Acts 1899, Chapter 216, and Acts 1901, Chapter 432, so as to extend the corporate limits, and annex additional territory of the City of Chattanooga; to provide for the government of the same, and the issuance of bonds for public improvements in said annexed territory."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the City of Chattanooga, set out in the Acts of the General Assembly of Tennessee of 1869–70, Chapter 4; Acts 1889, Chapter 29; Acts Extra Session 1890, Chapter 1; Acts 1899, Chapter 216, and Acts 1901, Chapter 432, and said Acts be, and they are hereby, amended as hereinafter provided:

That the corporate limits of the City of Chattanooga, a corporation and body politic by the name and style of the Mayor and Aldermen of the City of Chattanooga, be extended so as to embrace parts of the present Fifth and Tenth Civil Districts of Hamilton County, contiguous to said city, described as follows: Commencing at the intersection of the present corporation line of the City of Chattanooga with the south line of Harrison Avenue; thence eastward along said south line to the west line of the right of way of the Chattanooga Belt Railway; thence south- Boundaries.

wardly along said west line of said right of way to the south line of E. Fifth or Carolina Street (extended); thence eastwardly along the south line of said E. Fifth or Carolina Street (extended) to the west line of Hawthorne Street; thence northwardly along the west line of Hawthorne Street to the north line of Clio Street; thence eastwardly along the north line of Clio Street to the east line of Locust Street or Orchard Knob Avenue; thence southwardly along the east line of Locust street or Orchard Knob Avenue to the south line of said Carolina Street; thence eastwardly along the south line of Carolina Street to the west line of Maple Street; thence southwardly along the west line of Maple Street to the south line of McCallie Avenue; thence eastwardly along the south line of McCallie Avenue to the west line of Lyerly Street; thence southwardly along the west line of Lyerly Street to the south line of Chamberlain Avenue; thence westwardly along the south line of Chamberlain Avenue to the east line of Maple Street; thence southwardly along the west line of Maple Street to the south side of the alley running east and west between Chamberlain and Bailey Avenues; thence eastwardly along the south line of said alley to the west line of Lyerly Street; thence southwardly along the west line of Lyerly Street to the north line of Montgomery Avenue; thence westwardly along the north line of Montgomery Avenue to the west line of Holly Street; thence northwardly along west line of Holly Street to the north line of George Street; thence westwardly along the north line of George Street to a point one hundred and forty (140) feet west of Ruohs Crossing; thence northwardly paralel to said Rouhs Crossing to the north line of Montague Street; thence northwardly to the intersection of said Montague Street with the east boundary line of the lands of the United States Government surrounding the National Cemetery; thence southwardly along the said boundary line to the southeast corner of said lands or reservation; thence westwardly along the south line of said lands to the present corporation line of the City of Chattanooga; thence northwardly along the said corporation line to the place of beginning; *Provided, however,* that this Act shall not take effect until there shall have been an election in the City of Chattanooga, and also an election in the above described territory to be annexed, and at each of said elections a majority of the ballots cast shall have been in favor of such annexation. The elections in the City of Chatta-

Boundaries.

nooga and the territory to be annexed shall be held within sixty days after the approval of this Act by the Governor. Ten days' notice of said elections shall be given by the Commissioners of Registration of Hamilton County, by at least two advertisements in some newspaper or newspapers published in Chattanooga, and said elections shall be held and conducted as other elections are now required by law to be held. The ballots used at said elections shall contain, in substance, these words: "Election on ——— day of ————, 1905, to determine whether part of the Fifth and Tenth Civil Districts of Hamilton County shall be annexed to the City of Chattanooga, and the issuance of seventy-five thousand dollars of bonds, pursuant to the terms of an Act relative thereto, passed by the General Assembly of Tennessee, on the ——— day of ———, 1905, and approved by the Governor on the ——— day of ———, 1905." Ballots.

"For annexation and issuance of seventy-five thousand dollars of bonds."

"Against annexation and issuance of seventy-five thousand dollars of bonds."

And the voter shall signify his will by putting a X mark opposite "For annexation and issuance of seventy-five thousand dollars of bonds," or "Against annexation and issuance of seventy-five thousand dollars of bonds." At such election in the City of Chattanooga every person qualified by existing laws to vote in an election for Mayor of said city shall be entitled to vote. In the notice of election the Board of Registration Commissioners shall designate one voting place in the territory to be annexed; all residents of the territory to be annexed qualified to vote in any general election for Justice of the Peace shall be entitled to vote in such election. The said Commissioners of Registration shall report five days after said election, and if at said election the majority of votes cast in the City of Chattanooga and the majority of votes cast in said territory to be annexed shall have been in favor of annexation and the issuance of said bonds, the said Mayor shall within five days, by written proclamation thereof, published in two newspapers published in Chattanooga, declare that said territory has been annexed to the City of Chattanooga, and thereupon said annexed territory shall become a part of the corporate area of the City of Chattanooga, and said bonds shall be issued, as provided in this Act.

Number of Ward and Aldermanic District and School District.

SEC. 2. *Be it further enacted,* That the charter of the City of Chattanooga, as set out in the Acts of the General Assembly of the State of Tennessee of 1869–70, Chapter 4, and amended in Acts of 1889, Chapter 29; Acts 1899, Chapter 216, and Acts of 1901, Chapter 432, and all other Acts heretofore passed amending said chapter, are hereby amended so as to constitute the above described territory, when annexed, the Ninth Ward and the Fourth Aldermanic District and the Fourth School District of the City of Chattanooga, and entitling the same to the same representation in the City Government as each of the Aldermanic Districts, Wards, and School Districts now have. And at the next meeting of the Board of Aldermen after the proclamation by the Mayor of the annexation of said territory, as above provided, said Board shall elect one Alderman to represent said Fourth Aldermanic District in said Board until the next regular election of members of said Board; and at the next meeting of the Board of Councilmen of said city there shall be elected by said Board two Councilmen to represent said Ninth Ward in said Council till the next regular election of members of said Board. At the regular city election in October, 1906, and at each biennial election thereafter, there shall be elected by the qualified voters of said Fourth Aldermanic District one member of the Board of Aldermen, and at the regular city election in October, 1905, and at each biennial election thereafter, there shall be elected two Councilmen for said Ninth Ward, to hold for two years, so that the terms of said Aldermen and Councilmen will conform and expire at the same time as the terms of Aldermen and Councilmen expire under the present and existing government of the City of Chattanooga. Said Aldermen and Councilmen shall possess all of the qualifications and be free from the disqualifications required by the charter of the City of Chattanooga, and shall be resident freeholders in said Aldermanic District and Ward, and be required to give bond and to subscribe to the same oath as now required for Aldermen and Councilmen, and receive the same compensation.

Representation.

First School Commissioners to be elected by Council.

SEC. 3. *Be it further enacted,* That upon the annexation of said territory, the Council of the City of Chattanooga shall elect two School Commissioners, residents of said Fourth School District, for said Fourth School District, in the manner now provided by law, to hold office till the next regular election of School Commissioners for

Chattanooga, and at such regular election shall elect one Commissioner for two years and one for four years, and thereafter shall elect one Commissioner every two years to hold for four years, so as to comply with the present system of electing School Commissioners, and not more than one of Commissioners shall be elected from the majority same political party.

Improvement bonds to be issued.

SEC. 4. *Be it further enacted,* That for the purpose of building and repairing sewers, streets, and schoolhouses, and for other public purposes, within the territory above, when annexed, the Mayor and Aldermen of the City of Chattanooga is hereby authorized and empowered in its corporate capacity to issue, and it shall upon the annexation of said territory as above provided issue, its bonds, signed by its Mayor and countersigned or attested by its Auditor, and under the corporate seal, to the amount of seventy-five thousand ($75,000) dollars, payable in lawful money of the United States. Said bonds may be executed in denominations of one hundred dollars and multiples thereof, no single bond to exceed one thousand ($1,000) dollars, and shall run for a term not exceeding thirty years from the date of issuance and bear interest at a rate of not exceeding five per cent, as the Board of Mayor and Aldermen shall decide by ordinance, payable semi-annually, as evidenced by coupons attached, and said bonds shall not be sold for less than par.

To be expended on annexed territory.

SEC. 5. *Be it further enacted,* That said bonds shall be known as the "Highland Park Improvement Bonds of the City of Chattanooga of 1905," and the proceeds thereof shall be used exclusively by the Board of Public Works of the City of Chattanooga, for the improvement of sewers, streets, schoolhouses, and other public purposes in the above described territory, when annexed to the City of Chattanooga, and for no other purpose. To accomplish this end, the Treasurer of the City of Chattanooga shall deposit the proceeds arising from the sale of said bonds in some bank or banks in Chattanooga, to be designated by the Mayor of said city, and upon such conditions as to the security from said bank or banks for said deposit as the Mayor may require, and the Treasurer shall issue to the Board of Public Works of Chattanooga, upon its warrants showing the work done in this territory, checks upon said bank or banks, from time to time, to pay for the above mentioned public improvements in said new territory when annexed, but for no

other purpose; all said checks must be countersigned or indorsed by the Mayor of said city before being paid by said bank or banks; *Provided,* no taxes for municipal purposes shall be collected on any property in said annexed territory until the bonds provided for above shall have been first issued and sold and the proceeds therefrom deposited as provided herein.

Interest and sinking fund tax.

SEC. 6. *Be it further enacted,* That it shall be the duty of the corporate authorities of the City of Chattanooga for the year 1905, and for each succeeding year thereafter, to make provision in the tax levy, and to levy a tax, for the interest to become due on said bonds, and for a sinking fund, which will be sufficient with its accumulations, as near as may be estimated, to meet the principal indebtedness at its maturity, and the sinking fund Trustees, as now provided for the City of Chattanooga, shall have charge of the sinking fund to be raised for the payment of said bonds. The execution and delivery of said bonds by the authorities of the City of Chattanooga, as above provided, shall be exclusive evidence that all the requirements of this Act as to the issuance of said bonds have been complied with.

SEC. 7. *Be it further enacted,* That it shall be unlawful for any person to open or keep a saloon or other place where any spirituous, vinous, malt, or other intoxicating liquors are sold or dispensed in the above described territory, when annexed to the City of Chattanooga, and no license therefor shall be issued by the county, State, or city authorities to any person.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 148.

House Bill No. 406.

A BILL to be entitled "An Act to create and establish a School District to be known as School District No. 24, in the County of Williamson, to define the boundaries thereof, and to provide a Board of Directors for said district."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District to be known as School District No. 24, be created and established in the County of Williamson, bounded as follows—viz.:

Beginning at the northwest corner of the Sallie Ridley farm in the Fourth Civil District of said county, and running thence south so as to include the farms of Sallie Ridley, the heirs of Fitzgerald Ridley, deceased, D. B. Jones, Mrs. Alice Short, John Fitzgerald, and S. N. Warren, to the Maury County line; thence eastwardly with the said county line to the eastern boundary of the Chapman farm; thence northwardly so as to include the farms of Chapman, George Sedberry, J. B. Buckner, F. P. Brumbach, Wm. Arnold, T. L. Critz, John Wells, J. H. Akin, and Wm. Chandle, to the line of the Tenth Civil District; thence west to the beginning.

Sec. 2. *Be it further enacted,* That F. P. Brumbach, William Veevers, and Tom Jones be, and they are hereby, created and constituted Directors of said School District No. 24, to serve as such until the next regular election for electing School Directors in Williamson County.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 149.

House Bill No. 423.

AN ACT to create a special School District in the Seventh Civil District of Sevier County, and to provide for directors and government of same.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a Special School District be, and the same is hereby, created in the Seventh Civil School District of Sevier County, bounded as follows: Beginning in the Seventh Civil District of Sevier County on the banks of French Broad River; thence in a south course, including the farms of Lauretta Henderson, A. C. Atchley, S. C. Atchley, A. P. Lowe, Wm. Murrell, Boyd Clark, J. H. Murrell, J. C. Elder, to Fifth Civil District line; thence east with Fifth District line, including the farms of Jas. Maples, H. G. Frazier, Samuel Huffaker, Stafford Brothers, to W. A. Bird's; thence north, including the farms of W. A. Bird, R. E. Parks, J. C. Sims, G. P. Huffaker, A. R. Archer, J. M. H. Atchley, Enoch Atchley, P. W. Sarrett, and J. H. Catlett, to the French Broad River; thence with same to the beginning, including the farms of the late G. M. Maples, A. J. Kyker, Sarah Atchley, and W. D. Atchley.

Sec. 2. *Be it further enacted,* That the Directors of the Seventh School District be, and the same are hereby, directed and empowered to pay over to the Directors of the special School District, created by this Act, in proportion to the scholastic population of said special district its *pro rata* of all school funds in their hands at the time of the passage of this Act.

Sec. 3. *Be it further enacted,* That the County Superintendent of Public Instruction for Sevier County shall appoint three School Directors for said special district, who shall serve until the next regular election, when three directors shall be elected by the legal voters of said special district.

Sec. 4. *Be it further enacted,* That upon a three-fourth affirmative vote of all the legal voters of said special district the directors are hereby empowered to levy a tax on

all real and personal estate so as to have a sufficient fund to run the school in said special district eight months in the year.

SEC. 5. *Be it further enacted,* That said special district be known as the Eighteenth School District of Sevier County.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 150.

HOUSE BILL No. 87.

AN ACT to promote the comfort of public travel by providing for and securing the separation of white and colored passengers on street cars.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons, companies, or corporations operating any street car line or lines in the State of Tennessee be, and the same are hereby, required, where white and colored passengers are carried or transported in the same car or cars, to set apart and designate in each car or coach so operated for both a portion thereof or certain seats therein to be occupied by white passengers, and a portion thereof or certain seats therein to be occupied by colored passengers; *Provided,* that nothing in this Act shall

Portions of car to be designated—how.

be construed to apply to nurses attending children or other helpless persons of the other race; *Provided,* that large printed or painted signs shall be kept in a conspicuous place in the car or cars, or the parts thereof set apart or designated for the different races, on which shall be printed or painted, if set apart or designated for the white people, and it being a car so designated or set apart, "This car for white people." If a part of a car is so designated, then this sign, "This part of the car for white people."

If set apart or designated for the colored race, this sign to be displayed in a conspicuous place as follows, "This car for the colored race." If any part of a car is set apart or designated for said race, then this sign as follows, "This part of the car for the colored race."

Conductor may increase or diminish space.

SEC. 2. *Be it further enacted,* That the conductor or other person in charge of any car or coach so operated upon any street car line shall have the right at any time, when in his judgment it may be necessary or proper for the comfort or convenience of passengers so to do, to change the said designation so as to increase or decrease the amount of space or seats set apart for either race, or he may require any passenger to change his seat when or so often as the change in the passengers may make such change necessary.

Passengers to be amenable to conductor.

SEC. 3. *Be it further enacted,* That all passengers on any street car line shall be required to take the seats assigned to them, and any person refusing so to do shall leave the car or remaining upon the car shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed twenty-five dollars; *Provided,* no conductor shall assign any person or passenger to a seat except those designated or set apart for the race to which said passenger belongs.

Penalty on companies operating car.

SEC. 4. *Be it further enacted,* That any person, company, or corporation failing to set apart or designate separate portion of the cars operated for the separate accommodation of the white and colored passengers, as provided by this Act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed twenty-five dollars.

SEC. 5. *Be it further enacted,* That nothing in this Act shall be construed to prevent the running of extra or special cars for the exclusive accommodation of either white or colored passengers if the regular cars are operated as required by this Act.

SEC. 6. *Be it further enacted,* That this Act shall take effect ninety days from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 151.

HOUSE BILL No. 312.

A BILL to be entitled "An Act to establish a new School District from portions of the Seventeenth, Nineteenth and Twenty-second Civil Districts in the County of Rutherford, State of Tennessee, and to provide for the appointment of School Directors for the same."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory now a part of the Seventeenth, Nineteenth, and Twenty-second Civil Districts of Rutherford County, State of Tennessee, and bounded as follows: Commencing at bridge on Cripple Creek on Hall's Hill turnpike in Twenty-second District; thence east, containing the lands of Mrs. Mary Brown, to G. H. Jones' west boundary line; thence north with said G. H. Jones' line to Stone's River; thence northeast with said Stone's River to the southwest corner of Mrs. Jane McKnight's land; thence north to county road in Seventeenth District; thence east with said county road to J. T. McKnight's line; thence north with said J. T. McKnight's line to northwest corner of Mrs. C. Floyd's land; thence east with said Mrs. Floyd's north boundary line to county road in Seventeenth District at Word's Schoolhouse; thence south with said county road to another county road called Hall's Hill and Trimble County Road; thence east with said county road to road leading out to Gran Todd's; Boundaries.

thence south with the Gran Todd Road to Will McKnight's land; thence east with north boundary line of said Will McKnight's land to county road leading from Hall's Hill turnpike to Trimble Church; thence south with said county road to Hall's Hill turnpike; thence east with said Hall's Hill turnpike to Readyville County Road; thence south with said county road to Andrew's Creek; thence west with Andrew's Creek to Stone's River; thence south with Stone's River to B. R. Bivins' southeast corner in Nineteenth District; thence west, taking in the land of B. R. Bivins, Miss Adams, Sam Kerr, Dave Herrod's estate, A. B. Parker, John Richardson, Bud Hoover, Fayette Jennings (col.), W. F. Helton, and Mrs. Eliza Tillford, to county road; thence west (with) said county road to Cripple Creek; thence north and east with the meanderings of said Cripple Creek to the beginning, except the lands of W. D. Laning—be, and is hereby, established into a School District No. 53 of the County of Rutherford, State of Tennessee.

SEC. 2. *Be it further enacted,* That said new district shall be entitled to their *pro rata* of the school fund and taxes now on hand or to be collected and due to them as the law now is.

SEC. 3. *Be it further enacted,* That J. R. Stroop, C. O. Wright, and G. H. Jones shall be the first School Commissioners for said district, to serve till the next election for School Commissioners.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 152.

House Bill No. 345.

AN ACT to amend an act entitled "An Act to prevent the spreading of contagious or infectious diseases among domestic animals, the same being Chapter 168, of the Acts of 1895," so as to give grand juries inquisitorial powers over all offenses set out in said Act.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 2 of Chapter 168 of the Acts of 1895 be amended by adding the following to said section: "Grand Jury is given inquisitorial powers over all offenses set out in this Act, and the Circuit and Criminal Judges of this State shall charge this matter specially to the Grand Juries."

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 153.

House Bill No. 427.

AN ACT to incorporate the Town of Rives, and define its rights and powers.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Rives, Obion County, Tennessee, and the inhabitants thereof are hereby constituted a body politic and corporate by the name and style of Rives, and shall have perpetual succession.

That by this corporate name and style may sue and be sued, contract and be contracted with, grant, receive, purchase, and hold real, mixed, and personal property, or dispose of same for the benefit of said town.

Officers.

Sec. 2. *Be it further enacted,* That the officers of the Town of Rives, to be chosen by the people, shall be a Mayor and six Aldermen, all of which shall be voters and citizens in said town, and they shall constitute the Town Council, and shall have powers to elect a town Marshal, a Recorder, and such other officers as may be necessary for the carrying out and executing the powers herein granted. The election of the Mayor and Aldermen shall be held on the second Saturday in January, 1906, and every two years thereafter.

The polls shall be opened at ten o'clock A.M. and close at four o'clock P.M.

Elections.

The election shall be held in the same way and manner, and governed by the same law, as now govern our county and State election.

The parties receiving the largest vote shall be declared elected, and the Election Commissioners shall issue certificates of election to the parties thus elected.

Said parties to hold their office for two years or until their successors are elected and qualified.

Should there be a tie vote as to Mayor, a new election shall be ordered and held in ten days. If a tie vote should occur in the election of any other office, the Mayor elect shall cast the deciding vote.

The said Town Council shall, within ten days after election and being qualified, meet and organize by electing one of their number Recorder and Assessor; also elect a Marshal, a Treasurer, and such other officers as they deem necessary, as hereinbefore granted, and the said Board shall require of its elective officers such bonds as they deem necessary to enforce the full performance of the duties pertaining to said officers. Election of Recorder and Assessor.

SEC. 3. *Be it further enacted,* That the qualification of voters shall be such as will render them legal voters for members of the General Assembly of the State of Tennessee, and all legal voters who may live without the corporate limits of said town who own as much as fifty dollars ($50) worth of property located within the said town of Rives, the value of said property to be imputed by the Town Council. Qualification of voters.

SEC. 4. *Be it further enacted,* That the Mayor and Board of Aldermen of the Town of Rives are hereby empowered:

1. To enact such by-laws and ordinances as may be necessary to preserve the health, quiet, peace, and good order of said town, including such quarantine regulations, not to exceed two miles outside the town limit, as occasion may require. Powers and duties of Mayor and Aldermen.

2. To declare what is a nuisance and to prevent and remove the same.

3. To levy and collect taxes upon all property within the corporate limits, taxable by the laws for State purposes and on poll; *Provided,* that all fields included in boundaries hereinafter given are exempt from taxation until the same is laid off into town lots or sold as such; *Provided,* that no levy for general corporate purposes shall exceed seventy-five cents ($0.75) on each one hundred dollars ($100) valuation of taxable property, and shall not exceed one dollar ($1) on polls. Said tax levy shall be made annually in the month of May, and in such way as may be provided by the Town Council for assessments of taxes and collection of same. May levy taxes

4. To appropriate money and provide for the debts and running expenses of the corporation.

5. They may provide for and establish a system of public school, which shall be free from all sectarian influences, and to provide for the support of same. Public schools

6. To license and tax all privileges taxable by the Laws of the State, except license to sell or tipple any intoxi-

cating liquors, including wines, ale, and beer, as a beverage, for which no license shall be issued.

7. To regulate or prohibit and suppress theatrical and other shows and exhibitions.

Gaming, etc.

8. To regulate and suppress gaming and gambling houses, disorderly houses, bawdy houses, and all houses where one or more men and women meet for lewd purposes. They shall have power to declare all such places nuisances and suppress the same.

9. To prevent or suppress the carrying of concealed weapons or the sale of same.

10. To regulate the storage, sale, or use of firecrackers and all other fireworks, toy pistols, explosives, and combustibles.

11. To establish, regulate, license, and tax markets and marketers or persons selling produce or provisions in the town.

12. To impose fines, forfeitures, and penalties for the breach of any ordinance adopted under this Act, and to provide for their recovery and the arrest of any party or parties breaching said ordinances, and to provide for sentences of imprisonment in the town workhouse; *Provided,* that no fine shall exceed fifty dollars ($50) or imprisonment more than three (3) months.

Town prison.

13. To erect and keep a town prison or calaboose in which to confine all persons violating the town ordinances, under such regulations as they may by law or ordinance adopt.

Workhouse.

14. To erect and organize a workhouse in or near the town, and provide for the committing and working in said workhouse or on the public streets or town work of any person who shall fail to pay or secure any fine and cost assessed against them for the violation of any ordinance, or who for any such violation may be sentenced to said workhouse, and to provide for the management and control of same.

15. To regulate or prohibit the running at large on the streets dogs or other animals.

16. To pass all ordinances necessary for the health, peace, convenience, safety, and good order of the town, and for the suppression and prohibiting of any and all acts and things made criminal by the Laws of the State, and to provide a punishment for the breach of same.

Open streets.

17. To condemn and take, use and appropriate any ground necessary to widen or extend streets, avenues, or

alleys, but it shall pay to the owner or owners of said ground the actual damage done them, taking into consideration the improvement made.

18. To keep up streets, alleys, and sidewalks of said town and to fix the grade of same, to open others and abolish, widen, or extend the same, and to pass all necessary ordinances requiring the owners of lots to make brick, stone, or plank sidewalks in front of their property along any street, and, if the owner refuses, to provide a remedy and create a lien on said property for the same. Maintain same

19. To prevent engines and trains from blocking the streets and alleys in said town, and to regulate their speed through the town.

20. To provide for the organization and regulation of fire companies, volunteer and otherwise.

21. To provide a system of waterworks and its control, erect hydrants and pumps, construct reservoir or tank, to lay pipe for conducting and distributing water over, or to any part of, the town, and keep the same in repair and do all things necessary to provide for said town a system of waterworks for domestic, mechanical, and other purposes, and to regulate the price to be paid by private customers thereof. To provide for lighting the streets, alleys, and public places in said town. They shall have the power of granting a franchise for a telephone system within the corporation. They shall have the power and authority to grant a franchise for an electric plant and for a system of waterworks, either or both, but neither for a period of more than ten (10) years; *Provided,* the franchise shall be submitted to a vote of the legal voters of said town, and it shall require a two-third majority of the votes cast to ratify or make legal the franchise herein authorized for electric light and waterworks; *Provided further,* that the Board of Mayor and Aldermen shall order an election, giving such notice of time and manner of holding and making such regulations as they in their judgment may deem proper. Waterworks.

22. To pass and enforce all ordinances that may be necessary to effectuate and carry out the provisions of this Act, and do such things as will promote good health, good government, and general welfare of the town and inhabitants thereof.

SEC. 5. *Be it further enacted,* That the compensation of the Mayor shall be fixed by the Board of Aldermen, but shall not exceed two dollars ($2) for each regular Compensation and duties of Mayor.

meeting. He shall preside at all meetings of the Board, unless absent, and in his absence the Board shall elect some member of the Board of Aldermen to preside in his place. He shall see that all by-laws and and ordinances of the town are properly respected and enforced, and shall have such authority and duties as the Board from time to time grant and impose.

He shall try all offenders brought before him for a violation of any town ordinance, and shall have, and is hereby given, all rights, authorities, duties, power, and jurisdiction in all cases, both civil and criminal, that Justice of Peace has in Obion County; in all cases coming before him, he shall receive such fees as Justice of Peace receives for similar service.

He shall keep a Mayor's docket book, such as is kept by the Justice of the Peace, and in the same way he shall countersign all warrants drawn on Treasurer.

Duties of Recorder.

SEC. 6. *Be it further enacted,* That the Recorder shall keep an accurate minute of the proceedings of the Mayor and Board of Aldermen, issue license to merchants and license privileges and collect taxes on same as well as other taxes, and shall keep an accurate account of same in a book kept for that purpose, as well as any other funds that may come into his hands from any other source whatever.

He shall make out the town tax book at such time and under such rule as the Board may prescribe; in making out the tax book the Recorder may take the list of property, the assessed value, etc., from the assessment book of the Assessor for the present year for the State and county, also any omitted property, and fix the value thereof.

The Recorder in the performance of his duty as Assessor shall keep a book in which shall be entered all assessments of property and poll, and for such assessment he shall be allowed the same fee as is allowed the District Assessor for State and county. He shall be required by the Board to take an oath to faithfully discharge all the duties of his office, and shall every thirty (30) days or oftener, if required by the Board, report all money collected by virtue of his office as Recorder and Assessor to the Treasurer.

Salary fixed by Board.

The Recorder's salary shall be fixed by the Board, and the Recorder, before entering upon his duties, shall execute a bond, payable to the Mayor and Aldermen of

Rives, with good security, in such sum as the Board may prescribe.

Duties of Marshal.

SEC. 7. *Be it further enacted,* That the town Marshal be the criminal officer of the town and Chief of Police. He shall hold his office for a term of one year, until his successor is elected and qualified, unless sooner removed by the Board for good cause. He shall arrest all persons violating any one of the criminal laws of the State or ordinances of the town for trial or examination. When in his judgment it is necessary, he shall have the power to confine any one so arrested in the town calaboose or jail.

Powers.

He shall have all the power, authority, duty, and jurisdiction within the corporate limits of the town as to processes, civil or criminal, that Constables have, and from time to time may have. In making arrest he shall have power to call upon or summon assistance when necessary, and may arrest persons without a warrant when offenses are committed in his presence, or when the offender is about to escape beyond the limits of the town, and he may pursue the offender one mile beyond the limits of the town for the purpose of making arrests.

He is hereby authorized, with warrant in his possession, to make arrest at any place in Obion County.

Before entering upon the duties of his office he shall take an oath to faithfully perform the duties thereof.

Town Treasurer.

SEC. 8. *Be it further enacted,* That the town Treasurer may be one of the Board of Aldermen. He shall be the Financial Agent of said town and the custodian of the funds.

He shall hold his office for one year and until his successor is elected and qualified, unless he is sooner removed for good cause.

He shall, before entering upon the duties of his office, give bond in the penalty and upon conditions as the Board may prescribe, and take an oath to faithfully perform the duties of his office.

Separate School District created.

SEC. 9. *Be it further enacted,* That the Town of Rives is hereby created a separate School District, and the public school in said town, known as the Rives Grading School, shall be managed and controlled by a Board of three (3) Directors, who shall be elected by the Board of Mayor and Aldermen, and who shall hold this office for twelve (12) months, until their successors are elected and qualified.

Said Board of School Directors at their first meeting annually shall organize by electing one of their number Chairman and another Secretary and another Treasurer.

The Treasurer, before entering upon the duties of his office, shall give bond as the Board may require, payable to the Board of Directors of the Rives Graded School.

He shall be entitled to receive from the State and county officers all moneys that said School District may from time to time become entitled to from the school fund, the same as if it was organized under the public school laws of the State.

Said money to be paid to him on an order or orders drawn in his favor by the Chairman and Clerk of said Board.

Government of School Board

Said School Directors shall be governed by the State Laws governing School Directors, when not in conflict with this Act; and shall have authority to arrange with the School Directors of the district from which the Town of Rives is taken by this Act for the children of said School District to attend the Rives Graded School so long as the *pro rata* of the State and county school funds may last, and when this State and county fund is exhausted or expended, said Board may make and fix terms and prices by which the children of said district or any other district may attend the said Rives Graded School.

SEC. 10. *Be it further enacted,* That the Mayor and Board of Aldermen of the Town of Rives are hereby empowered to maintain the public school interest, may annually levy and collect a sum not exceeding five cents on the one hundred dollars' worth of taxable property, and one dollar on polls for school purposes.

SEC. 11. *Be it further enacted,* That all vacancies that may occur by removal, death, or otherwise in any of the Boards or offices herein created by this Act shall be filled by the Mayor and Board of Aldermen. If the office of Mayor is vacated by resignation, death, or otherwise, the Board of Aldermen shall proceed to elect a Mayor to fill the unexpired term.

Boundaries.

SEC. 12. *Be it further enacted,* That the boundaries of the incorporation of the Town of Rives be as follows:

Beginning at the south end of the Illinois Central bridge across Houser Creek, on the north side of Rives; thence west to a point (in Candle's field) in direct line with the west boundary line of the Methodist church; thence south to and following the said west boundary

line, and on south to the west line of the Illinois Central Railroad Company right of way; thence southwest with said right of way to a point opposite the south boundary line of the Illinois Central Railroad stockyards; thence due south to a ditch between the lands of Mrs. C. M. Benton and Caldwell; thence east with said ditch to the east line of the Mobile & Ohio right of way; thence north with said right of way to the northwest corner of W. L. Clemmons' field; thence east with the north boundary line of said field to Houser Creek; thence in a northern direction with said creek to the beginning.

SEC. 13. *Be it further enacted,* That the present Mayor and Aldermen of the said corporation shall be as follows: J. H. Biticks, Mayor; S. H. Dickey, J. E. House, D. H. Bond, W. L. Clemmons, J. H. McCaw, and George F. Botts, Aldermen, who shall serve said corporation under the provisions of the charter until their successors are elected and qualified at the election to be held for the election of said officers as hereinbefore provided.

SEC. 14. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and this Act take effect from and after its passage.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 154.

House Bill No. 429.

AN ACT to incorporate the City of Highland Park, in the County of Hamilton, provide for the election of officers, prescribe their duties, and define the powers of said corporation.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the City of Highland Park, County of Hamilton, and the inhabitants thereof be, and are hereby, constituted a body politic and corporate under and by the name of the City of Highland Park, may sue and be sued, grant, receive, purchase, and hold real estate and personal property, and dispose of the same for the use and benefit of said city, and may have and use a common seal, and change the same at pleasure.

The boundary of said city herein incorporated shall be as follows:

Boundaries.

Beginning at the intersection of the north line of Montague Street with the east line of the Chattanooga, Union, or Belt Railway; thence northwardly with the east line of said right of way to the south line of Carolina or East Fifth Street; thence with the said south line of Carolina or East Fifth Street eastwardly to the west line of Maple Street; thence with the west line of Maple Street southwardly to the south line of McCallie Avenue; thence with the south line of McCallie Avenue eastwardly to the west side of Lyerly Street; thence with the west line of Lyerly Street to the south side of Chamberlain Avenue; thence with the south line of Chamberlain Avenue to the east line of Maple Street; thence with the east line of Maple Street to the south side of the alley between Chamberlain Avenue and Bailey Avenue; thence with the south line of said alley to the west line of Lyerly Street; thence with the west line of Lyerly Street southwardly to the north line of Montgomery Avenue; thence with the north line of Montgomery Avenue westwardly to the west line of T. G. Montague's addition; thence with said line north to the north side of Henderson Street; thence with the north line of Henderson Street to the

east line of James Avenue; thence with said east line to the north line of Montague Street; thence with said north line of Montague Street to the beginning.

SEC. 2. *Be it further enacted,* That the corporation aforesaid shall have full power and authority:

Powers of the corporation

1. To enact such by-laws and ordinances as may be proper and necessary to preserve the health, quiet, peace, and good order of the city.

2. To ascertain and declare the boundaries of streets and alleys, condemn property to open same, and to grant privileges in their use.

3. To provide for the paving or improving of streets, alleys, sidewalks, bridges, sewers, and drains, and to pave or build sidewalks at the expense of owners of abutting property when they fail or refuse to build the same; but no one shall be compelled to pave or build a sidewalk until the city has first opened and graded the street in front of same; and the Mayor and Council are hereby empowered to compel the said property owners to make the said improvements by fine, imprisonment, or both, and any expense incurred by the city for work done on sidewalks, which it was the duty of the owners of the abutting property to have done, shall be a lien on the said abutting property superior to everything but taxes and collectable in the same manner as are unpaid State and county and municipal taxes.

Levy taxes.

4. To assess property for taxes and to levy and collect by proper officers taxes upon all real and personal property and street tax, polls and privileges taxable under the State law, except as hereafter provided.

5. To appropriate money and provide for the debts and expenses of the city.

6. To provide for the organization, regulation, equipment, and maintenance of a fire department.

7. To provide for the lighting of streets and public buildings.

Water.

8. To provide the city with water by contract, purchase, or the erection of waterworks, either within or without the corporate limits, for corporate purposes.

9. To regulate and control the rates charged the public and the city by all *quasi* public corporations operating within the corporate limits, and to grant franchises to same, but no franchises shall be granted for a longer term than twenty-one years.

Public schools.

10. To establish a system of free schools and maintain them by taxation and to regulate said schools.

11. To regulate tax or license and regulate the keeping or going at large of animals within the city, and to impound said animals, and in default of redemption sell or dispose of same.

12. To regulate, tax, or license and collect taxes from all businesses, amusements, and exhibitions, which are or shall be taxable by the State Law, as hereinafter limited; *Provided,* that no privilege license shall issue for saloons or retail liquor dealers.

Liquor license.

Provided further, that should it hereafter become lawful to maintain saloons within said corporate limits, notwithstanding said charter prohibition, then the privilege licenses for saloons or retail liquor dealers shall not be less than one thousand dollars ($1,000) per year, payable in advance, nor more than two thousand dollars ($2,000), and no license shall issue for a shorter time than one year.

Police.

13. To establish a Police Department for the city when necessary; and to impose fines, forfeitures, and penalties for the breach of any ordinance of the city, and to provide for their recovery and appropriation.

Commitment to secure fines

14. To commit any person or persons who may fail or refuse to pay or secure any fine and cost imposed upon them or him, by any ordinance of the city, to the jail or workhouse of the said town, until such fine or cost be paid or secured. Every such person so committed shall be required to work for the city, as his or her health will permit, at such wages and under such regulations as may be established by ordinances; said work to continue until such fine and costs are fully paid, and said corporation may either erect or buy a workhouse or jail within or without its limits, or may contract with Hamilton County to be allowed to commit persons to the jail or workhouse of said county upon such terms as can be agreed upon.

15. To pass all ordinances not contrary to the Constitution and Laws of the State that may be necessary and proper to carry out the provisions and full intent and meaning of the object of this incorporation.

Officers.

SEC. 3. *Be it further enacted,* That the officers of the corporation shall consist of a Mayor, four Aldermen, one from each ward, an Auditor, and Marshal; *Provided, however,* that the City of Highland Park is hereby divided into four wards as follows:

First Ward, bounded by the right of way of the Belt Railway, Montgomery Avenue, Hawthorne Street, and Bailey Avenue. Wards.

Second Ward, bounded by the right of way of the Belt Railway, Carolina or East Fifth Street, Hawthorne Street, and Bailey Avenue.

Third Ward, bounded by Hawthorne and Sassafras Streets, Bailey Avenue, Lyerly Street, and Montgomery Avenue.

Fourth Ward, bounded by Bailey Avenue, Hawthorne Street, East Fifth or Carolina Street, Maple Street, and Lyerly Street.

SEC. 4. *Be it further enacted,* That within thirty days after the passage of this Act the Board of Election Commissioners of Hamilton County, after giving ten days previous notice through some daily paper published in Chattanooga, Tennessee, shall hold an election in the City of Highland Park, at the usual polling place, for the purpose of electing four persons to serve as Aldermen and one as Mayor. The terms of all these officers shall be for two years, but the terms of those first elected shall expire as follows: That of Mayor on May 1st, 1907; that of two Aldermen on May 1st, 1906, and two on May 1st, 1907. The person receiving the largest number of votes for Mayor shall serve as such; and the two Aldermen receiving the largest vote shall serve as such for the long term, and those receiving the next highest for the short term. Election of officers.

Hereafter all elections shall be held on the second Monday in April of each year, when two Aldermen shall be elected each year and a Mayor every second year, and said election shall be held and conducted by the Mayor and Council under proper ordinances and regulations not in conflict with the Constitution and Laws of Tennessee.

No person shall be eligible for the office of Mayor or Alderman unless he be a citizen of the City of Highland Park, as herein incorporated, and a freeholder or householder of said city and otherwise qualified to vote for members of the General Assembly of Tennessee, and in case of death or removal or resignation of any officer, the Mayor and Council shall have power to fill said vacancy for the unexpired term. Who eligible.

SEC. 5. *Be it further enacted,* That the said Board of Election Commissioners shall, previous to holding said Appointment of officers of election.

election for Mayor and Aldermen, appoint six respectable citizens of Highland Park, three of whom shall act as judges, and three as clerks of said election, whose duties shall be the same as other clerks and judges of popular elections.

Who may vote.

SEC. 6. *Be it further enacted,* That all persons living within the limits of said corporation, who would be qualified to vote for members of the General Assembly of this State, and persons owning a freehold within the limits of said incorporation, and otherwise qualified to vote, shall be entitled to vote for Mayor and Aldermen for said corporation.

Organization of Board.

SEC. 7. *Be it further enacted,* That within five days after their election the said Board of Election Commissioners shall furnish to the Mayor and Aldermen-elect certificates of their election, and it shall be the duty of said officers, upon receiving their certificates, to at once effect an organization and proceed upon the management and the control of the corporate affairs.

Oath of office.

SEC. 8. *Be it further enacted,* That the Mayor and Aldermen shall, before entering upon their duties as such, take an oath before some Justice of the Peace of Hamilton County to support the Constitution of the United States and the State of Tennessee, and to faithfully, uprightly, and honestly perform their duties during their term of office.

Auditor and Marshal.

SEC. 9. *Be it further enacted,* That the Council shall, immediately on organization, or as soon as possible thereafter, elect an Auditor and a Marshal, who shall serve for two years, or for the same term of office as the Mayor during whose term they are elected.

Duties of Mayor.

It shall be the duty of the Mayor to preside at all meetings of the Council, to see that all ordinances and by-laws of the corporation are enforced, to call special meetings of the Council, to make such suggestions and give such instructions in reference to the action of the Council as in his judgment will benefit the corporation; to sign all ordinances; to give orders upon the Auditor whenever directed to do so by the Council; to employ counsel in behalf of the corporation whenever, in his opinion, the same may be necessary, and to perform all duties incumbent upon the office he occupies.

Mayor's Court.

SEC. 10. *Be it further enacted,* That a Mayor's Court is hereby created, over which the Mayor shall preside and try all cases of offenses against the by-laws and ordinances

of said corporation and the peace and dignity of the city, and to this end the Mayor is vested with full power and authority to try offenses for violation of the ordinances and by-laws of said corporation, and is further vested with concurrent jurisdiction with Justices of the Peace in all cases of the violation of the criminal laws of the State, or of the ordinances or by-laws of the Council of the city within the corporate limits of said city, and for trying State offenses shall be allowed the same fees now allowed to Justices of the Peace for like services. He shall keep a regular docket in a well-bound book, the same as are kept by Justices of the Peace, and shall docket every case tried by him, and shall show amount of bills of cost of same. No appeal shall be allowed from any judgment imposing any fine for the violation of a city ordinance, except on the giving of security for the payment of said fine and costs.

SEC. 11. *Be it further enacted,* That the Mayor shall have no vote in the Council except on a tie, and no ordinance shall become a law if vetoed by the Mayor unless it is passed by the unanimous vote of the Council.

SEC. 12. *Be it further enacted,* That the Auditor shall receive, receipt for, and be the custodian of, all the money of the city, received from any source whatever. He shall receive from the Mayor and the Marshal all of the taxes, fines, and other money belonging to the city that may come into their hands from all sources, and shall make settlements for same, and pay out all sums ordered paid out by the Mayor under the direction of the Council, and for this and for all other purposes he shall be the bookkeeper of the city, and keep all such books as the Council may direct. He shall make as many reports and statements monthly or quarterly as the Council may direct. He shall give bond with good securities, payable to the Mayor and Council of the City of Highland Park, and in such amount as may be prescribed by ordinances, for the faithful discharge of the duties of his office, and shall perform such other duties as the Council may direct. He shall prepare each year, as soon as the State and county books are completed, a tax book embracing all property, real, personal, and polls, within the corporate limits, subject to taxation under the State laws, observing in making said assessments, the value fixed by the Tax Assessor of Hamilton County and the State of Tennessee. And he is hereby vested with the powers conferred by law on

Duties of Auditor.

collectors of State and county taxes, to collect same, and lands shall be condemned and sold for failure to pay taxes in accordance with the laws of the State for State and county purposes; and the Mayor and Council shall by ordinance fix the mode of collecting delinquent or back taxes. He shall issue all licenses for privileges and collect all privilege and *ad valorem* taxes growing out thereof. He shall keep the minutes of the Council. The salary of the Auditor shall be fixed by the Council by ordinance, but not to exceed in any one year four per cent of the receipts of his office for the said year.

Duties of Marshal.

SEC. 13. *Be it further enacted,* That the Marshal, before entering upon his duties as such, shall give bond with good security, payable to said corporation, in the sum of one thousand dollars ($1,000) for the faithful discharge of the duties of the office, and to account for all moneys collected by him. He shall acquaint himself thoroughly with all the laws and ordinances of the city, and it shall be his duty to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand. He shall have the power to execute State warrants and other processes which Constables generally have within the corporate limits, and he shall be entitled to and receive for such services the same fees allowed by law for Constables in such cases. He shall be chief of any police force or patrol organization within the city. He shall have supervision and control of the work hands on the street, if the Council so direct, and shall perform such other duties as may be imposed upon him by ordinance. In addition to the fees allowed him above, he shall receive such salary as may be fixed by the Council, but not to succeed (exceed), in any event, fifty dollars ($50) per month.

Compensation of Mayor.

SEC. 14. *Be it further enacted,* That the Mayor and Council shall receive no compensation in excess of five dollars ($5) each per annum, except as hereinabove provided.

Removal of officers.

SEC. 15. *Be it further enacted,* That the Mayor and Council shall have full power and authority to remove any officer or agent, appointed by them, for incompetency or any violation, neglect, or disregard of the duties imposed upon them by the ordinances of said corporation.

Levy taxes.

SEC. 16. *Be it further enacted,* That the Board shall have the power and authority to levy taxes for city purposes upon all taxable property, real, personal, and mixed,

within the limits of the city, not exceeding in the total levy for all general purposes in any one year one per cent of the total assessment of said property for city purposes for that year. The annual tax levy of the city shall be fixed by the Council at some meeting in November, and said taxes when levied shall have all the force and effect given by law to State and county taxes in this State, and shall be payable at the same time and subject to the same penalties.

Separate School District created.

SEC. 17. *Be it further enacted,* That said City of Highland Park is hereby constituted a separate school district, and as such shall be entitled to its *pro rata* of the State and county school fund under existing laws, and the said municipality is hereby authorized to elect School Directors and to raise money for the purpose of augmenting the school fund and to adopt a graded high school. The election of the School Directors shall be had at such time and place as shall be designated by the Board of Mayor and Aldermen, and they shall hold their office for such length of time as is now provided by law for School Directors, and shall draw their orders on the school funds in the hands of the County Trustee or the City Auditor for any and all money due said school district hereby created. But the first Board of School Directors shall be elected by the Board of Mayor and Aldermen. That whenever the public school fund payable to said school district shall be insufficient to run said schools such length of time as the Board of Directors may deem necessary, said Board may certify that fact to the Board of Mayor and Aldermen, with an estimate of the amount necessary to run the schools the length of time desired for the ensuing year, and the Board of Mayor and Aldermen may levy and collect a tax for the purpose of running said schools such length of time as to them may appear proper, looking especially to the estimate and recommendation of the Board of Directors; *Provided,* that the Board of Mayor and Aldermen may levy such tax without said estimate or recommendation of the Board of Directors, when in their judgment it may seem advisable; *Provided,* such tax thus levied will not exceed the rate levied by the State for State purposes for the same year; and *Provided further,* that the total tax levy, including the school tax above provided for, shall not exceed one per cent of the total assessment as hereinbefore provided. The general

laws of the State in regard to common schools shall apply to the City of Highland Park, except as herein modified.

May incur indebtedness for improvements.

SEC. 19. *Be it further enacted,* That the Mayor and Council are hereby authorized to contract any indebtedness on behalf of the city, and upon the credit thereof, by borrowing money and issuing bonds of the city at a rate not exceeding six per cent per annum, for the purpose of erecting public buildings, including the erection and equipment of school buildings, constructing and maintaining public sewers for the city, for the purpose of grading and paving streets and alleys, and for constructing sidewalks, curbing, and guttering, and other improvements; for the purpose of constructing bridges, and their approaches; for the purchase, construction, or erection of waterworks, and the necessary machinery, pipes, conduits, and appurtenances for their operation, or any other specific purpose; to improve the streets of the city, or for lighting the same; *Provided,* that the aggregate indebtedness to be incurred for the purposes above set forth shall never exceed ten per cent of the assessed valuation of the taxable property of the city as shown by the city assessment of the year preceding the one in which the loan is voted; *Provided always,* that no bonds shall be disposed of for less than par, and that no loan shall be made and no bonds shall be issued for any purpose except by ordinance, which shall be unrepealable until the indebtedness therein provided for, and the bonds issued in pursuance thereof, shall have been fully paid, and such ordinance shall specify the purpose to which funds received for the bonds to be issued are to be applied, and shall also provide for a levy upon the taxable property of the city sufficient to pay the annual interest thereon and extinguish the principal of such debts and bonds within the time limited for the same, which shall not be less than five years, nor more than thirty years; and *Provided further,* that said taxes, when collected, shall only be applied to the purpose in said ordinance specified until the indebtedness and bonds have been paid and discharged, but no such debt shall be created, nor bonds issued, unless the question of incurring the same and issuing bonds thereof shall be submitted to a vote of the qualified electors of the city, and a majority of said voters voting upon the question by ballot shall vote in favor of creating such indebtedness and issuing said bonds.

Question of incorporation to be voted on

SEC. 20. *Be it further enacted,* That before this Act shall become effective that the question of incorporation shall be submitted to a vote of the legally qualified voters (under the general law) of the territory herein mentioned and non-resident taxpayers of said territory, and if a majority so voting shall vote for incorporation then this Act shall become effective, and the territory will thereby become incorporated; but if less than a majority so voting vote in favor of incorporation then this Act shall not become effective. The Board of Election Commissioners of Hamilton County shall hold such election in Highland Park; *Provided, however,* the election provided for herein shall not be called until after the election for annexation of the above territory, as provided in bill No. —, shall have been held, and should election for annexation carry, then no election shall be held for incorporation; *Provided, however,* that in the event said annexation fails to become operative, the election provided for herein shall be held at any time within two years hereafter upon the petition to the said Board of Election Commissioners of Hamilton County of ten qualified voters of said territory.

SEC. 21. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 22. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 155.

House Bill No. 551.

AN ACT entitled "An Act to authorize the City of Clarksville to issue ten thousand dollars of coupon bonds to improve or repair its waterworks system."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this Act the City of Clarksville is authorized to issue ten thousand dollars of four per cent (4%) coupon bonds and payable thirty (30) years after date for the purpose of improving or repairing its waterworks system. Said bonds shall bear date of July 1, 1905, and shall be denominated "Waterworks Improvement Bonds," numbered from one to twenty inclusive, each to be of five hundred ($500) dollars, with interest coupons attached, bonds and coupons to be signed by the Mayor and countersigned by the Recorder, but the signatures of these officials may be lithographed on the coupons. Said bonds shall be sold by approval of the Board of Mayor and Aldermen upon competitive bidding, but not for less than par.

Sec. 2. *Be it further enacted,* That the Board of Mayor and Aldermen may provide for the payment of the interest on said bonds when due, and also a sinking fund to retire the bonds when due, from the revenue derived from the waterworks of said city.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 156.

HOUSE BILL No. 326.

AN ACT to change the line between Putnam and DeKalb Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Montgomery County be, and DeKalb Counties be so changed as to include all the land of Richard Herron in DeKalb County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 157.

HOUSE BILL No. 445.

AN ACT to authorize Montgomery County to issue bonds for highway purposes, and to fund passed indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Montgomery County be and is hereby, authorized to issue coupon bonds of the aggregate face value of one hundred and fifty thousand ($150,000) dollars or less and bearing interest at the rate of not more than five per cent per annum. Said bonds shall be signed by the County Judge and countersigned by the County Clerk of the county. The coupons shall each bear the lithographed signature of the County Judge. The bonds

shall each be of the denomination of five hundred ($500) dollars, and shall be numbered consecutively from one to three hundred. They shall be payable, principal and interest, at the office of the County Judge of Montgomery County at Clarksville, Tenn. They shall mature thirty (30) years after date of issuance, and shall be redeemable at the option of the county as follows: Bonds numbered one to seventy-five inclusive, ten (10) years after date of issuance; bonds numbered seventy-six to one hundred and fifty inclusive, fifteen (15) years after date of issuance; bonds numbered one hundred and fifty-one to two hundred and twenty-five inclusive, twenty (20) years after date of issuance; bonds numbered two hundred and twenty-six to three hundred inclusive, twenty-five (25) years after date of issuance.

Interest and sinking fund tax.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Quarterly Court of Montgomery County each, until all of the bonds authorized by the first section of this Act are retired, to levy a tax on all of the taxable property of the county of not less than twenty nor more than thirty-five cents on the hundred dollars which, when collected, shall be applied to the payment of interest and the establishment of such sinking funds as may be needed to retire the bonds at or before maturity, and any surplus remaining may be expended in repairing the turnpikes, bridges, ferries, and improved highways of the county.

SEC. 3. *Be it further enacted,* That the proceeds of the bonds authorized by the first section of this Act shall be used exclusively in retiring outstanding promissory notes of the county given for turnpike, bridge, ferry, and improved highway purposes and for obtaining additional money for improved highway purposes, as authorized by Chapter 17 of the Acts of the present General Assembly, passed February 2, and approved February 4, 1905.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 158.

HOUSE BILL No. 447.

AN ACT authorizing the Mayor and Aldermen of the Town of Shelbyville, Tennessee, to issue not exceeding forty thousand dollars of interest-bearing, coupon bonds, at any time within two years from the passage of this Act, said bonds to be issued and used exclusively in acquiring, completing, and extending a system of waterworks and electric light plant, or either, within the corporate limits of said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the Town of Shelbyville, in Bedford County, Tennessee, a municipality of Tennessee, organized under the Acts of the General Assembly, is hereby empowered, in its corporate capacity, to issue the bonds of the said city or town, at any time within two years from the passage of this Act, to be signed by the Mayor and countersigned by the Secretary and Treasurer, with interest coupons attached, and the seal of said city or town affixed, to an amount not to exceed forty thousand dollars.

SEC. 2. *Be it further enacted,* That the bonds herein provided may be executed in denominations from one hundred to one thousand dollars, and shall mature thirty years from the date of their issuance, bearing interest at the rate of not more than five per cent per annum, payable semi-annually. Said bonds shall be sold in no case for less than their face value, and shall be payable in legal tender money of the United States of America.

SEC. 3. *Be it further enacted,* That the proceeds of the bonds issued, or such part thereof as may be necessary, shall be used exclusively in the payment of such indebtedness as may be contracted on account of said waterworks, or electric light plant, or both, and in extending, acquiring, and improving same in such manner as the Mayor and Aldermen may direct, by ordinance or resolution. Use of proceeds

SEC. 4. *Be it further enacted,* That before said bonds shall be issued, the Mayor and Aldermen shall order an election or elections held by the qualified voters of said city or town, to ascertain the will of said voters in refer-

ence to the issuance of said bonds. As many elections may be held as may be necessary, and at different times, to determine the will of the said voters in reference to the issuance of said bonds herein provided for. The question of authorizing the issuance of all the bonds herein provided for, or such amounts as may be deemed necessary to acquire, extend, and complete a system of waterworks, or electric lights, or both, may be submitted and voted on in the same election; *Provided,* the amount for each purpose is stated and set out in the ordinance authorizing the election to be held, or they may be voted on in separate elections, and at different times. The election or elections herein provided for may be held at the time of any city or town election for officers, or any other purpose, by the same officers and upon the same ballot used in such election, or at any other time that may be directed and ordered by the Mayor and Aldermen of Shelbyville, after advertising same for at least thirty days, either by publication in some local newspaper or by written or printed hand bills.

Ballots and qualification of voters.

SEC. 5. *Be it further enacted,* That at any of these elections herein provided for, all persons shall be entitled to vote, who are qualified to vote for said city or town officers. Legal ballots shall be used in said elections, upon which shall be written or printed, "For the Water Bonds," "Against the Water Bonds;" "For the Light Bonds," "Against the Light Bonds." Those in favor of the issuance of the water bonds shall make a cross mark, thus "X," opposite the words "For Water Bonds," and those opposed to the issuance of the water bonds shall make a similar mark opposite the words "Against the Water Bonds;" and those in favor of the issuance of the light bonds shall make a similar mark opposite the words "For the Light Bonds," and those opposed to the issuance of the light bonds shall make a similar mark opposite the words "Against the Light Bonds." If, at any election held under the authority of this Act, the majority of the votes cast on the proposition to issue either the water or the light bonds are cast either "For the Water Bonds" or "For the Light Bonds," then the Mayor and Aldermen shall have power and authority to issue said bonds so authorized by said election, but not otherwise.

Interest and sinking fund taxes.

SEC. 6. *Be it further enacted,* That if the bonds are issued under the provisions of this Act, the Mayor and Aldermen are hereby authorized and empowered to levy

such taxes on property, privileges, and polls of the city or town of Shelbyville as will be sufficient to pay the semi-annual interest on said bonds, and provide for a sinking fund to meet the payment of said bonds at maturity; said taxes shall be kept separate and apart from other funds of said city or town. The Mayor and Aldermen may also set aside and appropriate such earnings of said plants, or plant, as may be deemed prudent and advisable, for the purpose of paying the semi-annual interest on the bonds, or place same in the sinking fund. The Mayor and Aldermen of said city or town may, by ordinance, adopt such rules and regulations as may be deemed advisable for the control and management of said plant, or plants, and for the purpose of investing and safe-keeping of the sinking fund herein provided for, and may elect private individuals, or the local banks, or either of them of said city or town, as a Sinking Fund Commission, and make such contracts with such Commission for the proper handling or use of said sinking fund as may be expedient, and best, and require such bond of said Commission for the safe-keeping or investment of said sinking fund, as will be ample to protect said city or town from loss. No commission shall be paid for the negotiation of said bonds. The Mayor and Aldermen of said city or town may apply any part or all of said sinking fund on hand at any time to the purchase of any of the said bonds, as can be bought, and cancel same after their purchase.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 159.

House Bill No. 286.

AN ACT to amend Chapter 401, of the Acts of 1899, being "An Act to provide for the inspection of shops and factories and appointment of Shop and Factory Inspector, and defining his duties and powers;" to include bakeries in said inspection law, whether the same be run by machinery or not.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 401, of the Acts of 1899 be, and same is hereby, amended to make the word "workshop," whenever the same shall appear therein, include bakeries, whether the same be run by machinery or not.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 160.

House Bill No. 545.

AN ACT to amend an Act passed April 2, 1901, and approved April 12, 1901, same being Chapter 272, of the Acts of 1901.

This amends the charter of Petersburg, in Marshall and Lincoln Counties.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 33, of Chapter 272, of the Acts of 1901, be amended by adding at the close of said section the following: *"Provided,* that no man who is not a real estate owner in the town shall be permitted to vote in any election until he has been a *bona fide* resident of said town for six months."

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 161.

House Bill No. 438.

A BILL to be entitled "An Act to change the line between the Counties of Chester and Henderson."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Chester and Henderson be, and the same is hereby, so changed that all the lands of W. M. Jones, and C. P. Jones, bounded as follows: On the west by Jordan; on the north by Jordan, Wright, and Goff; on the east by Stevens; and on the south by Smith, be detached from Henderson County and attached to and included in the Eleventh Civil District of Chester County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 162.

House Bill No. 419.

A BILL to be entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of thirty-six thousand and upward, according to the Federal Census of 1880, whose charters have been abolished,'" passed by the General Assembly of the State of Tennessee, March 21, 1883, and approved by the Governor, March 27, 1883, and all Acts amendatory thereof which empower and enable said municipal corporation to create, maintain and control a system of public parks, to provide for a Board of Park Commissioners, to fix and define its powers and duties, amend said Act so as to provide that the moneys to which the parks are entitled shall be kept in a separate account, and may be drawn from time to time as the same is received, upon the checks of the Park Commissioner, except to revenue derived from taxation and to authorize the Board of Park Commissioners to expend the sums so received and make a report thereof annually to the Mayor and City Council."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 117, of the Acts of 1901, entitled "An Act to amend an Act entitled 'An Act entitled "An Act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of thirty-six thousand and upward, according to the Federal Census of 1880, whose charters have been abolished,"'" passed by the General Assembly of the State of Tennessee, March 21, 1883, and approved by the Governor, March 27, 1883, and all Acts amendatory thereof which empower and enable said municipal corporations to create, maintain, and control a system of public parks, and to provide for a Board of Park Commissioners, to fix and define its powers and duties, be amended as follows: "All funds arising from any sources, which are to be devoted to or used for the maintenance and betterment of public parks, owned or controlled by municipal corporations organized under this Act, shall be paid from time to time to the City Treasurer of Nashville, and a separate account thereof kept, except such as

may be derived from taxation, levied for that purpose by the Mayor and City Council of such corporations."

SEC. 2. *Be it further enacted,* That the Park Commission, through its proper officials, shall be authorized to draw, from time to time, upon the funds set apart under Section 1 of this Act, and it shall be the duty of the Treasurer of such municipality to pay such checks whenever drawn, so long as there is a balance to the credit of the account of public parks, created under Section 1, of this Act, but the money so drawn shall be used by the Board of Park Commissioners to repair, improve, and maintain the public parks in and near the City of Nashville under the management of said Board of Park Commissioners.

SEC. 3. *Be it further enacted,* That said Board of Park Commissioners shall make a report to the Mayor and City Council during the month of December of each year, showing amounts received, from what sources, how expended, with such explanations and recommendations as may be deemed to the best interest of the public parks.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 163.

HOUSE BILL No. 663.

A BILL to be entitled "An Act to amend Chapter 393, Acts of 1901, the same being entitled 'An Act to incorporate the Town of Mossy Creek, Jefferson County, Tennessee, under the corporate name of Jefferson City.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That paragraphs 3, 7, 20, and 21, of Section 3, of Chapter 393 of the Acts of 1901, be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted,* That Chapter 393, of the Acts of 1901, be further amended by striking out all of Section 16, and abolishing the office of City Marshal, but give to the Mayor power to appoint for temporary service, when demanded by two members of the Board of Mayor and Aldermen, and when practicable he shall at all times appoint for temporary service a civil officer.

SEC. 3. *Be it further enacted,* That the Board of Mayor and Aldermen shall not grant any franchise whatever to any person, or persons, firm, or corporation without two-thirds of the tax-paying freeholders voting for said franchise.

SEC. 4. *Be it further enacted,* That the Board of Mayor and Aldermen may have power to levy such privilege tax as, in their judgment, shall be equitable for the occupancy of the streets and sidewalks by any firm or corporation doing business in the Town of Jefferson City.

SEC. 5. *Be it further enacted,* That the word "seventy-five," where it appears in line 3, Section 25, be stricken out and "forty" be inserted therefor.

SEC. 6. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 164.

HOUSE BILL No. 667.

A BILL to be entitled "An Act to amend an Act passed February 3, 1905, entitled 'An Act to amend an Act entitled "An Act to establish Taxing Districts in this State, and to provide the means of local government for the same,"' " etc., so as to authorize the Legislative Council of the City of Memphis to close streets and alleys for the purpose of providing a site for a union passenger station, and to convey said streets and alleys when closed to a railroad terminal corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 21, of the Acts of the General Assembly of 1905, known as Senate Bill No. 162, and entitled "An Act to amend an Act entitled 'An Act to establish taxing districts in this State, and to provide the means of local government for the same,' the same being Chapter 11, of the Acts of 1879, and all the Acts amendatory thereof, constituting the charter of the City of Memphis, so as: (1) That among other things to add two more members to the Board of Fire and Police Commissioners, and to provide for the temporary appointment of same; (2) to add two more members to the Board of Public Works, and to provide for the temporary appointment of the same; (3) to more clearly define the powers and duties of the Mayor; (4) to set forth the powers and duties of the Legislative Council; (5) to provide a method of letting city contracts and franchises; (6) to provide for the election of City Engineer and other officers not named; (7) to provide for a City Court and a Judge thereof, define his duties and fix his compensation; (8) to provide for a Clerk of such City Court; (9) to set forth and define the duties and powers of the Fire and Police Commissioners; (10) to provide for the election of the Chief of the Fire and Police Departments; (11) to provide for the reorganization of the Fire and Police Departments by the introduction of the merit system of Civil Service; (12) to abolish the office of City Secretary; (13) to provide for a City Register, define his duties and fix his compensation, and give him an assistant; (14) to provide for a City Attorney, and assistant; (15) to change

the date of holding city elections; (16) to provide for the systematic examination of city accounts; (18) to provide for the separate sitting of the Supervisors of the Board of Public Works and the Board of Fire and Police Commissioners, and the organization of said separate bodies," be amended by adding at the end of the second paragraph, of said Section 21, the following words: *"Provided, however,* that when a railroad terminal corporation shall have been formed for the purpose of erecting and operating in the City of Memphis, an Union Passenger Station for the use of railroads entering said city, and shall in good faith undertake the erection of such a station, then the Legislative Council shall have power to close and convey to said terminal corporation such streets and alleys as it may be necessary to close in order to provide a site for said station and the sheds, tracks, yards, roundhouses, machine shops, switches, cross-overs, turnouts, and other terminal facilities, appurtenances, and accommodations, suitable in size and location to the prompt and efficient receiving and transferring of passengers and baggage of the railroads using said station; and *Provided further,* that owners of property abutting on streets and alleys which are closed for the purpose aforesaid, shall receive just compensation for any damages to their property caused by the closing of said streets and alleys."

SEC. 2. *Be it further enacted,* That Section 28, of said Act, be amended by adding at the end of said section the following words: *"Provided, however,* that nothing in this section, limiting the time for which a franchise may be granted, shall apply to any franchise which may be granted to a railroad terminal corporation organized for the purpose of constructing and operating an union passenger station within said city."

SEC. 3. *Be it further enacted,* That Section 29, of said Act, be amended by adding at the end of said section the following words: *"Provided, however,* that it shall not be necessary to submit to a vote of the people any franchise granted to a railroad terminal corporation organized for the purpose of erecting and operating within the City of Memphis, a union passenger station, and that so much of said Section 29 as is contained in the second sentence thereof, beginning 'Nor shall such ordinance become effective,' etc., and running through to the end of the section, "shall not apply to any franchise granted to a railroad terminal corporation organized for the purpose aforesaid."

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 165.

HOUSE BILL No. 404.

A BILL entitled "AN Act to establish a School District in Unicoi County, and provide for the election of School Directors for the same."

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the following boundaries constitute the Thirteenth School District of Unicoi County, Tennessee: Beginning at a stake in the Tenth District line, on the top of the Coffee Ridge; thence running with said ridge north to the mouth of the Murray Branch; thence southeast to the top of the Raven Cliff; thence northeast to the top of the Laurel Ridge; thence with said ridge, running so as to include the Low Gap Branch to the forks of the creek at Riddle and Brown's store; thence up South Indian Creek, so as to include those adjoining said creek, to the First District line; thence with said First District line to the Tenth District line; thence with said Tenth District line to the beginning.

County Superintendent appoints directors until election

SEC. 2. *Be it further enacted,* That the school district above created shall have all the rights and privileges that are granted other school districts in said county under the law, and the County Superintendent of Public Schools of said county shall appoint three School Directors in said district to serve until the next regular election, or until their successors are elected or appointed and qualified; and at the time of ordering general county elections the

County Election Commissioners, or those governing said elections, shall order a special election to be held at Clear Branch Schoolhouse for the purpose of electing School Directors for said district, and said election shall be governed by the general election laws, except the polls of said election to be opened at one o'clock P. M. (but be closed as other elections), and to be held without compensation.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 166.

HOUSE BILL No. 553.

AN ACT entitled "An Act to create an independent School District in Putnam County, Tennessee, to be known as District No. 21."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District, created in Putnam County, Tennessee, at or near the corner of the Eleventh, Twelfth, and Seventeenth Districts, at or near Gentry, to be known as No. 21, bounded as follows: Beginning with and including the lands of J. H. Jared; thence eastwardly with and including the lands of Joseph Holladay and J. C. Jared; thence northwardly with and including the lands of L. F. Elrod, Polly Elrod, and A. B. Thompson; thence westwardly with and including the lands of W. A. Holladay, Allison Holladay, W. R. Brown heirs, William and Lem Burton, **Boundaries.**

James and Robert McKinley—all in the Twelfth District; thence southwardly with and including the lands of J. H. Jared, Mary Bush, Albert Stanton, M. H. Leftwitch, L. T. Leftwitch, Joseph Leftwitch—all in the Eleventh District; thence on to the beginning, including the lands of Anthony Bush, James Brown, and C. F. McCaleb—all in the Seventh District, and including all the lands and families in said boundary.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 167.

HOUSE BILL No. 432.

A BILL to be entitled "An Act to create an independent School District at Morrison, Warren County."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be created at Morrison, Warren County, an independent School District, to be known as Independent School District No. 1, Warren County, and bounded as follows—to wit:

Boundaries.

Beginning on the northwest corner of John Baker's land and running southward with the Coffee County and Warren County lines to Will Rogers' southwest corner; thence east with said Rogers' south line to Thomas Rogers' line to the south line of A. McCrouch; with the south line of said McCrouch, Phil King, William Ramsey, A. Bain to the southeast corner of said Bain's land; thence north with Bain's, John Gessler's, H. McAfie's, G. M. Stroud's, J. M. Smoot's, William Henderson's, J. L. Parker's, and J. B. Comer's east boundary line to J. B. Comer's north-

east corner; thence west with the north boundaries of J. B. Comer, Tom Barnes, R. Brown, Grace Kimball, Jesse Brewer, and John Baker, to the beginning.

SEC. 2. *Be it further enacted,* That on the first Saturday in May, 1905, and every two years thereafter, there be elected three Directors for said district, whose duties shall be the same as prescribed by law for other School Directors.

SEC. 3. *Be it further enacted,* That in case of a vacancy the County Superintendent shall appoint to fill out the unexpired term.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 168.

HOUSE BILL NO. 196.

A BILL to be entitled "An Act to establish a School District in Gibson County, Tennessee, to be known as Laneview College District No. 28, and to provide for the election or appointment of Directors for said district, and to define their powers, etc."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a school district, to be known and designated as Laneview College District No. 28, of Gibson County, Tennessee, be established in Gibson County, Tennessee, with the following lines and boundaries:

Beginning at the residence of James Williams, running west with the south fork of the Obion River to a point

Boundaries.

in the yard of Houston Diris, so as to include said Diris' residence within this district; thence south so as to include W. P. Glasscock, Jim Huckaby, Neal Kinsey, Misses Sarah and Meck Huckaby, to a stake; thence west to a point near the residence of G. P. Penn, said line being run and said point being located so as to include all parties in the Burress and Hayes settlement who are not enrolled with the Burress School; thence southeast, so as to include C. M. Greer, J. B. Fletcher, J. A. Spencer, M. L. Cathcart and W. H. Catler, to a point; thence northwardly, so as to include Green Phelan, David Hassell, George Lorance, Joe Bell, F. W. Rawls, William Bean, and H. C. Conlee, to the point of beginning.

SEC. 2. *Be it further enacted,* That J. E. Conlee, Dr. J. C. Moore, and D. I. Fairless are hereby appointed as School Directors for the School District created by the first section of this Act, to serve until the next general election for School Directors, when three Directors shall be elected by the people of said special district, and successively thereafter at every regular election for School Directors in Gibson County.

SEC. 3. *Be it further enacted,* That the school district created by the first section of this Act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules that govern, control, and regulate other school districts in Gibson County, Tennessee.

Trustee to apportion money.

SEC. 4. *Be it further enacted,* That the Trustee of Gibson County be, and is hereby, directed and empowered to apportion to the district created by the first section of this Act in proportion to the scholastic population of said district, its rate *pro rata* of all school funds in his hands at the time of the passage of this Act, or that may hereafter come into his hands, under the same rules and regulations as he does to the other school districts in Gibson County, Tennessee.

Scholastic census to be taken.

SEC. 5. *Be it further enacted,* That upon the passage of this Act the said District Directors shall take the census of the scholastic population within said territory, and report the same to County Trustee, and upon this scholastic report apportion the school funds of the Eleventh District between this district and the balance of the Eleventh Civil District, according to the scholastic population of the territory covered by this district and the balance of the territory not so covered.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905. JOHN I. COX,
Governor.

CHAPTER 169.

HOUSE BILL No. 587.

AN ACT to amend the charter of Bethel College, situated at McKenzie, Carroll County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act of 1901, passed March 28, 1901, entitled "An Act to amend the charter of Bethel College, first created at McLemoresville, Tennessee, now at McKenzie, Tennessee, be, and the same is hereby, so amended as to place said college, or institution, under the fostering care of the West Tennessee Synod of the Cumberland Presbyterian Church.

SEC. 2. *Be it further enacted,* That all the rights, care, or interest conveyed to the four Presbyteries of the Cumberland Presbyterian Church, situated in the Western Division of Tennessee, as follows: Hopewell Presbytery, Obion Presbytery, Memphis Presbytery, and Madison Presbytery by said Act be, and the same is hereby, divested and vested in the West Tennessee Synod of the Cumberland Presbyterian Church.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

J. J. BEAN,
Speaker pro tem. of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905. JOHN I. COX,
Governor.

CHAPTER 170.

House Bill No. 416.

A BILL to be entitled "An Act to establish a Civil District for DeKalb County, and give number and boundary therefor."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be, and is hereby, created and established for and within the County of DeKalb, in this State, a Civil District.

Sec. 2. *Be it further enacted,* That the boundaries of said Civil District shall be as follows: Beginning on the east side of the Caney Fork River, running eastward with the Fourteenth Civil District line to the White County line; thence with the White and DeKalb County line in a south direction to the Caney Fork River; thence down said river on the east side in a northern direction to the beginning.

Sec. 3. *Be it further enacted,* That all persons, being and living in said boundary, shall be and constitute the Twenty-third Civil District of DeKalb County.

Sec. 4. *Be it further enacted,* That the Election Commissioners for DeKalb County shall order an election, opened and held on the first Saturday in June, for the purpose of electing for the Twenty-third Civil District of DeKalb County two Justices of the Peace and one Constable, who shall hold their office until the regular August election next preceding this election, or until their successors are elected and qualified.

Sec. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 171.

House Bill No. 379.

AN ACT requiring certain employers to provide seats for female employees, and fixing and prescribing penalties for the violation of said Act.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all proprietors or owners of any retail, jobbing, or wholesale dry-goods store, or dealers in notions, millinery, or any other business where any female help are employed for the purpose of serving the public in the capacity of clerks or salesladies, shall provide a chair or stool for each one of such female help or clerks, in order that during such period as they are not actively engaged in making sales or taking stock or performing other duties of their employment, they may have an opportunity to be seated and to rest.

Sec. 2. *Be it further enacted,* That any proprietor, owner, or dealer, mentioned in Section 1 of this Act, who shall undertake by any direction or order to prohibit or prevent any one of such female help or clerks to use the seats provided for in the foregoing section shall be guilty of a misdemeanor, and, upon conviction, shall be fined as provided in the next section of this Act.

Sec. 3. *Be it further enacted,* That any owner, proprietor, or dealer, mentioned in the foregoing sections, who shall neglect or refuse to obey and observe the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not less than ten dollars and not exceeding one hundred dollars for the first offense, and in the event said owner or proprietor shall continue to disobey said Act he shall be subjected to a fine at the rate of one dollar daily for every chair he fails to furnish his said employees, and for every violation of Section 2 of this Act such owner, proprietor, or dealer shall, upon conviction, be fined not less than ten dollars and not exceeding one hundred dollars for each and every violation. Penalty.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 172.

SENATE BILL No. 22.

AN ACT entitled "An Act to amend the charter of the City of Memphis, which said charter is to be found in an Act to establish Taxing Districts in this State, and to provide the means of local government for the same," approved January 31, 1879, and Acts amendatory thereof, so as to empower and direct the Legislative Council of the City of Memphis to issue bonds to erect an electric lighting plant and gas plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the City of Memphis is hereby authorized to manufacture and distribute gas or electric lights for use in the public streets and buildings in said city, and for sale to the inhabitants of said city, for their private use, to be paid for by the said inhabitants at rates to be established by the City Council, which shall be sufficient to reimburse the said city the reasonable cost to furnish it, and all the inhabitants of the said city are to have the same rights to be supplied with gas or with electricity without discrimination so far as it may be reasonably practicable, and the capacity and extent of the work which it is deemed expedient to maintain will permit.

May build and maintain plant.

SEC. 2. *Be it further enacted,* That the said City of Memphis is authorized and directed to build and maintain and operate an electric light plant and a gas plant, and to acquire all necessary ground therefor, engines, boilers, lamps and fixtures, poles, wires, retorts, and other appurtenances usual to such plants for the purpose of lighting the

streets, alleys, squares, and public buildings of said city and supplying the inhabitants thereof with gas and electricity. To employ and pay a superintendent and such electricians, engineers, linemen, and other agents and employees as may be necessary. The compensation of such employees shall be fixed by the Legislative Council in said city, and paid exclusively out of the receipts from the sale of gas and electricity, and by the products of the gas plant.

Bonds may issue.

SEC. 3. *Be it further enacted,* That in order to raise the means necessary to erect said electric light and gas plant and acquire by condemnation proceedings the lands necessary for the aforesaid plants, the right of eminent domain being herein and hereby is vested in said city, the said city is authorized and empowered to issue its coupon bonds to the amount of one million ($1,000,000) dollars, or so much thereof as may be necessary, bearing interest at the rate of four per cent per annum, and maturing in thirty years, the interest payable semi-annually in lawful money of the United States, and to secure the payment of the said bonds and the interest coupons, the said city is hereby authorized, empowered, and directed to execute a trust deed conveying as security the electric light and gas plants, with all the property belonging thereto or appertaining thereto, of every kind, character, and description, to three trustees and the survivors of them, with full power vested in said trustees, in default of the payment in the interest for ninety days, to advertise and sell the plants aforesaid, together with the franchise to operate the same for the period of said bonds, and out of the proceeds to pay the costs of foreclosure and the residue thereof to the holders of said coupon bonds, the security of said coupons and bonds being limited to the properties embraced in the trust deed, to secure their payment, and the general liability of the City of Memphis therefor being expressly excluded; *Provided,* that the City Council may let the contracts to erect said plants to the lowest bidder as in other contracts.

Denomination and issuance of bonds to citizens.

SEC. 4. *Be it further enacted,* That the bonds shall be of the denomination of one hundred dollars, and immediately upon the Legislative Council of the City of Memphis passing the resolution to construct the electric light and gas plant the Legislative Council shall advertise for bids for the said bonds, limiting the bids to citizens of the City of Memphis, said bids to be for cash, and limiting the amount of the bids of each citizen to one thousand dollars

of said coupon bonds, the advertisement to be in a daily paper of the City of Memphis for thirty days, bids to be received at the several banks of the City of Memphis and opened on a day fixed in the advertisement by the Legislative Council, and thereupon, if there shall be a sufficient aggregate amount of the said coupon bonds subscribed to be taken by the citizens of Memphis as will be sufficient to construct said electric and gas plants, or to pay for the construction thereof, then there shall be an acceptance of said bids; *Provided, however,* that each bid shall equal the par value of the bonds bid for, and in no event may a bid be accepted below the par value of the said bond.

May afterwards advertise generally for bids.

If, however, the citizens of Memphis do not offer to take the amount of said bonds, as herein provided for, then the Legislative Council for the said City of Memphis shall advertise for bids generally, and without regard to the amount to be bid for by any one person, and in the event a sufficient amount is subscribed for to construct the said electric light plant and gas plant the bids shall be accepted, and the money realized from the sale of said bonds paid to the city upon the proper conveyance by the City of Memphis, and in the event of the construction and equipment of a new plant the City of Memphis is authorized to receive in installments of twenty per cent the amount bid for the said bonds, and issue certificates to the bidders, and to apply the proceeds to the construction and equipment of the said plants; *Provided,* said bonds shall not be sold for less than net par, but if it be necessary to employ a broker or agent to negotiate such sale, no more commission than three-eighths of one per cent shall be paid.

Protection of bidders.

SEC. 5. *Be it further enacted,* That the Legislative Council of the City of Memphis is hereby required to establish by ordinance an absolute trust that will adequately protect the bidders who bid for the bonds in disbursement of the money paid in installments as herein provided to the end that the same shall be absolutely paid for the construction and equipment of gas and electric plants in the said city under the provisions of this Act, and in no wise diverting a dollar from these purposes, and just as soon as said plants are constructed and equipped to execute a trust deed to three trustees and their survivors conveying the entire plant, its property, appurtenances, fixtures, and the franchise to operate the same for a period of thirty years as a security for the payment of said bonds. And in order to afford security for installments paid by the said bidders

upon the plant while it is in process of erection and until the same has been completed and the trust deed thereon is executed, a lien is hereby declared in favor of those who may make advances to the city on account of their bond subscription upon all the lands and properties acquired for the said plants as well as the franchise aforesaid.

Bonds required of all officers.

SEC. 6. *Be it further enacted,* That each and every one of the employees appointed by the Legislative Council, charged with the duties of conducting and managing the said plants or receiving and collecting from the inhabitants of the said city money for gas or electricity, shall be required to give bonds in such penalties as the Legislative Council by ordinance may require.

SEC. 7. *Be it further enacted,* That there shall be charged as against the City of Memphis sixty-five dollars per year for each and every one of the lectric arc lights per annum, upon the streets, alleys, and public places in said City of Memphis, and sixty dollars per annum for every gas light erected on said streets, alleys, and public places, and twelve cents per thousand watts consumed of electric current, and one dollar per thousand feet of gas consumed in the public buildings in the City of Memphis.

Monthly statement.

SEC. 8. *Be it further enacted,* That there shall be rendered to the City of Memphis a monthly statement of the electric light and gas bill at the rate specified in Section 7 of this Act, and the amounts thereof charged against the said city, which amounts shall by the said city be credited to the electric and gas plants and set apart as a sinking fund in that bank in the City of Memphis that will pay therefor the highest rate of interest and secure the payment thereof by an undoubted bond, which said funds so deposited and interest thereon shall be held to take up the bonds authorized under this Act at their maturity, and for the payment of interest coupons in the event that a sufficient income should not arise from other sources than the public light to pay the operating expenses of the plant and the fixed interest charged.

SEC. 9. *Be it further enacted,* That private consumers in the City of Memphis shall not be charged higher rate for electricity and gas than is by the seventh section of this Act required to be charged the City of Memphis for its public lights, but the Legislative Council shall reduce the prices to consumers when in their discretion the receipts will pay the cost of maintaining the plant, the necessary repairs, the sinking fund, and interest coupons.

Superintendent to report monthly.

SEC. 10. *Be it further enacted,* That the Superintendent shall on the first Monday in each and every month furnish to the Legislative Council an itemized and sworn statement showing the receipts and disbursements of the plant under his charge, indicating on his said statement the cost of electricity and gas for the preceding month, the amount paid by private consumers, and the amount charged against the City of Memphis, and include in his said statement each and every item showing the expenditure of money on account of said plants.

SEC. 11. *Be it further enacted,* That upon the passage of this Act the Legislative Council of the City of Memphis shall immediately take such steps as shall be necessary to carry out its provisions and to install public plants for furnishing gas and electricity upon the streets, alleys, parks, and other public places in and contiguous to the City of Memphis and to such of the inhabitants of the City of Memphis as desire to patronize the said public plants, so installed and authorized to be installed by the said City of Memphis, and to this end the Legislative Council is vested with all necessary powers to construct the aforesaid plants.

SEC. 12. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 173.

SENATE BILL No. 246.

AN ACT to require owners of automobiles to register and number the same; to regulate the operation thereof; to provide for the recovery of damages for injuries caused by the unlawful running thereof; and to fix the penalty for the violation of the provisions of this Act.

Register with Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That before any owner of any automobile, locomobile, motorcycle, or any other vehicle of like character, other than street railway cars hereinafter termed "automobile," used for the purpose of transporting or conveying persons or freight, or for any other purpose, whether such automobile is propelled by steam, gasoline, or electricity, or any other mechanical power, shall operate or permit to be operated any automobile upon any street, road, highway, or any other public thoroughfare, such owner shall register such automobile with the Secretary of State, giving the motive power, and make of the same, together with the name and residence address of such owner, and shall, upon the payment of a fee of two ($2.00) dollars, receive from the Secretary of State a certificate showing such registration, which certificate shall be numbered as issued in consecutive order, beginning with "100," and shall thereafter, upon the payment of a fee of one ($1.00) dollar, register said certificate with the County Court Clerk of the county in which such owner may reside.

Whenever the ownership of such automobile shall become changed, by sale or otherwise, the purchaser thereof shall be required to notify the Secretary of State of such transfer and receive a certificate in his name, for which he shall pay a fee of one ($1.00) dollar, and he shall be required to register such certificate with the County Court Clerk of the county in which he resides, and pay therefor a fee of fifty (50) cents.

To be numbered —how.

SEC. 2. *Be it further enacted,* That a number in Arabic numerals of not less than three inches in height and one and one-half inches in width, corresponding to that assigned to such automobile by the Secretary of State in the certifi-

cate by him issued, as hereinbefore provided for, shall be displayed in a conspicuous manner at both the front and rear of such automobile, which said number shall be plainly written, printed, stamped, or otherwise set out upon a durable and substantial plate of the size of not less than four inches in height and seven inches in length, and to be provided by the owner of such automobile. In order to prevent confusion in numbers, no municipality shall require the owner of any automobile to place thereon any other or different number than that required in this section, and such owner shall not exhibit or permit to be attached to such automobile any other or different number than that provided for in said certificate.

Rate of speed.

SEC. 3. *Be it further enacted,* That no automobile shall be run or driven upon any road, street, highway, or other public thoroughfare at a rate of speed in excess of twenty miles per hour; *Provided,* that any municipality shall have the authority to prescribe a lower maximum rate of speed within its corporate limits.

Duties of chauffeurs on meeting vehicles.

SEC. 4. *Be it further enacted,* That whenever it shall appear than any horse or horses, driven or ridden by any person or persons, upon any street, road, highway, or other public thoroughfare, is about to become frightened by the approach of any automobile from an opposite direction, it shall be the duty of such person driving such automobile to bring the same to a full stop until such horse or horses shall have passed; and upon approaching any horse or horses from the rear it shall be the duty of the driver of any automobile to slow down his rate of speed and make known his approach to such person or persons driving or riding such horse or horses, by ringing a bell or sounding a horn, and should such horse or horses appear to be frightened to stop such automobile for a time sufficient for such person or persons to alight, if desired, and take hold of such horse or horses, or otherwise control the same.

SEC. 5. *Be it further enacted,* That whenever any suit for damages is brought in any court of competent jurisdiction for injuries to person or property caused by the running of any automobile in willful violation of the provisions of this Act, there shall be a lien upon such automobile for the satisfaction of such recovery as the court may award whether, at the time of the injury, such automobile was driven by the owner thereof or by his chauffeur, agent, employee, servant, or any other person using the same by loan, hire, or otherwise.

SEC. 6. *Be it further enacted,* That a failure on the part of any person or persons to observe and comply with the provisions of this Act shall be deemed a misdemeanor, punishable by a fine of not less than twenty-five nor more than one hundred dollars.

SEC. 7. *Be it further enacted,* That this Act take effect thirty days after the date of its passage, the public welfare requiring it.

Passed March 27, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

Approved April 4, 1905.

JOHN I. COX,
Governor.

CHAPTER 174.

SENATE BILL No. 135.

AN ACT to provide for the division by private corporations hereafter created or organized under existing status of this State of their capital stock into common and preferred stock, and to define the terms upon which such division may be made, and the qualities of each class of stock when so divided.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all private corporations hereafter created or organized under existing statutes of this State shall have the right to divide their capital stock into common and preferred stock; *Provided, however,* it shall be stated in the charter of incorporation how much of the capital stock is to be common stock and how much preferred stock; and *Provided further,* that in no case shall the preferred stock of any such corporation exceed two-thirds of the total capital stock authorized by the charter; *Provided further,* that nothing but cash at not less than par valuation be received in payment for preferred stock.

May issue common and preferred stock.

SEC. 2. *Be it further enacted,* That every such corporation dividing its capital stock into the two classes of com-

mon and preferred stock, as provided in Section 1 of this Act, shall state in its charter of incorporation whether the preferred stock is subject to be redeemed at not less than par; and, if so, the time and price of such redemption shall be fixed also in the charter, in which event said preferred stock, or any part thereof, may be redeemed by the corporation.

Rights of preferred stockholders.

SEC. 3. *Be it further enacted,* That the holders of such preferred stock shall be entitled to receive, and such corporation shall be bound to pay thereon, a fixed yearly dividend, to be expressed in the charter, not exceeding ten per centum, payable semi-annually, or annually, before any dividend shall be set apart or paid on the common stock, and such dividend may be made cumulative; and in no event shall a holder of preferred stock be personally liable for the debts of the corporation, unless such preferred stock shall have participated in voting in the corporation under the provisions of Section — of this Act, in which event the holder thereof shall be liable as a holder of common stock. In case of insolvency the debts or other liabilities of such corporation shall be paid in preference to the preferred stock. Such preferred stock, however, shall take precedence over the common stock in the distribution of the assets of the corporation in case of dissolution.

Directors to be given authority by stockholders to issue.

SEC. 4. *Be it further enacted,* That no such preferred stock as herein provided for shall be issued by any corporation except by authority given to the Board of Directors of the corporation by a vote of at least two-thirds of the common stock, at a meeting of the owners of such common stock called for that purpose; nor shall any such preferred stock have any voting power in the corporation except such as is given it by a similar two-thirds vote of the common stock.

SEC. 5. *Be it further enacted,* That the owners of the preferred stock, under this Act, except as hereinbefore provided, shall be subject to the same privileges, obligations, and liabilities as are holders of common stock.

Certificates of stock to be designated—how.

SEC. 6. *Be it further enacted,* That all certificates of stock of corporations authorized by their charters, as herein provided, to divide their capital stock into the two classes hereinbefore specified, shall have plainly written or printed on their face the words "common stock" or "preferred stock," according as such certificates may be for the one class or the other; and all certificates not so distinguished shall be conclusively deemed to be for common stock.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

Approved April 5, 1905.

JOHN I. COX,
Governor.

CHAPTER 175.

HOUSE BILL No. 245.

AN ACT entitled "An Act to prevent live stock from running at large in counties of this State having a population of fifteen thousand five hundred and twelve, and not over fifteen thousand five hundred and seventy, according to the Federal Census of 1900, or according to any subsequent Federal Census, and to prevent the necessity of fencing lands in counties that are not affected by this Act, and that may hereafter be affected by it."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all counties in this State having a population of fifteen thousand five hundred and twelve, and not more than fifteen thousand five hundred and seventy, according to the Federal Census of 1900, or according to any subsequent Federal Census, it shall be unlawful for any owner of any horse, cow, sheep, goat, or hog, or any other live stock, knowingly to permit the same to run at large within the limits of such counties within this State.

This Act applies to Grainger County.

SEC. 2. *Be it further enacted,* That the owner of live stock, mentioned or included in Section 1 of this Act, shall be liable for all damages done to the property of other persons while any of said stock may be running at large in said counties.

SEC. 3. *Be it further enacted,* That in addition to the owner's liability for the damages done by the live stock mentioned or included in Section 1 of this Act, the party damaged shall have a lien on the animal or animals doing the damage, and may enforce the lien by attachment as landlord for rent.

SEC. 4. *Be it further enacted,* That any person or persons upon whose lands such live stock shall be found running at large, shall have the right to take up and confine them, giving same reasonable good feed and attention, and shall be entitled to a reasonable compensation for same, and shall have, and is hereby given, a lien upon said live stock for same.

SEC. 5. *Be it further enacted,* That any person violating this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than fifteen dollars.

SEC. 6. *Be it further enacted,* That nothing in this Act shall operate to annul or repeal the railway fence and stock law.

SEC. 7. *Be it further enacted,* That this Act shall take effect from and after the first day of June, 1905, the public welfare requiring it.

Passed February 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 5, 1905.

JOHN I. COX,
Governor.

CHAPTER 176.

House Bill No. 110.

AN ACT to establish a special School District in Campbell County, including the Town of Elk Valley.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District, to be known as School District No. 1, be established in Campbell County, including the Town of Elk Valley, with the following boundaries: Beginning on the north corner of C. M. McGee's land on top of the Jellico Mountain; thence southeast with the said McGee's line to Elk Fork Creek, to a stake in John Sharp's line; thence southeast with the south line of the said John Sharp to a stake near the top of Pine Mountain; thence northeast with the top of said mountain to the latitude line; thence with the latitude line west to a poplar near the top of Jellico Mountain, corner of Wm. Jeffer's; thence southeast with the top of Brook's Mountain to the beginning corner.

Sec. 2. *Be it further enacted,* That the Board of Election Commissioners for the County of Campbell, or such person or persons as may hereafter be designated by law to hold elections in and for said county, after giving ten days' notice in writing, shall hold an election at the Town of Elk Valley in said district on the second Thursday in May, 1905, for the purpose of electing three persons to serve as School Directors of said School District until the next regular August election, when their successors shall be elected, and in like manner be elected every two years thereafter at the regular August election. All persons living within the limits of said School District, who would be qualified to vote in any of the elections already provided for, shall be entitled to vote for School Directors; and no person shall be eligible for the office of School Director unless he is a citizen inside of the said School District.

Sec. 3. *Be it further enacted,* That the School District created by this Act shall have all the emoluments, rights, and privileges, and be governed by the laws and

rules that regulate and govern other School Districts in this State.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 177.

HOUSE BILL No. 425.

AN ACT to create a special School District in the Second Civil District of Dyer County, and to provide for directors and government of same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be, and the same is hereby, created in the Second Civil District of Dyer County, bounded as follows: Beginning at the northwest end of Nash's Bluff on the Forked Deer River; thence in a westerly direction to Walter Hill's northeast corner; thence westerly to said Walter Hill's southwest corner; thence westerly to W. G. Golden's southwest corner on Cane Creek; thence to Pond Creek; thence down said Pond Creek to its mouth, where it empties into Forked Deer River; thence east up said river to the beginning.

SEC. 2. *Be it further enacted,* That Directors of the Second School District of Dyer County be, and the same are hereby directed and empowered to pay over to the Directors of the special School District created by this Act in proportion to the scholastic population of said special district its pro rata of all school funds in their hand at the time of the passage of this Act.

SEC. 3. *Be it further enacted,* That the County Superintendent of Public Instruction for Dyer County is hereby authorized and directed to number said special district and to appoint three directors for same to serve until the next regular election for School Directors, when three Directors shall be elected by the people of said special district in the manner now provided by law, and said Directors shall employ teachers and make contracts for same and said special district shall be entitled to the same lawful privileges, immunities, and rights of other School Districts, and be subject to the same regulations.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and this Act take effect from and after July 1, 1905, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 178.

HOUSE BILL No. 412.

A BILL to be entitled "An Act to change the line between McMinn and Polk Counties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between McMinn and Polk Counties be, and the same is hereby, changed so as to include within the First Civil District of Polk County the lands of John M. Dunn and Charlie Smith, which are now in the Seventeenth Civil District of McMinn County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 179.

House Bill No. 403.

A BILL to be entitled "An Act to repeal an Act passed on the 10th day of February, 1903, approved March 11, 1903, entitled 'An Act to prohibit the running at large of live stock in counties of a certain population in Tennessee,'" same being Chapter 84, Acts 1903, and the Act amendatory hereof, passed April 9, 1903, approved April 13, 1903, same being Chapter 281, Acts 1903.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 84 of the Acts of 1903, passed on the 10th day of February, 1903, approved March 11, 1903, entitled "An Act to prohibit the running at large of live stock in counties of a certain population in Tennessee," and the Act amendatory thereof, passed April 9, 1903, approved April 13, 1903, same being Chapter 281, Acts 1903, be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 180.

House Bill No. 557.

AN ACT to establish an independent School District from portions of the Fifth and Fifteenth Civil Districts in the County of Rutherford, State of Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory herein designated as follows:

Beginning at L. M. Vaugher's northwest corner, a stake, thence south with said line to J. A. Todd's corner; thence east with said Todd and Vaughter's line to Mrs. Frank Barrett's northeast corner; thence south with said Barron's line to a rock in the center of the road, Mrs. Harriet Robinson's northwest corner; thence east with Mrs. Robinson's and R. D. Barrett's north boundary line to R. D. Barrett's northeast corner; thence south with said Barrett's line to Drewry Hull's northeast corner; thence south to Elic Carter's north boundary line; thence west with said Carter's line to John Hull's northeast corner; thence south with Hull's line to Marshall Bell's northwest corner; thence west with John Stevenson's north boundary line to J. F. Weather's northeast corner; thence west with said J. F. Weather's line to a stake, John Ester's southwest corner; thence north with Mrs. John Short's east boundary line to Jim Evans' south boundary line; thence west with said line to J. B. Vaughter's southwest corner; thence north with said Vaughter's to W. A. Evans' southwest corner; thence with said Evans' line to H. J. Weather's north boundary line; thence east with said line to John Vaughter's southeast corner; thence north with said Vaughter's line to creek; thence northeast with creek, John Vaughter's north boundary line, to Sam Drennan's corner; thence northeast with creek and Sam Drennan's west boundary line to beginning, the same being a portion of the Fifth and Fifteenth Civil Districts of Rutherford County, State of Tennessee, be, and the same is hereby, established into a School District No. 54, of the County of Rutherford, State of Tennessee.

SEC. 2. *Be it further enacted,* That said new district shall be entitled to their *pro rata* of the school fund and taxes on land or to be collected and due to them as the law now is.

SEC. 3. *Be it further enacted,* That the County Superintendent of Public Schools of said county shall at once appoint the School Directors for said district, to serve until the next election for School Directors, and this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 181.

HOUSE BILL No. 484.

AN ACT authorizing the Mayor and Aldermen of Lebanon, in Wilson County, Tennessee, to issue not exceeding twenty-five thousand dollars of interest-bearing, coupon bonds, not exceeding ten thousand dollars of which bonds to be used exclusively in securing a water supply for the Town of Lebanon, Tennessee, by sinking wells, or by any other means approved by the Board of Mayor and Aldermen, and for extending and improving the present waterworks plant of said town; the remaining fifteen thousand dollars, or such part thereof as may be necessary, to be used exclusively in building and constructing sewers in Lebanon, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of Lebanon, in Wilson County, Tennessee, a municipality of Tennessee, organized under the Acts of the General Assembly, is hereby empowered, in its corporate capacity, to issue bonds of said city or town, to be signed by the Mayor and countersigned by the Secretary of the Board of Mayor and Aldermen, with interest coupons attached, and the seal of said city or town affixed, to an amount not exceeding twenty-five thousand ($25,000) dollars.

Denomination and series.

SEC. 2. *Be it further enacted,* That the bonds herein provided may be executed in denomination from one hundred to one thousand dollars, and shall mature as follows: Two thousand dollars in five years from date; two thousand five hundred dollars ten years from date; three thousand dollars in fifteen years from date; four thousand dollars in twenty years from date; five thousand dollars in twenty-five years from date; and eight thousand five hundred dollars in thirty years from date (from date means from date of issuance of bonds), bearing interest at the rate of not more than five (5) per cent per annum, payable semi-annually. Said bonds shall be sold in no case for less than their face value, and shall be payable in legal tender money of the United States of America.

Portion for waterworks.

SEC. 3. *Be it further enacted,* That ten thousand dollars ($10,000) of said bonds shall be known as the "Waterworks Improvement Bonds;" the proceeds of which bonds, or such part thereof as may be necessary, shall be used exclusively in the payment of such indebtedness as may be contracted in securing a water supply for Lebanon, and for improving and extending the present waterworks plant in Lebanon, said extension and improvements being governed by the Mayor and Aldermen of Lebanon, as they shall direct by ordinance or resolution.

Portion for sewers.

SEC. 4. *Be it further enacted,* That the remaining amount of bonds authorized to be issued hereunder, not exceeding in amount the sum of fifteen thousand dollars ($15,000), shall be known as "Sewer Bonds," and the proceeds thereof, or so much as may be necessary, to be used exclusively in building and equipping sewers in and for Lebanon, Tennessee, as may be directed by the Mayor and Aldermen by ordinance or resolution.

Election on issuance.

SEC. 5. *Be it further enacted,* That before said bonds shall be issued the Mayor and Aldermen shall order an election held by the qualified voters of said city or town to ascertain the will of said voters in reference to the issuance of said bonds. As many elections may be held as may be deemed necessary, and at different times, to determine the will of said voters in reference to the issuance of said bonds herein provided for. The question of authorizing the issuance of all the bonds herein provided for, or such amounts as may be deemed necessary to obtain a water supply and to extend and improve the "waterworks plant" and build the sewers, may be submitted and voted on in the same election; *Provided,* the amount for each purpose

is stated and set out in the ordinance, the election to be held, or the proposition to authorize the issuance of either the "Waterworks" or "Sewer Bonds" may be voted on in separate elections and at different times and in different ballot boxes. The election or elections herein provided for may be held at the time of any city or town election for officers or any other purpose, by the same officers and upon the same ballot used in such election or at any other time that may be directed and ordered by the Mayor and Aldermen of Lebanon. If an election or elections other than a general election then the Mayor and Aldermen shall appoint the Officers, Judges, and Clerks to hold said election, which shall be conducted under the law requesting the election of members of the Legislature, and the officer holding the same shall certify the returns to the Mayor and Aldermen, who shall canvass the same and declare the result, after advertising same for at least thirty (30) days, either by publication in some local newspaper or by written or printed hand bills.

Who may vote.

SEC. 6. *Be it further enacted,* That at any of these elections, herein provided for, all persons shall be entitled to vote who are qualified to vote for members of the Board of Mayor and Aldermen. Legal ballots shall be used in said elections, on which shall be written or printed: "For the Waterworks Bonds," "Against the Waterworks Bonds," "For the Sewer Bonds," "Against the Sewer Bonds." Those in favor of the issuance of the Waterworks Bonds shall have on their tickets "For the Waterworks Bonds," and those against the issuance of the Waterworks Bonds will have on their tickets, "Against the Waterworks Bonds." Those in favor of issuance of the "Sewer Bonds" shall have on their tickets, "For the Sewer Bonds," and those against the issuance of the "Sewer Bonds" will have on their tickets, "Against the Sewer Bonds." If at any election held under the authority of this Act, the majority of the votes cast on the proposition to issue either the "Waterworks Bonds" or the "Sewer Bonds" are cast either for the "Waterworks Bonds" or for the "Sewer Bonds," then the Mayor and Aldermen shall have power and authority to issue said bonds so authorized by said election, but not otherwise.

Ballots.

SEC. 7. *Be it further enacted,* That if the bonds are issued under the provisions of this Act, the Mayor and Aldermen are hereby authorized and empowered to levy such taxes on property, privileges, and polls (if a poll tax

should ever be levied), of the City of Lebanon as will be sufficient to pay the semi-annual interest on said bonds, and to provide for a sinking fund to meet the payment of said bonds at maturity, which tax shall be used exclusively for the purpose levied, and the coupons attached be receivable at maturity for all taxes and dues to the Mayor and Aldermen, except the sinking fund provided for in this Act and the sinking fund provided for in the charter of the Town of Lebanon, Tennessee, as set out in the Acts of the General Assembly of 1901; said tax here provided for shall be collected as other taxes for the City of Lebanon are now collected. The Mayor and Aldermen of said city or town may, by ordinance, adopt such rules and regulations as may be advisable for the control and management of said plants and for the purpose of investing and safe-keeping of the sinking fund herein provided for, for the Mayor and Aldermen shall elect a sinking fund commission, which commission shall be composed of three citizens of the Town of Lebanon. One of the members of said commission shall be the secretary and treasurer of said commission, and he shall give bond in such sum as shall be provided by ordinance, and all members of such commission shall take an oath to faithfully discharge their duties and shall serve for such compensation as shall be provided by ordinance, and it shall be their duty as commissioners to receive the sinking fund tax when collected, to invest the same from time to time in the redemption of said bonds, or in other securities to be approved by the Mayor and Aldermen until the bonds are redeemable, and all bonds by them at any time redeemed, shall be cancelled in the presence of the Mayor and Aldermen, by whom a record thereof shall be kept. Said Commissioners shall make settlements as may be required by ordinance, and shall hold their office during the pleasure of the Mayor and Aldermen. Said Commissioners may apply any part or all of said sinking fund on hand at any time to the purchase of any of said bonds as can be bought.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905. W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Approved April 6, 1905. *Speaker of the Senate.*

JOHN I. COX,
Governor.

CHAPTER 182.

House Bill No. 301.

AN ACT entitled "An Act to create and establish School District No. 30 in Wilson County, and define the boundaries thereof, and appoint the first Board of Directors."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, known as No. 30, be, and the same is hereby, created and established in Wilson County, Tennessee, and that the boundaries thereof shall be as follows:

School District No. 30, Wilson County, in the Twentieth and Twenty-Third Civil Districts of said county, beginning at the rock hole on Fall Creek, J. M. Harris' southwest corner; thence south to the Rutherford County line; thence west with said line to the old Jefferson Road on the Smith boundary line of T. H. Vaughter's land; thence with said road north to the crossroad near D. C. Sanes'; thence east, crossing the Lebanon and Murfreesboro pike at the twelve-mile post from Lebanon, to the northwest corner of White Hackney's orchard; thence south to the beginning.

Sec. 2. *Be it further enacted,* That W. H. Garrett, T. H. Hackney, and J. M. Dougherty shall constitute the first Board of Directors for this district, and exercise all the powers thereof until their successors are elected or appointed according to law.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 183.

House Bill No. 236.

AN ACT to create a special School District in Henry County, Tennessee, and provide for directors and government of same.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be, and the same is hereby, created in the Eighth Civil District of Henry County, and bounded as follows: Beginning at the southwest corner of the old Eighteenth Civil District; thence north one and three-fourths miles to W. A. Buie's northwest corner; thence east with the north boundary lines of the farms of W. A. Buie, J. W. Rogers, Mrs. A. A. Adams, W. P. Phillips, J. R. Patterson, J. W. and F. W. Neese, and C. L. Lawrence, to the Buchanan and Elphran Road; thence south and east with said road to J. H. Warmack's northeast corner; thence south with Warmack, King, and Hagler's line to the Cowpath Road; thence west with said road two and one-half miles with D. L. Jackson's corner; thence south to J. S. Gamlin's south boundary line; thence west to Holly Fork Creek; thence northwest with the same to the beginning.

Directors of Eighth District to pay over funds.

Sec. 2. *Be it further enacted,* That the Directors of the Eighth School District be, and the same are hereby, directed and empowered to pay over to the Directors of special School District, made by this Act, in proportion to the scholastic population of the School District, its *pro rata* of all school funds in their hands at the time of the passing of this Act, together with what school furniture was saved at the time of the burning of the Belle Academy, including seats, desks, etc.

County Superintendent to give number and appoint first directors

Sec. 3. *Be it further enacted,* That the County Superintendent of the Public Instruction for Henry County is hereby authorized and directed to number said special School District and appoint three Directors for same, to serve until the next general election for School Directors, when three Directors shall be elected by the qualified voters of said district in a manner provided by law, which

shall be elected by an election to be held at said schoolhouse on the second Saturday in May, who shall serve two years and until their successors are elected; and said special district shall be entitled to the same lawful privileges and immunities and rights of any other School District, and be subject to the same regulations and resolutions.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 184.

HOUSE BILL No. 376.

AN ACT to make the School Districts of Obion County as they existed on January 1, 1903, the legal School Districts of that county, and to provide for the appointment and election of School Directors for same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the metes and bounds of the several districts of Obion County, as they existed on the first day of January, 1903, and as shown by the records of the County Court of said county, be, and are hereby, made the lawful School Districts of Obion County.

SEC. 2. *Be it further enacted,* That where said School Districts are not co-extensive with the present School Districts, the County Superintendent shall appoint three Directors for each district hereby established, to serve until the regular election in August, 1906, when Directors shall be elected as provided for by the Acts of 1873.

SEC. 3. *Be it further enacted,* That the Trustee of Obion County shall distribute the school funds now on hand, and belonging to the several School Districts, to the districts hereby established, according to their scholastic population.

SEC. 4. *Be it further enacted,* That this Act shall in no way interfere with Section 22, Sub-Section 9, Chapter 240, of the Acts of 1903; but that said section shall apply in all ways to the said School Districts hereby established.

SEC. 5. *Be it further enacted,* That this Act shall take effect from and after the first day of June, 1905, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 185.

HOUSE BILL No. 482.

AN ACT to create an independent School District from parts of the First and Fifth Civil Districts of Henderson County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District be established from parts of the First and Fifth Civil Districts of Henderson County, with metes and bounds as follows: Beginning at a point where the public road leading from Lexington to Huntingdon crosses the head of Sandy River; runs thence westwardly up said Sandy River or creek to the line of Bob Lee's land; thence south on the line between the lands of Bob Lee and Z. J. Milam and R. H. Rhodes and Z. J. Milam to the line of I. I. Pruett's land; thence including I. I. Pruett's land west and south to J. A. Fesmire's land; thence south with the line of said Fesmire's land to the ditch or branch near the old Fuller Place; thence down said ditch and branch to Buck River;

thence down Buck River to the mouth of the Buckett Branch; thence eastwardly up said branch, crossing the road leading from Lexington and Huntingdon, and on, crossing the N., C. & St. L. Railroad, to the public road leading from Lexington to Camden; thence with said road, following the old branch of same, past the old A. W. Harman homestead, to where said old road formerly crossed by a bridge, a large, deep gulch on the headwaters of Olive Branch; thence down said gulch and Olive Branch in a direction west by north to Sandy River; thence up said Sandy River to the beginning.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 186.

HOUSE BILL No. 310.

AN ACT to change the line between Union and Knox Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Union and Knox Counties be, and the same is hereby so changed as to detach a small triangular piece of land belonging to W. E. Smith and William Childress from Knox County and attach same to Union County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 187.

House Bill No. 475.

AN ACT to repeal Chapter 152 of the Acts of the General Assembly of the State of Tennessee of 1903, and to repeal the charter of the Town of South Fulton, in Obion County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 152 of the Acts of the General Assembly of Tennessee for 1903 be, and the same is hereby, repealed, and the charter privileges of the Town of South Fulton, in the County of Obion and State of Tennessee, as a municipal corporation, are hereby revoked, and the charter of said town and all amendments thereto rendered null and void.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 188.

House Bill No. 507.

AN ACT to be entitled "An Act to repeal Sections 1, 2, 3, and 4 of Chapter 128 of the Acts of 1850, incorporating Mars Hill Academy in Rhea County, and to authorize the Board of Trustees to dispose of property of said academy."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sections 1, 2, 3, and 4 of Chapter 128 of the Acts of 1850 be, and are hereby, repealed.

Sec. 2. *Be it further enacted,* That L. M. Heiskell, S. P. C. Robinson, R. M. Robinson, and W. T. Gass, the only living members of the Board of Trustees of said academy, be, and they are hereby, authorized and empowered to sell the property belonging to said academy, consisting of a lot of real estate bounded on the north, south, and west by the L. M. Heiskell's land, and on the east by John Dunlap and the buildings thereon, and make title thereto; and out of the proceeds pay the expenses of said sale and any indebtedness due by said academy, and they will invest the remainder in school property in the First School District in the benefit of the white school children of said School District.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 189.

HOUSE BILL No. 505.

AN ACT to amend Chapter 240 of the Acts of the General Assembly of the State of Tennessee for 1903, and to provide for the establishment of School Districts by the County Courts of the various counties of the State, and for the appointment of School Directors in the districts so created; *Provided*, this Act shall apply only to counties in this State having a population of not less than twenty-five thousand nor more than twenty-five thousand and thirty, according to the Federal census of 1900, or any subsequent Federal census.

This Act applies to Robertson County, population being 25,029.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 3 of Chapter 240 of the Acts of the General Assembly of the State of Tennessee for 1903, passed April 13, 1903, and approved April 15, 1903, be, and the same is hereby, amended by adding to the end of said section the words, "Or by the action of the Quarterly County Courts of the several counties of the State; *Provided,* this Act shall apply only to counties in this State having a population of not less than 25,000 nor more than 25,030, according to the Federal Census of 1900 or any subsequent Federal Census."

SEC. 2. *Be it further enacted,* That Section 5 of the said Chapter 240 of the Acts of the General Assembly for 1903 be also amended by adding to said section the words: "County Superintendent of Schools shall appoint the three School Directors for any district created by the said County Courts of the several counties, which Directors shall serve till the next regular election of School Directors, and said appointees shall have the same qualifications and take the same oath now provided by law for School Directors.

SEC. 3. *Be it further enacted,* That Section 9 of Chapter 240 of the Acts of 1903 be amended by striking out 70 and inserting therefor 50.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 190.

HOUSE BILL No. 328.

AN ACT to create a special School District in the Third Civil District of Cannon County, and provide for election of directors, and government of same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be, and the same is hereby, created in the Third Civil District of Cannon County, bounded as follows: Beginning in John Good's south boundary line, and with his line to the county line; thence north with said county line to Dr. G. A. Spear's south line, east with his line, north with Spear's line, to the south line of W. F. Dickens' and brothers' south line; thence with their southeast boundary line to the lands of Young and Garther, east to the Sixteenth School District; thence south with said line to the north boundary line of the Twelfth Civil District; thence up said creek to the southwest boundary line of Willey Willis to the place of beginning.

Election of directors.

SEC. 2. *Be it further enacted,* That the proper election authorities of Cannon County be, and are hereby, empowered and required to hold an election within said School District by the qualified voters of said district on the second Saturday in May, 1905, for School Directors, to hold their respective office until next regular election.

SEC. 3. *Be it further enacted,* That the officers appointed by said authorities shall serve without compensation.

SEC. 4. *Be it further enacted,* That the Clerk of said district shall furnish to County Superintendent of Cannon County a correct statement of the number of children within said district, which includes children belonging to School No. 1 in the Third District.

SEC. 5. *Be it further enacted,* That County Superintendent shall furnish a copy of said enumeration to the Trustee of Cannon County, who shall pay out moneys belonging to that portion of said county, upon orders of Directors of said district.

SEC. 6. *Be it further enacted,* That all laws and parts in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 191.

HOUSE BILL No. 490.

AN ACT to change the line between Moore and Franklin Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Moore and Franklin Counties be, and the same is hereby, so changed as to include all the lands of A. J. Womack in Moore County, and said lands are hereby detached from Franklin County and attached to Moore County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 6, 1905.

JOHN I. COX,
Governor.

CHAPTER 192.

SENATE BILL No. 402.

AN ACT to change and fix the time for holding the Circuit Courts in the several counties in the Twelfth Judicial Circuit of Tennessee, and to provide for and make valid all bonds, recognizances, and all processes issued prior to the passage of this Act, and provide for the return thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That on and after the last day of April, 1905, the Circuit Courts of the State of Tennessee shall be convened and held in each calendar year in the various counties composing the Twelfth Judicial Circuit of Tennessee on the respective dates fixed in the following schedule:

Madison County, the first Monday in January, May, and September.

Henderson County, the second Monday in February, June, and October.

Chester County, the fourth Monday in February, June, and October.

Perry County, the first Monday in March, July, and November.

Hardin County, the first Tuesday after the third Monday in March, July, and November.

Decatur County, the second Monday in April, August, and December.

SEC. 2. *Be it further enacted,* That hereafter all bonds and recognizances shall be taken and all process made returnable to said court in these various counties at the time and according to the terms fixed by this Act for holding the same, and all bonds and recognizances that have been taken, or that may be taken at or after the last term of said court, as the same may have been held in any county under the existing laws of this State, and all process issued and bonds taken after that time, shall be returnable to the first term of said court to be held in that respective county under the provisions of this Act.

SEC. 3. *Be it further enacted,* That no civil suit or criminal prosecution or other judicial proceedings, wheth-

er civil or criminal, now pending, or that may hereafter pend, in the various Circuit Courts of these respective counties, shall abate or suffer discontinuance by reason of the abolition or postponement of the terms of said courts that would next ensue under existing laws but for the provisions of this Act, but the same shall be and pend in the next term in each respective county that shall be held under the provisions of this Act as though the said original term had not been changed.

SEC. 4. *Be it further enacted,* That this Act take effect on and after the last day in April, 1905, the public welfare requiring it.

Passed March 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 193.

HOUSE BILL No. 639.

A BILL to be entitled "An Act to change the line between the Counties of Overton and Pickett."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Overton and Pickett be so changed as to detach that part of the land of Lottie Sells' farm, Overton County, and attach Pickett County, which land is at or near Spurier, Tenn.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 194.

House Bill No. 518.

AN ACT to incorporate the Town of Greenfield, in Weakley County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Greenfield, in the County of Weakley, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name and style of the Mayor and Aldermen of the Town of Greenfield, and by such name may sue and be sued, plead and be impleaded, in all courts of law and equity and in all actions whatever, and may grant, receive, purchase, and hold, real, personal, and mixed estate and dispose of the same for the benefit of said town, and for that purpose alone, and do all other acts touching the same as natural persons for the benefit of said town, and may have a town seal.

Boundaries.

Sec. 2. *Be it further enacted,* That the corporate limits of the Town of Greenfield shall be as follows: Beginning at the east end of the bridge on the Big Branch two hundred and thirteen and one-half poles west to the Illinois Central depot in said town; thence south one hundred and eighty poles to a stake in Robert Kinnery's berry field; thence south seventy-eight degrees east two hundred poles to a stake in public road; thence north eighty-two degrees east (crossing the Illinois Central Railroad at fifty-two poles) one hundred and forty-nine poles to a stake on south side of road southeast of H. O. Elam's residence; thence north one hundred and twenty-one poles to a stake one pole south of public road leading east from said Illinois Central Railroad depot; thence east parallel with said road twenty-four poles to a stake; thence north thirty-four poles to a stake; thence west twenty-four poles to a stake in Dr. H. F. Hudson's lot; thence north one hundred and fifty-three poles to a stake a little southeast of what is known as the Barton Bridge near the residence of Spencer Barton; thence west one hundred and fifty-seven poles to a stake, three poles west of the Illinois Central

Railroad at the northeast corner of the lumber yard of the Greenfield Manufacturing Co.; thence south seventy-five degrees west one hundred and ninety-two poles to stake in W. H. Orr's field; thence south one hundred and two poles to the beginning. The said Town of Greenfield is hereby divided into four wards, bounded as follows:

First Ward. First Ward.—Beginning at the middle of the Illinois Central Railroad, where it crosses Main Street; thence west in the center of said Main Street so far as it now extends, and thence in the same general direction to the west boundary line of said town; thence north to the northwest corner of said Town of Greenfield; thence east to the middle of the main track of the Illinois Central Railroad, and thence in a southerly direction along the middle of the main track of said railroad to beginning.

Second Ward. Second Ward.—Beginning in the middle of the main track of the Illinois Central Railroad where it crosses Main Street, and in the middle of said street; thence along the middle of said Main Street so far as it now extends, and thence in the same general direction and along the line of the First Ward aforesaid to the west boundary line of said town; thence south along the boundaries of said town to the southwest corner of said town; thence east along said boundary line to the middle of the main track of the Illinois Central Railroad; thence in a northerly direction in the middle of said main track to beginning.

Third Ward. Third Ward.—Beginning at the middle of the Illinois Central Railroad, where the middle of Cedar Street intersects it; thence in an easterly direction along the middle of said Cedar Street so far as it now extends, and thence in the same general direction to the east boundary line of said town; thence south with the boundary line of said town to the southeast corner of said town; thence west to the middle of the main track of the Illinois Central Railroad; thence in a northerly direction along the said main track of said railroad to beginning.

Fourth Ward. Fourth Ward.—Beginning in the middle of Cedar Street, where it crosses the main track of the Illinois Central Railroad; thence in an easterly direction along the north boundary line of Ward Three to the eastern boundary line of said town; thence along the east boundary line of said town to the northeast corner thereof; thence west along said boundary line to the middle of the main track of the Illinois Central Railroad, and thence in a southerly direction along the middle of said main track of said railroad to the place of beginning.

SEC. 3. *Be it further enacted,* That said corporation shall have full power and authority:

1. To enact and pass laws and ordinances necessary and proper to preserve the health of said town.

2. To prevent and remove nuisances.

Appointive officers.

3. To appoint a Marshal, Recorder, Treasurer, and such other police officers as shall be necessary to preserve the peace and enforce ordinances of the town, either by day or night, and to fix the compensation of such officers and to prescribe their duties, where other things are required of them than those mentioned herein.

4. To punish breaches of the peace or good order within its jurisdiction; to ascertain and declare the boundaries of all streets and alleys of said town and have the same registered in the Register's office in Dresden.

5. To grant privileges and the use and enjoyment of the same.

6. To provide for the working and paving of said streets and alleys, and for building and repairing sidewalks.

7. To sell and dispose of streets and alleys, if necessary for the public good, but no sale and disposition of said streets and alleys shall be of any validity whatever unless the Mayor and Aldermen of said town make a deed to the purchaser and the same is duly registered within ten days thereafter.

8. To provide for licensing and regulating auctions.

9. To tax, regulate, and restrain theatrical and public amusements within the bounds of said corporation.

10. To restrain and prohibit gambling.

11. To establish inspections within the town.

12. To erect and regulate markets.

13. To provide for the establishment and regulations of fire companies and the sweeping of chimneys.

Water and lights—regulation thereof

14. To dig wells and cisterns and otherwise make arrangements and contracts for supplying the town and inhabitants thereof with water, and make contracts for lighting the town with gas or electricity, and otherwise regulate such gas and electric light companies. Also to regulate all telephone or electric light companies, especially in the matter of where poles for holding the wires are placed and the manner in which they are placed.

15. To impose, collect, and appropriate fines, forfeitures, and penalties for a breach of their laws or ordinances.

16. To lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, the amount of said taxes to be levied and collected to be controlled by the constitution and laws of the State.

17. To regulate or entirely prohibit the running at large in said town or the keeping thereof of any horses, mules, asses, sheep, goats, hogs, geese, or turkeys, or any other domestic live stock or fowls, also of all dogs.

18. To exclusively license, regulate, or entirely prohibit billiard tables, bowling alleys, and other places of public resort, and to restrain and entirely prohibit the selling or giving away of intoxicating liquors, spirituous, vinous, malt, or mixed, within the town; *Provided,* it shall be, and is hereby, declared to be unlawful for any person or persons, company or corporation, to sell, give away, bargain, or tipple any intoxicating liquors including wine, ale, cider, beer, or vinous, spirituous, malt or mixed liquors, or any adulteration or mixture of the same as a beverage in the Town of Greenfield within one mile of any schoolhouse, public or private, where school is kept, whether said school is in session or not, or within one mile of any church building in which people usually congregate for religious worship, and the Town Council is hereby authorized to make ordinances for the punishment of any and all violations of the provisions of this section. Prohibit sale of liquor, etc.

19. To build and keep in good condition a lockup or calaboose for the safe-keeping of persons before trial, and after trial if necessary, in order to collect or have worked out fines of those who may violate any of the laws or ordinances of the corporation. City jail.

20. To prevent and restrain riot, noises, disturbances, or disorderly assemblages or other disorderly conduct in any street, house, or place within the town.

21. To establish and enforce quarantine laws and regulations and to enforce the same within the town and within one mile thereof.

22. To prevent and regulate and entirely prohibit the use of fireworks, squibs, Roman candles, skyrockets, etc.

23. To prohibit and suppress disorderly or bawdy houses and all houses of ill fame.

24. To establish fire limits, and such general regulations by ordinances for the prevention and extinguishment of fire as may be deemed expedient. Fire limits.

Public school and government.

25. To establish and maintain a school within said town, and for that purpose a school tax may be levied in addition to that levied for county purposes, not to exceed in amount the school tax levied and assessed for county purposes. The Board of Mayor and Aldermen shall select a Board of Education, consisting of eight male voters, residents within the corporate limits, who shall give bonds in such sum as the Board of Mayor and Aldermen may require, to perform their duties, and who shall have power, together with the Mayor, to employ teachers and provide the method in which said school shall be run, and otherwise run and operate said school in said town.

26. To regulate the speed of railroad trains through said town; and the length of time trains may obstruct the free passage of streets.

Waterworks and light plants.

27. To establish waterworks and electric light plants in said town; if said town does not desire to establish waterworks or electric light plants in said town, then they may grant a franchise for said privilege to any individual, firm, or corporation to establish waterworks and electric light plants in said town.

28. To regulate any waterworks, telephone, or electric light plants now in said town as to the laying of mains or erection of poles after this shall take effect.

Board of Mayor and Aldermen created.

SEC. 4. *Be it further enacted,* That the officers of the Town of Greenfield shall be as follows: A Mayor, who shall be a resident and qualified voter of said town; two Aldermen from each of the four wards of said town, who shall be residents of the wards from and for which they are elected and qualified voters. The above officers to be elected as follows: The Mayor by the voters of the whole town, and the Aldermen from the wards separately. That is, only such persons as reside in any given ward shall be permitted to vote for Aldermen in such ward, the intention being that the Aldermen from each ward shall be elected by the voters of that ward only, and any vote cast at any election by a voter in any ward for an Alderman in any other ward is hereby declared null and void, and the Mayor and Board of Aldermen are hereby empowered to make such regulations for the conduction of the Aldermen as aforesaid. The Mayor and Aldermen shall constitute and compose the Board of Mayor and Aldermen of said town, seven of which shall constitute a quorum at any meeting.

Qualifications.

Said Mayor and Aldermen shall be *bona fide* citizens of said town and legal voters therein, and shall reside as

aforesaid, and shall hold their office for two years, and until their successors are elected and qualified. In case the Mayor shall remove from said corporation or any Alderman from the ward for which he shall have been elected during their respective terms of office, they shall hereby vacate such office. The terms of such officers shall begin on the first day after they have received their certificates of election and shall have duly qualified, and thereafter on the second Thursday in April of each two years, and shall continue until their successors are elected and qualified.

Officers to be elected by the Board.

The officers of the Town of Greenfield to be elected by the Board of Mayor and Aldermen shall be a Recorder, a Treasurer, a Marshal, and such other officers, agents, and servants as the Board of Mayor and Aldermen may deem necessary and may provide for by ordinance. The Recorder and Treasurer shall be actual residents of said town and qualified voters therein.

The Recorder, Treasurer, and Marshal to be elected by the Board of Mayor and Aldermen by ballot at the first meeting of the Board of Mayor and Aldermen in each year after the general election of officers of said corporation.

The Board of Mayor and Aldemen shall have power to prescribe the duties of all officers, agents, and servants.

Board may remove officers

The Board of Mayor and Aldermen shall have the power to dismiss and remove any officer, agent, or servant elected by the voters of the town or of any Alderman elected from any ward or elected or appointed by the Board of Mayor and Aldermen for any misdemeanor, misconduct, or failure to properly discharge the duties of his office; *Provided,* it shall take a majority vote of the Board of Mayor and Aldermen to so dismiss and remove any officer.

The Mayor, Aldermen, Treasurer, Marshal, and Recorder shall, before entering upon the duties of their offices, (be required) to take an oath before some Justice of the Peace of Weakley County to faithfully and honestly discharge their duties as such officers during their continuance in office.

SEC. 5. *Be it further enacted,* That either (neither) the Mayor, Aldermen, Recorder, or Treasurer shall receive any salary except as herein stipulated.

Fees and perquisites.

The Recorder shall have and receive the fees and perquisites of such office, and the Board of Mayor and Aldermen shall have full power to fix the salaries and compen-

sation of all other agents and servants of the corporation; *Provided,* that the compensation of the Marshal shall never be less than fifty dollars per month, such salary or compensation shall be fixed before the officer is elected and inducted into office or the agent or servant is employed, and that the salary or compensation shall not be increased during their continuance in office; and *Provided further,* that the Mayor and Aldermen may each receive the sum of two dollars for each regular meeting of the Board of Mayor and Aldermen that he attends.

Personnel of first Board.

SEC. 6. *Be it further enacted,* That the following named persons shall be and constitute the first Board of Mayor and Aldermen, and shall hold their respective offices until the second Thursday in April, 1907, and until their successors are duly elected and qualified: Mayor, R. B. Brassfield; Aldermen for the First Ward, J. E. Ward, John West; Aldermen for the Second Ward, R. L. Goolsby and J. N. Ray; Aldermen for the Third Ward, H. F. Hudson and A. C. Akin; Aldermen for the Fourth Ward, B. C. Brock and A. C. Barton; and the passage of this Act shall be and constitute their commission and legally declare their election, and when they have been duly sworn and have given bond as herein required, they shall be legally and duly qualified to assume the duties of their respective offices.

Election of officers.

The Board of Mayor and Aldermen shall, by ordinance, provide for an election to be held on the second Thursday in April, 1907, and every two years thereafter, at which time an election shall be held for Mayor and for Aldermen for the different wards by the voters of each ward only, and said ordinance shall specify what officer or officers shall hold said election and their respective duties and the time and place or places of holding such elections. The voting shall be by ballot, and the officer or officers holding said election shall, within twenty-four hours after the close of said election, deliver to the Recorder all ballots cast at said election and all poll books, and shall also certify to the Recorder the names of the different persons voted for and the number of votes received by each, specifying what offices the different persons were voted for, at a special meeting held for that purpose within three days after said election. The Board of Mayor and Aldermen shall ascertain the names of those who were elected and shall issue to such persons as may be elected a commission declaring such election, notice of said elections shall be given by

four written or printed hand bills posted in four public places in the Town of Greenfield, and which notices shall specify the time and place for holding such election and the offices to be filled.

Who may vote

SEC. 7. *Be it further enacted,* That all rules and regulations that are in force at the various State and county elections shall be enforced and control the elections under this Act. The qualifications for voters in said elections shall be as follows: He shall be qualified to vote for State and county officers and must have resided six months preceding the election within the corporate limits of the town.

SEC. 8. *Be it further enacted,* That the person receiving the highest number of votes for Mayor shall be declared elected to said office, and that the two persons in each ward receiving the highest number of votes for Aldermen in each of the different wards be declared elected. All commissions or certificates of election shall be produced at the first meeting of the Mayor and Aldermen after the election, and the same shall be spread on record on the minutes of that meeting.

Tie vote in elections.

SEC. 9. *Be it further enacted,* That in case there should be a tie in the election of Mayor or of any Aldermen in any ward or all or either, the Judges and Clerks of the election shall forthwith certify the same to the officer holding the election, and said officer shall forthwith give notice of same and hold an election for the filling of the office or offices as to which the tie exists, and he shall advertise the same for ten days, and said election shall be held as hereinbefore prescribed.

Vacancies—how filled.

SEC. 10. *Be it further enacted,* That in case of the death, resignation, or removal of any officer elected by the Board of Mayor and Aldermen or by the people during his term of office, or a vacancy occur in any office, for any cause, the Board of Mayor and Aldermen may fill such vacancies by electing a successor. Said election by the Board of Mayor and Aldermen shall be held by them as soon after the vacancy occurs as ten days notice of the election can be given of the vacancy and election before some regular or called meeting of the Board of Mayor and Aldermen, and the person or persons so elected shall have the same privileges and perform the same duties as the persons whose places they are appointed to fill, and upon like conditions and shall fill out the unexpired term of the office so made vacant.

Duties of Mayor.

SEC. 11. *Be it further enacted,* That it shall be the duty of the Mayor to preside at all meetings of the Board of Mayor and Aldermen, to vote in the elections of the officers to be elected by the Board of Mayor and Aldermen, and give the casting vote on all matters; to take care that all the town ordinances are duly imposed, respected, and observed, and to see that all persons that use vulgar and obscene language or curse in his presence are arrested and brought to trial for such offense; to call special meetings of the Board of Mayor and Aldermen when he may deem the same expedient; to see that all property of the town is protected and preserved, and, together with the Aldermen, to take acknowledgments and pass upon the sufficiency of all bonds, to fill all vacancies occurring between the meetings of the Board of Mayor and Aldermen, to settle with all officers once every month, and see that all moneys are paid over to the Treasurer, and then to see at the end of each month where the Treasurer has the town's money deposited and the amount thereof, and report the same to the Board of Mayor and Aldermen once every month, and in case he fails to perform these duties and any loss occurs to the town by default, he shall be personally responsible for said default.

Mayor pro tem.

SEC. 12. *Be it further enacted,* That in the absence of the Mayor, for any reason, from a meeting of the Board of Mayor and Aldermen, it shall be the duty of the Board to elect a Mayor *pro tem* from their numbers, whose duty it shall be to preside at said meeting and discharge all the duties of the Mayor, and all the matters of the Board transacted while he is so acting shall be as valid and binding as if the Mayor was present in person.

Mayor may order arrest for breaches of ordinance.

SEC. 13. *Be it further enacted,* That for any violation of the town charter, by-laws, or ordinances coming to the knowledge of the Mayor, it shall be his duty to issue a warrant and order the arrest of the parties so offending to be brought before the Recorder for trial, and in the absence of the town Marshal he shall have the power to appoint any citizen to act as special Marshal in such cases, or the Mayor may, for any violation of any of the by-laws or ordinances of said town committed in his presence, order any person or persons to arrest said violator of the law or ordinances and take said person before the Recorder for trial, and any person or persons appointed by the Mayor to execute a warrant or order to arrest any offender for violation of any of the by-laws or ordinances committed in

his presence who shall refuse to execute said warrant or arrest said offender shall be guilty of an offense against the corporation and finable.

Duties of Town Marshal.

SEC. 14. *Be it further enacted,* That the duties of the Town Marshal shall be as follows: He shall thoroughly acquaint himself with the laws and ordinances of the town, and he shall rigidly enforce the same; and for this purpose police authority is hereby given which he may exercise without warrant in hand. He shall collect all fines in favor of the town, and execute distress warrants issued to him by the Recorder for taxes. He shall collect all taxes levied for any and all purposes by the Board of Mayor and Aldermen, and upon the neglect or refusal of any person to pay any taxes he shall report the same to the Recorder, who shall have power to issue to said Marshal a distress warrant for the collection of the same. He shall report monthly the names of all persons exercising any privileges in the corporation to the Mayor and Board of Aldermen. He shall perform such other duties as the Board of Mayor and Aldermen may by ordinance impose on him. He shall also superintend the working and repairing of the roads and streets in the corporation, and superintend the making, putting down, and repairing the sidewalks within the corporation under the direction and instructions of the Board of Mayor and Aldermen.

Jurisdiction of Marshal.

SEC. 15. *Be it further enacted,* That the Marshal of the Town of Greenfield shall have the same power to execute all criminal process or distress warrants to him by the Mayor or Recorder within the corporate limits or one mile beyond that Constables have, and for that purpose he is hereby clothed with all the powers of a Constable as to civil and criminal processes. He shall have power to execute all warrants issued by the Mayor or Recorder or Justice of the Peace residing within the corporation, and make arrest for all violations of town ordinances. He shall have the power to summon any person or persons to aid him in the execution of any process or the arrest of any violator of the ordinances of the town, and such person or persons summoned and refusing to act shall forfeit and pay the sum of ten dollars for such refusal, to be recovered before the Recorder for the use of the town, and on such fine being assessed by the Recorder it shall be recovered as fines assessed for the violation of any town ordinance.

The Marshal shall also report at each regular meeti
of the Board of Mayor and Aldermen all revenues a
fines collected by him, and shall pay the same over month
to the Treasurer.

Duties and powers of Recorder.

SEC. 16. *Be it further enacted,* That the duties a
powers of the Recorder shall be as follows: He shall ke
in a well-bound book an accurate account and minute
all the proceedings of the Board of Mayor and Alderme
issue all privilege licenses and collect the taxes on t
same; he shall issue distress warrants for all taxes wh
requested so to do by the Marshal, and deliver the sa
to said Marshal. He shall keep an accurate account
all moneys received by him belonging to the town, and
often as once in each month pay the same to the Tre
urer. He shall make out the tax books for the town, a
in doing so he shall use the assessment made for the Sta
and county taxes for the current year, and he shall ma
the same in accordance with the State laws regulating a
governing assessments of the State and county taxes; a
he shall be allowed the same compensation for said wo
as is by law allowed county officers for a like amount
work of like kind. He shall draw a warrant upon t
Treasurer for all moneys ordered to be paid by the Boa
of Mayor and Aldermen, and keep a full record of t
same, and he shall do and perform such other duties
the Board of Mayor and Aldermen may by ordinance i
pose upon him; and further, he shall try all cases for t
violation of any and all laws, by-laws, and ordinances
the town, and keep a docket of the same; and a Recorde
Court is hereby established, with all the powers of a Justi
of the Peace of Weakley County, to try all offenses again
the peace and dignity and ordinances of the Town
Greenfield; *Provided,* that in the absence of the Record
or in the event he shall for any reason be incompetent
prefer not to try a case, the same powers and duties a
hereby conferred upon any Justice of the Peace of t
Ninth Civil District of Weakley County who is a re
dent within the corporation, who shall have power to
and try said corporation cases, and it shall be his duty
do so, his judgment showing that he sat in the place
the Recorder. At a meeting of the Board of Mayor a
Aldermen once every month, it shall be their duty to e
amine the docket of the Recorder and any Justice of t
Peace who may have tried corporation cases, and see th
all fines have been collected and paid over to the Treasur

and in case the same is not done, then they are to proceed to have the same done, and may provide by ordinance a method of having the same so paid over.

Duties of Treasurer.

SEC. 17. *Be it further enacted,* That the duties of the Treasurer shall be as follows: He shall receive from the Marshal and Recorder all funds and revenues whatever that come into their hands for the corporation, and receipt for the same, and shall keep a proper account of the same, and shall receive and take care of any other fund or revenue which shall be coming to the town from any source whatever, and for this purpose he shall keep such books as may be necessary, or as the Board of Mayor and Aldermen may direct. He shall pay out such funds only upon the warrant of the Recorder, countersigned by the Mayor; he shall make monthly a full and explicit account and statement of all finances under his control, showing the amounts he has collected or received and the disbursements of same. He shall also perform such other duties pertaining to the office as the Board of Mayor and Aldermen may, by ordinance, provide.

SEC. 18. *Be it further enacted,* That the duties of the other officers, agents, and servants of the town shall be such as the Board of Mayor and Aldermen may, by ordinance, prescribe.

Night police.

SEC. 19. *Be it further enacted,* That the night policemen, or other public officer or officers that shall be appointed by said Board of Mayor and Aldermen, shall have the same rights, powers, and duties as to the execution of civil and criminal process and as to arresting criminals and violators of the laws and ordinances of the town that the Marshal may have or that Constables have in this State.

Bonds to be required of whom.

SEC. 20. *Be it further enacted,* That before entering upon the discharge of their respective duties, the Marshal, night policeman, Recorder, and Treasurer shall each enter into bond with good security in the sum of five hundred dollars, conditioned upon the faithful discharge of their duties. Said officers shall also enter into bond with good and sufficient sureties in double the supposed amount which may come into their hands respectfully (respectively) conditioned upon the faithful and diligent collection and faithful accounting for all the moneys that should or ought to come into their hands respectfully from fines, levies, and assessments and any other source, and which by law ought to be collected and paid over. The Marshal shall be liable

on his bond for willful failure or neglect to collect any and all moneys which it is made his duty to collect under this charter. All bonds shall be made payable to the Board of Mayor and Aldermen of the Town of Greenfield and their successors in office for the use and benefit of said town, and said bonds shall be taken and approved by the Board of Mayor and Aldermen at a regular meeting or at a meeting called for the purpose, and shall be spread on record in the minutes of the Board, and the bond shall be filed with the Mayor and carefully preserved by him. A copy of said bond certified by the Recorder or Mayor shall have the same force and effect as certified copies from courts of record in this State. No officer of the corporation shall become a bondsman for any other officer, and any bond taken with an officer as surety thereon shall be null and void as to all such names of officers.

Compensation of Marshal, Recorder and Treasurer.

SEC. 21. *Be it further enacted,* That the Mayor and Aldermen shall receive no salary except such as is hereinbefore provided. The Marshal shall receive such fees as Constables are entitled to for such services, and such salary as the Board of Mayor and Aldermen may provide; *Provided,* that his salary, together with the fees aforesaid, shall at no time be less than fifty dollars per month. The Recorder shall have the same fees as County Court Clerks for issuing any privilege license and for issuing distress warrants and in all civil and criminal cases such fees as shall by law be allowed Justices of the Peace for like services. He shall also receive four per cent for *ad valorem* taxes collected by him, and he shall receive no salary. The Treasurer shall receive two per cent for all moneys passing through his hands.

Money—how drawn from treasury.

SEC. 22. *Be it further enacted,* That no money shall be paid out of the treasury except upon the order of the Board of Mayor and Aldermen upon a warrant drawn by the Recorder and countersigned by the Mayor. No warrant or script shall be drawn or issued unless the money then in the treasury is sufficient to pay the same. It shall be a misdemeanor in office to issue any warrant or script unless the money shall at the time be in the treasury sufficient to pay the same. That said Board of Mayor and Aldermen shall never contract any debt for any purpose greater than they can pay after paying the current expenses out of the taxes levied hereunder within one year after debts are contracted, and that any contract or contracts for debt or debts over and above said amount

shall be *ultra vires* and void, and that said town shall not be liable for said debt, but the Mayor and Aldermen are liable for the same, and shall never be repaid by the town. That no contract of any kind or for any purpose shall be let to either the Mayor or any of the Aldermen for any work for any valuable consideration, nor to any firm or corporation of which the Mayor or any Alderman shall be a partner or stockholder.

Board may issue bonds for school purposes.

SEC. 23. *Be it further enacted,* That the Board of Mayor and Aldermen of the Town of Greenfield be, and that they are hereby, authorized to issue bonds running not less than twenty years nor bearing more than the legal rate of interest from date for school purposes not exceeding fifteen thousand dollars; *Provided, however,* before said bonds are issued that they first submit the issuance of said bonds to a vote of the legally qualified voters of said town who reside in said corporation, and the same is carried by a majority vote of those voting at said election.

Ordinances—how signed and preserved

SEC. 24. *Be it further enacted,* That all ordinances shall be signed by the Mayor and Recorder, and the same shall be spread upon the minutes of the Board of Mayor and Aldermen, and shall be filed and preserved among the records of the town. They shall also be recorded in a book to be kept for the purpose, and a certified copy of the ordinances from the minutes or from the book kept for the purpose shall be full evidence of the same in all trials in any courts of this State. The certificate to be made by the Mayor or Recorder under the seal of the corporation, if the corporation have a seal.

Enforce collection of taxes.

SEC. 25. *Be it further enacted,* That the Board of Mayor and Aldermen shall have full power to enforce the collection of all taxes assessed upon personal and real property, polls, merchants, and privileges, and to this end the Marshal of the Town of Greenfield shall have, and is hereby clothed with, all the powers for the collection of the taxes on personal and real property and polls and merchants and privileges that are by law conferred upon the collectors of the State and county taxes of the same character respectfully (respectively), and the Recorder shall have the same power to collect all moneys herein mentioned for his collection as like State or county officers may have. The Recorder shall have the power to issue distress warrants, and the Marshal shall have the power to

execute the same for taxes and also for fines due said cor
poration.

Delinquent taxes.

SEC. 26. *Be it further enacted,* That the Board o
Mayor and Aldermen shall have full power to collect an
delinquent taxes, privileges, and polls that become due t
the corporation, and to this end they shall have power t
appoint such attorneys, officers, and agents as they ma
deem necessary and proper, who are hereby empowered t

How collected.

collect all such delinquent taxes in the same manner tha
delinquent State and county taxes are collected, or ma
be collected when the taxes are assessed or the proceedin
is had to collect the same, and the general statutes of Ten
nessee in force as to collection of said taxes, or at th
time said taxes are assessed, shall be enforced and shal
apply and inure to the benefit of the Town of Greenfiel
for the collection of its delinquent taxes, and that al
taxes assessed for said town upon real estate in the corpora
tion shall be and constitute a lien upon the same in th
same way and to the same extent that State and count
taxes are a lien upon the same.

SEC. 27. *Be it further enacted,* That if the Recorde
Treasurer, Marshal, or Mayor or any other officer of sai
town, should fail to collect, or after collecting fail t
pay over, money by either of them received for the us
of the town, such officer shall be liable to be proceede
against, together with their sureties, by motion or in a
original suit in any Circuit or Chancery Court of Weak
ley County, or any other court having jurisdiction of th
person of said officers and of the amount involved.

SEC. 28. *Be it further enacted,* That this Act tak
effect from and after its passage, the public welfare re
quiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives

E. RICE,
Speaker of the Senate

Approved April 7, 1905.

JOHN I. COX,
Governor

CHAPTER 195.

House Bill No. 643.

AN ACT to levy and provide for the collection of taxes within Taxing Districts and cities having a population of one hundred thousand and upwards, according to the Federal census of 1900, or any subsequent Federal census, for the purpose of acquiring, constructing, and maintaining parkways, boulevards, and parks.

Twenty cent tax levy.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of acquiring, constructing, and maintaining parkways, boulevards, and parks for each taxing district or city having a population of one hundred thousand or more by the Federal Census of 1900 or any subsequent Federal Census, an annual tax for the period of two years is hereby levied on all the taxable property, real and personal, including merchants' capital, and all others who are assessed for taxes *ad valorem* on capital invested, bank stock, and all other stock subject to taxation within the territorial limits of such taxing district or city, of twenty cents on the one hundred dollars of such taxable property.

When due—how collected and disbursed.

Sec. 2. *Be it further enacted,* That the tax hereby levied shall become due and be collected at the same time and in the same manner and by the same affairs as the other taxes imposed by or for such taxing districts or cities with like liens are remedies for the collection and penalties for the non-payment thereof, and upon the same assessment and valuations. The fees of the officers shall be the same as for collecting other taxes within such taxing districts or cities. The sums collected for such taxes shall be used for the purpose of acquiring, constructing, and maintaining parkways, boulevards, and parks, and for no other purpose whatever. A separate account shall be kept in the offices of the County Trustees of the sums so collected for the said purpose. The County Trustees respectively shall at the end of each month pay over to the Park Commission of such taxing districts or cities all sums then in hand arising from the tax so collected, and take proper receipts therefor, and such sums so paid over

shall be applied exclusively to the purpose of acquiring, constructing, and maintaining parkways, boulevards, and parks.

SEC. 3. *Be it further enacted,* That this park tax so levied is a special tax, and is not to be considered as embraced in any Acts limiting the levy of taxes in such taxing districts or cities.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 196.

HOUSE BILL No. 580.

AN ACT to change the line between the Counties of Macon and Sumner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Macon and Sumner be, and the same is hereby, so changed as to include the residences of J. Y. Williams, J. M. Henson, W. M. Henson, J. B. Garrett, W. R. Duffy, George Vance, Jim Woodard, and John Hawkins, and the Widow Taylor in Sumner County. Said line to run as follows: Beginning at a rock near Berry Williams' house in the Sumner and Macon County line, running thence east about 130 poles to J. T. Williams' corner; thence north about 150 poles to a beech, Amy Jumper's corner; thence east about 75 poles to a stake; thence northeast with John Garrett's and W. R. Duffy's line to George Vance's northeast corner; thence west about 175 poles back to the

Macon and Sumner County line.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 197.

HOUSE BILL No. 554.

AN ACT entitled "An Act to change the county line between Putnam and Jackson Counties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Putnam and Jackson County line be changed as follows:

Beginning in the Putnam and Jackson County line at Carrell Pippin's northeast corner; thence with his north boundary line to Henry Netherton's northeast corner; thence with his north boundary line to J. W. Atkins' northeast corner; thence with his north boundary line to G. W. Brown's southeast corner; thence west with said line to the Putnam County line, so as to detach all the lands within said boundary from Jackson County and attach the same to Putnam County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 198.

House Bill No. 555.

AN ACT entitled "An Act to change the county line between Putnam and Jackson Counties."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between Putnam and Jackson Counties be changed as follows:

Beginning at a stake in the said Jackson and Putnam County line; thence east sixty poles to a stake; thence north sixty-four poles to a stake; thence west sixty poles back to a stake in the said Putnam and Jackson County line, so as to detach all the lands included in said boundary and now owned by J. L. Sadler from Jackson County and to attach the same to Putnam County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 199.

House Bill No. 556.

AN ACT entitled "An Act to change the county line between Putnam and Jackson Counties."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Putnam and Jackson Counties be changed as follows:

Beginning at a stake in the Putnam and Jackson County line, it being Samuel Henby's corner; thence east with said Henby's line eighty pole to a stake; thence north sixty pole with said Henby's line to a stake; then west with said line about fifty pole to the Putnam County line so as to detach all the lands of the said Sam Henby from Jackson County and attach the same to Putnam County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 200.

House Bill No. 363.

AN ACT to authorize the Town of Johnson City to acquire and own its own electric lighting system, either by purchase or construction, and to issue bonds for that purpose.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the Town of Johnson City, Washington County, Tennessee, are hereby authorized to issue the negotiable bonds of said town in its corporate name, signed by the Mayor and countersigned by the Recorder, with interest coupons attached, to an amount not exceeding $50,000, which shall be used, or the proceeds of which shall be used, to construct or to purchase an electric plant, with all necessary machinery, wires, poles, and all else that may be necessary to make a complete electric lighting system for the said Town of Johnson City.

Mayor and Board to prescribe rules of issuance—denominations.

Sec. 2. *Be it further enacted,* That said bonds shall be issued under such rules, regulations, and restrictions as may be provided by ordinance by the Mayor and Aldermen of the said city, which bonds shall be in the denomination of $1,000 each, and shall bear a rate of interest to be fixed by said ordinance, not exceeding five per cent per annum, and shall run for a period of not longer than thirty years, the interest on the same to be payable semi-annually on the first of January and July respectively, said interest and principal to be paid in gold coin of the present standard and fineness, and which said bonds shall be provided with coupons for each semi-annual interest payment, and said bonds shall be known as the electric lighting bonds of the said Town of Johnson City, and shall not be sold for less than par.

Funds to be kept separately and expended for lighting purposes.

Sec. 3. *Be it further enacted,* That the proceeds of said bonds shall be paid into the treasury, and be there kept and preserved as a separate fund to be used exclusively in the purchase or construction of a system of electrict lighting for the said Town of Johnson City, and adjacent territory, and in making such alterations, extensions,

additions, and improvements as may be necessary, and in maintaining the same; *Provided,* that only so much of said $50,000 shall be issued as may be actually needed to purchase or construct said electric plant.

Said bonds and coupons attached thereto shall be exempt from municipal taxation.

Mayor and Board to supervise construction.

SEC. 4. *Be it further enacted,* That the entire work of supervision of the purchase of construction and operation and maintenance of said electric plant, etc., shall be vested in the Board of Mayor and Aldermen of the said Town of Johnson City, within the limitations hereinafter provided.

May purchase plant or construct.

SEC. 5. *Be it further enacted,* That the said Board are authorized and directed to obtain from the Watauga Electric Company a written proposition for the sale of its plant, franchises, etc., to the Town of Johnson City, giving the price and terms of payment together with the opinion of competent and disinterested experts as to the cost and value of said plant. Said Board is also authorized and empowered to secure plans, specifications, and estimates of the cost of the construction of a new plant for said city and to report all matters called for in this section to said City Council for its consideration; *Provided,* that no contract shall be made for the purchase or construction of an electric plant by said Board until it has been duly authorized to do so by a majority vote of the people as herein provided; and *Provided further,* that said Board of Mayor and Aldermen shall have no interest, direct or indirect, in any contract in any wise relating to the construction, purchase, and operation of said plant, and shall have no interest in any contract for any materials for use in the construction, extension, and operation of said plant.

Secretary and Treasurer of electric plant —duties.

SEC. 6. *Be it further enacted,* That the said Board shall elect a Secretary and Treasurer for said electric plant, who, before entering upon his duties, shall execute a bond in a penalty to be fixed by the Board of Mayor and Aldermen, and with good and sufficient sureties to be likewise approved by said Board; said Secretary and Treasurer shall keep a true and faithful record of all moneys received by him, and shall make report to the Board of Mayor and Aldermen at such times and under such regulations as may be fixed by ordinance by said Board.

Record to be kept by Board.

The said Board shall keep a record of all their actions and proceedings in a separate book for that purpose, set-

ting forth the property of the plant purchased or constructed by them, and of all extensions, alterations, and improvements made. Said Board shall be authorized to make the proper contracts, employ clerks, engineers, firemen, laborers, and other persons, and purchase material such as may be necessary in the construction or operation of said plant.

They shall fix the compensation of all employees, including the Secretary and Treasurer. The said City Council is authorized to make and enforce reasonable rules and regulations and to fix rates and the price for the use of lights and electric power. They shall have full power to collect and enforce collections of all moneys due for the use of lights and power arising out of the operation of said plant. They shall also have power to grant the use of electric lights free of charge to charitable institutions.

Report of work, expenditures and income to be made each year.

SEC. 7. *Be it further enacted,* That said Board of Mayor and Aldermen, at their first regular meeting in January of each year, through the Secretary and Treasurer of said plant, together with the assistance of such committee as may be appointed by the Board, submit a full detailed report of the work, income, and expenditures for the preceding year, showing sources of income, items of expense, names of all salaried employees, improvements, extensions, and alterations made, and such other matters as they may deem material and as the Board of Mayor and Aldermen may call for, and their report and books shall be subject to examination and correction by the Board of Mayor and Aldermen. Said report shall also contain an estimate of the cost, expenses, improvements, extensions, and alterations necessary for the succeeding year.

Right of city to condemn ground for site.

SEC. 8. *Be it further enacted,* That in the event it shall be determined to purchase or construct, equip, and maintain an electric light plant by the said city, then for the purpose of securing a site for said plant and other necessary purposes, including electric poles, subways, conduits, etc., the city shall have, and is given, the right of condemnation of ground within and without its corporate limits, as already given in Sub-section 11, of Section 8, of the charter of said town, as well as by proper proceedings in the Circuit Court of Washington County as provided by law.

SEC. 9. *Be it further enacted,* That after said Board shall have made and filed their report, as provided in Section 5, of this Act, said City Council shall call an election to be held in the Town of Johnson City by the regularly constituted authorities, after thirty days advertisement in one of the city papers, at which all persons legally qualified to vote for Mayor and Aldermen of said city may vote for the purpose of ascertaining the will of the people upon the following questions: Election to be held.

1. Whether or not the city shall be authorized to issue bonds as provided in Section 1 of this Act; and

2. To determine whether the city shall purchase the plant of the Watauga Electric Company or construct a new system of their own. The Election Commissioners shall cause to be prepared ballots to be used and voted at said election, on which there will be printed the following: "Vote for one—For Electric Lighting Bonds; Against Electric Lighting Bonds." Form of ballots

"Vote for one—For Construction of Electric Plant; For Purchase of Electric Plant."

At said election those who favor the issuance of bonds shall place a cross (X) mark opposite the words, "For Electric Lighting Bonds," and those who oppose the issuance of bonds shall place a cross (X) mark opposite the words, "Against Electric Lighting Bonds," and those who favor the construction of an electric plant shall place a cross (X) mark opposite the words, "For Construction of Electric Plant," and those favoring the purchase of the Watauga Electric Company's plant shall place a cross (X) mark opposite the words, "For Purchase of Electric Plant;" *Provided,* that if said Board is unable to obtain from the Watauga Electric Company a written proposition for the sale of its plant, franchise, etc., to the Town of Johnson City, giving the price and terms of payment, then said election shall be held to determine whether bonds shall be issued for the construction of an electric plant simply, and the tickets shall contain the only words, "Vote for one—For Electric Lighting Bonds," "Against Electric Lighting Bonds," and those who favor the construction of an electric plant by the city shall vote as above provided for, by placing a cross (X) mark opposite the words, "For Electric Lighting Bonds," and those who oppose that construction of an electric plant by the city shall place a cross (X) mark opposite the words, "Against Electric Light- How to mark same.

Election to be under state laws.

ing Bonds." Said election shall be held under existing laws, and the returns shall be duly certified to the Board of Mayor and Aldermen of said city; *Provided,* there shall also be returned to said Board of Mayor and Aldermen all the ballots voted at said election, together with one set of poll books and one set of tally sheets, the remaining poll books and tally sheets shall be filed in the office of said Commissioners of Election, there to be held subject to the inspection of any citizen of said city; *Provided,* that the election authorized by this Act may be called and held by the Election Commissioners of the county under the general election laws, and held at any time within ten years after the passing of this Act; *Provided further,* that after an election has been held under this Act, one or more subsequent elections may be held under the same, but no such election shall be held until the expiration of at least twelve months after a previous election.

City Council to declare result by ordinance.

SEC. 10. *Be it further enacted,* That it shall be the duty of said City Council, when it shall be convinced that a majority of all those voting on the question of the issuance of bonds have voted in favor thereof, to declare the result by ordinance, and in that event to cause said bonds to be issued as provided herein, and to cause the same to be converted into cash under such rules and restrictions as it shall deem necessary to provide by ordinance and as hereinbefore authorized; *Provided,* that said bonds shall not be issued until after the contract of the construction or purchase of said electric plant shall have been lawfully made and concluded.

Council to declare result of purchasing or constructing by ordinance.

SEC. 11. *Be it further enacted,* That said City Council shall also canvass and by ordinance declare the result of said election on the question of purchase or construction of an electric plant, and shall cause to be carried into effect the will of the people as expected at said election; *Provided,* that if the said Watauga Electric Company submit a written proposition, as shown in Section 5 of this Act, a majority of those voting on said proposition for purchase or for construction in favor of either proposition shall be sufficient and shall decide the question.

SEC. 12. *Be it further enacted,* That the net annual income and revenues derived from the operation of said electric plant, after payment of operating expenses, extensions, and improvements, or as much thereof as may be necessary for that purpose, shall be set apart and applied,

first to the payment of the interest coupons of said electric lighting bonds, as such interest coupons shall mature.

SEC. 13. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 201.

HOUSE BILL No. 215.

AN ACT entitled "An Act to create and establish a School District to be known as Mace's Hill School, in Smith County, define the boundaries thereof, and provide for appointment of first Board of Directors and the numbering of district by County Superintendent."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be, and the same is hereby, created from the territory of the Fourth, Third, and Sixth Civil Districts.

Boundaries.

Beginning at forks of Towton Branch, in Sixth Civil District, and running to source of west prong and embracing all territory west of the north prong to Rebecca Dickerson's farm, then the remainder to Trousdale County line; from W. E. Earp's farm, in the Third Civil District, with both prongs of Nickajack Branch to their sources; Fourth Civil District, Scanty Branch to Trousdale County line, Mace's Branch to the farms of W. A. Jordan and S. M. Young, Dias Branch to Ben Wright's farm.

Directors of old districts to pay over funds.

SEC. 2. *Be it further enacted,* That the Directors of the Fourth, the Third, and the Twenty-fourth School District be, and the same are hereby, directed and empowered

to pay over to the Directors of the special district created by this Act, in proportion to the scholastic population of said special district, its *pro rata* of the school funds in their hands at the time of the passage of this Act.

SEC. 3. *Be it further enacted,* That the County Superintendent of Public Instruction for Smith County is hereby authorized and directed to number said special School District and to appoint three directors for same, to serve until the next regular election for School Directors, when three directors shall be elected by the people of said special district in the manner now provided by law, and said special district shall be entitled to the same lawful privileges, immunities, and rights of other School Districts, and be subject to the same regulations and resolutions.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 202.

House Bill No. 205.

AN ACT to provide relief for the dependent and indigent widows of soldiers who served in the Civil War between the States by granting them a pension, and providing for an appropriation for the payment of the same.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all widows of deceased Tennessee soldiers of the Civil War between the States are declared to be pensionable, and shall receive a pension of six dollars per month, payable quarterly; *Provided,* the husband of such widow was killed or died while in active service and she has not remarried since the death of said soldier husband, and who are not now drawing a pension from some other cause.

Widows of soldiers who died, or killed in service.

Sec. 2. *Be it further enacted,* That such widows applying for a pension under this Act shall make proof that their said husband was killed or died while in active service, and of their indigence and dependence, and that they are of good moral character.

Widows of soldiers who died prior to year 1870.

Sec. 3. *Be it further enacted,* That the widows of deceased soldiers who were married to said soldiers prior to the year 1870 shall be pensionable, and shall receive five dollars per month, payable quarterly; *Provided,* the husband of such widow had an honorable record as a soldier, and would be pensionable, if living, and she has not married since the death of said soldier husband, and that they are now indigent and dependent and of good moral character; *Provided further,* that no widow shall be pensioned under this section unless there shall remain a surplus of the appropriation herein made or hereafter to be made, after pensioning all widows applying or coming under Sections 1 and 2 of this Act.

Widows to be bona fide residents of Tennessee.

Sec. 4. *Be it further enacted,* That the widows pensioned under Sections 1, 2, and 3 of this Act shall be *bona fide* citizens of Tennessee, and shall have been actual residents of Tennessee three years before filing their applications.

SEC. 5. *Be it further enacted,* That this Act shall be a part of the present pension system of the State of Tennessee, and the present and succeeding pension officials shall have supervision and control thereof with all the powers and discretions as they now have under the general pension laws of the State of Tennessee.

Re-marriage forfeits pension.

SEC. 6. *Be it further enacted,* That upon the marriage of any widow of any soldier above mentioned, who are placed upon the pension rolls under the provisions of this Act, upon the acquisition of sufficient property to support her without the aid of a pension, her right to a pension shall cease, and the Board of Pension Examiners is hereby given full power to strike her name from the roll of pensioners.

SEC. 7. *Be it further enacted,* That $50,000 ($25,000 annually), or as much thereof as may be necessary, be, and the same is hereby, appropriated for the payment of the pensions, as provided for in this Act.

SEC. 8. *Be it further enacted,* That in event that any widow who may receive a pension under this Act is not capable of taking care of the pension fund allowed her, the Board of Pension Examiners is hereby clothed with full power to have a guardian or trustee appointed to receive and pay over, from time to time, said pension funds to such widow as such guardian or trustee may deem necessary within their discretion.

SEC. 9. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 203.

House Bill No. 472.

AN ACT to amend an Act entitled "An Act to amend Chapter 258 of the Acts of the General Assembly of Tennessee of 1901, so as to amend Article 11, Sections 1 and 2, of said Act, same being an Act to incorporate the town of Sweetwater in Monroe County, Tennessee; to provide for the government thereof; to establish a school district therein; to authorize said corporation to borrow money and issue bonds for corporate purposes; to provide for the election of officers and prescribe their duties, etc."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of an Act passed April 1, 1903, be so amended as to add to said section that an election held in the corporation for the purpose of voting on the bond issue for said town, as provided for under Article XI., Sections 1, 2, 3, and 4 of the original Act passed by the Legislature April 1, 1901, of which the Act here sought to be amended was an amendment, so as to provide that the Board of Mayor and Aldermen in calling such election shall designate in the call the proportion of the bonds to be issued and the money to be expended for each purpose—to-wit: Streets, electric lights, schools, and waterworks for said town; and *Provided further,* that the Board of Mayor and Aldermen shall have the authority and power to so proportion said bonds and money as they may see proper before the vote is taken, therein giving to any and all of said causes the amount which they deem is to the best interest of the citizens of said Town of Sweetwater.

Sec. 2. *Be it further enacted,* That the votes cast in an election on the bond issue shall be cast for each district expenditure separately, and that any one expenditure may carry upon receiving a majority of the votes cast in said election, and that any one set of bonds for either expenditure may issue without interfering with or affecting the right to again vote upon and, if carried, to issue the other or others.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 204.

HOUSE BILL No. 201.

AN ACT to change the time of holding the Circuit Court of Roane County and of Polk County in the Fourth Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the time of holding the Circuit Court of Roane County and of Polk County, in the Fourth Judicial Circuit, be changed so that the Circuit Court of Roane County shall hereafter be held on the first Mondays of March, July, and November of each year, and the Circuit Court of Polk County shall hereafter be held on the third Mondays of March, July, and November of each year.

SEC. 2. *Be it further enacted,* That all bonds or recognizances taken at or after the last terms of the courts of said counties, under existing laws, and all process issued after that time shall be made returnable to the first term of the courts held thereafter under the provisions of this Act. And if any bond or recognizances shall be entered into or process issued after any of said terms and before the passage of this Act, or before the next term shall be held under this Act, they shall be deemed and held to be returnable to the first term under this Act, and shall be as valid and binding as though made returnable upon their faces to said term.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after May 1, 1905, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 205.

HOUSE BILL No. 474.

AN ACT to change the line between Maury and Williamson Counties, so as to include the lands of J. A. Trimble and G. C. Hawkins in Maury County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Maury and Williamson Counties be, and the same is hereby, so changed so as to include all the lands of J. A. Trimble and G. C. Hawkins in Maury County. The said lands having been situated in the Second Civil District of Williamson County are hereby attached to and do hereby become a part of the Second Civil District of Maury County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 206.

House Bill No. 489.

AN ACT to change the line between Moore and Franklin Counties.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Moore and Franklin Counties be, and the same is hereby, so changed as to include all the lands of N. A. Majors in Moore County, and said lands are hereby detached from Franklin County and attached to Moore County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 207.

House Bill No. 493.

AN ACT to abolish District No. 21 in Weakley County, and to annex the territory thereof to District No. 2 of said county.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That District No. 21, of Weakley County, be, and the same is hereby, abolished; and that the territory of said district, as now established by law, be, and the same is hereby, annexed to District No. 2 of said county. *Be it further enacted,* That when this Act shall have taken effect the Justices of the Peace in said District No. 21 shall deliver their dockets and all papers relating to the business recorded in said dockets to the Justices of the Peace of said District No. 2.

Sec. 2. *Be it further enacted,* That this Act shall take effect on the fourth day of July, 1906, the public welfare requiring it.

Passed April 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 208.

HOUSE BILL No. 494.

AN ACT to amend an Act entitled "An Act to repeal the charter of the City of Martin, to reincorporate said city, and to define its rights and powers, said Act being Chapter 178 of the Acts of the General Assembly of Tennessee, 1901," so as to provide for the election of Recorder and Marshal for said city by popular vote.

Recorder and Marshal to be elected by people.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 5 of an Act entitled "An Act to repeal the charter of the City of Martin, to reincorporate said city, and define its rights and powers," being Chapter 178 of the Acts of 1901, be so amended as to provide that after the passage of this Act the Recorder and Marshal of said City of Martin shall be elected by popular vote, just as the Mayor and Aldermen are required to be elected by popular vote, just as the Mayor and Aldermen are required to be elected under said Act herein amended.

Terms of each.

SEC. 2. *Be it further enacted,* That the term of office of the Recorder shall be two years, and that of the Marshal shall be one year, and that said terms shall begin with the terms of the Aldermen elected at the same time that they or either of them shall be elected, and that they shall expire on the first Monday in July, after the election of their successors.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 209.

SENATE BILL No. 374.

AN ACT to create a special School District in the Fourth Civil District of Hardin County, Tennessee, to be known and numbered as District Number 9, and to provide for directors and for the government of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be, and the same is hereby, created in Hardin County, Tennessee, to be known and numbered as School District No. 9, bounded as follows—to-wit: Beginning at the mouth of Carr Branch, south of the Town of Savannah, running thence up said branch, with its meanders, to the corner of the fence around the old Carr field, now owned by Edgar Cherry, at the foot of Gallows Hill; thence south with the fence to the east side of said field, with the said Edgar Cherry's line, to the Barnhill line; thence east with said Barnhill line to Cal Spear's line; thence north with said Spear's line to his northwest corner, so as to include what is known as String Town; thence east with said Spear's north boundary line to the Hamburg and Savannah Road; thence south with said road to a point west of Bob Boggen's southwest corner; thence east to said Boggen's southeast corner; thence north with his line to his northeast corner; thence in a northeastern direction so as to strike the land known as the brick yard land; thence east with the south boundary line of said brick yard land, owned by Hughes, Ross & Co., and Arch Walker, to the Savannah and Florence Road; thence south with said road to the southwest corner of the tract of land owned by D. A. and T. J. Welch, known as the H. H. Hardin land; thence east and north with the lines of said land to its northeast corner; thence in a northern direction to the southeast corner of the land owned by Mrs. Jennie Watson, known as the Jno. A. Pitts place; thence with the east boundary line of said land to the Pinhook Road; thence with said Pinhook Road to G. A. Farriss' line; thence with said Farriss' line, so as to include his land, to Horse Creek; thence down

Boundaries.

said creek, with its meanders, to the north boundary line of E. D. Patterson's land; thence in a western direction following said Patterson's lines to a point east of the northeast corner of the tract of land owned by M. H. Meeks, lying just north of New Town; thence west with the north boundary line of said Meeks' land to the northwest corner of the same, and continuing west to the Savannah and Craven's Landing Road; thence in a northern direction with said road to the north boundary line to the M. F. Parker land; thence west with the north boundary line of said land, so as to include all of the same, to the Tennessee River; thence up said river, with its meanders, to the beginning.

Directors of old district to pay over funds.

SEC. 2. *Be it further enacted,* That the Directors of said Fourth District be, and they are hereby, directed and empowered to certify and pay over to the Directors of the special School District, created by this Act, in proportion to the scholastic population of said special district, its *pro rata* of all school funds due the same at the time of the passage of this Act, and said special district shall be entitled to its *pro rata* of the School Fund provided by the General Assembly of the State of Tennessee of 1905.

County Superintendent to appoint directors.

SEC. 3. *Be it further enacted,* That the County Superintendent of Public Instruction for Hardin County, Tennessee, be, and he is hereby, authorized and directed to appoint three directors for said special School District, resident within the same, to serve until the next regular election for School Directors, when there shall be elected by the qualified voters residing within said special School District three directors in the manner now provided by law; and said special School District shall be entitled to the same lawful privileges, rights, and immunities of other School Districts and be subject to the same regulations and control.

SEC. 4. *Be it further enacted,* That said three School Directors so appointed by said Superintendent of Public Instruction for said County of Hardin be, and they are hereby, empowered and directed to carry out all contracts heretofore made by the Directors now acting for said Fourth District and now existing with any person or persons within said special School District or with any teacher or teachers engaged in teaching any school or schools within said special School District.

SEC. 5. *Be it further enacted,* That all laws and parts

of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 210.

SENATE BILL No. 225.

AN ACT entitled "An Act to abolish all the Civil Districts of Grundy County, Tennessee; to redistrict said county, and establish four Civil Districts in lieu of the thirteen Civil Districts now existing in said county; to define the boundaries of the same, and to abolish certain offices in said county, and to provide for the election of their successors."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there are hereby created and established for the County of Grundy four Civil Districts in lieu of the thirteen Civil Districts now existing therein.

SEC. 2. *Be it further enacted,* That the boundaries of said new Civil Districts shall be as follows:

First—The territory now embraced within the boundaries of the First, Third, and Fourth Civil Districts shall be consolidated and shall hereafter be known as the First Civil District. First District.

Second—That the territory now embraced in the Second, Fifth, Sixth, and Tenth (Civil Districts) shall be consolidated and shall hereafter be known as the Second Civil District. Second District

Third—That the territory now embraced within the boundaries of the Seventh, Eighth, and Ninth Civil Dis- Third District.

tricts shall be consolidated and shall hereafter be known as the Third Civil District.

Fourth District

Fourth—That the territory now embraced in the Eleventh, Twelfth, and Thirteenth Civil Districts shall be consolidated and shall hereafter be known as the Fourth Civil District.

Election in August, 1906.

SEC. 3. *Be it further enacted,* That an election for Justices of the Peace, and all other Civil District officers, in the districts herein laid off and defined, shall be held by the election officers and Commissioners, under the existing election laws, on the first Thursday in August, 1906, but the incumbent Justices of the Peace, Constables, District Assessors, and all other Civil District officers, shall hold their offices and shall serve until the end of the terms for which they were elected, and shall be vested with all the powers and authority of their respective offices.

SEC. 4. *Be it further enacted,* That this Act, for the purpose of electing Justices of the Peace and all other Civil District officers in the districts herein laid off and defined, shall take effect on the first day of August, 1906, but this Act, for all other purposes, shall take effect on the first day of September next, succeeding said election in 1906.

No new districts to be created.

SEC. 5. *Be it further enacted,* That no Civil Districts in excess of the four districts hereby created and established, shall be created out of any of the territory of said county unless authorized by an Act of the General Assembly of the State of Tennessee.

Disposition of dockets and records.

SEC. 6. *Be it further enacted,* That from and after the first day of September, 1906, the offices of the Justices of the Peace, Constables, Civil District Assessors, and of all other Civil District officers are abolished and shall cease to exist, and the Civil Districts now existing be, and the same shall be abolished, and the Justices and other civil officers of the districts so abolished by this Act shall turn over to the Justices and officers elected under this Act, of which their abolished district has been made a part, all their docket books, papers, and documents pertaining to their respective offices, that all law books, Codes, Acts of the General Assembly, maps, etc., belonging to the county shall, within thirty days from and after the first of September, 1906, be delivered to the Clerk of the County Court of Grundy County, to be disposed of as the County Court may see proper; *Provided,* that the Road Districts and School Districts in said county shall remain as now

existing until changed by lawful authority; and *Provided further,* that the voting precincts of said county shall remain as heretofore established, unless otherwise provided for by the County Court.

SEC. 7. *Be it further enacted,* That there shall be elected in each of the new Civil Districts created by this Act two Justices of the Peace, one Constable, and one Tax Assessor, election to be at period of time above stated.

SEC. 8. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after the first day of September, 1906, the public welfare requiring it.

Passed April 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 211.

SENATE BILL No. 293.

A BILL to be entitled "An Act to secure the establishment of a college for the higher education of teachers, in the State of Tennessee, by providing an annual appropriation therefor for a term of years."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That, whereas, the Trustees of the Peabody Education Fund, pursuant to the powers in them vested, have resolved to apply one million dollars of the capital of said fund to the establishment at Nashville, Tennessee, of a college for the higher education of white teachers for the Southern States, and as the successor of the Peabody Normal College, which was established at Nashville by the said Board of Trustees, and which is in

part supported by the State of Tennessee through annual appropriations made by the General Assembly; and,

WHEREAS, The Constitution of the State provides that it shall be the duty of the General Assembly to cherish literature and science, and pursuant thereto the State has established and now maintains a system of common schools, and has supported, by appropriation, the Normal College as a training school for teachers; and

WHEREAS, Great advantages will accrue to the State of Tennessee and its common schools by the establishment of said College within its limits and at its capital; and

WHEREAS, The said Trustees of the Peabody Education Fund, at a meeting held in the City of Washington, D. C., on the 24th day of January, 1905, adopted the following resolutions—viz.:

"*Be it therefore resolved* (two-thirds of the members of the Board concurring), That within one year from this date there shall be delivered to this Board, or shall be placed at its disposition:

First—Bonds of the County of Davidson for $50,000.

Secondly—Bonds of the City of Nashville for $200,000.

Thirdly—The sum of $250,000 appropriated by the State of Tennessee.

Fourthly—Sixteen acres of land and the buildings and appurtenances now occupied and used by the Peabody Normal College, and conveyed by the Trustees of the University of Nashville; and

Fifthly—The further sum of $50,000 in money or its equivalent.

This Board will immediately take proper action to establish in Nashville, Tenn., a college for the higher education of teachers of the Southern States, to be the successor of the present Peabody Normal College in said city, and to be known as 'George Peabody College for Teachers,' and to be duly incorporated in said name under competent authority and to be under the government of a Board of Trustees to be named and appointed by this Board, and to have the power to fill all vacancies which may occur on said Board.

And further that this Board hereby pledges itself to appropriate $1,000,000 out of the funds in its hands as a permanent endowment of said College; said $1,000,000 to be held as a permanent fund, only the income thereof to be applied to the maintenance of the institution.

And further, that as soon as the 'George Peabody Col-

lege for Teachers' shall be duly incorporated this Board will immediately assign, set over, and deliver unto the said corporation, or its aforesaid Trustees, the said sum of $1,000,000 of its funds, and also of all other moneys, bonds, and property above referred to, which shall have been received or placed at the disposition of this Board for said purpose, to be received and used by the said Trustees for the establishment, maintenance, and development of the said 'George Peabody College for Teachers' as an institution for the higher education of teachers for the Southern States."

SECTION 1. *Now, therefore (be it enacted by the General Assembly of the State of Tennessee,* That) the State of Tennessee hereby assents to and accepts the proposition contained in said resolution.

SEC. 2. *Be it further enacted,* That the State of Tennessee hereby appropriates the sum of two hundred and fifty thousand dollars to the support, maintenance, and use of said College for the education of teachers, payable thereto as follows: Twenty-five thousand dollars annually for ten years, beginning with the year A.D. 1905, without interest, for the due, prompt, and punctual appropriation of which, by succeeding General Assemblies of the State of Tennessee, the faith and honor of the State of Tennessee are hereby pledged, if the Trustees of the "George Peabody School for Teachers" shall deal justly and fairly with the State of Tennessee and its teachers and students in the matter of the disposition of the funds herein granted them; *Provided, however, always,* that the various sums and amounts required by said resolution to be raised by the City of Nashville, and by Davidson County, and by the Trustees of the University of Nashville, and the fifty thousand dollars in money, are raised and delivered over in manner and form and time as by said resolution is provided; and *Provided further,* that the said sum of one million dollars is applied and transferred to the use and benefit of the College located at Nashville, by said resolution contemplated; and *Provided further,* also that the Governor of the State of Tennessee shall be *ex officio* a member of the Board of Trustees of the Peabody College for Teachers.

SEC. 3. *Be it further enacted,* That the Governor and Secretary of State of Tennessee execute under the great seal of the State, and deliver to the said Board of Trustees of the Peabody Education Fund, on or before the

CHAPTER 213.

SENATE BILL No. 100.

AN ACT to amend Chapter 105 of the Acts of the General Assembly of 1903, entitled "An Act to provide for the disposition of the surplus remaining in the Treasury at the end of each year by appropriating it to use for scholastic purposes in the State of Tennessee, and to repeal Chapter 171, Acts of 1901, and that portion of Section 3 of Chapter 8, Acts of 1899, and any other law which is in conflict with this Act," by providing the maximum amount of surplus which shall be applied for scholastic purposes, and specifying that a portion of such maximum amount be set apart to be used for the purpose of equalizing the length of the school terms in the several counties, and directing the manner in which said surplus shall be ascertained, and providing for the disposition of any surplus above the maximum amount set aside for scholastic purposes.

Amount of surplus to schools limited to $300,000.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Chapter 105, Acts of 1903, the same being entitled "An Act to provide for the disposition of the surplus remaining in the Treasury at the end of each year by appropriating it to use for scholastic purposes in the State of Tennessee, and to repeal Chapter 171, Acts of 1901, and that portion of Section 3 of Chapter 8, Acts of 1899, and any other law which is in conflict with this Act" be, and the same is hereby, amended by adding at the close of said section the following: "*Provided further,* that the maximum amount of surplus in the Treasury set aside for scholastic purposes each year shall not exceed the sum of three hundred thousand dollars; and *Provided further,* that fifty thousand of said three hundred thousand dollars shall be specially set apart to be used and expended annually for the purpose of making the scholastic terms of all public schools as much as six months, or as near thereto as may be accomplished with said special fund. Said special fund to be apportioned as provided in Section 4 of this Act; and *Provided further,* that if on the 31st day of December of any year the surplus in the Treasury shall fall be-

low three hundred thousand dollars, the amount of such deficiency shall be made up the preceding year out of any surplus remaining in the Treasury on the 31st day of December of said year in excess of three hundred thousand dollars.

Funding Board to determine.

SEC. 2. *Be it further enacted,* That the Funding Board is hereby directed, as early as practicable after the first day of each year, to ascertain the amount of the surplus in the Treasury over and above the current obligations on said first day of the year.

Comptroller to disburse.

SEC. 3. *Be it further enacted,* That Section 2 of said Chapter 105, Acts of 1903, be hereby amended so as to read: "The Comptroller is directed, after the surplus has been ascertained by the said Funding Board, to pass to the credit of the school fund such surplus, provided the amount does not exceed three hundred thousand dollars, and the emergency deficiency heretofore mentioned, and shall, as soon as practicable, apportion among the various counties, in accordance with the scholastic population of the several counties, two hundred and fifty thousand dollars of this amount. The remainder of the said fund to the credit of the school fund shall be held to be apportioned in accordance with the provisions of Section 4 of this Act."

State Superintendent to gather reports as to terms in different Counties.

SEC. 4. *Be it further enacted,* That the State Superintendent of Public Instruction shall secure reports from each county in the State showing the length of school term in each district in said county, and the amount of expense incurred by each district, and these reports, together with all information which may be obtained, shall be submitted by said Superintendent to the State Board of Education at a regular or special meeting of said Board of Education, and said Board of Education, after thoroughly considering these reports and adopting methods of procedure and rules and regulations under the limitations of this Act, in order to carry out the purposes of this Act, shall apportion the said sum of fifty thousand dollars of the surplus passed to the credit of the school fund to the several counties or any part of them in such manner and in such sums as to equalize the scholastic terms of the various public schools throughout the State and to make said scholastic terms not less than six months or as near thereto as may be accomplished with the said special fund. Said Board of Education, in making the distribution of this special fund, shall take into consideration the scholastic population of

State Board of Education to adopt rules of disbursement of the $50,000.00.

each School District in the State, the amounts received by said districts from the county and from the State, independent of this special fund of fifty thousand dollars of the annual surplus, and shall be governed in determining what additional aid shall be given any district by the length of time the last scholastic term should have been with the funds received from the county and State, on the basis of a fixed amount of expense per school month of twenty days.

What counties may receive.

SEC. 5. *Be it further enacted,* That no county shall be eligible to receive any benefit from this special fund of fifty thousand dollars of the amount passed to the credit of the school fund unless said county shall levy a tax of two and one-half mills on the dollar of assessable property in said county for school purposes, this to be in addition to the levy made by the State for State purposes, which remains in each county where collected.

SEC. 6. *Be it further enacted,* That if, after carrying out the purposes of this Act to equalize the scholastic terms in the various public schools by making said terms as much as six months, there should remain any balance of this special fund, said balance shall be apportioned by the Comptroller to the various counties in accordance with the scholastic population to be used for school purposes, upon certificate from the State Board of Education specifying the amount of said balance.

State Board to certify special counties to Comptroller.

SEC. 7. *Be it further enacted,* That the State Board of Education, through its President and Secretary, shall certify to the Comptroller the amount of said special fund apportioned to each county, and upon receipt of said certificate the Comptroller shall issue his warrant in favor of the Trustee of said county for said sum, the said Trustee shall apportion to each district in his county the amount to the credit of said school designated by the State Board of Education.

Surplus above $300,000.00 goes to sinking fund.

SEC. 8. *Be it further enacted,* That if there should be any residue of surplus in the Treasury at the end of each year over and above three hundred thousand dollars as herein provided for, and the emergency deficiency heretofore mentioned, said residue shall go into the sinking fund and be applied to the retirement of bonds, as provided in Chapter 8, Acts of 1899.

SEC. 9. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are here-

by, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 214.

SENATE BILL No. 488.

A BILL to be entitled "An Act to create a joint School District out of parts of the Fifth and Tenth Civil Districts of Humphreys County, to be known as the McEwen District No. 19, and to regulate the same."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a joint School District, to be known as the McEwen District No. 19, be, and the same is hereby, established out of parts of the Fifth and Tenth Civil Districts of Humphreys County, said district to be bounded as follows—to-wit:

Boundaries.

Beginning at the Alex Simpson farm, on the Nashville and Charlotte Stage Road, at the head of Trace Creek, one and one-half miles northeast of the center of the Town of McEwen, and running south to Yellow Bank Trestle on the N., C. & St. L. R. R., said trestle being one mile east of the center of the Town of McEwen; thence southwest *via* Wesley Lomax's and Patrick Hughes' farm on the McEwen and Hurricane Road to Samuel May's farm on Big Blue Creek, two miles south of the center of the Town of McEwen; thence northwest *via* Brown Cheates and Houston Henry's farm, to the residence of M. G. Chronister, on the McEwen and Little Blue Creek Road, said residence being one and one-half miles from the center of the Town of McEwen; thence north *via* the Matt Jansen and Pat-

rick McGlynnan farms, on the McEwen and Waverly Road on Trace Creek, said place being one and one-half miles from the center of the Town of McEwen; thence east with the meanderings of said creek to the beginning, including all the territory within the boundaries above set out.

SEC. 2. *Be it further enacted,* That all public free school property situated within the limits of the district hereby and herein created shall be and become the property of such said Nineteenth School District, to be held and used by it as other free school property.

County Superintendent to appoint first directors.

SEC. 3. *Be it further enacted,* That upon the passage of this Act the County Superintendent of Humphreys County shall appoint three School Directors for said Nineteenth School District, who shall possess all the qualifications required by existing laws for School Directors, and shall possess all the powers and authority under existing laws given to School Directors of the State, who shall hold office until the next regular election for School Directors of the State.

Election of clerk.

SEC. 4. *Be it further enacted,* That upon the appointment and qualification of said directors they shall elect one of their number Clerk who shall, as soon as practicable, take a scholastic census of said district and file one copy of the same with the County Superintendent of Humphreys County, Tennessee, and one with the Trustee of said county. Such census shall show separately the scholars within the old territory of the Fifth and Tenth School Districts of said county embraced in the district hereby created and from which the same is hereby created and detached.

SEC. 5. *Be it further enacted,* That upon the filing of said scholastic census as aforesaid, the County Superintendent, together with the Trustee of Humphreys County, shall ascertain the several amounts of free school money apportioned and unexpended to the credit of said Fifth and Tenth School Districts with said Trustee, and in the proportion said scholastic census shows according to the last scholastic census for said Fifth and Tenth School Districts that the scholastic population taken from said district and embraced in the district here created, said Superintendent shall issue warrants against said free school funds of said Fifth and Tenth School Districts to the Trustee of said Humphreys County transferring such part or proportion of said free school fund from said Fifth

and Tenth School Districts herein created, which warrant said Trustee shall honor and place the sums to the credit of the district herein created, and charge the same respectively against said Fifth and Tenth School Districts, from which the same are transferred and which amount, when so transferred and so credited, shall be and become the property of the district herein created.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 215.

SENATE BILL No. 407.

A BILL (to be entitled) "An Act to amend Chapter 114 of the Acts of Tennessee, 1903, entitled 'An Act to regulate the collection of costs and fees in criminal cases arising under the small offense law by Justices of the Peace in counties of this State having a population of from 60,000 to 90,000 inhabitants by the Federal census of 1900, or that may have that population by any subsequent Federal census,' so as to provide that said Act shall apply to counties having a population of 150,000 inhabitants or over by the Federal census of 1900, or any subsequent Federal census."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 114 of the Acts of 1903 be amended as follows:

That Section 1 of said Act be amended by inserting immediately after the words "60,000 to 90,000" the following words, "and also 150,000 or over," and also by inserting immediately after the words "Civil District" the following words, "or municipal corporation."

SEC. 2. *Be it further enacted,* That Section 2 of said Act be amended as follows: That immediately after the words "magisterial district" be inserted the following words, "or municipal corporation;" and immediately after the words "than the district" be inserted the words, "or municipal corporation;" and immediately after the words "of such district" be inserted the words, "or municipal corporation;" and immediately after the words "in whose district" be inserted the words, "or municipal corporation."

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 216.

HOUSE BILL NO. 366.

AN ACT to amend Chapter 577 of the Acts of 1903 and House Bill No. 770, the same being an Act entitled "An Act to reduce the number of Civil Districts in Henry County by abolishing certain districts, and annexing the territory embraced therein to the districts remaining, and to renumber said remaining districts," so as to create Civil District No. 14 in said County of Henry, and provide for the election of officers in same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 577 of the Acts of 1903, and House Bill No. 770, be, and the same is hereby, amended as follows: By striking out "23" in the first line of Section 1, and lines "24" and "25" of said section, and by adding to Section 1 the following: "District No. 23 shall be changed to Civil District No. 14."

SEC. 2. *Be it further enacted,* That the Election Commissioners of the said County of Henry be, and the same

are hereby, authorized to call an election to be held in said District No. 14, as established by this Act, and under the rules now prescribed by law, not later than the 15th day of April, 1905, for the purpose of electing two Justices of the Peace, one Constable, Tax Assessor, and three School Directors, the same to hold their office until the next general August election thereafter.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it, and that all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 217.

HOUSE BILL No. 428.

AN ACT to amend Chapter 348 of the Acts of the General Assembly of the State of Tennessee for the year 1903, entitled "An Act to create a Board of Jury Commissioners for counties in this State having a population of 24,255 and less than 24,275 inhabitants by the Federal census of 1900, and for the selection of juries, etc."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 4 of Chapter 348 of the Acts of the General Assembly of the State of Tennessee, for the year 1903, entitled "An Act to create a Board of Jury Commissioners for counties in this State, of the population named in said Act, etc., be, and the same is hereby, amended so as to read down to the sentence, 'The Circuit Court Clerk, as Clerk of the Board, shall purchase for the Board a suitable and well-bound book in which to record said list,'" as follows—to-wit: "That it shall

This Act applies to Hawkins county.

be the duty of said Jury Commissioners to select from the tax books of the county and other sources, names of upright and intelligent men, known for their integrity, fair character, and sound judgment, from each and every district in the county, and in proportion to the population of such districts as near as may be, and possessing the qualifications now prescribed by law, except that service on a regular panel within one year shall not disqualify a person, a list of names numbering not less than two hundred and fifty, nor more than three hundred. Said list shall constitute the jury list for one year from the making thereof, and shall not during the said year be added to or taken from, except as hereinafter provided."

Judge may designate jurors from bystanders.

SEC. 2. *Be it further enacted,* That Section 5 of said Act be, and the same is hereby, amended by the addition of the following proviso at the end, and as a part of said section—to-wit: *Provided further,* that the presiding Judge may, in his discretion, designate by name from bystanders or other citizens of the county, additional jurors necessary to complete the regular panel without drawing the names from the jury box, and in which event the record will show such designation and the names of the parties designated.

SEC. 3. *Be it further enacted,* That the last sentence in Section 8 of said Act be, and the same is hereby, amended so as to read as follows: "If by reason of excusing jurors under this section it becomes necessary to have additional jurors during the term they shall be drawn from the box or designated by the presiding Judge, as provided in Section 5 of this Act."

List to be prepared by first Monday in June, 1905.

SEC. 4. *Be it further enacted,* That Section 10 of said Act be amended so as to read as follows: That the jury list herein provided for shall be prepared as soon as practicable after the passage of this Act. On the first Monday in June, 1905, or as soon thereafter as practicable, and annually thereafter, the Board shall make out a new jury list, and place the names in the jury box, the names then remaining in the jury box being first removed; *Provided,* that if within one year the number of names remaining in the jury box shall have been reduced below seventy-five, then the Judge of the court may, by order, made either at chambers or in open court, require the Board to renew the list and box as though the one year had expired.

SEC. 5. *Be it further enacted,* That Section 11 of said Act be so amended as to strike out the words "two years"

in the fourth line from the top of said section and substitute therefor the words "one year."

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 218.

HOUSE BILL No. 552.

A BILL to be entitled "An Act to change the line between Overton and Putnam Counties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between Overton and Putnam Counties be, and the same is hereby, so changed so as to detach that portion of land belonging to Ben Mason, which is in Putnam County, and attach the same to Overton County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 219.

HOUSE BILL No. 38.

AN ACT to amend Section 324 of the Code of 1858, known as the Code of Tennessee, so as to provide for the performance of the duties of Clerks of the Circuit and Criminal Courts and to regulate their salaries in counties having a population of less than 7,500 or more than 7,450, according to the Federal census of 1900, or any subsequent census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 324 of the Code of Tennessee be, and the same is hereby, amended by adding the following provision—viz.: *Provided,* that in counties having a less population than 7,500 and more than 7,450 by the Federal Census of 1900, or any subsequent Census, the Register of said county shall be *ex officio* Clerk of the Circuit and Criminal Courts, and shall perform the duties of such Clerks and receive the same salary as now provided or may hereafter be provided by law for such Clerks. And such Register shall include in his report to the County Court of fees collected all fees collected by him as Register and as Clerk, and the total of all fees collected both as Clerk and as Register shall be taken into account in ascertaining the amount of salary due from the county.

SEC. 2. *Be it further enacted,* That this Act take effect for the purpose of electing such Register on the first Thursday in August, 1906, and for all purposes on the first Monday in September, 1906; *Provided,* that in the event any vacancy in the offices of Circuit Clerk or Register should occur in the counties affected by this Act, as to such county, this Act shall take effect upon the happening of such event, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 220.

House Bill No. 519.

AN ACT to amend the charter of the City of South Pittsburg, Tennessee, and to repeal and codify the various amendments thereto into one Act.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the City of South Pittsburg, Tennessee, as contained in Chapter 235 of the Acts of 1899, entitled "An Act to incorporate the Town of South Pittsburg, in the County of Marion, and make same a School District, provide for the election of the necessary officers, prescribe their duties, powers, and compensation, and define the city limits and the powers of said corporation, to amend and repeal the present charter of the same, and to provide for the payment of its outstanding obligations, and to codify all laws upon this subject into one Act, and to authorize said city to issue bonds, upon certain conditions," be, and the same is hereby, amended in the following particulars:

Section 1 of Article 2 is amended so that the Mayor shall be elected for two years instead of one year as heretofore.

Property owners to put down sidewalks.

Section 10, Sub-Section 3 of Article 2, is amended by adding thereto the following, "and to compel the adjacent property owners on Cedar Avenue, between Second and Sixth Streets, to put down sidewalks in front of their property of uniform character, upon the city paying one-half the expense thereof, including the placing of curbing, in case any property owner fails to pay the one-half of the cost of pavement chargeable to his property, the same shall be a charge upon the adjacent property and collectible in manner provided for the collection of taxes, immediately upon the completion of the work by the city."

Section 7 of Article 3 is amended so that a vacancy in the Board shall be filled by the remaining members of the Board, instead of a special election.

Male inhabitants to work streets.

Sub-Section 16 of Section 10, Article 2, is hereby repealed, and in lieu thereof is inserted the following: "Each male inhabitant, between the ages of twenty and

forty-five years, that lives or boards within said municipality as a citizen, shall perform four days' work of nine hours each upon the public streets of the city or in lieu thereof pay into the City Treasury four dollars each, such inhabitant shall be liable to work or commute as above at any time upon five days' notice, provided no one shall be required to work or commute oftener than once each calendar year or fractional part thereof he may be a resident of the city. A failure to work or commute as above shall be a misdemeanor and subject the offender to a fine in the City Court in double the amount and imprisonment until such fine and costs are paid. The Board of Mayor and Aldermen shall pass proper ordinance for carrying this provision into effect."

Section 1 of Article 4 is amended by adding thereto the following: *"Provided,* that rate of property tax shall be ten mills on the dollar for the year 1905 and 1906 after which the rate shall be seven and one-half mills on the dollar."

Section 3 of Article 4 is amended by striking out of said section the words "31st day of December of each year" and inserting in lieu thereof the words, "1st day of March of the following year."

May fund floating indebtedness.

Section 10 of Article 4 is amended by prefixing to said section the following, "Not less than twenty-five per cent of the total revenues of the city shall be set apart as sinking fund to pay the present outstanding indebtedness or any other necessarily incurred. The Board of Mayor and Aldermen may, by two-thirds majority, direct the Mayor, from time to time, to borrow money to fund floating indebtedness, necessarily incurred, and to execute notes therefor, such notes, when signed by the Mayor upon resolution of the Board, shall be a valid obligation of the city."

The words "twenty-five per cent" in the first line of said Section 10 are stricken out, and the words, "ten per cent" inserted.

SEC. 2. *Be it further enacted,* That Chapter 360 of the Acts of 1901, passed April 19, 1901, which was an amendment and continuation of the charter of South Pittsburg, Tennessee, as contained in Chapter 235 of the Acts of 1899 above set out, with caption substantially as that copied in the first section of this Act, be, and the same is hereby, repealed.

Chapter 446 of the Acts of 1903, which is an Act to amend the charter of the Town of South Pittsburg, in Marion County, Tennessee, so as to provide for the payment of its outstanding indebtedness and for other purposes, passed April 10, 1903, is hereby repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 221.

HOUSE BILL No. 570.

AN ACT to create and establish a School District in Jefferson County, Tennessee, to be known as School District No. 8, and to define the boundaries thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, known as District No. 8, be, and the same is hereby, established in Jefferson County, Tennessee, and that said School District No. 8 shall include the territory formerly included in the Fifth Civil District of Jefferson County, Tennessee, before the passage of the Act redistricting Jefferson County, Tennessee, as passed by the General Assembly of 1903, as shown by House Bill No. 983, printed in the Acts of 1903, on pages 1228, 1229, and 1230. The purpose of this Act being to create an independent School District, known as School District No. 8, to include the territory formerly included in the Fifth Civil District of Jefferson County, Tennessee, before the passage of the Act above referred to.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 222.

HOUSE BILL NO. 606.

AN ACT to change the line between the Counties of Cannon and Wilson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Cannon and Wilson be so changed as to include all the lands of Henry Thomas, T. L. McMillin, and Marguerite Tenpenny in Cannon County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 223.

House Bill No. 559.

A BILL to be entitled "An Act to establish an independent School District in the Sixteenth Civil District of Warren County, Tennessee, and to be known as Dibrell School District No. 59."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee;* That an independent School District be established in the Sixteenth Civil District of Warren County, Tennessee, with the following boundaries: Beginning with the farm of Robert Kenton on Mountain Creek and running up said creek to H. Christian's farm, including the farms of B. F. Womack, E. H. Robinson, J. T. Turner, J. N. Kenton, and then running west to the line of the Twelfth Civil District, including the farms of L. Sutton and D. P. Taylor; thence south with the line between the Twelfth and Sixteenth Civil Districts, including the farms of William Martin, Poterfield, and William McGregor; thence to the line of the Thirteenth Civil District, including A. C. Summers and the farm of Ben Bullard; thence east with the said line of the Thirteenth Civil District to the Fourteenth Civil District, including the farms of Melvin Sparkman and A. A. Turner; thence with the Fourteenth Civil District line, including the Wilson's lands; thence with Mountain Creek to the Robert Kenton farm, including same. The said School District is to be known as Dibrell School District No. 59, and shall have all the rights and privileges and emoluments as other School Districts of Warren County, and shall be controlled by the Directors appointed by the County Superintendent, to serve until the next regular election, when the three Directors shall be elected by the qualified voters of the said School District as other School Directors are elected and for the same time.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 224.

HOUSE BILL NO. 471.

A BILL to be entitled "An Act to amend an Act passed by the Legislature on the first day of April, 1901, Chapter 258, entitled 'An Act to incorporate the Town of Sweetwater, in Monroe County, Tennessee, and to provide for the government thereof; to establish a School District therein; to authorize said corporation to borrow money and issue bonds for corporate purposes; to provide for the election of officers, prescribe their duties, and for other purposes.'"

ARTICLE I.

Amend boundary description.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the limits of said Town of Sweetwater and the lines be so changed in the sixth line of the description in Acts of 1901 as to use the word "west" instead of the word "east," and then read as follows after the word "west" is inserted, "west with Monroe Street to the southeast corner of the old Fair Grounds; thence north with the east line of the old Fair Grounds to Boyd's or Wilson's line; thence easterly with Boyd's line to Boyd's or Wilson's southeast corner; thence north with Boyd's or Wilson's line and G. H. Ferguson's line to Beardshear's and Williams' line to Gauts' and James May's line," and then the same description as in Acts of 1901.

ARTICLE II.

Property owners to build and repair sidewalks.

SECTION 1. *Be it further enacted,* That Section 6 of Article IX., be so amended as to add to said section that before said lien provided for in said section shall apply, the Board of Mayor and Aldermen shall issue, through the Chairman of the Board of Public Works, written notice to the owner or occupant of the lot to make or repair the sidewalk along his property, said written notice to designate the kind of sidewalk to be made or how to repair it and with what kind of material, and have the same served on the property owner or occupant by the Marshal or some other officer of the Town of Sweetwater, Tennessee, and that if the sidewalk in question is not made or repaired within twenty days from the date of the service of notice that at any time thereafter the Board of Mayor and Aldermen shall, through their agents or street foreman, proceed to do the work, and the value of the same shall become a lien upon the property along which it runs, and said lien may be enforced as other liens upon realty.

ARTICLE III.

Chairmen of committees to become Board of Public Works.

SECTION 1. *Be it further enacted,* That said Act be so amended as to create Article XIII. of said Act, and provide that the chairmen of the three committees appointed by the Mayor—to-wit: Street Committee, Finance Committee, and Sanitary Committee—shall be and constitute the Board of Public Works for the Town of Sweetwater, and these three men shall organize as such after being sworn in as Aldermen, and shall have a Chairman, who shall be the Chairman of the Street Committee, appointed aforesaid, and the Board of Public Works shall, from time to time, make their reports to the Board of Mayor and Aldermen, to their regular meetings or at called meetings of said Board of Mayor and Aldermen; and this Board of Public Works shall have control and supervision of all the public streets, squares, avenues, alleys, parks, and thoroughfares of the town, including sidewalks, foot pavements, curbings, health regulations, and sanitary regulations, sewerage, drainage, and all contrivances for lighting the town, by electric lights or otherwise, and of the waterworks, if any are built; and it shall be the duty of the Board of Public Works to see that all the laws and ordinances of the Town of Sweetwater are enforced.

Powers of Board.

Said Board of Public Works shall also have the power to contract for and purchase the necessary material to improve, repair, and keep the streets, street crossings, alleys, bridges, and sidewalks in good condition, and to use the street force; *Provided, however,* that no expenditure shall exceed the amount of funds available for the purpose, which shall at all times be provided for and set apart by the Board of Mayor and Aldermen before said work is done. For all of said work, whether under contract or otherwise, they shall issue an order to the Treasurer, which shall be approved by the Board of Mayor and Aldermen, and they shall make their report of all expenditures at the regular monthly meeting of the Board of Mayor and Aldermen at the end of each month, and shall at all times ascertain what funds are available before any contract for work is let or work done, and only contract to use the available funds.

Compensation.

SEC. 2. *Be it further enacted,* That the Chairman of the Board of Public Works shall receive ten dollars per month, and each of the other two members of the Board of Public Works shall receive five dollars per month, to be paid quarterly as other salaries.

SEC. 3. *Be it further enacted,* That the Board of Public Works, or any member of the same, may be discharged by the Mayor for nonperformance of duty or for failure to look after the matters entrusted to their care, or for any other reason in keeping with the line of their work, and others be appointed in their stead.

ARTICLE IV.

SECTION 1. *Be it further enacted,* That Article XIII., Section 1, be so amended as to strike out that part of the third and fourth lines that reads as follows, "To see that all the laws, ordinances, and laws of the corporation are enforced," and it shall be the duty of the Board of Public Works to see that all the laws and ordinances of the Town of Sweetwater are promptly enforced by those whose duty it shall be to, from time to time, perform each duty and enforce each law.

ARTICLE V.

Salary of Mayor.

SECTION 1. *Be it further enacted,* That Section 1 of Article X. be so amended as to read that the Mayor shall receive as his salary a sum not to exceed one hun-

dred dollars per year; and each member of the Board of Mayor and Aldermen, other than the Mayor and Board of Public Works, shall receive a sum not to exceed twenty-four dollars per year, which sum shall be paid quarterly as provided.

ARTICLE VI.

SECTION 1. *Be it further enacted,* That the Board of Mayor and Aldermen are hereby empowered to, and may create and set apart a fund that shall be known as a pauper fund, same not to exceed one hundred dollars per annum, same to be taken from the general fund of said corporation, and this fund shall not be used for any purpose except upon order of the Board of Public Works, countersigned by the Mayor. Pauper fund.

ARTICLE VII.

SECTION 1. *Be it further enacted,* That Article XI., Section 3, be, and is hereby, amended so as to strike out the two words "vote cast," and insert in lieu thereof, after the word "majority," the words "of the votes cast at an election;" and to further amend said section so as to add to the same that when such an election is held the proportion of the money voted and of the said bonds to be issued for streets, electric light plant, and school buildings shall be fully set out in the call for election; and to provide further that the votes shall be cast for each of the said purposes separately, and that any one or more of said improvements may carry and be issued for the purpose without interfering with or affecting the rights to vote again upon the other, and, if carried, to then issue bonds also for any or all of the other improvements, if they are carried in any election held for said purpose or purposes.

SEC. 2. *Be it further enacted,* That Article XII., Section 2, of said Act be amended so as to strike out the words "Justice of the Peace of Monroe County" and insert in lieu thereof the words, "The Mayor or any one of the Aldermen."

SEC. 3. *Be it further enacted,* That the said Act be further amended so as to authorize and empower the Board of Mayor and Aldermen to appropriate and set apart an amount not exceeding one hundred dollars

($100) each year for the purpose of enlarging, creating, and sustaining a public library in the Town of Sweetwater.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 225.

HOUSE BILL NO. 668.

A BILL to be entitled "An Act to authorize Jefferson County to issue bonds for the purpose of macadamizing a road from Dandridge to Jefferson City, and to provide for the payment of said bonds and interest."

$20,000.00 bonds for roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Jefferson County, through its Quarterly County Court, be, and is hereby, authorized and empowered to issue bonds of the county to the amount of twenty thousand dollars, to bear interest at a rate not exceeding five per cent per annum, and to run not exceeding twenty years, the proceeds to be used for the purpose of macadamizing a road leading from Dandridge to Jefferson City, said macadamizing to be placed on the road; the contract for grading of which has been let.

How issued.

SEC. 2. *Be it further enacted,* That said bonds shall be signed by the Chairman and the County Court Clerk, with his official seal attached; shall be in such amounts, not exceeding one thousand dollars, as may be ordered by the court. Said bonds to be numbered consecutively in the order of their issuance, beginning with one; interest to be paid in legal tender money of the United States.

Interest coupons attached

SEC. 3. *Be it further enacted,* That said bonds shall have attached to them interest-bearing coupons showing the amount of each semi-annual installment of interest on said bonds and when the same shall fall due; each coupon shall be signed in the same manner as the bonds, except the official seal of the Clerk of the County Court need not be affixed to the coupons; the said coupons, however, shall have on their face the number of bonds to which they are attached. The bonds and coupons herein provided for when due and paid off by the Trustee shall be by said Trustee cancelled by stamping or writing on the face thereof the date of payment and held by him as his vouchers for the same in his settlement with the Chairman of the County Court, who will preserve said coupons as a part of the records of his office.

Interest and sinking fund tax.

SEC. 4. *Be it further enacted,* That it shall be the duty of said Quarterly County Court to levy a tax annually on the taxable property of said county sufficient for the purpose of paying the annual interest on said bonds, also for the purpose of creating a sinking fund for the redemption of the bonds herein authorized, when the same fall due, in such sum as said County Court may determine.

The Clerk of the County Court shall keep in a well-bound book, in his office, a record of the number and denomination of all bonds issued under this Act and the aggregate sum thereof, which at all times shall be subject to the inspection by said court and the public.

Trustee to collect.

SEC. 5. *Be it further enacted,* That the County Trustee shall collect and account for the tax herein authorized in the same manner as he is now required to collect and account for other county taxes, and he shall receive the same compensation as for collecting and accounting for other county taxes.

Redemption of bonds.

SEC. 6. *Be it further enacted,* That the Chairman of the County Court of said county shall, within the last sixty days preceding the maturity of said bonds, give notice to the holder or holders of same, through a newspaper published in said county for a term of thirty days' standing in said notice, the date said bonds fall due, and requesting that the same be presented for payment or redemption on said date of maturity, and if said bonds be not presented for payment at maturity, then the interest thereon shall cease on that day.

Chairman to appoint Commissioners.

SEC. 7. *Be it further enacted,* That for the purpose of carrying out the purposes of this Act the Chairman of the County Court shall appoint two Commissioners to act with himself, one of whom shall reside at Dandridge and the other at Jefferson City. Said Commissioners shall advertise for bids on said work, as a whole or in sections or in parts, but the contract for said work shall not be let until the bidders shall make a bond in such an amount as the Commissioners shall see fit to fix for the carrying out said contract in accordance with the specifications therein. Not more than eighty per cent of the amount earned shall be paid the contractor or contractors until the work is completed and accepted by said Commissioners.

SEC. 8. *Be it further enacted,* That said Commissioners shall make report to Quarterly County Court showing the progress of said work in detail, and at completion of the work shall make a final report.

Bonds to be delivered to Trustee.

SEC. 9. *Be it further enacted,* That said bonds, when issued by the Clerk, shall be turned over to the Trustee for sale at either public or private, and said Commissioners shall assist the Trustee in the sale, but said bonds shall not be sold for less than their par value.

Said funds shall be paid out by the Trustee on the Chairman's warrant, as other moneys are paid for general county purposes, but no warrant shall be drawn on said fund by the Chairman without an order signed by a majority of the Commissioners showing the account on which said money is to be expended.

SEC. 10. *Be it further enacted,* That said bonds shall not be taxable by the county for county purposes.

SEC. 11. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

CHAPTER 226.

House Bill No. 600.

A BILL to be entitled "An Act to create special School District No. 17, in Crockett County, Tennessee, including the Town of Maury City."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That, in order to better serve the public school interests of the community of Maury City, Tennessee, in the Tenth Civil District of Crockett County, special School District No. 17 is hereby authorized and created with metes and bounds as follows—to-wit: Beginning at a point on the old Holly Springs, Brownsville and Ohio Railroad bed, about one mile north of Maury City; thence east to public road leading from Esquire S. G. Booth to Browders; thence south with road to northwest corner of the Nunn farm; thence east to the northeast corner of the Nunn farm; thence south with the Crockett Mills Road to the Alamo and Chestnut Bluff Road; thence east with said road to the northeast corner of the Mayo farm; thence south to Brook's southeast corner; thence west with the Gates and Alamo Road to the old district line; thence south with the old district line to Black Creek; thence west with the creek to the southwest corner of the C. H. Onim farm; thence north to the Harrison farm; thence west to Harrison's southwest corner; thence north to the southeast corner of the Rucker farm; thence north to the Alamo and Gates Road; thence west with said road to Sutton's southwest corner; thence north to Sutton's northwest corner; thence east with Claybrook Alley to Cleek's southwest corner; thence north to Cleek's northwest corner; thence east to J. T. Perry's southwest corner; thence north to —— Perry's northwest corner; thence east to —— Sandlin's northeast corner; thence north to Perry's northwest corner; thence east to the old railroad bed; thence north with said railroad bed to the beginning.

County Superintendent to appoint directors.

SEC. 2. *Be it further enacted,* That the County Superintendent is hereby authorized to appoint three citizens living in the above described territory to serve as School Directors until the next regular election of School Directors, when three Directors shall be elected by the people of said special School District in the manner now provided by law. And the Directors herein provided for are authorized and empowered to receive from the Directors of the School Districts from which this special district is formed its *pro rata* of any and all school funds in the hands of the Directors of the original School Districts in proportion to the scholastic population of each fraction so taken to form this special district.

SECTION 3. *Be it further enacted,* That the management and control of the school or schools in the above described district be, and remain, in all other respects under the general public school laws as the same now exist, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 227.

HOUSE BILL NO. 491.

AN ACT to authorize the Town of Johnson City, Tennessee, to issue coupon bonds to the amount of thirty-five thousand dollars ($35,000), the proceeds to be used in the purchase of a site, and the erection thereon, of a high school building within said town, and for the purpose of furnishing and equipping the same; and also for the purpose of making additions to the other school buildings of said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this Act the Board of Mayor and Aldermen of said Town of Johnson City, Tennessee, is authorized to issue the coupon bonds of said town, under the restrictions hereinafter set out, not to exceed the sum of thirty-five thousand dollars ($35,000), payable, principal and interest, in any lawful currency of the United States; *Provided,* that said bonds, when issued, shall not be sold for less than par.

Denomination and interest.

SEC. 2. *Be it further enacted,* That all bonds issued under this Act shall be in denomination of five hundred dollars ($500) each, and bear a rate of interest not exceeding five per cent per annum, payable semi-annually, and represented by coupons attached to the bonds, and said bonds to mature in not less than ten nor more than twenty years, as may be determined prior to issue by the Board of Mayor and Aldermen of said town, the principal and interest to be payable at such places as the said Board of Mayor and Aldermen may determine.

To purchase site for school building.

SEC. 3. *Be it further enacted,* That the said bonds, or the proceeds thereof, shall be used exclusively for the purpose of purchasing a suitable site for a high school building within the corporate limits of the said Town of Johnson City, and the erection thereon of a high school building of such size, design, and architecture as may be determined by said Board of Mayor and Aldermen; and for the purpose of furnishing and equipping the same, and also for the purpose of making additions to the other school buildings of said town; *Provided,* that said Board may de-

termine the location of said building, after authorization to issue said bonds as hereinafter provided, and *Provided further,* that the total cost of site, building, equipment, and additions shall not exceed the sum of thirty-five thousand dollars ($35,000).

Election to be held.

SEC. 4. *Be it further enacted,* That the said bonds shall not be issued unless so ordered by a majority of the votes cast in an election, to be held upon thirty days' notice, by order of the Board of Mayor and Aldermen at any time, and as many times as said Board may deem necessary.

SEC. 5. *Be it further enacted,* That said election shall be held according to the laws regulating such elections existing in the State of Tennessee.

SEC. 6. *Be it further enacted,* That the officers charged with the duty of providing for the registration of votes in the general elections and the management of general elections in the Town of Johnson City, are hereby charged with the duty of providing for the registration of voters and the conduct of any and all elections held under this Act; *Provided,* that all expenses of said election shall be borne by the Town of Johnson City.

Returns of election.

SEC. 7. *Be it further enacted,* That whenever any election shall be held under this Act the officers of election shall make a return thereof, in the manner and to the person prescribed by law in general municipal elections, and the votes shall be canvassed and the result decided and announced in the method now provided by law for said general elections.

Form of ballots.

SEC. 8. *Be it further enacted,* That the Commissioners of Election shall furnish, according to the laws now existing and regulating elections in this State, tickets to be used in said election, and upon said tickets shall be printed first, "Bonds," and second, immediately below, "No Bonds," and persons voting for the issuance of bonds shall mark their tickets with a cross opposite the word "Bonds," and those voting against the issuance of bonds shall, in like manner, mark their tickets opposite the words "No Bonds."

Board to manage funds.

SEC. 9. *Be it further enacted,* That the funds arising from the sale or sales of said bonds shall be under the management and control, as to keeping and expenditure, of the Board of Mayor and Aldermen of said town, and in no event shall said funds be paid out except upon approval in writing of the Mayor of said town, and of a Building Committee, composed of four (4) Aldermen of said town, or

one member from each ward, who shall be appointed by the Mayor, whose duties shall be to inspect the building equipment and additions to other buildings provided for herein, from time to time, and shall see that the same are erected and equipped according to plans and specifications; *Provided,* that said building and additions to other buildings shall be let to contract to the lowest and best bidder, who shall, before entering upon the work, enter into a bond in double the amount of the contract price, conditioned for the faithful performance of the contract, according to plans and specifications; *Provided further,* that plans and specifications for said building, equipment, and additions to other buildings, shall be drawn up and adopted, and such advertisements made for bids as said Board may determine, before said contract is let.

Board to employ supervisor of building.

SEC. 10. *Be it further enacted,* That the said Board may employ some capable and disinterested resident and citizen of Johnson City, and fix his compensation in advance, whose duties shall be to inspect said building from time to time, have general supervision over the work and construction of the same, and who shall see that said building is erected according to the plans and specifications, and who shall approve all bills and accounts before they are paid, and make report thereof to the Board of Mayor and Aldermen, after which, if said bills and accounts are approved by said Building Committee, then the same may be paid as above provided; *Provided,* that such party, when employed, shall execute a bond in an amount to be fixed by the Board of Mayor and Aldermen before entering upon his duties.

Interest and sinking fund tax.

SEC. 11. *Be it further enacted,* That the Board of Mayor and Aldermen of said town shall annually levy and collect a special tax to pay interest on the bonds issued hereunder, and also to provide a sinking fund with which to liquidate said indebtedness, and any and all funds collected under said levies shall be used only to pay interest upon, or liquidate, the bonded indebtedness of said town.

Investment of sinking fund.

SEC. 12. *Be it further enacted,* That some person, persons, or trust company, who or which shall execute a bond in amount and terms approved by the Board of Mayor and Aldermen of said town, may be chosen as the Trustee or Trustees to invest the sinking fund, and it is hereby made the duty of said Trustee or Trustees to invest said fund only in manner and form provided by

the laws of Tennessee for the investment of the funds of a ward by his guardian or used in the discretion of the Board of Mayor and Aldermen and the Trustee or Trustees in the purchase of bonds issued hereunder, or other outstanding valid bonds of the Town of Johnson City.

SEC. 13. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 228.

HOUSE BILL NO. 537.

AN ACT entitled an Act to repeal an Act passed March 19, 1903, entitled "An Act to make it unlawful for owners of swine, sheep, or goats, or those having the control or custody of such animals, to permit them to run at large in counties having a population of more than 30,575, and less than 30,650, by the Federal Census of 1900, or any subsequent Federal Census, and to prescribe a remedy for damages committed by such animals, and to prescribe punishment for the violation of this Act."

This Act applies to Greene County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act of the General Assembly of the State of Tennessee, passed March 19, 1903, and approved March 25, 1903, entitled "An Act to make it unlawful for owners of swine, sheep, or goats, or those having the control or custody of such animals, to permit them to run at large in counties having a population of more than thirty thousand five hundred and seventy-five and less than thirty thousand six hundred and fifty by the Federal Census of 1900 or any subsequent

Federal Census, and to prescribe a remedy for damages committed by such animals and to prescribe punishment for the violation of this Act," be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 229.

HOUSE BILL No. 190.

AN ACT to repeal An Act entitled "An Act to provide for locating and building public roads in Anderson County, by authorizing the County Court to issue interest-bearing coupon bonds of said county, and providing for a Board of Commissioners to carry out the provisions of said Act," being Chapter 369 of the published Acts of the General Assembly of the State of Tennessee of 1901.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 369 of the Acts of the General Assembly of the State of Tennessee, passed on April 20, 1901, and approved April 22, 1901, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 230.

HOUSE BILL No. 240.

AN ACT entitled "An Act to create a Board of Jury Commissioners for each county in this State, having a population of 150,000 or over, under the Federal Census of 1900, or any subsequent Federal Census, and for the selection of juries, and to prescribe the duties of the members of said Board, and of the Judges, and to provide for a Clerk of said Board and for his oath and duties, and to require certain duties of each Justice of the Peace in aid of said Board, and to provide for jury lists and jury boxes in each of said counties, and for the manner of drawing and impaneling juries, and the dealings of the Circuit and Criminal Courts in said counties with said jury boxes, jury lists, and juries, and to punish certain violations of this Act, and to repeal all laws and parts of laws in conflict with this Act."

This Act applies to Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for each county in this State, having a population of 150,000 or over, under the Federal Census of 1900, or any subsequent Federal Census, shall be, and is hereby authorized to be created, a Board of Jury Commissioners. Said Board shall be appointed by the Judge or Judges of the Circuit Court or Courts, as the case may be, in each of said counties, acting conjointly with the Judge of the Criminal Court, if such there be in such counties, and acting conjointly with the Chancellor in such counties. Said Board shall consist of three discreet persons, who are householders and freeholders of the county, and who are not practicing attorneys at law, or State or county officers, and who have no suit pending in any one of said courts above mentioned at the time of appointment, and no more than two of the said Commissioners shall belong to the same political party. On the first appointment one of said Commissioners shall be appointed to serve for one year, one of said Commissioners shall be appointed to serve two years, and one of said Commissioners shall be appointed to serve three years, and all vacancies which may occur in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made, three years' term.

The Clerk of the Circuit Court is hereby created the Clerk of said Board, and whenever any one member of said Board shall fail or be unable to discharge any of the duties imposed by this Act upon said Board, the remaining members of said Board shall perform the duties required of said Board for the time being, such performance of said duties by said remaining members of said Board shall be justified at any time when it shall appear by the affidavit of any member of said Board, or the certificate of a reputable physician, that any member of said Board is by sickness or physical disability disqualified from the performance of any duty required of such member. Circuit Clerk to be Clerk of Board.

SEC. 2. *Be it further enacted,* That the Jury Commissioners, before entering on the discharge of their duties, shall take and subscribe before any officer authorized to administer oaths, the following oath—viz.: "I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the county of ———— (filling in name), to the best of my knowledge and ability, and that I will not place the name of any person upon the jury list of said county or in the jury box thereof, whom I believe to be corrupt or unfit, or who has to my knowledge solicited or had others to solicit that his name be placed on the jury list or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duty, unless called on to give evidence thereof in some court of justice or other legal tribunal of this State, so help me God." Said oath shall be spread upon the minutes of the Circuit Court and the original preserved as a part of the records of said Commissioners. Oath of Commissioners.

SEC. 3. *Be it further enacted,* That immediately after their appointment and qualification by the taking of said oath said Jury Commissioners shall meet and organize by the election of one of their members as Chairman, and by requiring the Clerk of the Circuit Court to take and subscribe to an oath to faithfully discharge the duties of Clerk of said Board, as required by law, and never to divulge any of the proceedings and deliberations of the Jury Commissioners, unless required to testify thereof in some court in this State. This oath shall be spread upon the minutes of the Circuit Court and the original preserved as a part of the records of the Commissioners. Organization—Clerk to take oath.

Commissioners to compile list of jurymen—how.

SEC. 4. *Be it further enacted,* That it shall be the duty of each and every Justice of the Peace, in counties subject to the provisions of this Act, to furnish a list to said Commissioners, when requested, showing the name of each person resident in the Civil District from which such Justice was elected, eligible to jury service, and from said list and the tax books and poll books of the county, and from any other sources of information, it shall be the duty of said Jury Commissioners to select and write on scrolls, or pieces of paper separately, the names of all upright and intelligent men of fair character and sound judgment from each and every Civil District in the county who are eligible to jury service, according to the qualifications of jurors as now prescribed by law so far as the same may be practicable from the sources of information available to said Commissioners, and said names, when so compiled by said Commissioners and listed as hereinafter provided, shall constitute the jury list of said county until in the judgment of the Judges of said courts it has become necessary to make a new list, at which time a new list shall be prepared upon an order of said Judges to said Commissioners, and said list shall be prepared in like manner as hereinbefore directed. The Clerk of said Board of Commissioners shall purchase for said Board a suitable and well-bound book, in which the names of said persons so found to be eligible to jury service and selected by said Commissioners, shall be recorded by said Clerk. At the top of each page of said book shall be written or printed the words "Jury List for ———— County (filling in the name of the county). Said book shall be so ruled as to leave a space at the left hand side of each page for the names, and at the right hand side for such entries as are hereinafter provided for.

Record of same kept by Clerk.

Preceding the list of names in said book shall be written these words on each page, "Jury list selected by the Board of Jury Commissioners for ———— County, the ———— day of ———— (filling in the name of county and date). Immediately following this shall be recorded the names of said persons eligible to jury service, placing one name on each line, and arranging the names in alphabetical order, and numbering them consecutively, beginning with number one, but no name shall be placed on said list except by a majority vote of the Board of Commissioners. At the end of the list shall be written and signed by the Commissioners the following: "We certify

that the foregoing is the jury list selected by us the ——— day of ——————— (filling in date). The Clerk of said Board, after said jury list is recorded in said book, as aforesaid, shall deposit each of said pieces of paper, containing a name selected by said Commissioners, in a box and label said box "Jury Box Number One." Said box shall be securely locked and sealed by said Clerk and so kept by him until he is ordered by the Judges of said courts to break said seal and unlock said box, and said seal shall be broken and said box unlocked only in the presence of one or more of said Judges, as may be convenient. At the said time said Jury Box Number One is prepared the Clerk shall prepare another box and label same "Jury Box Number Two," to be used as hereinafter directed. Said book containing said jury list and said jury boxes shall be kept by said Clerk under lock and key, and no inspection of same shall be permitted except by one of said Judges or said Jury Commissioners. For recording said jury list in said book said Clerk shall be entitled to a fee of five cents for each name upon said list, to be paid by the county on the certificate of one or more of said Judges that said service has been rendered by said Clerk, and said sum so allowed shall be in full payment of all services rendered by said Clerk pertaining to said jury list and said jury boxes and the keeping thereof, which said Clerk is required to perform under this Act.

Board to draw venire—how.

SEC. 5. *Be it further enacted,* That not less than ten days, nor more than fifteen days, before each regular or special term of the Circuit Court or Criminal Court of any county to which said Acts applies, said Board shall unlock the Jury Box Number One and break the seal thereof, and after having well shaken the same, cause to be drawn therefrom, in the presence of the Board, by a child under the age of ten years, or a person over said age but blindfolded, such number of names as may be ordered to be taken therefrom by the Judges of said courts from which to impanel the grand and petit juries for the terms of said courts. In the event the name or names of persons known by the Commissioners to have died or removed from the county, or to be mentally or physically disabled, should be drawn from said box, a line shall be drawn through such name upon said jury list, and the death, removal, mental or physical disability shall be noted beside said name, or on the same line therewith, and the scroll or piece of paper con-

taining said name shall be destroyed and another name shall be drawn from said box in lieu of said name so dealt with, and a like proceeding shall be had in case where the name of any person shall be drawn from said box who, for any reason than that above set out, is not liable to or is ineligible to jury service. When in the manner above required the number of names of persons eligible to jury service has been drawn from said box, required by the order of the Judges of said courts and certain of them impanelled on the jury, the slips and scrolls on which the names of said persons shall have been written and drawn from said box number one, shall be immediately placed in an envelope, which envelope shall be thereafter sealed, and shall be indorsed by the Clerk with the date of the drawing of said names, and said envelope shall be placed by said Clerk in said box number two, and shall remain there until the period of one year from the date of said drawing, when said envelope shall be opened by said Clerk in the presence of one or more of said Commissioners, or one of said Judges, and said names shall again be deposited in said box number one. After the number of names of persons eligible to jury service have been drawn from said jury box required by the order of said Judges, a report shall be prepared by the Clerk of said Board, substantially as follows:

Report of Commissioners to Clerk.

To the Honorable —— Court of ——— County (filling in the name of the court or county, as the case may be): We the Jury Commissioners for said county, respectfully report the following as the list of persons eligible to jury service on grand and petit juries, or petit juries, as the case may be, for said court which have been drawn according to law, for the ———— term of said court—viz.: (filling in the blank before the word "term" and then copying the names drawn from the jury box). The report shall be delivered to the Clerk of the Circuit or Criminal Court, according to the court for which said panel has been drawn, and by him filed in his office, and the date of such filing entered thereon. Thereafter, and at least five days before the next regular or special term of such court, the Clerk of the court shall issue to the Sheriff a writ of *venire facias,* commanding him to summon the persons whose names are set out in said reports as the jurors for said term of court, and it shall be the duty of the Sheriff to serve same as now provided, and from such persons, when summoned, the court shall impanel the grand and petit juries for that

term, or petit juries, as the case may be, as may be necessary. In the event that, by reason of the disqualification of the proposed jurors, or other cause, the required number of jurors cannot be obtained from said persons so summoned, the Clerk of the Circuit Court shall produce in open court the jury boxes, and Jury Box Number One shall be opened, and there shall be drawn therefrom, in the manner provided for the original drawing, the number of names deemed by the Judge of said court to be sufficient to complete the jury or juries. This drawing, however, need not be in the presence of the Jury Commissioners, but will be sufficient if done in open court. Such drawing from the box, as last provided for, may continue by order of the court until the jury, or the grand and petit juries, as may be necessary, are completed.

Clerk to keep list of jurors drawn from box.

SEC. 6. *Be it further enacted,* That the Clerk of each court subject to the provisions of this Act shall procure and keep in his office as a public record, a well-bound book in which said Clerk shall keep a list of the jurors who serve upon juries in said court, and this list shall be alphabetically arranged and shall show the date when each juror was placed upon the jury, and each day that each juror was in attendance upon the court; and, if not in actual attendance, was subject to call to do jury duty at any time by the court, so that by examination of said book it may be at any time ascertained how many days during the year each juror has served upon the jury or been impanelled upon the jury, ready for service and liable at any time to be called thereto; and this record shall be a public one and subject at all times to inspection during the time that the office of the Clerk of said court shall be open for business, and said book shall be duly and correctly posted by the Clerk at the end of each day's sitting of this court, and the failure to keep said book as hereinabove required by said Clerk shall be a misdemeanor in office and shall subject said Clerk to a fine of twenty-five dollars for each offense. Said book shall be known as the "Jury Service Book" in each court, and each page of said book shall contain at the top the name of said book. Said book shall be properly ruled so as to be easily kept and clearly understood.

Judge may order additional names drawn.

SEC. 7. *Be it further enacted,* That whenever the Judge of any Circuit or Criminal Court in any county subject to the provisions of this Act shall be satisfied that a jury in cause pending in his court cannot be obtained

from the number of persons ordinarily summoned, such Judge may at such time, previous to the hearing of the cause as he may deem best, cause the jury box to be brought into open court, and such number of names as he deems sufficient drawn therefrom, said drawing to be done in the manner last above provided for in order to obtain such jury, and the Sheriff shall summon the persons whose names are so drawn; and from the persons whose names are so drawn, said jury shall be made up, if practicable; and, if not, another number of names shall be drawn from said box in the same manner as hereinbefore directed and summoned instanter, and so on until the jury is completed. It shall be a misdemeanor, punishable by a fine of not less than twenty-five dollars nor more than fifty dollars for each offense, for any person to make request, directly or indirectly, of said Clerk or either one of said Commissioners, or other person, to have his name placed upon said jury list. Actual service upon a jury, in the Circuit or Criminal Courts of any county affected by this Act, for twelve days during any one year shall exempt the person so serving from jury duty and make him ineligible to further service during the year in which such service shall take place, except in the cases hereinafter provided for. The year for which such person is exempt under the language above set out shall be counted to run from the date which the name of said person was drawn from jury box number one and placed in a marked and sealed envelope and deposited in jury box number two, as hereinbefore provided, and where such exemption is sought to be shown by any person summoned for jury service, the entries of the Clerk upon the "Jury Service Book," hereinbefore provided for, shall be the only competent evidence of service for the time required by the person claiming exemption from jury service on account of service upon the jury for the time above required, and in computing the time of actual service under the provisions above the court shall construe "actual service" to mean not only the days which said jury book may show said person claiming such exemption to have been actually sitting on the jury in the trial of causes, but also those days during which said person may by said book be shown to have been subject to call at any time from his business, or in actual attendance upon the court, though not actually sitting upon the cause on trial.

Jurors excused —how.

SEC. 8. *Be it further enacted,* That any person summoned to serve as a juror in the Circuit or Criminal Court of any county subject to the provisions of this Act may present to the court in which he may be summoned such excuse as such person may have at any time before being selected as a member of the jury, and the court may thereupon excuse, or not excuse, said persons from service as jurors, according to the sound judgment and discretion of the court; but, in the event such person shall be excused by the court, his name shall be replaced in said jury box number one, and this shall be done in the case of any and all persons eligible to jury service excused for any reason which, in the sound judgment of the court, temporarily exempts said person from jury service. But in case where a person shall be excused from jury service by the court for the reason that such person under the law is not eligible to jury service, the name of such person so excused shall not be again placed as above stated in jury box number 1, and the scroll or piece of paper showing such name shall be destroyed and a line drawn through said name on the jury list by the Clerk.

SEC. 9. *Be it further enacted,* That from time to time, as may be practicable, and for the purpose of adding to said jury list such persons as under the provisions of this Act are eligible to jury service, the said Jury Commissioners, with the aid and assistance of the said Board, may add names to said jury list of persons eligible to jury service, and each of said names so added to said list shall be written upon a piece or scroll of paper and placed in said jury box number one.

Names for immediate use may be replaced if too remote from courthouse.

SEC. 10. *Be it further enacted,* That in any case of emergency where it is necessary to secure jurors or a jury for immediate use names may be drawn as hereinbefore provided from box number one, and where the names of jurors drawn from said box number one shall reside at such a distance from the courthouse as would entail unreasonable delay to secure their attendance, the court shall be authorized to cause the names of such persons when drawn from jury box number one to be replaced in said box number one, and other names drawn from said box until the requisite number of names of persons, residing so near the courthouse as that they may be summoned without unreasonable delay, shall have been drawn from said box to secure a jury, and whenever the same may be deemed advisable by the Judge of

said Criminal or Circuit Courts he may order a special jury to be drawn from said jury box number one, as hereinbefore provided, and at the beginning or any time after the beginning of any regular or special term of any Criminal or Circuit Court subject to the provisions of this Act, the Judge of said court may fix the date upon which each juror who has been selected as one of the jurors for service at said term of court shall appear in said court and render said service, and each of said jurors so elected shall be advised of the date so fixed by said Judge for the service of said juror to begin, and each of said jurors shall attend upon the court and begin to render service upon the jury on the day fixed by the order of said court, and for failure so to do may be punished by the court, as now provided by law.

Commissioners and Clerk not to divulge names.

SEC. 11. *Be it further enacted,* That it shall be a misdemeanor for any Jury Commissioner or the Clerk of the Court or the Sheriff of any county or any of his deputies in said county, subject to the provisions of this Act, to divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names appear upon said jury list, or appear upon any regular or special venire to be summoned for use in any court, or any part of such regular or special panel; and it shall also be a misdemeanor for any of the persons or officers charged with the duty of carrying out this Act to fail to perform any duty imposed by this Act, and upon the conviction of any person so offending they shall pay a fine of not less than forty dollars and be imprisoned in the county jail not less than thirty days, one or both, in the discretion of the court trying the cause, and shall be removed from office and be ineligible to hold any State or county office for a period of five years from the date of conviction. It shall also be a contempt of court, punishable by the Circuit Court upon its own motion, or by the Criminal Court upon the petition of the Attorney General, or on its own motion, for any Jury Commissioner, Circuit Court Clerk, or any other person to hold any jury box except as authorized by the provisions of this Act, or to destroy, deface, or remove without authority any jury list or to assist in or connive at any such acts, or for any custodian of a jury box or list to knowingly permit such acts to be done.

Judges may remove Commissioners.

SEC. 12. *Be it further enacted,* That the Judge or Judges having the right to appoint Jury Commissioners, under the provisions of this Act, shall also have the right

and authority to remove any or all of such Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or any other good and sufficient reason to said Judge or Judges appearing, upon giving five days' notice to said Commissioner or Commissioners of the time and place of taking action thereon and the grounds therefor.

Juror not to serve more than twelve days.

SEC. 13. *Be it further enacted,* That it shall be a misdemeanor for any person, in any county subject to the provisions of this Act, to serve upon any jury in the Circuit or Criminal Courts of said county for more than twelve days in any one year dating from the time the name of such person is drawn from said jury box number one, and any person so offending shall be fined fifty dollars and imprisoned thirty days in the county jail, unless at the end of his twelve days' service he shall be engaged in the hearing of a cause as a juror, which cause shall not then be concluded, in which event such person shall sit until the end of said cause without offending against this Act.

Compensation of Commissioners.

SEC. 14. *Be it further enacted,* That the Jury Commissioners provided for by this Act shall receive two dollars each for each and every day's service while actually engaged in the performance of the duties required of them in this Act.

County to furnish supplies.

SEC. 15. *Be it further enacted,* That all books and boxes and other things required by this Act to be purchased by the Clerk of said Board of Commissioners, shall be paid for by the county for whose use they were purchased.

SEC. 16. *Be it further enacted,* That in the absence of fraud no irregularity with respect to the provisions of this Act shall affect the validity of any action of a grand jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury if this Act has been substantially complied with, unless such irregularity has been specially pointed out and exception taken thereto before the jury is sworn.

Act applies to all juries.

SEC. 17. *Be it further enacted,* That the provisions of this Act shall apply to all grand and petit juries in all Circuit and Criminal Courts of this State in counties subject to the provisions of this Act; *Provided,* the provisions limiting jury services to twelve days shall be construed to apply to petit juries only, grand juries being

eligible to serve one whole term during any one given year.

SEC. 18. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 19. *Be it further enacted,* That this Act take effect and be in force from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 231.

HOUSE BILL No. 544.

AN ACT repealing an Act passed March 23, 1883, and approved March 26, 1883, the same being Chapter 161 of the Acts of 1883.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 23, 1883, and approved March 26, 1883, the same being Chapter 161 of the Acts of 1883, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 232.

House Bill No. 340.

AN ACT to amend an Act entitled "An Act to make the School Districts in the various counties of the State of Tennessee coextensive with the Civil Districts, and to repeal Section 1, Chapter 166, Acts 1891, being Chapter 240, Acts 1903, so as to provide that persons living on each side of the county line, and not convenient to a public school in their respective districts or counties, may form themselves into a School District jointly or attend the nearest school in the adjacent district or county, the children of each county drawing their respective pro rata of public school money; Provided, that the School Directors of the School Districts adjoining said county line may agree as to the number of scholars taken from each county to form said districts; Provided, that this Act shall apply only to Lincoln and Moore Counties.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 24 of the Acts of 1903 being an Act entitled "An Act to make the School Districts of various counties of the State of Tennessee coextensive with the Civil Districts and to repeal Section 1, Chapter 166, Acts 1891, be, and is hereby, so amended so as to provide that persons living on side of a county line and not convenient to a public school in their respective districts or counties may form themselves into a School District jointly or attend the nearest school in the adjacent district or county, the children of each county drawing their respective *pro rata* of public school money; *Provided,* that the School Directors of the said School Districts adjoining said county line may agree as to the number of scholars taken from each county to form said districts; *Provided,* that this Act shall apply only to Lincoln and Moore Counties.

Sec. 2. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 233.

HOUSE BILL No. 273.

AN ACT to create a Board of Jury Commissioners for counties in this State having a population of not less than 20,292 and not more than 20,400 inhabitants according to the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, and for the selection of juries, to prescribe the duties of the members of said Board, and of the judges, and punish violations of this Act; to provide for jury lists and jury boxes to be kept in each county affected by this Act, and to repeal all laws in conflict with this Act.

This Act applies to Franklin County, population being 20,392.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a Board of Jury Commissioners for each county in this State having a population of 20,392, and less than 20,400 inhabitants, by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, to be appointed by the Circuit and Criminal Judge, who holds court in said county, and in case there is more than one Circuit Judge, or a Judge holding a Criminal Court, or a Chancellor or other Judge whose duty it shall be to hold the Circuit Court or Criminal Court, then such Judges holding Circuit or Criminal Court, and if more than one Judge, by all jointly. Said Board shall consist of three discreet persons who are householders and freeholders of the county, and who are not practicing attorneys at law, or State or county officers, each of whom shall be appointed for a term of two years after the pas-

sage of this Act. All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made. In the event that at any time, when by the provisions of this Act it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof, or by the certificate of a reputable physician, that such member is, by temporary sickness or physical disability, or other good and sufficient reasons, unable to attend and discharge such duty or duties, then said affidavit or certificate shall be filed in the office of the Circuit Court Clerk, and the two remaining members shall constitute the Board and discharge such duties.

Oath of Commissioners.

SEC. 2. *Be it further enacted,* That the Jury Commissioners, before entering upon the discharge of their duties, shall take and subscribe before an officer authorized to administer oaths, the following oath—namely: "I, A——— B———,. do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the county of (filling in name), to the best of my knowledge and ability; that I will not place the name of any person on said list, or in the jury box, whom I believe to be corrupt or unfit, or who has to my knowledge solicited, or had others to solicit, that his name be placed on the jury list or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duty, unless called upon to give evidence thereof in some court of justice or other legal tribunal of this State, so help me God." Said oath shall be spread upon the minutes of the Circuit or Criminal Court, and the original preserved as a part of the records of said Commissioners.

Organization.

SEC. 3. *Be it further enacted,* That immediately after their appointment and qualification said Jury Commissioners shall meet and organize by the election of one of their members as Chairman, the Clerk of the Circuit Court shall be the Clerk of the Board of Jury Commissioners, and shall perform all the clerical duties required by law. Before entering upon the performance of his duties as Clerk of said Board, he shall take and subscribe to an oath to faithfully discharge his duties as required by law, and that he will never divulge any of the proceedings or deliberations of the Jury Commission unless compelled to testify thereto in some court of this State. This oath

Clerk of Court to act as Clerk.

shall be spread upon the minutes of the court, and the original preserved as a part of the records of the Commission.

Commissioners to compile list of names for jurymen.

SEC. 4. *Be it further enacted,* That it shall be the duty of said Jury Commissioners to select from the tax books of the county, and other sources, the names of upright and intelligent men, known for their integrity, their character, and sound judgment, from each and every district in the county, and in the proportion to the population of said districts as near as may be, and possessing the qualifications now prescribed by law, except that service on the regular panel within two years shall not disqualify a person, a list of names numbering not less than one-eighth the whole number of votes cast in the county for Presidential electors at the Presidential election next preceding the making of said list; *Provided,* said list shall not for any one county contain more than one thousand, nor less than two hundred and fifty names. Said list shall constitute the jury list for two years from the making thereof, and shall not, during said years, be added to or taken from, except as hereinafter provided. The Circuit Court Clerk of the Board shall purchase for the Board, at the expense of the county, a suitable and well-bound book in which to record said list. At the top of each page of said book shall be written or printed the words, "Jury Lists for ———— County" (filling in the name of the county). Said book shall be so ruled as to leave space at the left hand side of each page for the names, and at the right hand side for such entries as are hereinafter provided for. Preceding the list of names in said book shall be written these words, "Jury List Selected by the Board of Jury Commissioners for ——— County, the ——— day of ———— (filling in the name of county and date). Immediately following this shall be recorded the list of jurors selected, placing one name on each line, arranging the names in alphabetical order, and numbering them consecutively, beginning with number one, after each name shall be placed in parenthesis the initials of the Commissioner proposing such name; but no name shall be placed on said list except by majority vote of the Board of Commissioners. At the end of the list shall be written, and signed by the Commissioners, the following: "We certify that the foregoing was the jury list selected by us the ——— day of ———— (filling in the name). The Commissioners shall also report the list to the next term of the Circuit and Criminal Court, as follows: "To the Honorable Circuit and Criminal Court of

Book to be kept for names—how.

Report of Commissioners.

——— County (filling in the name of the county): We, the Jury Commissioners for said county, respectfully submit the following as a jury list selected by us for the next two years, as shown by the jury book herewith—viz.: (there shall follow a complete copy of the list). Each of the names on said list shall be written on a slip or scroll of paper and placed in an envelope containing no mark or sign indicating the name within the envelope and then placed in a box to be known as a Jury Box, and so labeled. Said box shall be kept securely locked and under seal, and it shall not be unlocked or the seal broken except by the order of and in the presence of the Board, and then only for the purpose of drawing therefrom the names of jurors, or making a new list as herein provided, or in open court by order of the Circuit or Criminal Court for good and sufficient cause. Said jury book shall be kept in secret by the Clerk under lock and key, and no one shall be allowed to inspect the same except the Clerk, the presiding Judge, and Jury Commissioners. It shall be the duty of the Clerk of the Circuit Court to record the jury list in said jury book, and to write the names or number on said slips or scroll. For these services he shall be entitled to a fee of five cents for each name on said list, to be paid by the county on the certificate of the Circuit or Criminal Judge that the services have been rendered.

Compensation of Clerk.

Sec. 5. *Be it further enacted,* That not less than ten days, nor more than fifteen, before each regular or special term of the Circuit Court or Criminal Court, said Board shall unlock the jury box and break the seal thereof, and after well shaking the same, cause to be drawn therefrom, in the presence of the Board, by a child under ten years of age, a number of names equal to the number of jurors who under existing laws are selected by the County Court and Judge of the Circuit or Criminal Court, or the number designated by the order of the Court, as hereinafter provided, to constitute the regular panel of grand and petit jurors for such term of court. In the event a name or names of a person or persons known to the Commissioners to have died, or to have removed from the county, or to be mentally or physically disabled, shall be drawn, such name or names shall be put aside, and another name or names drawn in its or their stead. When in this way a required number of names have been drawn the slips or scrolls on which they have been written shall be placed in a sealed envelope, safely kept by the Chairman of the Board and by him de-

Jurors—how drawn.

livered in open court to the Judge on the first day of the term. In the same manner all names which have been drawn and put aside as above provided, shall be kept and delivered in open court. A report shall also be prepared by the Clerk of the Board substantially as follows: "To the Honorable ———— Court of ———— County (filling in name of county, whether Circuit or Criminal, and also the name of the county): We, the Jury Commissioners for said county, respectfully report the following as the regular panel of grand and petit jurors which have been drawn according to law for the ——— term of said court—viz.: (filling in the blank before the word "term," and then copying the name drawn from the jury box)." If any names have been drawn and put aside as above provided there shall be added to the report substantially the following: "In addition to the above there were drawn from the jury box the following names of persons known to the Board to have died or removed from the county or become mentally or physically disabled—viz.: (here copying such names)." If, as hereinbefore provided, any member of the Board cannot be present at said drawing this fact shall be stated in the report, which shall be signed by the members actually present at the drawing. This report shall be delivered to the Clerk of the Circuit or Criminal Court, and by him filed in his office, and the date of such filing indorsed thereon. Thereafter, and at least five days before the next regular or special term of such court, the Clerk of the Court shall issue to the Sheriff a writ of *venire facias*, commanding him to summon the persons whose names are set out in said report, as the jurors for said term of court, and it shall be the duty of the Sheriff to serve the same as now provided. At such regular or special term of the court the Judge thereof shall first compare the list contained in the report filed with the Clerk with the names on the slips or scrolls delivered in open court by the Chairman of the Board, and if they correspond they shall constitute the panel of grand and petit jurors for that term of the court, and said report shall be spread upon the minutes of the court. From this panel the grand and petit jurors shall be made up as now required by law, examining each proposed juror to ascertain if he is qualified. In the event that by reason of the disqualification of proposed jurors or other cause, the required number of jurors cannot be obtained from said panel, the Clerk of the Circuit Court shall pro-

Report of names to the Court.

Summons to issue to Sheriff by Clerk.

duce in open court the jury box, and said box shall be opened, and there shall be drawn therefrom in the manner provided for the original drawing, except that it shall be done in open court instead of the presence of the Board, the number of names deemed by the Judge sufficient to complete the juries. This process shall, if necessary, be continued until the grand and petit juries are completed; *Provided,* that it shall be the duty of the Judge of each Circuit and Criminal Court to make a rule or order of court entered on the minutes designating how many jurors shall be in attendance on each term of the court, and the number of additional or extra jurors who shall be in attendance to supply the places of such jurors as shall be disqualified in particular cases, and further directing how many names shall be drawn by the Board for each term, including such number as he deems necessary to insure the prompt impaneling of the juries.

List composing juries to be spread on records of Court.

SEC. 6. *Be it further enacted,* That a list shall be kept by the Clerk of the court of all persons whose names are drawn from the jury box, but who are for any reason other than that they are not qualified, do not serve as regular jurors, and when the juries are made up and entry shall be spread upon the minutes showing a list of such persons, and their names shall in open court be put back into the jury box, the court ordering the box to be opened for that purpose. A list of these constituting the regular grand and petit jurors shall also be spread on the minutes, and it shall be the duty of the Clerk of the Circuit Court to enter in the space following the names of every such juror on the jury list the following words, "Regular jury," and also the date of such service on the jury. The names drawn from the jury box as herein provided shall constitute the juries for both the Circuit and Criminal Court.

Judge may order additional names drawn—when.

SEC. 7. *Be it further enacted,* That whenever the Judge is satisfied that in any case a jury cannot be obtained from the regular panel, he may, but not earlier than three days before the case is assigned for hearing, cause the jury box to be brought into open court and such number of names as he deems sufficient to obtain such jury to be drawn therefrom, and the Sheriff shall forthwith summon the persons whose names so drawn from the panel so drawn and summoned and the regular panel, the panel shall be made up if practicable, if not another panel shall likewise be drawn and summoned instanter,

and so on until the jury is completed, or the jury box exhausted before the jury is completed, the Sheriff shall summon such other men as may be designated by the presiding Judge until the jury is completed; *Provided,* that in case of emergency the presiding Judge may in his discretion, where the regular panel has been exhausted before the jury is completed, furnish the Sheriff with additional names, who shall forthwith be summoned by the Sheriff, and so on until the jury is completed. The Judge shall not place on the list the name of any person who seeks directly or indirectly through another to be summoned as a juror, and such solicitations shall operate to disqualify said persons for jury service.

Names drawn to be preserved.

SEC. 8. *Be it further enacted,* That it shall be a misdemeanor punishable by a fine of not less than twenty-five nor more than fifty dollars, for any person to request, or have another request, to be placed upon said jury list. The names drawn from the jury box under this section shall be carefully preserved and returned to the jury box, whether such persons serve on the jury or not, in the same manner as hereinbefore provided with respect to names of those drawn, but not serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned under this section that he has served on a regular jury within two years, nor shall serving on a jury under this section disqualify or excuse him from service on the regular juries, if his name is regularly drawn from the box thereafter. The Clerk of the court shall keep a list of all persons serving on juries provided in this section, and at the close of each term shall furnish the same to the Clerk of the Board, who shall enter opposite each such name the words, "served on special jury," together with the date of such service.

Court may excuse jurors

SEC. 9. *Be it further enacted,* That the court shall not have the right to excuse any person summoned as a juror who is qualified for service, except it may be made to appear by affidavit in writing, which shall be preserved, as a record of court, and in which it shall appear to the satisfaction of the court that the state of his own health, or that of his family, requires his absence, or that some pressing and urgent business engagement, the neglect of which would cause irreparable loss, or the public service would be materially injured by the attendance, and such details shall be given as will clearly show the reason therefor to the satisfaction of the court.

If excused, it shall be only for such time as the cause of excuse exists. If by reason of excusing of jurors under this section, it becomes necessary to have additional jurors during the term, they shall be drawn and summoned, the drawing to be done in open court as provided in section 5 of this Act. Nothing in this Act shall be construed as prohibiting a Judge from discharging a juror for good cause to him appearing.

Sheriff to take oath.

SEC. 10. *Be it further enacted,* That before the Clerk delivers to the Sheriff, or his deputies, the writ for the regular panel, or any writ for names of jurors otherwise drawn, or prepared by the presiding Judge, he shall administer an oath to the Sheriff or deputies to keep said names secret, and instruct them to caution such jurors, not to divulge the fact that they had been summoned as jurors.

List—when to be prepared.

SEC. 11. *Be it further enacted,* That the jury list herein provided for shall be prepared as soon as practicable after the passage of this Act. On the first Monday in July, 1905, or as soon thereafter as practicable, and biennially thereafter the Board shall make out a new jury list and place the names in the jury box, the names then remaining in the jury box being first removed; *Provided,* that, if within two years the number of names remaining in the jury box shall have been reduced until they are less than one-third of the number of names on the jury list, then the Judge of the Circuit or Criminal Court shall, by an order made either at chambers or in open court, require the Board to renew the list and box as though the two years had expired.

SEC. 12. *Be it further enacted,* That when a new jury list is to be made, the Board shall, if practicable, not put thereon the names of those on the list for the preceding two years, who have actually served during that time as regular jurors.

Court to enforce this Act.

SEC. 13. *Be it further enacted,* That if for any reason the court should at any time discover that the jury box has not been filled or renewed, or that the jury list had not been prepared or renewed as required by law, or the panel drawn therefrom, as required by law, or the jury box has been tampered with, the Circuit or Criminal Judge may have the right to investigate said jury box and also the jury list, and see that this Act is duly enforced, and should it be discovered that any irregularities or frauds exist, correct them. If for any

reason a legal panel is not furnished a Circuit or Criminal Court at any regular or special term as provided by this Act, then the Judge of said Court shall have the right to select a panel, and such additional jurors as may be needed by this court during said term of court.

Penalties applying to Commissioners and Clerk.

SEC. 14. *Be it further enacted,* That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the Court, his deputy, or the Sheriff or any of his deputies, to divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names constitute the panel, or any part of it, for the court, or any name or names drawn from the jury box for service in any case pending in court or to fail to perform any duty imposed by this Act; and, upon open conviction therefor, they shall pay a fine of not less than $40 and be imprisoned in the county jail for not less than thirty days, one or both, in the discretion of the court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years. It shall also be contempt of court, punishable by the Circuit Court upon its own motion, or upon the petition of the District Attorney, for any Jury Commissioner, Circuit Court Clerk, or other person, to open any jury box, except as herein provided, or to destroy, deface or remove without authority such box, or to change, deface, or remove without authority any jury list, or to assist or connive at such acts, or for any custodian of a jury box or list to knowingly permit any such acts to be done.

Judge may remove Commissioners.

SEC. 15. *Be it further enacted,* That the Judge or Judges having the right to appoint Jury Commissioners have the right and authority to remove any and all of such Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or for any other good and sufficient reason, upon giving five days notice to said Commissioner, or Commissioners, of the time and place of taking action thereon, and the grounds therefor.

Compensation of Commissioners.

SEC. 16. *Be it further enacted,* That said Jury Commissioners shall receive two dollars each for every day service while actually engaged in making up the jury list, to be paid from the County Treasury.

County to furnish supplies.

SEC. 17. *Be it further enacted,* That the book for recording the jury list and also the jury box, shall be purchased by the Circuit Court Clerk and paid for by the county, and the Circuit Court Clerk shall be the custodian

of such book and box, which book and box shall not be open for inspection, except to the Commissioners themselves, and the courts heretofore referred to.

SEC. 18. *Be it further enacted,* That in the absence of fraud or irregularity with respect to the provisions of this Act it shall not affect the validity of the grand jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury, unless such irregularity has been specifically pointed out, and exception taken thereto before the jury is sworn.

SEC. 19. *Be it further enacted,* That the provisions of this Act will apply to all grand and petit juries in all Circuit and Criminal Courts of this State.

SEC. 20. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 21. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 234.

House Bill No. 50.

AN ACT to amend an Act entitled "An Act to establish and maintain a uniform system of public schools," passed March 6, 1873, the same being Chapter 25.

This Act applies to Lauderdale County, population being 21,971.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 25, of the Acts of 1873, beginning with Section 10, be so amended as to read as follows: In each county in the State there shall be a County Board of Education composed of one member from each Civil District, the Judge or Chairman of the County Court, and the County Superintendent of Public Instruction, who shall be *ex officio* Chairman of said County Board of Education.

SEC. 2. *Be it further enacted,* That the District Clerks of the various districts of the county shall serve as members of the County Board of Education until September 1, 1906, and on the first day of August, 1906, and biennially thereafter each member of the County Board of Education shall be elected by the qualified voters of the district, and the term of service of members thus elected shall begin on the first day of September next after said election.

Who eligible to Board.

SEC. 3. *Be it further enacted,* That any person, except a Justice of the Peace, shall be eligible to the office of member of the County Board of Education who is qualified by having at least a primary education such as the primary public school course at the present time to perform the duties required, and who is a resident of the district. If he shall cease to be a resident thereof his office shall be deemed vacant.

SEC. 4. *Be it further enacted,* That all District School Directors now in office shall hold their office until the first day of July, 1905.

Vacancies—how filled.

SEC. 5. *Be it further enacted,* That whenever a vacancy occurs among the members of the County Board of Education the County Superintendent shall fill same by appointment upon being notified of such vacancy.

SEC. 6. *Be it further enacted,* That the County Board of Education shall elect one of their number Secretary, and his term of service shall be two years; *Provided,* the first term shall expire on the 1st day of September, 1906.

SEC. 7. *Be it further enacted,* That the duties of the Chairman of the County Board of Education shall be: Duties of Chairman of Board

1. To issue all warrants authorized by the County Board of Education upon the County Trustee for all expenditures of the public school funds.

2. To make a written report to the County Court quarterly of all expenditures of the public school funds by items, which accounts shall be audited by the County Judge and Auditing Committee of the County Court.

3. To preside at all meetings of the County Board of Education, and to appoint all committees authorized by said board.

SEC. 8. *Be it further enacted,* That the duties of the Secretary shall be: Duties of Secretary.

1. To keep in a well-bound record book, to be furnished by the county, a full and accurate record of each meeting of the County Board of Education, which record shall be kept in the office of the County Superintendent of Public Instruction.

2. To furnish the County Trustee not later than three days after each meeting of the County Board of Education, and before the Chairman of the County Board of Education shall draw any warrant on the County Trustee, a full and true list of all expenditures authorized by the County Board of Education.

SEC. 9. *Be it further enacted,* That it shall be the duty of the County Board of Education: Duties of County Board of Education.

1. To hold a regular meeting on the first Saturday in July, October, January, and April to transact all public school business; *Provided,* the Chairman may call a special meeting whenever, in his judgment, the interest of the public school requires it.

2. To select teachers, fix their salaries, locate, build, repair, furnish schoolhouses, fix all wages and incidental expenses, and control the expenditure of the public school fund.

3. To run all schools of the county, as nearly as practicable, the same length of time. If a daily attendance of one or more schools shall fall below minimum fixed by the County Board of Education, then such schools shall be suspended until an attendance can be assured of not Schools to be run same length of time.

less than one-fourth of the number of pupils within the province of said school or schools

4. To locate schools where deemed most convenient, having due regard for lessening the number in order to improve the efficiency of the county system of education. Pupils may by the County Board of Education be permitted to attend school in a district other than that in which they reside.

5. To receive monthly reports from their respective teachers, and issue an order or certificate therein to the Chairman of the County Board of Education for warrant for salary due.

6. To visit the public schools of their respective districts as often as the County Board of Education may require.

May dismiss teachers.

7. To dismiss teachers for incompetency, improper conduct, or inattention to duty.

8. To suspend pupils whenever the prosperity of the school makes it necessary.

9. To take care of, manage and control all school property, to transfer or sell school property and make a deed therefor, and perform all duties now required of District Directors under Sections 1430 and 1431 of the Code, which may not be included in the foregoing sub-sections.

Members to report to County Superintendent.

SEC. 10. *Be it further enacted,* That each member of the County Board of Education shall make a full and accurate report of the public schools of his district to the County Superintendent of Public Instruction not later than the first day of August each year, said report to be made on the forms furnished, and to include the time from July 1st to June 30th following next before the report is made.

Scholastic population to be taken yearly.

SEC. 11. *Be it further enacted,* That the members of the County Board of Education shall take the scholastic population annually within the month of July and not later than the fifteenth day of the month.

Compensation of members of Board.

SEC. 12. *Be it further enacted,* That each member of the County Board of Education shall receive one dollar and fifty cents for attendance and service upon each meeting, and one dollar a day for taking scholastic population, visiting schools of the district when ordered by the County Board of Education, or any other service in his district required by law; *Provided,* the Secretary of the Board of Education shall receive two dollars a day for actual service required of him.

SEC. 13. *Be it further enacted,* That this Act shall not be so construed as to in any way affect or abridge the rights of cities and towns in this State maintaining a separate school system of their own.

Applies to Lauderdale County.

SEC. 14. *Be it further enacted,* That this Act shall apply to counties in this State having a population of not less than twenty thousand nine hundred and twenty (20,920), nor more than twenty-two thousand and seventeen (22,017) under the last or any subsequent Federal Census.

SEC. 15. *Be it further enacted,* That when the money derived from the school fund and taxes imposed by the State upon the counties shall not be sufficient to keep up a public school for eight months in the year in the school district in the county the County Court shall levy an additional tax sufficient for this purpose, said tax to be levied on all property, polls, and privileges liable to taxation.

Graded schools

SEC. 16. *Be it further enacted,* That the County Board of Education shall have the authority, and it is hereby made their duty, to establish graded schools in any of the districts in their county, where, in their opinion, the prosperity of the school requires it, and where there are enough advanced students to enter such graded school.

SEC. 17. *Be it further enacted,* That when five or more taxpayers of a district shall petition the County Board of Education for a graded school it shall be their duty to appoint a committee to investigate and act upon said petition and report to said Board, and if in the judgment of said Board a graded school is necessary to the advancement of the pupils of said district, they shall establish said graded school and employ competent teacher or teachers to teach same.

SEC. 18. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved.

JOHN I. COX,
Governor.

CHAPTER 235.

HOUSE BILL No. 439.

AN ACT to create a Board of Jury Commissioners for counties in this State having a population of 19,163 and less than 19,175 by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, and for the selection of juries, to prescribe the duties of the members of said Board, and of the judges, and punish violations of this Act; to provide for the jury lists and jury boxes to be kept in each county affected by this Act, and repeal all laws in conflict with this Act.

This act applies to McMinn County, population being 19,163.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a Board of Jury Commissioners for each county in this State having a population of nineteen thousand one hundred and sixty-three and less than nineteen thousand one hundred and seventy-five inhabitants, by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, to be appointed by the Circuit Judge, who holds court in said county. Said Board shall consist of three discreet persons, who are householders and freeholders of the county, and who are not practicing attorneys at law, or State or county officers, and who have no suit pending in said court at the time of their or his appointment, and not more than two of whom shall belong to the same political party, each of whom shall be appointed for a term of six years at the July term of said court. All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made. In the event that at any time when, by the provisions of this Act, it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof, or by the certificate of a reputable physician, that such member is by temporary sickness, or physical disability, or for some other good and sufficient reason, unable to attend and discharge such duty or duties, then said affidavit or certificate shall be filed in the office of the Circuit Court Clerk and the two

remaining members shall constitute the Board and discharge such duties.

SEC. 2 *Be it further enacted,* That the Jury Commissioners before entering on the discharge of their duties shall take and subscribe before an officer authorized to administer oaths, the following oath—viz.:

Oath of Commissioners.

"I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the County of (filling in name) to the best of my knowledge and ability; that I will not place the name of any person on said jury list or in the jury box whom I believe to be corrupt or unfit, or who has to my knowledge solicited, or had others to solicit, that his name be placed on the jury list or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duties, unless called upon to give evidence thereof in some court of justice, or other legal tribunal of this State, so help me God."

Said oath shall be spread upon the minutes of the Circuit Court, and the original preserved as a part of the records of said Commissioners.

Organization of Commissioners.

SEC. 3. *Be it further enacted,* That immediately after their appointment and qualification, said Jury Commissioners shall meet and organize by the election of one of their members as Chairman. The Clerk of the Circuit Court shall be the Clerk of the Board of Jury Commissioners, and shall perform all the clerical duties required by law. Before entering upon the performance of his duties as Clerk of said Board, he shall take and subscribe to an oath to faithfully discharge his duties, as required by law, and that he will never divulge any of the proceedings and deliberations of the Jury Commissioners, unless compelled to testify thereto in some court in this State. This oath shall be spread upon the minutes of the court, and the original preserved as a part of the record of the Commissioners.

Compile list of suitable jurymen.

SEC. 4. *Be it further enacted,* That it shall be the duty of the said Jury Commissioners to select from the tax books of the county, and other sources, names of upright and intelligent men, known for their integrity, fair character, and sound judgment, for each and every district in the county and in proportion to the population of such districts, as near as may be, and possessing the qualifications now prescribed by law, except that (having) served

on a regular panel within two years shall not disqualify a person, a list of names numbering not less than one-fifth the whole number of votes cast in the county for Presidential electors at the Presidential election next preceding the making of said list; *Provided,* said list shall not for any one county contain more than fifteen hundred names, nor less than two hundred and fifty names. Said list shall constitute the jury list for two years from the making thereof, and shall not, during said years, be added to or taken from, except as hereinafter provided. The Circuit Court Clerk as Clerk of the Board, shall purchase for the Board a suitable and well-bound book, in which to record said list. At the top of each page of said book shall be written or printed the words, "Jury list for ———— County" (filling in the name of the county). Said book shall be so ruled as to leave a space at the left hand side of each page for the names, and at the right hand side for such entries as are hereinafter provided for. Preceding the list of names in said book shall be written these words: "Jury list selected by the Board of Jury Commissioners for ——— County, the — day of ——" (filling in the name of county and date). Immediately following this shall be recorded the list of jurors selected, placing one name in each line, arranging the names in alphabetical order, and numbering them consecutively, beginning with No. 1. After each name shall be placed in parenthesis the initials of the Commissioners proposing such name, but no name shall be placed on such list except by a majority vote of the Board of Commissioners. At the end of the list shall be written and signed by the Commissioners the following: "We certify that the foregoing is the jury list selected by us the —— day of ——— (filing in the date)."

Record—how kept.

The Commissioners report the list to the next term of the Circuit Court as follows:

"To the Honorable Circuit Court of ———— County (filling in the name of the county):

Report to Court

"We, the Jury Commissioners for said county, respectfully submit the following as the jury list selected by us for the next two years, as shown by the jury book herewith—viz.: (Here shall follow a complete copy of the list.)" Each of the names on said list shall be written on a slip or scroll of paper and placed in a box, to be known as the jury box, and so labeled. Said box shall be kept securely locked and under seal, and it shall not be unlocked or

the seal broken except by the order of and in the presence of the Board, and then only for the purpose of drawing therefrom names of jurors, or making a new list, as herein provided, or in open court, by order of the Circuit or Criminal Court, for good and sufficient cause. Said jury book shall be kept in secret by the Clerk, under lock and key, and no one shall be allowed to inspect the same except the Clerk, the presiding Judge, and Jury Commissioners. It shall be the duty of the Clerk of the Circuit Court to record the jury list in said jury book, and to write the names or numbers on said slips or scrolls. For these services he shall be entitled to a fee of five cents for each name on said list, to be paid by the county on the certificate of the Circuit Judge that the services have been rendered.

Compensation of Clerk.

SEC. 5. *Be it further enacted,* That not less than ten days nor more than fifteen days before each regular or special term of the Circuit Court, or Criminal Court, said Board shall unlock the jury box and break the seal thereof, and after well shaking the same, cause to be drawn therefrom in the presence of the Board, by a child under ten years of age, a number of names equal to the number of jurors, who, under existing laws, are selected by the County Court and the Judge of the Circuit or Criminal Court as the number designated by order of the Court as hereinafter provided, to constitute the regular panel of grand and petit jurors for such term of court. In the event a name or names of a person or persons known by the Commissioners to have died or removed from the county, or to be mentally or physically disabled, shall be drawn, such name or names shall be put aside, and another name or names drawn in its or their stead. When, in this way, the required number of names have been drawn, the slips or scrolls on which they have been written shall be placed in a sealed envelope and safely kept by the Chairman of the Board, and by him delivered in open court to the Judge of the Court, on the first day of the term. In the same manner, all names which may have been drawn and put aside, as above provided, shall be kept and delivered in open court. A report shall also be prepared by the Clerk of the Board, substantially as follows:

Names—how drawn.

"To the Honorable ——— Court, of ——— County (filling in the name of court, whether Circuit or Criminal, and also the name of the county):

Report of list of jurors to be made before each term of Court.

"We, the Jury Commissioners for said county, respectfully report the following as the regular panel of grand and

petit jurors, which have been drawn according to law, for the —— term of said court—viz.: (filling in the blank before the word 'term,' and then copying the names drawn from the jury box)."

If any names have been drawn and put aside, as above provided, there shall be added to the report, substantially the following:

"In addition to the above, there were drawn from the jury box the following names of persons known to the Board to have died or removed from the county, or become mentally or physically disabled (here copying such names)."

If, as heretofore provided, any member of the Board cannot be present at said drawing, this fact shall be stated in the report, which shall be signed by the members actually present at the drawing. This report shall be delivered to the Clerk of the Circuit or Criminal Court, according to the court for which said panel has been drawn, and by him filed in his office, and the date of such filing indorsed thereon. Thereafter, and at least five days before the next regular or special term of such court, the Clerk of the Court shall issue to the Sheriff a writ of *venire facias,* commanding him to summon the persons whose names are set out in said report as the jurors for said term of court, and it shall be the duty of the Sheriff to serve same as now provided.

Judge to compare lists.

At such regular or special term of the court, the Judge thereof shall first compare the list contained in the report filed with the Clerk with the names on the slips or scrolls, delivered in open court by the Chairman of the Board, and if they correspond, they shall constitute the panel of grand and petit jurors for that term of the court, and said report shall be spread upon the minutes of the court. From this panel the grand and petit jurors shall be made up, as now provided by law, examining each proposed juror to ascertain whether he is qualified. In the event that, by reason of the disqualification of proposed jurors, or other cause, the required number of jurors cannot be obtained from said panel, the Clerk of the Circuit Court shall produce in open court the jury box, and said box shall be opened, and there shall be drawn therefrom, in the manner provided for the original drawing, except that it shall be done in open court, instead of in the presence of the Board, the number of the names deemed by the Judge sufficient to complete the juries.

This process shall, if necessary, be continued until the (lists of) grand and petit jurors are completed; *Provided,* it shall be the duty of the Judge of each Circuit and Criminal Court to make a rule or order of the court, entered on the minutes, designating how many jurors shall be in attendance to supply the places of such jurors as shall be disqualified in particular cases, and further directing how many names shall be drawn by the Board for each term, including such number as he deems necessary to insure the prompt impaneling of the juries. Judge to designate number wanted.

SEC. 6. *Be it further enacted,* That a list shall be kept by the Clerk of the court of all persons whose names are drawn from the jury box, but who, for any reason other than that they are not qualified, do not serve as regular jurors; and when the juries are made up and entry shall be spread upon the minutes showing a list of such persons, and their names shall, in open court, be put back in the jury box, the court ordering the box to be opened for that purpose. A list of those constituting the regular grand and petit jurors shall also be spread on the minutes, and it shall be the duty of the Clerk of the Circuit Court to enter in the space following the name of every such juror on the jury list the following words, "Regular jury," and also the date of such service on the jury. In counties where the Criminal and Circuit Courts are separated, the Clerk of the Criminal Court shall, during each term of his court, furnish a list of the regular jurors serving to the Clerk of the Circuit Court, and from this list the latter shall make the entries on the jury list required by this section. Lists composing juries to be spread on minutes of Court.

SEC. 7. *Be it further enacted,* That whenever the Judge is satisfied that in any case a jury cannot be obtained from the regular panel, he may, but not earlier than three days before the case is assigned for hearing, cause the jury box to be brought into open court, and such number of names as he deems sufficient to obtain such jury to be drawn therefrom, and the Sheriff shall forthwith summon the persons whose names are so drawn. From the panel so drawn and summoned, and the regular panel, the panel shall be made up, if practicable. If not, another panel shall likewise be drawn and summoned instanter, and so on until the jury box is completed or the jury box exhausted. If the jury box is exhausted before the jury is completed, the Sheriff shall summon such other men as may be designated by the presiding Judge until the jury is complete; *Provided,* that in case of emergency, the pre- Judge may order additional names to be drawn for special juries.

siding Judge may in his discretion, where the regular panel has been exhausted before the jury is completed, furnish the Sheriff with additional names, who shall forthwith be summoned by the Sheriff, and so on until the jury is completed. The Judge shall not place on the list the name of any person who seeks either directly or indirectly through another to be summoned as a juror, and such solicitations shall operate to disqualify said person for jury service. It shall be a misdemeanor punishable by fine of not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for any person to request or to have another to request to be placed upon said jury list. The names drawn from the jury box, under this section, shall be carefully preserved and returned to the jury box, whether such person serve on the jury or not, in the same manner as hereinbefore provided with respect to names of those drawn, but not serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned under this section that he has served on a regular jury within two years; nor shall service on a jury under this section disqualify or excuse him from service on the regular juries if his name is regularly drawn from the box thereafter.

The Clerk of the Court shall keep a list of all persons serving on juries as provided in this section, and at the close of each term shall furnish the same to the Clerk of the Board, who shall enter opposite each such name the words, "Served on special jury," together with the date of such service.

Court may excuse jurors.

SEC. 8. *Be it further enacted,* That the court shall not have the right to excuse any person summoned as a juror who is qualified for service, except it be made to appear by affidavit in writing, which shall be preserved as a record of the court, and in which it shall appear to the satisfaction of the court that the state of his own health or that of his family requires his absence, or that some pressing or urgent business engagement, the neglect of which would cause irreparable loss, or the public service will be materially injured by his attendance, and such details shall be given as will clearly show the reason therefor to the satisfaction of the court. If excused, it shall be only for such time as the cause for excuse exists. If, by reason of excusing jurors under this section, it becomes necessary to have additional jurors during the term, they shall be drawn and summoned, the drawing to be done in open court, as provided in Section 5 of this Act.

Nothing in this Act shall be construed as prohibiting a Judge from discharging a juror for good cause to him appearing.

Sheriff to take oath.

SEC. 9. *Be it further enacted,* That before the Clerk delivers to the Sheriff or his deputies the writ for the regular panel, or any writ for names of jurors otherwise drawn or prepared by the presiding Judge, he shall administer an oath to said Sheriff or deputies to keep said names secret, and instruct them to caution such jurors as summoned not to divulge the fact that they have been summoned as jurors.

Lists to be prepared as soon as practicable

SEC. 10. *Be it further enacted,* That the jury list herein provided for shall be prepared as soon as practicable after the passage of this Act. On the first Monday in June, 1905, or as soon thereafter as practicable, and biennially thereafter, the Board shall make out a new jury list and place the names in the jury box, the names then remaining in the jury box being first removed; *Provided,* that if within two years the number of names remaining in the jury box shall have been reduced until they are less than one-third of the number of names on the jury list, then the Judge of the Circuit or Criminal Court shall, by an order made either at chambers or in open court, require the Board to renew the list and box as though the two years had expired.

SEC. 11. *Be it further enacted,* That when a new jury list is to be made the Board shall, if practicable, not put thereon the names of those on the list for the preceding two years who have actually served during that time as regular jurors.

Court to enforce this Act

SEC. 12. *Be it further enacted,* That if for any reason the court should at any time discover that the jury box had not been filled or renewed, or that the jury list has not been prepared or renewed as required by law, or the panel drawn, or additional names drawn therefrom, as required by law, or the jury box has been tampered with, the Circuit or Criminal Judge may have the right to investigate said jury box, and also the jury list, and see that this Act is duly enforced, and should it be discovered that any irregularities or frauds exist, correct same.

If for any reason a legal panel is not furnished a Circuit or Criminal Court at any regular or special term, as provided by this Act, then the Judge of said court shall have the right to select a panel and such additional jurors as may be needed by this court during said term of court.

Penalty for divulging names.

SEC. 13. *Be it further enacted,* That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the Court, his deputy, or the Sheriff, or any of his deputies, to divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names constitute the panel, or any part of it, for the court, or any name or names drawn from the jury box for service in any case pending in court, or to fail to perform any duty imposed by this Act, and, upon conviction thereof, they shall pay a fine of not less than forty dollars and be imprisoned in the county jail not less than thirty days, one or both, in the discretion of the court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years.

It shall also be contempt of court, punishable by the Circuit Court upon its own motion, or upon the petition of the District Attorney, for any Jury Commissioner, Circuit Court Clerk, or other person to open any jury box except as herein provided, or to destroy, deface, or remove without authority such box, or to change, deface, or remove without authority any jury list, or to assist in or connive at any such acts, or for any custodian of a jury box or list to knowingly permit any such acts to be done.

Court may remove Commissioners.

SEC. 14. *Be it further enacted,* That the Judge or Judges having the right to appoint Jury Commissioners have the right and authority to remove any or all of said Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or for any other good and sufficient reason, upon giving five days' notice to said Commissioner or Commissioners of the time and place of taking action thereon and the grounds therefor.

SEC. 15. *Be it further enacted,* That said Jury Commissioners shall receive two dollars each for every day's service, while actually engaged in making up the jury list, to be paid from the County Treasury.

Clerk to keep record.

SEC. 16. *Be it further enacted,* That the book for recording the jury list, and also the jury box, shall be purchased by the Circuit Court Clerk and paid for by the county, and the Circuit Court Clerk shall be the custodian of said book and box, which book and box shall not be opened for inspection except to the Commissioners themselves, and the courts heretofore referred to.

SEC. 17. *Be it further enacted,* That in the absence of fraud, no irregularity with respect to the provisions of this Act shall affect the validity of any action of a grand jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury, unless such irregularity has been specially pointed out and exception taken thereto before the jury is sworn.

SEC. 18. *Be it further enacted,* That provisions of this Act shall apply to all grand and petit juries in all Circuit and Criminal Courts of this State.

SEC. 19. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 20. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 236.

HOUSE BILL No. 664.

A BILL to be entitled "An Act to amend an Act entitled 'An Act to establish certain Civil Districts of Jefferson County and to redistrict the county, to regulate the manner of increasing the districts in the county hereafter, and to abolish the offices of Justice of the Peace, and other district offices in the abolished districts,' so as to detach what was formerly the Third and Seventeenth Districts, before the passage of said Act, from the Fifth District, and to detach what was the Nineteenth District before the passage of said Act from the Second District as created by said Act, and to create and establish a new Civil District in Jefferson County, Tennessee, to be known as the Eighth Civil District of Jefferson County, to be composed of the territory so detached, and to detach what was the Tenth District, previous to the passage of said Act, from what is now the Third Civil District, and constitute the Ninth Civil District out of said detached territory, and to attach a portion of what was the Thirteenth Civil District to what is now the Fourth Civil District of said county."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 431, of the Acts of the General Assembly of the year 1903, be, and the same is, amended so as to insert the word "and" between the words first and sixteenth in the ninth line of Section 2, and that the words "and nineteenth" be stricken out, and that that part of said Act providing "that the territory heretofore and up to this time embraced in the Third and Seventeenth Civil Districts of said county be, and the same is hereby, attached to the Fifth Civil District," be stricken out. That the sentence beginning with the word "they" in the fourteenth line of Section 2, of said Act, and ending with the word "county" in the nineteenth line of said section be stricken out, and that the following be inserted in its stead: "That the territory heretofore and up to this time known as the Twelfth Civil District of said county shall remain as it has been heretofore, and be denominated the Third Civil District of said county."

SEC. 2. *Be it further enacted,* That the territory embraced in the Third, Seventeenth, and Nineteenth Civil Districts of said county, before the passage of said Act

of 1903, constitute a Civil District No. 8, of Jefferson County, Tennessee; that the territory up to the time of the passage of the redistricting Act of 1903 for said county, known as the Tenth Civil District of said county, be and remain as it has been heretofore, and be denominated the Ninth Civil District of said county.

SEC. 3. *Be it further enacted,* That the territory, known as the Thirteenth Civil District before and at the time of the passage of the redistricting Act of 1903, for said county, be divided by attaching to the Fourth Civil District that portion of said district lying east of the line beginning on the south side of the Thirteenth Civil District at a point where the line crosses the road leading from the Nance's Ferry Road, east of L. M. Dick's farm, to Mill Spring; thence with the branch of said spring to the Holston River.

SEC. 4. *Be it further enacted,* That this Act take effect from and after July 9, 1906, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 237.

House Bill No. 503.

AN ACT to abolish the First, Second, Third, Fourth, Sixth, Eighth, Ninth, Eleventh, and Fourteenth Civil Districts of Marion County, as now laid out and constituted, to attach the territory therein to the Twelfth, Fifteenth, Fifth, Thirteenth, Seventh, Tenth, and Sixteenth Civil Districts of said county, and to renumber the same.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the First, Second, Third, Fourth, Sixth, Eighth, Ninth, Eleventh, and Fourteenth Civil Districts of Marion County, as now laid out and constituted, be, and the same are hereby, abolished.

Sec. 2. *Be it further enacted,* That the territory heretofore embraced in and constituting the First and Second Civil Districts of Marion County is hereby attached to and made a part of the Twelfth Civil District of said county, and the same shall be hereafter numbered and designated as the First Civil District of Marion County; the territory heretofore embraced in and constituting the Third Civil District of Marion County is hereby attached to and made a part of the Fifteenth Civil District of said county, and the same shall be hereafter numbered and designated as the Second Civil District of Marion County; the territory heretofore embraced in and constituting the Sixth Civil District of Marion County is hereby attached to and made a part of the Thirteenth Civil District of said county, and the same shall hereafter be numbered and designated as the Third Civil District of Marion County; the territory heretofore embraced in and constituting the Ninth and Eleventh Civil Districts of Marion County is hereby attached to and made a part of the Tenth Civil District of said county, and the same shall hereafter be numbered and designated as the Fourth Civil District of Marion County; the territory heretofore embraced in and constituting the Fourth Civil District of Marion County is hereby attached to and made a part of the Fifth Civil District of Marion County; the territory heretofore embraced in and constituting the Fourteenth Civil Dis-

trict of Marion County is hereby attached to and made a part of the Sixteenth Civil District of said county, and the same shall be hereafter numbered and designated as the Sixth Civil District of Marion County; the territory heretofore embraced in and constituting the Eighth Civil Districts of Marion County is hereby attached to and made a part of the Seventh Civil District of Marion County.

SEC. 3. *Be it further enacted,* That the number of Civil Districts for Marion County as herein established shall not be increased or diminished except by Act of the General Assembly.

SEC. 4. *Be it further enacted,* That the Sixteenth School District in said county shall be and remain as heretofore and up to this time constituted and established, and that nothing in this Act shall be construed as changing either the number of lines of said sixteen school districts as now existing.

SEC. 5. *Be it further enacted,* That this Act take effect on the first Thursday in August, 1906, at the general election for Justices of the Peace, and other district officers, but nothing in this Act shall be so construed as to prevent any officer elected from the Civil Districts from serving until the first Monday in September, 1906.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 238.

House Bill No. 628.

AN ACT to change the line between the Counties of Jackson and Putnam.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Jackson and Putnam be so changed as to detach the lands of Norrell Chaffin from the Twelfth Civil District of Putnam County and attach the same to the Fifth Civil District of Jackson County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 239.

House Bill No. 500.

AN ACT entitled "An Act to so change the county line between Putnam and Jackson Counties as to detach all the lands M. J. Julian now has in Jackson County from Jackson and attach them to Putnam County."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between Putnam and Jackson Counties be changed as follows:

Beginning at a stake in the Putnam and Jackson County line; thence with the lines of M. J. Julian around his northwest boundary, back to the Putnam and Jackson County line to a stake so as to detach all the lands of said M. J. Julian from Jackson County and attach the same to Putnam County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 240.

House Bill No. 443.

A BILL to be entitled "An Act to amend an Act, passed March 19, 1903, approved March 27, 1903, being an Act to incorporate the Town of Big Sandy, in the County of Benton, and to provide for the election of officers, prescribe their duties, and for other purposes."

This is correctly printed.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 6, of said Act, in line eight, of said section, be so changed from Wednesday (March 25th and the last Wednesday in March 25th) so as to be Wednesday, 22d, and the last Wednesday in March every two years thereafter.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 241.

House Bill No. 561.

AN ACT to change the corporate limits of the Town of McMinnville, Warren County, Tennessee, and to repeal all laws in conflict with same.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the Town of McMinnville, Tennessee, be, and the same are hereby, so changed as to be as follows—to-wit:

Beginning at a point on Barren Fork River, back of the residence of C. G. Black, and opposite big gate; thence down said river, as it meanders, to a point opposite the residence of Bradley Rice; thence northwardly to a point north of the railroad so as to include within said corporate limits the residence of said Bradley Rice; thence to the dirt road, known as the Red Road; thence with said road to a drain coming out of the field of Lewis or Reams; thence westwardly to a large oak tree on the Smithville Road, northwest of the residence of Reuben Peers, so as to leave outside of said corporate limits the residence and premises of Mr. N. Shong, Mrs. Thos. Faulkner, Mr. Frank Womack, J. H. Morford, and Ed Daugherty, and includes therein the residence of R. M. Reames, J. T. Kelton, and R. Peers; thence southwardly to the beginning, so as to include within said limits the residences and premises of D. F. Wallace, Mrs. Hawey Smith, Mrs. Seitz, J. B. Biles (Hughes place), and C. G. Black, and leave outside of said limits the residences and premises of F. Peers, Mrs. McGregory, and Mr. Weed, on Drury Place.

Sec. 2. *Be it further enacted,* That all laws in conflict with this Act are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 242.

HOUSE BILL No. 565.

A BILL to be entitled "An Act to create and establish a School District, to be known as School District No. 26, in the County of Williamson, to define the boundaries thereof, and to provide a Board of Directors for said district."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, to be known as School District No. 26, be created and established in the County of Williamson, bounded as follows:

Beginning at the crossing of the Beale lane and the Lewisburg Turnpike; thence easterly with the lane to the northeast corner of D. C. Kinnard's land; thence northwardly with the east boundary of Kinnard, Cody, Lock, and Weber to the ridge between Big Harpeth and West Harpeth; thence with the said ridge easterly and southerly until it intersects the Duck River Ridge; thence with the same southwesterly and westerly and including the houses of Chas. Williams and J. W. Williams to the Lewisburg Turnpike; thence southwest to the southwest corner of the Waddey Thompson tract; thence westerly and including the houses of Wilhoit and Pantall to the east boundary of Brumback, formerly Pointer; thence north with Brumback's east line to the public road; thence west to Gillespie's lane; thence north with the same to the top of the Duck River Ridge; thence westerly with the same and including the houses of said Gillespie to the east boundary of Arnold's tract; thence north with the same to his northeast corner; thence in a northerly direction to the southwest corner of the M. A. Buford tract; thence north with the west boundary of the Buford tract to Walter Anderson's land; thence west to his southwest corner; thence north to the creek; thence up the creek to T. P. Anderson's tract; thence north and east with the same to Shumate's southwest corner; thence with Shumate's west line and others to Mrs. Tomlin's northwest corner; thence east to the beginning.

SEC. 2. *Be it further enacted,* That S. M. Fleming, E. B. Anderson, and S. G. Gary are hereby created and con-

stituted Directors of said School District No. 26 to serve as such until the next regular election for electing School Directors in Williamson County.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 243.

HOUSE BILL No. 535.

A BILL to be entitled "An Act to establish a School District in Gibson County, Tennessee, to be known and designated as School District No. 30, and to provide for the election or appointment of Directors for said district, and to define their powers, etc."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, to be known and designated as School District No. 30, of Gibson County, Tennessee, be established in the Eighth Civil District of Gibson County, with the following lines and boundaries: Beginning thirty yards south of I. E. Gammon's residence, in the center of Eaton and Troy Road; thence north, taking in the residences of R. L. Overall, S. J. Overall, J. H. Wyatt, and Mrs. Spane; thence north with Eaton and Kenton Road to the Yorkville and Rutherford Road; thence west with said road to the northeast corner of J. A. Logan's farm; thence with his north boundary line, taking in Mrs. Thompson's residence; thence west to Dyersburg and Dresden Road to R. F. Reed's; thence west to Dyer County line to Reed's Creek; thence east with said creek to Van Alexander's southwest corner; thence east taking in J. L. Henderson's farm to a stake; thence east taking in the farms of B. Brown, Mrs. Pope, John Bradley, and W. C. Bradley, to the beginning.

SEC. 2. *Be it further enacted,* That G. B. Holland, S. J. Arnold, and H. L. Wyatt are hereby appointed as School Directors for the said School District created by the first section of this Act to serve until the next general election for School Directors in Gibson County, when three directors shall be elected by the people of said special School District, and successively thereafter at every regular election for School Directors in said County of Gibson.

SEC. 3. *Be it further enacted,* That the special School District created by the first section of this Act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules that govern, control, and regulate other School Districts in Gibson County, Tennessee.

SEC. 4. *Be it further enacted,* That the Trustee of Gibson County be, and he is hereby, directed and empowered to apportion to the district created by the first section of this Act, in proportion to the scholastic population of said district, its rate *pro rata* of all school funds in his hands at the time of the passage of this Act, or that may hereafter come into his hands under the same rules and regulations as he does to other School Districts in Gibson County.

SEC. 5. *Be it further enacted,* That upon the passage of this Act the said directors shall take the census of the scholastic population within said territory and report the same to the County Trustee, and upon this scholastic report he will apportion the school fund of the Eighth Civil District, or School District, as it is at present, between the district created by the first section of this Act and the balance of said Eighth Civil District, according to the scholastic population of the territory covered by this district and the balance of the territory not so covered.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 244.

House Bill No. 560.

Morrison's Charter.

AN ACT to incorporate the Town of Morrison, in the County of Warren, and State of Tennessee, and provide for the election of officers and prescribe the duties and authority, and for the purposes incident thereto.

INCORPORATION.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Morrison, in the County of Warren, and the inhabitants thereof, be, and they are hereby, constituted a body politic and incorporate under and by the name of Mayor and Aldermen of the Town of Morrison; may sue and be sued, grant, receive, purchase, and hold real, mixed, and personal property, or dispose of the same for the benefit of said town.

LIMITS.

Sec. 2. *Be it further enacted,* That the corporate limits of said Town of Morrison shall be as follows—viz.: Beginning on the culvert in the N., C. & St. L. Ry., on the northeast side of the Town of Morrison, running west thirty-six degrees, north twenty-five poles to the northeast corner of Mr. Edwards' land in W. N. Kell's west boundary line; thence west with said Edwards' and McAfee's line seventy-nine poles to a rock in the said W. N. Kell's corner in Johnny Morrison's east boundary line; thence south with said Morrison's line sixty-four poles to a rock, James Maddux's corner; thence west twenty-five degrees south with said Maddux's line twenty and one-half poles to a rock; thence south twenty-five degrees east thirty-four and one-half poles to the said railroad; thence west eighty degrees south fifty-eight poles to James Anderson's northeast corner; thence west fifty-eight degrees south fifteen and one-half poles; thence south thirty-four poles to the Manchester Public Road; thence east fifty-four degrees north one hun-

dred and fifty poles to the southeast corner of the College land; thence north fourteen degrees west seventy-eight poles to the beginning at said railroad.

POWER.

SEC. 3. *Be it further enacted,* That the corporation aforesaid shall have full power and authority to enact and pass such laws and by-laws to prevent and remove nuisances, to provide for licensing and regulating auctions, taxing, regulating, or restraining theatrical or public amusements and shows within the bounds of said corporation, for restraining or prohibiting gambling, to forever prohibit the sale of all intoxicating liquors, to establish night watches, to lay out and establish streets, lanes, and alleys, and to provide for the working of same; to pass all laws necessary for establishing or keeping in repair the streets or pavements, to establish the necessary inspection within the town; to enact and regulate market, drayage, and personal privileges; to impose and appropriate fines, penalties, and forfeitures of a breach of the by-laws or ordinances; to appoint a Recorder and City Marshal; to levy and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town; and to pass all laws and ordinances necessary and proper to carry the interest (intent) and meaning of the Act into effect, provided that they are not incompatible with the Constitution and laws of the State to provide for the erection of lamp-posts and lights for the streets, and the erection of cisterns or the digging of wells for the fire protection.

ELECTIONS.

SEC. 4. *Be it further enacted,* That the Sheriff of Warren County shall open and hold an election in the Town of Morrison, and on the second Wednesday in April, and on the same day in each and every year, for the purpose of electing five persons to serve as Aldermen, and one person to serve as Mayor, and all persons living in the limits of said corporation who would be qualified to vote for members of the General Assembly of the State and persons owning a freehold in the bounds of said corporation which was assessed to them on the tax book of the county in January preceding the election, shall be allowed to vote, and the five candidates receiving the greatest number of votes shall be declared elected as Aldermen, and the one re-

ceiving the highest number for Mayor shall be declared Mayor, and no person shall be eligible to the office of Mayor or Alderman unless he be a citizen or freeholder or householder in the Town of Morrison, and over twenty-one years of age, and in case of death, removal, or resignation of any one of the officers of said corporation, the Mayor and Aldermen shall have the power to fill such vacancies for the time unexpired.

ORGANIZATION.

SEC. 5. *Be it further enacted,* That the several persons so qualified as aforesaid having the highest number of votes at any election held shall be declared elected, and the Sheriff holding the election as aforesaid, shall within three days thereafter give to each of the five Aldermen and the Mayor a certificate of their election, and it shall be the duty of the persons so elected to meet at some convenient house in the Town of Morrison the next day after receiving their commissions from the Sheriff and after having been qualified, the Mayor and Aldermen, three of whom shall constitute a quorum, shall proceed to elect a Recorder and Marshal for said corporation for the same time for which the Mayor and Aldermen were elected as aforesaid, and the persons elected by them shall serve until the second Wednesday in April succeeding, unless otherwise removed, as provided in Section 17, or until his successor is elected and qualified.

OATH OF OFFICERS.

SEC. 6. *Be it further enacted,* That the Mayor and Aldermen of said town, before entering upon the duties of their office, take an oath before some Justice of the Peace of Warren County to faithfully, uprightly, and honestly demean themselves as Mayor and Aldermen of the said corporation during their continuance of office.

BONDS.

SEC. 7. *Be it further enacted,* That the Recorder and Marshal shall give bond sufficient security in the sum of five hundred ($500) dollars, to be approved by the Mayor and Aldermen, for the faithful discharge of their duties of office and accounting for all moneys by them collected due the said corporation.

JUDGES AND CLERKS OF ELECTION.

SEC. 8. *Be it further enacted*, That the Sheriff of Warren County shall, previous to holding an election for Mayor and Aldermen for said corporation, as provided for in Section 4 of this Act, appoint three respectable citizens in the Town of Morrison who shall act as Judges of said election, one of whom shall act as Clerk, and the same laws as now protect the balloting in elections shall apply to the election of all officers of said corporation.

FAILURE TO HOLD ELECTION.

SEC. 9. *Be it further enacted*, That if for any reason the Sheriff shall fail to hold an election for Mayor and Aldermen on the second Wednesday in April in each year, he may at any time thereafter open and hold an election for the aforesaid officers by first giving ten days' notice of said election for the balance of the unexpired term.

MARSHAL TO PAY OVER MONEYS—DUTIES OF RECORDER.

SEC. 10. *Be it further enacted*, That the Marshal shall pay over all moneys collected by him for said corporation to the Recorder on the first monthly meeting of each month, and that the Recorder shall render semi-annually, or oftener if required by the Board of Aldermen, on the first monthly meetings of October and April in each year a full and complete statement of the finances under his control and the Recorder shall exhibit to the Board a complete statement of the finances of said corporation, and he shall also, within thirty days from the time of assessing the taxes of said corporation, deliver to the City Marshal for collection the taxes therein specified, and the Recorder shall preserve a copy of said tax list with the papers of said corporation. No money shall be paid out except by order of the Mayor, made in pursuance of the direction of the Board of Aldermen. At the expiration of his term of office, the Recorder shall deliver to his successor all books and papers belonging to the corporation, and take his receipt for same, and make a final settlement with the Board of Mayor and Aldermen.

MAYOR'S DUTIES AND POWER.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Mayor to prescribe all meetings of the Council, to take care that all ordinances and by-laws are duly and

properly enforced, respected, and observed within the town. To take the oath of office before entering upon the duties of the same, and to call special meetings of the Board of Mayor and Aldermen whenever he may deem it expedient, to make such suggestions and give such instructions in reference to the action of said Board as in his judgment will be the most conducive to the interest of the corporation; to give orders upon the Recorder of said Board whenever said Board shall direct the same to be done for the payment of any money that may be due from said corporation; to employ counsel on behalf of said corporation when ordered by the Board in any case in which said corporation may be interested and counsel needed; to vote with the Aldermen in all matters of interest to the town, but not to have the power to veto.

RECORDER ELECTED BY BOARD OF ALDERMEN.

SEC. 12. *Be it further enacted,* That the Board of Mayor and Aldermen shall have power to elect a Recorder for said corporation, who shall not be a member of said Board of Mayor and Aldermen, and he shall hold his office for a term of one year, or until his successor is elected and qualified, unless as provided in Section 17 of this Act.

RECORDER'S DUTY AND QUALIFICATIONS.

SEC. 13. *Be it further enacted,* That in addition to the duties already imposed upon the Recorder by this Act he shall be invested with the full power and authority to try all offenses for violation of the ordinances and by-laws of said corporation, and said Recorder of the Town of Morrison be, and is hereby, invested with concurrent jurisdiction with Justices of the Peace in all cases of violations of the criminal laws of the State, or of the ordinances or the by-laws of the Mayor and Aldermen of the Town of Morrison, within the corporate limits of said town, and be entitled to the same fees now allowed to Justices of the Peace for like service, and said Recorder shall have power to issue executions on his judgments in the same manner as the Justices of the Peace are authorized by law to issue executions on judgments rendered by them.

WORKHOUSE FINES.

SEC. 14. *Be it further enacted,* That the Board of Mayor and Aldermen of said corporation shall have power and

authority in full to erect a workhouse and lockup or calaboose for the safe keeping of persons, and when any person or persons convicted of any violations of any by-laws or ordinances of said corporation fails or refuses to pay or secure to be paid the fine and cost accruing thereon the Mayor and Aldermen may provide by ordinance for their confinement in said lockup or workhouse or calaboose, and put them to work for the town on streets or any other public work under proper guard, or secured by ball and chain, at such wages as the Board may adopt, or in no less sum than forty cents per day until fine and cost are fully paid.

REMOVAL OF OFFICERS.

SEC. 15. *Be it further enacted,* That the Mayor and Board of Aldermen shall have full power and authority to appoint as many policemen as in their judgment they may deem necessary at any time to preserve the peace and the quiet of the town or to enforce the ordinances of said corporation, to fix their term of office, and regulate the salary of same; *Provided,* said fees shall not be over one dollar per day, said policemen to have full power and authority to execute all processes that the City Marshal or Constable is authorized to execute upon streets, pavements, shade trees, etc.

SEC. 16. *Be it further enacted,* That the Board of Mayor and Aldermen of Morrison shall have full power and authority to lay off and open new streets, lanes, and alleys in said town, and extend the old ones for the convenience of the inhabitants thereof, in the manner and mode prescribed by the Code of Tennessee, and may, by ordinance or otherwise, require owners of business houses to place good, substantial pavements in front of their houses, and the freeholders of said town to lay pavements in front of their property along said streets, to provide for setting of shade trees and protecting same, for working streets, and manner of governing same.

REMOVAL OF OFFICERS.

SEC. 17. *Be it further enacted,* That the Board of Mayor and Aldermen of the Town of Morrison shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them, including the offices of Recorder and City Marshal, for incompetency or any violation, neglect, disregard of the duties imposed upon

them by the by-laws and ordinances of said corporation; *Provided,* that two-thirds of the Board of Mayor and Aldermen concur in the dismissal or removal.

ARREST OF RIOTOUS PERSONS, ETC.

SEC. 18. *Be it further enacted,* That the Mayor and Board of Aldermen of the Town of Morrison shall have power and authority, by ordinance within the town, to provide for the arrest and confinement until trial of all riotous and disorderly persons found violating any ordinance of the town, or in violation of the Act passed by the Legislature March 22, 1875, Chapter 105, Section 2.

COMPENSATION OF OFFICERS.

SEC. 19. *Be it further enacted,* That no person elected to the office of Alderman or Mayor shall be allowed any pay for his services as such Alderman or Mayor. The Recorder to receive for his full compensation the fees that are allowed by law to Justices of the Peace in such jurisdiction, but in no case are the cost to be charged to or paid by said corporation in the event said Recorder fails to realize from parties his cost. The Marshal shall likewise be compensated by fees, as set forth for Constables, and in no case should such cost not be collectible shall any part be charged to or paid by said corporation. The Mayor and Board of Aldermen shall have power to appropriate out of the public Treasury such additional fees as they deem just and due for any extra services rendered by the Marshal for overseeing working of streets, collecting of taxes, etc.

SEC. 20. *Be it further enacted,* That this Act is hereby declared to be a public Act, and may be read in all the courts of law and equity in this State without proof.

SEC. 21. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 245.

House Bill No. 229.

A BILL to be entitled "An Act to establish a special High School District in Gibson County, Tennessee, in the Fourteenth Civil District of said county, to be known as High School District No. 29, and to provide for the election or appointment of Directors of said district, and to define their powers, etc."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, to be known and designated as High School District No. 29, of Gibson County, Tennessee, be established in the Fourteenth Civil District of said State and county, with the following lines and boundaries:

Beginning at the South Fork River, where the Illinois Central Railroad crosses, running south to the Wade Crossing of the I. C. R. R.; thence west so as to take in the M. Brown heirs' place and the M. C. Nevill's place; thence to Robt. Taylor's land; thence in southwest direction to Ed Elam's land, taking in the land of Ed Elam to T. M. Hayes northeast corner; thence west, taking in Bud Hayes' land; thence south, taking in the Clay Davidson's land and L. C. Baker's farm to F. M. Crawford's land; thence taking in Crawford's land and Tobe Weddingson and Mrs. Mollie Pates; thence east of public road on Paris and Trenton Road; thence with easterly direction of said public road to W. H. Dismond's house; thence eastwardly, taking in the land of Mr. Lewis Wrenne and John R. Moore; thence east to J. M. Ford, taking in the land of J. M. Ford; thence north to Shiloh Church; thence west to A. J. Allen's corner; thence north, taking in A. J. Allen's land to J. M. Ford's land; thence west to the public road; thence north with said public road to the north Gibson and Dyer Station Road; thence west to D. L. Patrick's corner; thence north with D. L. Patrick's east line to the Obion River; thence with the Obion River to the beginning.

Sec. 2. *Be it further enacted,* That J. H. Holmes, J. P. Martin, and J. S. Alexander are hereby appointed as School Directors of School District created by the first section of this Act, to serve until the next general election as

School Directors, when three directors shall be elected by the people of said special district, and successively thereafter at every regular election for School Directors in Gibson County.

SEC. 3. *Be it further enacted,* That the School District created by the first section of this Act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules which govern, control, and rule other School Districts in Gibson County, Tennessee.

SEC. 4. *Be it further enacted,* That the Trustee of Gibson County be, and is hereby, directed and empowered to apportion to the district created by the first section of this Act, in proportion to the scholastic population of said district, its rate *pro rata* of all school funds in his hands at the time of the passage of this Act, or that may hereafter come into his hands, under the same rules and regulations as he does to other School Districts in Gibson County, Tennessee.

SEC. 5. *Be it further enacted,* That upon the passage of this Act the said District Directors shall take the census of the scholastic population within said territory and report the same to the County Trustee, and upon this scholastic report apportion the school fund of the Fourteenth (Civil) District between this district and the balance of the Fourteenth Civil District, according to the scholastic population of the territory covered by this district, and the balance of the territory not so covered.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 246.

HOUSE BILL No. 609.

A BILL (to be) entitled "An Act to make it unlawful for the owners of horses, mules, donkeys, cattle, sheep, goats, swine, or other live stock, or those having control or custody of such live stock, to permit them or any of them to run at large in counties having a population of more than 30,575 and less than 30,650, by the Federal census of 1900 or any subsequent Federal census, and to prescribe a remedy for damages committed by such animals when allowed to run at large in violation of this Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person or persons owning or having the custody and control of horses, mules, cattle, sheep, goats, swine, or other live stock to permit such animals to run at large in counties of this State having a population of more than 30,575 and less than 30,650, by the Federal Census of 1900, or any subsequent Federal Census.

SEC. 2. *Be it further enacted,* That the owner of live stock mentioned, and included in Section 1 of this Act, shall be liable for all damages done to the property of other persons by said live stock when allowed to run at large in said counties in violation of this Act, and the party so damaged shall have a lien on the animal or animals committing the injury to his property, which may be enforced, by attachment or judgment and execution, as in case of landlord's lien for rent.

SEC. 3. *Be it further enacted,* That any person upon whose lands or property such live stock may be found trespassing may have the right to take same up and impound them until the damages and expenses of impounding are paid or judgment obtained and enforced therefor; *Provided further,* that any person so impounding live stock shall give notice thereof to the owner or keeper of the same immediately upon impounding the same, when such owner or keeper is known to the party impounding the stock.

SEC. 4. *Be it further enacted,* That nothing in this Act shall be construed as amending or repealing the general railroad fence and stock law.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 247.

HOUSE BILL No. 95.

AN ACT to incorporate the Town of Oliver Springs, in the Counties of Roane and Anderson, and to provide for the election of officers, prescribe their duties, define their powers, and for other purposes.

NAME AND STYLE.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Oliver Springs and the inhabitants thereof, in the Counties of Roane and Anderson, be, and they hereby are, constituted a body politic and corporate, under and by the name of the Mayor and Aldermen of the Town of Oliver Springs, and shall have perpetual succession by their corporate name; may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed, and personal property, or dispose of same for the benefit of said town, and may have the use of a common seal.

Act to repeal Charter of 1903, is chapter 346, and was passed after this Act

BOUNDARIES.

SEC. 2. *Be it further enacted,* That beginning on a stake, hickory and black oak pointers, corner of Ellen Scott's and Edith Ross' land, formerly Butler's and Wiley's corner; thence running north about two hundred and seventy rods to the top of Walden's Ridge; thence following the meanders of said ridge about north eighty

degrees east, about three hundred and fifty rods to a stake; thence south about one hundred poles to the Southern Railway track at the thirty-fifth mile post; thence south about one hundred and fifty poles to a stake on the ridge; thence three hundred and thirty-two degrees west twenty rods to the fork of the Knoxville and Long's Mill Road; thence north eighty-eight degrees west about one hundred poles to the line of E. A. Reed and Ellen Scott; thence with same south forty-five degrees west about seventy-one poles to the E. A. Reed and E. W. Scott corner of the Rector land; thence northwest with the Rector, now Scott, line to the creek; thence with the meanders of said creek to W. W. Wiley's corner on the west bank of the creek, now Edith Ross's corner; thence with her line south fifty-one degrees west twenty-one poles to the beginning, containing about one hundred and seventy-five acres in Roane County and about seventy-five acres in Anderson County.

TOWN COUNCIL.

SEC. 3. *Be it further enacted,* That the officers of the Town of Oliver Springs, to be chosen by the people, shall be a Mayor and Board of Aldermen, constituting a Town Council, each and all of whom shall be citizens of and voters in said town. The Board of Aldermen shall consist of six Aldermen, chosen by the qualified voters of the town for two years. Any Alderman after his election removing from the town shall thereby vacate his office.

COUNCIL TO ELECT CERTAIN OFFICERS.

SEC. 4. *Be it further enacted,* That the Town Council shall, at the first meeting after their election, elect a Recorder and Marshal, who shall serve for two years, and as many policemen as in their judgment they may deem necessary, and all other officers or agents as they may deem necessary, including an attorney for the corporation, and may provide for by ordinance, and shall have power to prescribe the duties of same. The Town Council shall also fix the compensation of such officers before their election, which compensation shall not be increased or diminished during the term for which they were elected. The Council shall also have power to dismiss any officer, servant, or agent elected or by them appointed. A two-thirds

majority of said Council concurring in said dismissal for any misdemeanor, neglect of duty, or misconduct.

POWER OF COUNCIL.

SEC. 5. *Be it further enacted,* That a Town Council shall have power, by ordinance within the town,

1. To assess property for taxes and to levy and collect by proper officers taxes upon all real and personal property, polls, privileges, and all property taxed by the State or county, but shall not exceed fifty cents on the one hundred dollars taxable property, and poll tax not exceeding that collected by the State of Tennessee.

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

3. To open, alter, widen, abolish, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, highways, alleys, and sidewalks, or to have the same done; also to erect, establish, and keep in repair bridges.

4. To provide for the erection of all buildings necessary for the use of the town.

5. To license, tax, or regulate everything or person licensed, taxed, or regulated by the State or county.

6. To regulate or prohibit and suppress all disorderly houses or bawdy houses.

7. To regulate the police of the town, impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of the same, and to appoint an officer for the town who shall be the Recorder, before whom such recovery may be had, not, however, to exclude the jurisdiction of any other competent court.

8. To provide for the arrest and confinement until trial of all disorderly or riotous persons by day or by night; to authorize the arrest and detention of all suspicious persons found violating any ordinance of the town.

9. To prevent or punish by pecuniary penalties or otherwise all breaches of the peace, noise, or disturbance, disorderly assemblage in any alley or street, house or place in the town by day or by night; to prevent and remove all encroachments into and upon all streets, sidewalks, and alleys established by law or ordinance.

10. To prevent all obstructions of the sidewalk and provide for the construction and repair of all sidewalks, and for cleaning the same; to require the owners of prop-

erty fronting on the public streets to erect sidewalks in accordance with such ordinance as the Council may provide at the expense of the owners of the ground fronting the same.

11. To regulate, tax, license, or suppress the keeping or going at large of all animals within the town, and in default of redemption in pursuance of ordinance to sell or dispose of same.

12. To tax, regulate, or restrain theatricals or other public amusements, shows, or exhibitions within the corporate limits of said town; to restrain or prohibit horse-swapping upon the public streets; to restrain or prohibit gambling; to regulate the sale of intoxicating liquors, beer, ale, wine, or malt liquors; and to pass all or any by-laws not contrary to the constitutional laws of the State that may be necessary to carry out the provisions and full intent and meaning of the object of their corporation.

13. To provide for the prevention and extinguishment of fires, and provide for the organization and maintenance of fire companies.

14. To make regulations to prevent the introduction and spread of contagious diseases in the town, and to make quarantine laws for this purpose and enforce the same.

15. To establish hospitals and regulations for the government of the same.

16. To make regulations to secure the health of the inhabitants and to prevent and remove nuisances.

17. To regulate all lights, stove pipes, flues in all houses, shops, stables, and other places.

18. To license, regulate, and tax auctioneers, grocers, retailers, brokers, merchants, coffee houses, confectioners, hucksters, peddlers; livery, feed, and sale stables; keepers of jenny lind, billiard tables, ten pin alleys, flying jennies, and all other privileges taxable by the State.

19. To erect a workhouse or calaboose for the safe-keeping of persons convicted of the violation of any ordinance or by-law of said corporation who fail or refuse to pay or cause to be paid the fine and cost accruing thereon. The Mayor and Aldermen may provide by ordinance for their confinement in said workhouse or calaboose, and put them to work for the town within an inclosure or on the streets or other public works under proper guards, or secure them by ball and chain, at such wages as the Board may adopt by ordinance until said fine and cost are paid.

20. Said corporation or Council may enter into an agreement with Roane County to be allowed to commit prisoners to jail of Roane County upon such terms as can be agreed upon.

21. To prepare and have published a digest or compilation of all the ordinances and resolutions of a public nature in force within six months after the passage of this Act, and a like digest as often as may be deemed necessary.

22. No member of the Town Council shall become a bondsman for any agent, officer, or servant of the town, nor to be interested, directly or indirectly, in any contract with the corporation,

23. To judge of the qualifications, election of, and returns of its own members. To prescribe the rules for the determination of contested elections, and to determine how vacancies are to be filled, and to determine all questions in case of ties in any election, and to prescribe rules for the government of the Board of Mayor and Aldermen.

ELECTION FOR OFFICERS, TERMS, ELECTORS.

SEC. 6. *Be it further enacted,* That the first election for Mayor and Aldermen under this Act shall be held by the Election Commissioners of Roane County on the first Thursday in May, 1905, in accordance with the general laws of the State of Tennessee governing elections in Roane County. All elections thereafter for the said Town of Oliver Springs shall be held by the Commissioners of Election for Roane County; and it shall be the duty of said Commissioners of Election and Registration of Roane County to open and keep open, according to the laws governing the registration of voters, registration books for the Town of Oliver Springs at some convenient place in said town for ten days preceding said election to be held on the first Thursday in May, 1905, and every legal qualified voter residing within the corporate limits of said Town of Oliver Springs shall be required to register before voting in said election, which shall be held according to the statutes governing State and county elections in Roane County, and said Election Commissioners of Roane County shall forever every two years, open and hold an election in and for the Town of Oliver Springs. The officers of the town thus chosen shall

go into office on the first meeting after election, or within thirty days, and hold office for two years, or until their successors are elected and qualified. The following shall be the qualifications for voting in the town election:

1. He shall be qualified to vote for State and county officers.

2. Shall have resided for six months next preceding the election within the town limits.

3. A voter's residence is hereby defined as the place in which he habitually sleeps.

JUDGES AND CLERKS OF ELECTION—CONDUCT OF ELECTION.

SEC. 7. *Be it further enacted,* That the Judges and Clerks to hold the election shall be sworn and qualified according to the general election laws of the State, and said election shall be conducted in all respects as all the various State and county elections by virtue of the election laws of the State and Roane County. The Judges and Clerks shall preserve the ballots cast in said election and file the same together with the poll list with the town Recorder, who shall preserve the same.

CERTIFICATE OF ELECTION.

SEC. 8. *Be it further enacted,* That the persons receiving the highest number of votes respectively for Mayor and Aldermen shall be declared elected, and it shall be the duty of the Election Commissioners of Roane County holding said election to make out and deliver to the Recorder a certificate of the election within three days after their election, which certificate shall be produced at the first meeting of the Board, and a minute thereof shall be made upon the records of the town, and if the Election Commissioners fail to hold said election at the time herein mentioned, it shall be their duty to hold it as soon thereafter as may be, after giving the regular notice.

QUORUM OF COUNCIL—VACANCIES—OATH OF OFFICE.

SEC. 9. *Be it further enacted,* That a majority of the Town Council shall be a quorum to do business, and if the Mayor or any of the Aldermen or any officer should die, resign, or move away, the vacancy shall be supplied by the Council at its next meeting, or as soon thereafter

as may be, and the person or persons so elected shall perform the same duty and be invested with the same powers and privileges as the person whose place they are appointed to fill, and upon like conditions; and the Mayor and Aldermen and all officers shall respectively take an oath before entering upon the duties of their office before some person competent to administer an oath, to execute the same faithfully and impartially, and the Mayor and Aldermen shall also take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee.

MAYOR'S DUTY, VETO POWER, ETC.

SEC. 10. *Be it further enacted,* That the Mayor shall hold his office for two years and until his successor shall be elected and qualified. No person shall be elected Mayor who is not at the time of his election a citizen of the State of Tennessee, and has not been for six months, and is not then a *bona fide* citizen and voter of said town. A vacancy in the office of Mayor shall be filled by the Board of Aldermen; the Mayor shall fill all vacancies arising in any office, except that of Aldermen, until the same shall be filled by the Town Council. It shall be the duty of the Mayor to preside at all meetings of the Council, to vote in the elections of all officers of the town and in all cases where it is a tie vote, all ordinances and resolutions shall be approved and signed by the Mayor on or before the next meeting of the Council, and the Mayor shall have veto power, and if he shall refuse to approve any ordinance or resolution, he shall return the same to the Council at its next meeting with his reasons in writing for his refusal, and said ordinance or resolution shall not be valid unless the Council, by a two-thirds vote, pass the same notwithstanding the Mayor's veto. But if the Mayor does not veto the same as provided, it shall be valid without his signature; the Mayor shall take care that all the ordinances of the town are enforced, respected, and observed within the town limits; shall call special sessions of the Council when he may deem it expedient, and perform all such other duties as the Town Council may, by ordinance or otherwise, impose upon him. A Recorder is hereby vested with all the powers of a Justice of the Peace in criminal cases, and shall try all offenses against the peace and dignity of said Town of Oliver Springs. In the event an appeal is taken from any

fine imposed by the Recorder of said town for violation of any of its ordinances to the Circuit or Criminal Court of the county, the person so appealing shall give bond and security for the payment of said fine and cost to abide by and perform the judgment of the court on appeal, and shall in no case be entitled to an appeal from said fine and cost on pauper's oath. The Recorder shall keep an accurate minute of all the proceedings of the Town Council, issue privilege license, and shall pay all money collected by him for the town to the Treasurer.

SUB-SEC. 10. *Be it further enacted,* That the Board of Mayor and Aldermen shall elect a Treasurer and Tax Collector, who shall be one and the same person, and shall be one of the members of the Board of Aldermen. He shall make out the town tax book, and shall collect or receipt for all taxes and money due the town, excepting taxes and money collected by the Recorder. He shall take care of and keep account of all funds of whatever nature that come into his hands, for such purpose he shall keep such books as the Town Council may direct, and shall do and perform all the duties that the Town Council shall by ordinance direct, and before entering upon his duties said Treasurer shall enter into good and sufficient bond in such sum as the Council may direct, conditioned upon the faithful discharge of his duty, and said Treasurer shall be governed by all the laws of this State, which govern and set out the duties and powers of Tax Assessors and County Trustees in assessing and collecting taxes for the State and county.

DUTIES OF MARSHAL.

To serve legal process of the town, and it shall be his duty to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand, and perform such other duties as the Town Council may by ordinance impose upon him. He shall have power to execute State warrants and other process which Constables generally have within the town limits. He shall be chief of any police organized within the corporation.

FEES OF OFFICERS.

SEC. 11. *Be it further enacted,* That the fees or compensation of all officers herein mentioned shall be such as the Council may prescribe.

BOND OF OFFICERS.

SEC. 12. *Be it further enacted,* That before entering upon the discharge of their duties the Recorder and Marshal shall enter into bond with good security and in such amount as may be fixed by the Council, conditioned upon faithful discharge of their duties, and upon diligent collection and faithful accounting for all money that shall or ought to come into their hands for fines, forfeitures, or other moneys due said town, and which ought to be by law collected and paid over by them, and the said Marshal shall be liable as herein mentioned for failing to collect money, to return process, or pay over money collected by process issued by the Recorder or Aldermen. Said bond shall be made payable to Oliver Springs or its Treasurer for the use and benefit of said town. The Town Marshal shall pay over to the Recorder all sums of money by him received for said Town of Oliver Springs. He shall render quarterly, and as much oftener as the town may require, full and complete statements of the finances under his control.

DELINQUENT TAXES, ETC.

SEC. 13. *Be it further enacted,* That when any tax or duty shall be levied or imposed upon said corporation upon any real estate lying within said Town of Oliver Springs, and the owner or owners, occupier or occupiers thereof shall not pay the same, and the Town Marshal shall make return of that fact, under oath, that the owner or owners have no personal property within said town upon which to distrain for said tax or duty, it shall be the duty of the Recorder by and with the advice and with the consent of the Council, to take such steps for the collection of such tax or duties as are or may be provided for by the laws of the State.

FAILURE TO COLLECT OR PAY OVER MONEY—PROCEEDINGS.

SEC. 14. *Be it further enacted,* That if the Recorder or Town Marshal of said town shall fail to collect, or after collecting fail or refuse to turn over any money either of them received for said town, said Recorder or Marshal, as the case may be, shall be liable to be proceeded against by motion or suit at common law in the Circuit Court of Roane County, or in any other court having

jurisdiction of the person of the Recorder or Marshal, as the case may be, and it shall be the duty of such court to render up judgment against such delinquent officer and his sureties for the moneys so received, or that ought to have been collected in the name of Oliver Springs for the use of said corporation; *Provided,* that if the proceedings be by motion, such officer shall have five days' notice thereof.

FIRST OFFICERS.

SEC. 15. *Be it further enacted,* That the men who compose the Board of Mayor and Aldermen of the Town of Oliver Springs, on the first day of January, 1905, B. S. Biggs, Mayor; E. D. Phillips, C. H. McCartt, D. C. Richards, A. L. Williams, W. C. Walker, W. B. H. Wiley, shall continue to be and act as the Board of Mayor and Aldermen of the Town of Oliver Springs until their successors are elected and qualified under this Act, which said election shall be held on the first Thursday in May, 1905.

OBLIGATIONS.

SEC. 16. *Be it further enacted,* That all the real and personal property and all legal claims, fines, and forfeitures belonging to the Town of Oliver Springs, the charter of which has been abolished by the Acts of General Assembly at its present session, shall hereafter belong to the Town of Oliver Springs hereby created, and all legal debts and demands existing against the Town of Oliver Springs when its charter was abolished shall be assumed and paid by the Town of Oliver Springs hereby incorporated.

ORDINANCES.

SEC. 17. *Be it further enacted,* That the Board of Mayor and Aldermen shall provide to make its ordinances public by publication in some newspaper in Roane County or by posting copies of said ordinances in public places in said town.

SEC. 18. *Be it further enacted,* That at the time on which the first election for Mayor and Aldermen is held under this Act, said Election Commissioners for Roane County shall also hold an election in said town of Oliver

Springs for Justice of the Peace for said town. Said Justice of the Peace shall be a qualified voter of Roane County, and when elected shall to all intents and purposes be a Justice of the Peace for Roane County, and shall constitute and be a member of the County Court of Roane County, with all the privileges and powers of all other members of said court. Said Justice of the Peace so elected shall hold his office until the next regular election for Justice of the Peace through the State, when the said Election Commissioners shall hold the election in said Town of Oliver Springs for Justice of the Peace for said corporation as fully and completely as if all the corporate limits of said town were situated in Roane County.

SEC. 19. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

CHAPTER 248.

SENATE BILL No. 16.

BILL.

AN ACT entitled "An Act to repeal the charter of the Town of Raleigh, in Shelby County, Tennessee, being Private Act 1835, Chapter 25."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter incorporating the Town of Raleigh, heretofore granted by the State of Tennessee to said corporation, and being Chapter 25 of Private Acts of 1835, be, and the same hereby is, repealed, and the charter of said corporation is abolished.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

[This Act became a law without the Governor's signature, he having held the same more than five days before returning. See Journal.— EDW. W. THOMAS, Clerk.]

CHAPTER 249.

SENATE BILL No. 46.

BILL.

AN ACT to incorporate the Town of Raleigh, in the Sixth Civil District of Shelby County, Tennessee, and to provide for the government of same, and for the election of officers, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the Town of Raleigh, in the County of Shelby, and State of Tennessee, be, and they are hereby, constituted a body politic and corporate under the name and style of the Town of Raleigh, and under that name they may have perpetual succession, may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed, and personal property, and may have and use a corporate seal, and may alter the same at pleasure.

SEC. 2. *Be it further enacted,* That the Town of Raleigh, located in the Sixth Civil District of Shelby County, Tennessee, be, and the same is hereby, bounded as follows: Beginning at a point on the north banks of Wolf River, where the west line of the tract of land known as the Barnett Graham tract, touches the same, running thence on a line due north to the south line of the Cannon tract, now owned by J. M. and G. B. Coleman; thence west on the south line of the Cannon tract to the north line of the Boone twenty-eight acres and continuing on a straight line to the east line of the forty acres, formerly owned by Means, now by Mrs. E. B. Waring; thence south to the southeast corner of the Waring forty acres; thence west along her south line to the east line of the Cummings' four hundred acres; thence south along the Cummings' east line to the south line of the Harrison tract; thence east on the south line of the Harrison tract to Wolf River; thence with the north bank of Wolf River to the beginning. Boundaries.

SEC. 3. *Be it further enacted,* That the officers of the Town of Raleigh be chosen by the qualified voters thereof, shall be a Mayor and five (5) Aldermen, who shall consti- Officers—how chosen.

tute the Town Council, known as the Board of Mayor and Aldermen, a majority of whom shall constitute a quorum for the transaction of business. No person shall be eligible to the office of Mayor and Aldermen unless he is at least twenty-five (25) years old and a qualified voter under the laws of the State of Tennessee, and has been a *bona fide* resident of the corporation for at least sixty (60) days before an election. Said Mayor and Aldermen shall be chosen by the qualified voters of the Town of Raleigh every year, and shall hold their offices until their successors shall be elected and qualified. They shall serve without compensation.

Duties of Mayor.

SEC. 4. *Be it further enacted,* That the Mayor of the Town of Raleigh shall have the same power and authority that are vested in a Justice of the Peace. It shall be his duty to see that the laws of the State and the ordinances of the town are enforced within the city limits against all violations thereof. It shall be his duty to preside at all meetings of the Board of Mayor and Aldermen, and in the case of a tie vote before said Board he shall vote, but not otherwise. If the Mayor should be absent from the city for any reason, he may appoint any one of the Aldermen to act as Mayor in his absence.

Powers of Board of Mayor and Aldermen.

SEC. 5. *Be it further enacted,* That the Board of Mayor and Aldermen shall have the power to make all needed regulations, by ordinance, to secure the general health of the inhabitants of the town, to pass all laws and ordinances not in conflict with the State laws, to prevent and remove nuisances, and shall have the power to open, light, sprinkle, alter, abolish, widen, extend, establish, grade, pave, gravel, and otherwise improve, clear, and keep in repair the streets, alleys, sidewalks, and other grounds, or to have the same done, and to establish and keep in repair bridges, culverts, sewers, drains, and gutters, and by proper proceedings to condemn property for streets or other corporate purposes. To pass all necessary ordinances for the preservation of the peace of the community; to impose fines, forfeitures, and terms of imprisonment for breach of any ordinance of the town. No penalty shall exceed fifty ($50) dollars, and no term of imprisonment shall exceed sixty (60) days for the violation of any ordinance.

SEC. 6. *Be it further enacted,* That the Town of Raleigh is hereby authorized to acquire and hold real and personal property, to inclose and improve same when necessary for the public use of the inhabitants thereof, both

within and beyond the limits of the town, to regulate all public grounds belonging to the town, either in or out of the corporate limits, and to provide for the erection and repairing of all buildings necessary for the use of the town, and when any of said property is no longer required for use by the public, then the said Town of Raleigh shall have the power to sell and convey the same to any purchaser thereof in any manner provided by the ordinances of the town and shall, by ordinance, make all needful rules and regulations for the use of said property.

May levy taxes.

SEC. 7. *Be it further enacted,* That the Board of Mayor and Aldermen are hereby given the power to levy taxes for all corporate purposes upon all taxable property, real, personal, and mixed, and privileged within the limits of said town, not to exceed one per cent on the assessed value of real estate and personal property; the power to license, tax, and regulate everything licensed, taxed, and regulated as a privilege by the State and county, except saloons. They shall not have the power to license the sale of liquors or intoxicating beverages in any way.

Powers of Mayor to try offenders.

SEC. 8. *Be it further enacted,* That the Mayor shall have full power and authority to bind over to the State or commit to the workhouse any person convicted of violating the criminal laws of the State, or to confine in the town prison any person violating any of the ordinances of the town. And the Board of Mayor and Aldermen are hereby authorized and empowered to erect and organize a workhouse in or near said town, and any person who shall fail or refuse to pay any fine or costs imposed for the violation of any ordinance of said town shall be committed to the workhouse until such fine or costs are paid.

SEC. 9. *Be it further enacted,* That the Board of Mayor and Aldermen are hereby authorized and empowered to appropriate money and provide for the payment of the debts and expenses of the corporation.

Election for officers—when.

SEC. 10. *Be it further enacted,* That within sixty (60) days after the passage of this Act, and on the first Tuesday after the first Monday in January of each and every year thereafter, an election shall be held in the Town of Raleigh for the election of a Mayor and five (5) Aldermen, said officers shall hold their office for a term of one year and until their successors are elected and qualified.

Qualifications of officers.

SEC. 11. *Be it further enacted,* That the election provided for in this charter of incorporation shall be held under the general election laws of the State.

SEC. 12. *Be it further enacted,* That every officer of the town, whether elected by the qualified voters or by the Board of Mayor and Aldermen, shall be a resident of the State of Tennessee and of the Town of Raleigh three (3) months immediately preceding his election, and shall continue to reside therein during his term of office.

SEC. 13. *Be it further enacted,* That all persons who are qualified to vote for members of the General Assembly of the State of Tennessee, and who have been actual *bona fide* residents and citizens of the Town of Raleigh for sixty (60) days prior to the election, or who shall own real estate in said town, shall be entitled to vote in all municipal elections.

SEC. 14. *Be it further enacted,* That if there should be a vacancy in the office of Mayor or Aldermen, a majority of the Board of Mayor and Aldermen may supply the same by the election of some qualified elector residing within the corporate limits.

SEC. 15. *Be it further enacted,* That it shall be the duty of the Mayor and Aldermen, as soon after their organization as practicable, to elect a Treasurer and such other officers and committees as they shall deem proper for the purpose of carrying on the business of said corporation.

Marshal.

SEC. 16. *Be it further enacted,* That the Board of Mayor and Aldermen may elect a City Marshal for such term of office and under such rules and regulations as may be prescribed by the Board, and he is hereby vested with authority to execute all necessary process and make arrests for violation of State laws or of municipal laws within the corporate limits.

Oath of officers.

SEC. 17. *Be it further enacted,* That the Board of Mayor and Aldermen, and other officials of the Town of Raleigh, shall, before entering upon the duties of their respective offices, take an oath before some one authorized to administer oaths in this State, to faithfully, uprightly, and honestly demean themselves as such officers of said corporation during their continuance in office.

SEC. 18. *Be it further enacted,* That all officials elected by the Board of Mayor and Aldermen shall have their compensation fixed by said Board.

SEC. 19. *Be it further enacted,* That the Board of Mayor and Aldermen may require a bond or bonds of any officer elected by said Board and fix the amount and terms thereof.

SEC. 20. *Be it further enacted,* That all property, real and personal, or mixed, owned by the old corporation of Raleigh, at the time its charter was repealed, shall be, and the same is hereby, vested in the corporation created under this charter, with all the title, power, exemption, and incumbrances belonging to and attached to it before the passage of this Act.

SEC. 21. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

JOHN I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

[This Act became a law without the Governor's signature, he having held same more than five days before returning. See Journal.— EDW. W. THOMAS, Clerk.]

CHAPTER 250.

SENATE BILL No. 45.

AN ACT entitled "An Act to repeal the charter of the Town of Bartlett, in Shelby County, Tennessee, being of date December 15, 1897, filed for registration December 16, 1897, in Corporation Record Book No. 8, pages 155 and 156."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter incorporating the Town of Bartlett, heretofore granted by the State of Tennessee to said corporation, and being of date December 15, 1897, filed for registration December 16, 1897, in Corporation Record Book No. 8, pages 155 and 156, be, and the same is hereby, repealed, and the charter of said corporation abolished.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved.

JOHN I. COX,
Governor.

CHAPTER 251.

SENATE BILL No. 15.

A BILL to be entitled "An Act to amend so much of Section One of the Acts of 1879, Chapter 84, approved March 13, 1879, establishing Taxing Districts in the State, as gives power to Taxing Districts to 'regulate, control, and suppress gaming houses.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of Section 1 of the Act approved March 13, 1879, establishing Taxing Districts in this State, as gives Taxing Districts power to "regulate, control, and suppress gaming houses" be, and the same is hereby, amended by striking out the words in said section, "to regulate, control, and," so that said section shall read, in regard to gaming houses, "to suppress gaming houses and punish gaming by fine and imprisonment." It being the intention of this amendment to take from the Taxing Districts established by said Act of 1879 "power to control and regulate," and to make it their duty to suppress gaming houses.

SEC. 2. *Be it further enacted,* That all laws inconsistent with this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted,* That the public welfare requiring it, this Act take effect from and after its passage.

Passed March 23, 1905.

JOHN I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

[This Act became a law without the Governor's signature, he having held the same more than five days before returning same. See the Journal.—EDW. W. THOMAS, Clerk.]

CHAPTER 252.

SENATE BILL No. 272.

A BILL to be entitled "An Act to protect from trespass tillable lands in counties having a population by the last Federal census or any subsequent Federal census of not less than 25,100 nor more than 25,300, and to provide penalties for the violation of this Act."

This Act applies to Haywood County, population being 25,189.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person or persons to ride or drive across the tillable lands of another, whether inclosed or uninclosed, without the consent of the owner thereof, in counties having a population by the last Federal Census, or any subsequent Federal Census, of not less than 25,100 nor more than 25,300.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of Section 1 of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five nor more than fifteen dollars.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1905.

E. RICE,
Speaker of the Senate.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

[This Act became a law without the Governor's signature, he having retained same for more than five days without returning. See the Journal.—EDW. W. THOMAS, Clerk.]

CHAPTER 253.

SENATE BILL No. 391.

AN ACT to create a special School District in Bedford County, including the Town of Wartrace, and provide for the election of Directors, and the government and management of the same, to be known as the Wartrace School District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be, and the same is hereby, erected and created so as to comprise a portion of the Second and Third Civil Districts of Bedford County, and bounded as follows:

Boundaries

Commencing at the Garrison at the intersection of the line between the First and Third Civil Districts, and running north with said line to the line between the Third and Fourth Civil Districts, following this line west to the Bell Buckle and Mullins Mill Road; thence south with said road, passing and including the James P. West farm; thence passing through the Zack Thompson farm, leaving his residence on the south side of line; thence through P. W. Shofner's farm, leaving his residence on the north side of line; thence with road to the Wartrace and Shelbyville Pike; thence east with pike to the ford of Garrison below Waite's mill; thence crossing the Garrison running east below the farms of Mrs. Mary Ann Culley and J. B. Shofner to the railroad crossing south of J. B. Shofner's; thence east to the top of the hill, including the farm of J. S. Houston; thence northeast to R. W. Conch's barn on the hill; thence following the road east, taking in the farm of W. W. Hord, to the Knob Creek Road; thence up the Knob Creek Road to the intersection of the Fairfield and Winchester Road; thence following said road north to the gate across the road in front of E. S. Davis's house; thence west to the Garrison; thence down the Garrison to the beginning, also including the farms of A. D. McCanny, W. H. Connon, H. C. Dickerson, and James Redenburg, in Wartrace School District.

Election for directors.

SEC. 2. *Be it further enacted,* That proper election authorities of Bedford County be, and are hereby, em-

powered and required to hold an election within said School District by qualified voters thereof on the third Saturday in May, 1905, for School Directors, to hold their respective offices until the next regular election. Until which election the present Directors of the Third School District shall exercise their offices.

SEC. 3. *Be it further enacted,* That the officers appointed by said authorities shall serve without compensation.

Scholastic population to be furnished.

SEC. 4. *Be it further enacted,* That the Clerk of said district shall furnish to the County Superintendent of Bedford County a correct statement of the number of children of school age within the limits of the district herein created, and that the said County Superintendent shall furnish a copy of said enumeration to the Trustee of Bedford County.

SEC. 5. *Be it further enacted,* That all the school taxes assessed by the State and county upon poll, property privileges within said district, when collected shall inure to the benefit of the said Public High School of said district, and together with the proper *pro rata* part of the school fund paid over by the State arising from the interest on the State School Fund or otherwise, shall be paid out by the Trustees of said county upon the warrants being issued by the proper officers of said district.

SEC. 6. *Be it further enacted,* That this Act shall in no wise interfere with an Act passed the ———— day of ————, and approved the ———— day of ————, creating and establishing the Municipal Corporation High School of the Town of Wartrace, and conferring upon the same certain privileges, rights, and emoluments in said Act prescribed.

Name, etc.

SEC. 7. *Be it further enacted,* That said School District created by the first section of this Act be known as the Wartrace School District in said county, and shall have all the emoluments, rights, and privileges, and be governed by the same laws, rules, and officers that regulate other School Districts of said county, but its Directors are hereby expressly empowered to contract for the instruction of the pupils of the said district, or such portion of the same as they may deem expedient, in the branches of study prescribed by the general law for primary and secondary public schools in the State, and may lease or let the public school building of the said district, located in the town of Wartrace, on proper terms and restrictions

for a term not exceeding five years, for the purpose of securing a permanent and efficient school for the instruction of said pupils; *Provided,* that the said school shall be subject to all the rules and regulations governing public schools, and to the superivision of the County Superintendent.

SEC. 8. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 9. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 254.

SENATE BILL No. 269.

AN ACT to amend an Act approved March 13, 1890, being Chapter 25 of the Acts of the Extra Session of the General Assembly for the year 1890, so that there may be additional registrars appointed in Civil Districts that have been enlarged and the enlarged Civil Districts divided into registration and voting divisions, provided the Commissioners of Registration deem it best for the convenient registration of the voters of such Civil Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 25, of the Acts of the extra session of the General Assembly of the State of Tennessee for the year 1890, being an Act approved March 13, 1890, and entitled "An Act to provide for the registration of voters in this State in counties having a population of seventy thousand inhabitants or over that number, computed by the Federal Census of 1880, or which

may hereafter have that number or over, computed by any subsequent Federal Census, and to towns, cities, or civil districts having a population of twenty-five thousand inhabitants or over, computed by the Federal Census of 1880 or which may hereafter have that number or over that number by any Federal Census," be, and the same is hereby, amended so the following words shall be added to and appear at the end of Section 3 of said original Act—to wit: *Provided further,* that whenever two or more Civil Districts have been consolidated into one Civil District or the parts of one or more Civil Districts added to another Civil District, or where a Civil District lies partly within and partly without an incorporated town, city, or taxing district, and such part thereof as is not divided into wards may be divided and designated into as many "registration and voting divisions" of Civil Districts by the Commissioners of Registration as may be necessary for the convenience and accessibility of the voters of such Civil Districts for the registration and voting of such voters as reside in said "registration and voting divisions" of Civil Districts, and two registrars shall be appointed for each "registration and voting division" of Civil Districts, who shall be furnished books, stationery, register the voters residing in said registration and voting divisions of Civil Districts, and do all things provided by law to be done as other registrars. When the registration and voting divisions have been defined, they shall not be altered except upon a petition signed by fifty freeholders of such divisions and not until after thirty days' notice published once a week for four weeks in some daily or weekly paper having a general circulation in the county and also posted at the courthouse door for thirty days, setting forth the proposed changes.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 255.

SENATE BILL No. 287.

A BILL to be entitled "An Act to regulate the practice of the system, method, or science of healing known as Osteopathy, and creating a Board of Examination and Registration for the regulation of the same, and providing penalties for the violation of the provisions under this Act, and to repeal Chapter 364 of the Acts of 1899, entitled 'An Act regulating the practice of Osteopathy in Tennessee.'"

Governor to appoint Board.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a State Board of Osteopathic Registration and Examination, consisting of five persons, appointed by the Governor in the following manner—viz.: Within thirty days after this Act goes into effect, the Governor shall appoint five persons who are duly registered under the Act now in force, to regulate the practice of osteopathy in Tennessee, approved April 21, 1899, who shall constitute the first Board of Osteopathic Examination and Registration. Their terms of office shall be so designated by the Governor that the term of one member shall expire each year. Thereafter in each year the Governor shall in like manner appoint one person to fill the vacancy to occur on the Board on that date, the term of said appointee to be five years. A vacancy occurring from any other cause shall be filled by the Governor for the unexpired term in the same manner. The Board shall, within thirty days after its appointment by the Governor, meet in the City of Nashville and organize by electing a President, Secretary, and Treasurer, each to serve for one year. The Treasurer and Secretary shall each give bond with sureties approved by the Board, for the faithful performance of his duties, respectively, in such sum as the Board may, from time to time, determine. The Board shall have a common seal, and shall formulate rules to govern its actions.

The Board shall meet in the City of Nashville, at the call of the President, in July following the passage of this Act, and in July of each succeeding year, and at such

other times and places as a majority of the Board may appoint.

Three members of the Board shall constitute a quorum, but no certificate to practice osteopathy shall be granted on an affirmative vote of less than three. The Board shall keep a record of its proceedings, and a register of all applicants for certificates, giving the name and location of the institution granting the applicant the degree of doctor of or diplomate in osteopathy, the date of his diploma, and also whether the applicant was rejected or a certificate granted. The books and register shall be *prima facie* evidence of all matters recorded therein.

Practitioners must have certificate of qualification.

SEC. 2. *Be it further enacted,* That before engaging in the practice of osteopathy in this State, every person so proposing shall, upon the payment of a fee of fifteen dollars, make application for a certificate to practice osteopathy to the Secretary of the Board of Osteopathic Examination and Registration, on a form to be prescribed by the Board; giving, first, his name, age—which shall not be less than twenty-one years—and residence; second, the name of the School of Osteopathy from which he or she was graduated, and which shall have been in good repute as such at the time of the issuing of his or her diploma as determined by the Board; third, the date of his diploma, evidence that such diploma was granted on personal attendance and completion of the course of study of not less than four terms of not less than five months each; and such other information as the Board may require, and sufficient evidence that the applicant is of good moral character. The Board shall subject all applicants to an examination in the subjects of anatomy, physiology, symptomatology, physiological chemistry and toxicology, osteopathic pathology, diagnosis, hygiene, obstetrics, and gynecology, minor surgery, principles and practice of osteopathy, and such other subjects as the Board may require; *Provided,* that any person having a diploma from a legally chartered school or college of osteopathy in good standing as such at the time of issuing such diploma as determined by the Board, and who shall meet the requirements of the Board in other respects, who is in active practice in this State at the time of the passage of this Act, and who shall apply to said Board within ninety days after this Act goes into effect, may be granted a certificate by the Board to practice osteopathy in this State, without examination, and upon the payment of a

fee of two dollars to said Board for said certificate; and *Provided further,* that the Board may, in its discretion, dispense with an examination in the case of an osteopathic physician duly authorized to practice osteopathy in any other State or Territory of the United States, or in the District of Columbia, who shall present a certificate of registration or examination by the legally constituted Board of such State or District, accorded only to applicants of equal grade with those required in the State of Tennessee; *Provided further,* that after June, 1907, no holder of a diploma issued after said date shall be admitted to an examination, nor shall a certificate to practice osteopathy be otherwise granted by said Board, to any such person, unless said person shall have graduated after personal attendance from an osteopathic school of good repute, as such, determined by said Board, wherein the course of study shall consist of at least three years of nine months each.

Does not apply to Graduate Osteopaths until June, 1907.

SEC. 3. *Be it further enacted,* That all fees shall be paid in advance to the Treasurer of the Board, and all expenses proper and necessary, in the opinion of the said Board, to discharge its duties under this Act, shall be paid out of such funds in such manner as the Board may order; *Provided,* that no member of the Board shall be allowed out of said funds more than the amount spent for traveling expenses, and ten dollars for each day of actual service.

SEC. 4. *Be it further enacted,* That osteopathic physicians shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases; the reporting and certifying of births and deaths; and all matters pertaining to public health; and such reports shall be accepted by the officer or department to whom the same are made.

SEC. 5. *Be it further enacted,* That every person holding a certificate from the State Board of Examination and Registration shall have it recorded in the office of the County Clerk of the county in which he expects to practice. Until such certificate is filed for record the holder shall exercise none of the rights or privileges therein. Said Clerk of the County Court shall keep in a book for that purpose a complete list of all certificates recorded by him, with the date of the recording of each certificate. Each holder of a certificate shall pay to said Clerk a fee of one dollar for making such record.

Certificates to be recorded in County Clerk's office.

SEC. 6. *Be it further enacted,* That any person who shall practice, or pretend, or attempt to practice, or use the science or system of osteopathy in treating diseases of the human body, or any person who shall buy, sell, or fraudulently obtain any diploma, license, record, or registration to practice osteopathy illegally obtained, or signed or issued unlawfully or under fraudulent representation, or who shall use any of the forms, or letters, "Osteopathy," "Osteopath," or "Osteopathist," "Diplomate in Osteopathy," "D. O.," "Osteopathic Physician," "Doctor of Osteopathy," or any other title or letters, either alone or with other qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such term is engaged in the practice of osteopathy, without having complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense.

SEC. 7. *Be it further enacted,* That Chapter 364 (394 is the correct chapter), of the Acts of 1899, entitled "An Act regulating the practice of Osteopathy in Tennessee," be, and the same is hereby, repealed.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 256.

SENATE BILL No. 390.

AN ACT to authorize and empower the corporate authorities of the Town of Tullahoma to grant the use and occupancy of the highways in said town to persons, firms, and corporations, provided the said use and occupancy does not interfere with the public use of the said highways or become a nuisance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the Town of Tullahoma be, and they are hereby, authorized and empowered to grant to persons, firms, and corporations the right to use and occupy such highways or parts of highways in said town, for such time, upon such terms and conditions, and for such purposes as may seem to the said Mayor and Aldermen proper; *Provided,* the said use and occupancy so granted does not interfere with the public use of the said highways or become a nuisance.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 257.

SENATE BILL No. 351.

AN ACT to change the corporate limits of the Town of McMinnville, Warren County, Tennessee, and to repeal all laws in conflict with the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the Town of McMinnville, Tennessee, be, and they are hereby, so changed as to be as follows—to wit:

Beginning at a point on Barren Fork River, back of the residence of C. G. Black and opposite big gate; thence down said river, as it meanders, to a point opposite the residence of Bradley Rice; thence northwardly to a point north of the railroad, so as to include within said corporate limits the residence of said Bradley Rice; thence to the dirt road, known as the Red Road; thence with said road to a drain coming out of the field of Lewis or Reams; thence westwardly to a large oak tree on the Smithville Road, northwest of the residence of Reuben Peers, so as to leave outside of said corporate limits the residence and premises of Mr. N. Shong, Mrs. Thos. Faulkner, Mr. Frank Womack, J. H. Morford, and Ed Daugherty, and include therein the residences of R. M. Reams, J. T. Kelton, and R. Peers; thence southwardly to the beginning, so as to include within said limits the residences and premises of D. F. Wallace, Mrs. Harvey Smith, Mrs. Seitz, J. B. Biles (Hughes' place), and C. G. Black, and leave outside of said limits the residences and premises of F. Peers, Mrs. McGregor, and Mr. Weed, on Drury place.

SEC. 2. *Be it further enacted,* That all Acts in conflict with this Act are repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 258.

SENATE BILL No. 431.

A BILL to be entitled "An Act to change the line between the Counties of Clay and Overton."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Clay and Overton be so changed as to detach that part of the land of James Glidewell from Clay County and attach to Overton County, which land is at or near Oakey, Tennessee.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 259.

SENATE BILL No. 555.

AN ACT to amend Chapter 542 of the Acts of 1903, the same entitled "An Act to incorporate the Town of Cookeville, in Putnam County, Tennessee, and to provide for the government thereof, to establish a School District therein, to authorize said corporation to issue bonds for corporation purposes, to provide for the election of officers, prescribe their duties, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties Chapter 542, of the Acts of 1903, entitled "An Act to incorporate the Town of Cookeville, in Putnam County, Tennessee, and to provide for the government thereof; to establish a school district therein; to authorize said corporation to issue bonds for corporation purposes; to provide for the election of officers, prescribe their duties, and for other purposes," be amended by striking out the following words of said section: "*Provided,* that the Board of Mayor and Aldermen shall not declare a nuisance or condemn any building erected before the passage of this Act."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 260.

SENATE BILL No. 554.

AN ACT to authorize the Board of Directors of the Cookeville High School, in Cookeville, Putnam County, to convey the Cookeville High School grounds and the school building thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Board of Directors of the Cookeville High School, of Cookeville, Putnam County, Tennessee, be, and they are hereby authorized and required to transfer and convey by deed, conveying title in fee or such title as by law belongs to said Board of the Cookeville High School, to the Mayor and Aldermen of the Town of Cookeville and their successors in office, the lot of land and building thereon and all the hereditaments and appurtenances thereunto belonging, where said school building is now situated in said Town of Cookeville, the same to be forever used for educational purposes.

SEC. 2. *Be it further enacted* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 261.

Senate Bill No. 558.

AN ACT to ratify the issuance of twenty-five thousand dollars of bonds of Cookeville for waterworks, electric lights, and street improvements, or any or all of said purposes.

Whereas The Mayor and Aldermen of the Town of Cookeville, under and in accordance with the provisions of Chapter 542 of the Acts of the General Assembly, of the State of Tennessee, of 1903, submitted by resolution to the qualified voters of said Town of Cookeville at a special election held at the voting place in said town, on December 17, 1904, a proposition for issuing twenty-five thousand dollars of bonds for establishing waterworks, an electric light plant, and for building or paving streets, or any or all of said purposes, upon the terms and conditions set forth in said Act; and,

Whereas, It was determined and found by said Mayor and Aldermen, by resolution of January 13, 1905, that said election resulted in one hundred and eighty votes for and thirty-six votes against the issue of said bonds, thereby authorizing the issuing of said bonds, and that more than three-fourths of the qualified voters of said town had voted in favor of said proposition; and,

Whereas, By ordinance of said Mayor and Aldermen of the Town of Cookeville said bonds were ordered issued in accordance and under the conditions of said proposition; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said issuance of twenty-five thousand dollars of bonds of Cookeville for waterworks, an electric light plant and for building or paving streets, or any or all of said purposes mentioned in the preamble of this Act be, and the same is hereby, ratified and approved.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 262.

SENATE BILL No. 154.

AN ACT to ratify, confirm, and validate the sale of the Old Penitentiary property in Nashville, made in accordance with Chapter 405, Acts of 1899.

WHEREAS, By Chapter 405, Acts of the General Assembly of 1899, the Prison Commissioners, the Governor, Attorney General, Secretary of State, and Treasurer of the State were constituted a Board, and as such authorized to sell and dispose of the prison property owned by the State and not needed for prison purposes at such times and upon such terms as said Board should deem for the best interest of the State; and,

WHEREAS, The said Board, after being duly organized, determined to sell the site of the old penitentiary, said site being bounded on the north by Cedar Street, on the south by Church Street, on the east by Stonewall Street, and on the west by an alley, and in pursuance of this determination caused the said property to be sub-divided into sixty-four lots, known as McMillin's Sub-division, and sold at public auction on the 20th day of May, 1902, the terms being one-fifth in cash and the balance in one, two, three, four, and five years at five per cent interest, the State retaining a lien on each lot for the unpaid notes on said lot; and, Boundaries.

WHEREAS, Deeds were executed to the various purchasers of this property, signed by Benton McMillin, Governor, and John W. Morton, Secretary of State; and,

WHEREAS, It is desired to make clear the titles to this property held by the various purchasers; therefore,

Confirmation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sale of the property, which was the site of the old penitentiary, in the City of Nashville, bounded on the north by Cedar Street, on the south by Church Street, on the east by Stonewall Street, and on the west by an alley, made under authority of Chapter 405, Acts of 1899, by the Board created for this purpose by said Act, and composed of the Prison Commissioners, the Governor, the Attorney General, the Secretary of State, and the Treasurer, after said Board had caused a sub-division of sixty-four lots of said property to be made, said sub-division being known as McMillin's Subdivision, is hereby ratified, confirmed, and validated, and the deeds to said lots executed by Benton McMillin, Governor, and John W. Morton, Secretary of State, are hereby ratified, approved, and validated, and the conveyance of said lots under deeds executed as aforesaid are made binding upon the State.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 263.

SENATE BILL No. 96.

AN ACT entitled "An Act to repeal so much of Section 1, Chapter 153, passed by the General Assembly of the State of Tennessee, on March 21, 1887," so far as the same applies to Trousdale County; and to provide for the taking of fish in and from running streams of water of Trousdale County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed on the 21st day of March, 1887, excepting Trousdale County from the provisions of the general fish law of the State of Tennessee, be, and the same, so far as it relates to the County of Trousdale, is hereby, repealed.

SEC. 2. *Be it further enacted,* That hereafter fish shall only be taken in the running streams of water in Trousdale County by use of the ordinary hook and line, trot line, snatch hooks, double hooks, and the hands; *Provided,* that minnows for fish bait may be taken by dip net or minnow seine.

SEC. 3. *Be it further enacted,* That any person taking fish in any of the running streams of water in Trousdale County, by use of seine, basket, net, dam, or gun, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than twenty-five nor more than fifty dollars, and imprisoned in the county jail at the discretion of the Court.

SEC. 4. *Be it further enacted,* That the Judge of the Circuit Court of Trousdale County shall give this Act specially in charge to the grand juries of said county.

SEC. 5. *Be it further enacted,* That the grand juries of Trousdale County shall have inquisitorial power under the provisions of this Act, and that it take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 264.

Senate Bill No. 544.

AN ACT to redistrict the County of Marshall, State of Tennessee, into five Civil Districts instead of eighteen Civil Districts, as are now existing, and to define and prescribe the boundaries of such Civil Districts, and to repeal all laws or parts of laws in conflict with this Act.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County of Marshall in this State shall hereafter consist and be composed of five Civil Districts instead of Eighteen Civil Districts.

Sec. 2. *Be it further enacted,* That said five Civil Districts are established, and constituted, and embraced in the territory or portions of said county, described as follows:

Civil District No. 1 shall embrace, comprise, and include the territory in Civil Districts Nos. 8, 9, and 10 as now established and existing; Civil District No. 2 shall embrace, comprise, and include the territory in Civil Districts Nos. 6, 7, 16, and 11 as now established, and existing; Civil District No. 3 shall embrace, comprise, and include the territory in Civil Districts Nos. 5, 12, and 15, as now established, and existing; Civil District No. 4 shall embrace, comprise, and include the territory in Civil Districts Nos. 13, 14, and 17, as now established and existing; Civil District No. 5 shall embrace, comprise, and include the territory in Civil Districts Nos. 1, 2, 3, 4, and 18, as now established and existing; *Provided, however,* that all election precincts now established and existing in said county, shall continue and shall be legal election precincts in and for the several Civil Districts of said county as herein and hereby established in which such precincts may be located until changed by lawful authority; *Provided further,* there may be more than one registration place in each district for the registration of voters, and such additional place or places to be designated by the County Court of said county; and *Provided further,* that all the several school districts and road districts in said county shall remain as now existing, until changed by lawful au-

thority; and *Provided further,* that hereafter, in the election of School Directors, there shall be three Directors elected for each school district as now existing, or as may be hereafter created.

SEC. 3. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and are hereby, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after July 5, 1906; *Provided,* that the present Justices of the Peace shall serve until their successors are elected and qualified.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 265.

SENATE BILL No. 557.

AN ACT to amend Chapter 542 of the Acts of 1903, the same entitled "An Act to incorporate the Town of Cookeville, in Putnam County, Tennessee, and to provide for the government thereof; to establish a School District therein; to authorize said corporation to issue bonds for corporation purposes; to provide for the election of officers, prescribe their duties, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Article 7, of Chapter 542, of the Acts of 1903, be, and the same is hereby, amended by adding the following section to said Article—viz.: Sec. 4. Be it further enacted, That the Board of Mayor and Aldermen shall have power and authority to elect an Assessor of Taxes for the Town of Cookeville, whose term of office shall be for a period of two years, and whose

duty it shall be to assess all the property within the limits of said town in the same manner as the County or District Assessors assess property for State and county purposes, with all the power, and charged with all the duties required by law of County Assessors, who shall receive such fees or salary for his services as the Board of Mayor and Aldermen shall prescribe, and that said taxes when so assessed shall be turned over to the Board of Mayor and Aldermen, who shall have power and authority to act as a Board of Equalization, and alter or change said assessment as to them may seem just and equitable before the same is turned over to the Recorder for collection.

SEC. 2. *Be it further enacted,* That all laws or parts of law in conflict with this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 266.

SENATE BILL No. 432.

A BILL to be entitled "An Act to change the line between the Counties of Clay and Pickett."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Clay and Pickett be so changed as to detach that part of the land of Smith Mulens from Clay County and attached to Pickett County, which land is at or near Herd, Tennessee.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 267.

SENATE BILL No. 468.

AN ACT to appropriate two hundred dollars to provide a case for the records in the Supreme Court at Jackson prior to 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of two hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of constructing a proper case, and filing therein in proper order the records of the Supreme Court at Jackson, in causes heard there prior to 1880.

SEC. 2. *Be it further enacted,* That said sum of money shall be expended under the direction and approval of the Attorney General of the State, and the Clerk in that division; and upon the proper filing of sworn-to vouchers for said expense with the Comptroller, when approved as aforesaid, the Comptroller will draw his warrant on the Treasurer for said two hundred dollars, or so much thereof as may be necessary to make said case and file the aforesaid transcripts therein; *Provided,* that no part of said sum shall be paid to the Clerk of the Court as compensation to him for his assistance in said work.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 268.

SENATE BILL No. 556.

AN ACT to amend Chapter 542 of the Acts of 1903, the same entitled "An Act to incorporate the town of Cookeville, in Putnam County, Tennessee, and to provide for the government thereof, to establish a School District therein, to authorize said corporation to issue bonds for corporation purposes, to provide for the election of officers, prescribe their duties, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Article IX, of Chapter 542, of the Acts of 1903, which Act is entitled "An Act to incorporate the Town of Cookeville, in Putnam County, Tennessee, and to provide for the government thereof; to establish a school district therein, and to authorize said corporation to issue bonds for corporation purposes; to provide for the election of officers, prescribe their duties, and for other purposes," be stricken out, and that the following Article be inserted in lieu thereof:

Appointment Board of Education.

Article IX, Section 1. Be it further enacted, That the Board of Mayor and Aldermen shall have power to appoint a Board of Education, consisting of six qualified citizens residing within the corporation limits and not members of the Board of Mayor and Aldermen, which Board, when so appointed, shall have full power, as Trustees, or Directors, to manage and control the public or town schools, to elect a City Superintendent of Schools, and elect or employ well-qualified teachers, and to provide or prescribe all needful rules and regulations for said schools, said Superintendent and said teachers thereof; and said Board of Education shall hold office for three years, but of the first Board of Education elected under this Act, two shall be elected for one year, two for two years, and two for three years, and annually thereafter two members of said Board of Education shall be elected for the full term of three years. Vacancies, by resignation, removal, or death, shall be filled by the Board of Mayor and Aldermen for the unexpired term. The Board of Mayor and Aldermen shall provide by ordinance for the manner in which taxes

collected by the Collector of Taxes in said town, going to the school fund, shall be paid over on the order of the Board of Education.

Special school tax.

SEC. 2. *Be it further enacted,* That the Mayor and Aldermen of said town are hereby authorized to levy and collect a special tax for school as other taxes are levied and collected, which shall not exceed fifty cents on the one hundred dollars' worth of property, and as hereinbefore provided.

SEC. 3. *Be it further enacted,* That the Town of Cookeville is hereby created a special school district, and that the County Trustee of Putnam County, or any other Tax Collector of Putnam County, shall pay over to the Recorder of the Town of Cookeville quarterly on the first Mondays in January, April, July, and October of each year all moneys collected by them for school purposes from property lying within the limits of this corporation or otherwise, and take his receipt for the same, to be used by them in making their settlements. This shall include all school moneys collected on property, both real and personal, polls, *ad valorem,* privilege taxes, from the State of Tennessee and otherwise.

SEC. 4. *Be it further enacted,* That the general laws of the State in regard to common schools shall apply to the Town of Cookeville, so far as the same are not modified herein, and the said district shall be entitled to all sums of money from the public school fund that it would be entitled to receive if the district was organized under the general laws of the State.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 269.

House Bill No. 748.

AN ACT to amend an Act entitled "An Act to fix the time for holding the Circuit Courts of the various counties composing the Seventh Judicial Circuit of Tennessee," passed April 1, 1903, as to time for holding of courts in the Counties of DeKalb and Rhea.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed April 1, 1903, regulating the times of holding the Circuit Courts in the Seventh Judicial Circuit of Tennessee, be amended so as to provide that the Circuit Courts for the counties of DeKalb and Rhea be, and are, as follows:

DeKalb—First Tuesdays after second Mondays in April, August, and November.

Rhea—First Tuesdays after second Mondays in March, July, and December.

Sec. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Sec. 3. *Be it further enacted,* That this Act take effect from and after May 1, 1905, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 270.

House Bill No. 712.

AN ACT to create and establish an independent School District in the Fifth Civil District of White County, Tennessee, known as the Fifteenth School District.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be, and is hereby, created and established an independent School District in the Fifth Civil District of White County, to be known as the Fifteenth School District of said county, and bounded as follows: Beginning in the Sixth District line at Rock House; running south, including lands of B. Arnold and E. H. Johnson; thence east to Carthage Road, near Darkey Springs; thence south with said road to Knowles' and Dabbs' store and K. Y. Roads; thence east with the old sub-district line, including the lands of Joe Swindell, Fred Helton, and John Scroggins, to Third District line on the mountain; thence north to Ninth District lines to Sixth District line; thence west with Sixth District line to the beginning corner.

This paragraph is correctly printed.

Sec. 2. *Be it further enacted,* That said independent School District shall have all rights and privileges and endowments as other School Districts of White County, and shall be controlled by three Directors, appointed by the County Superintendent, to serve until the next regular election, when the three Directors shall be elected by the qualified voters of the said School District, as the other School Directors are elected and for the same time.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 271.

House Bill No. 116.

AN ACT to exempt Hickman County from the provisions of an Act, approved May 10, 1895, Chapter 127, entitled "An Act for the protection of fish in the State of Tennessee," and to repeal Chapter 328 of the Acts of 1901, approved April 20, 1901, entitled "An Act to amend an Act entitled 'An Act to exempt Hickman County from the general fish law,'" and to repeal Chapter 96 of the Acts of 1903, approved March 11, 1903, entitled "An Act to prohibit fishing in Hickman County during spawning season."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for any resident of Hickman County to catch fish for use on his own table in barrel or hoop, nets or to kill them with gigs in any of the streams of running water within the limits of the county; *Provided,* that fish shall not be caught or killed in the interval of time from April 20 to June 20 each year in any of the streams within the limits of said County of Hickman, except Duck River.

Sec. 2. *Be it further enacted,* That the people residing and living in said county shall have the right to catch fish in said Duck River during any and all seasons of the year, and by any means except by the use of dynamite or other explosives, poisons, traps, or brush drag nets, and shall have the right to sell or give away same to be used in said county, but not to be sold or exported out of the county.

Sec. 3. *Be it further enacted,* That Chapter 328 of the Acts of 1901, approved April 20, 1901, entitled "An Act to amend an Act, entitled 'An Act to exempt Hickman County from the general fish law,'" and also Chapter 96 of the Acts of 1903, approved March 11, 1903, entitled "An Act to prohibit fishing in Hickman County during spawning season," be, and the same are hereby, repealed; and that all laws and parts of laws in conflict with this Act be, and are hereby, repealed, in so far as they apply to the people residing in Hickman County.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 272.

HOUSE BILL No. 814.

AN ACT to be entitled "An Act to create and establish an independent School District in Moore County, Tennessee, out of parts of the Third, Fourth, and Sixth Civil Districts of said county, to be known as the Fourteenth School District of Moore County, Tennessee, and to provide a Board of Directors for same."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be, and the same is hereby, created and established out of portions of the Third, Fourth, and Sixth Civil Districts of Moore County, Tennessee, included within the following boundaries—to-wit: Beginning at the Moore and Lincoln County line at the top of ridge between Louse Creek and Tucker's Creek, running with said ridge in a northerly direction to the Widow Patton's farm; thence crossing the head of the west prong of Farris Creek, a southern course, so as to include the farms of James Hensley and Mack Smith; thence east, crossing the head of the east end of Farris Creek, so as to include the farms of the Widow Wagner and J. M. Grammar; thence to the top of ridge, northeast between Short Creek and Farris Creek; thence east to Short Creek so as to include the farm of T. D. Allen; thence to top of ridge between Short Creek and Coffee Creek; thence north with the meanderings of said ridge so as to include the farms of C. S. Bobo, L. T. Davis, W. T. Wiseman, and C. M. Matlock; thence north

to the First District line so as to include the farm of the Widow George Massey, J. A. Bruce, and the old Harper place, also the Frank Grammar place; thence with said district line between First and Sixth Districts to Walk Ashby's on Mulberry Creek; thence south with said district and county lines back to the beginning.

SEC. 2. *Be it further enacted,* That said independent School District shall be known as the Fourteenth School District of Moore County, Tennessee, and through a Board of Directors shall exercise all the powers of a School District now given by law.

SEC. 3. *Be it further enacted,* That the County Superintendent shall appoint one School Director for said district, who shall serve until the regular term for election of School Directors under the present law.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 273.

House Bill No. 683.

A BILL to be entitled "An Act to create a school in the Sixth Civil District in Henry County, embracing the Town of Puryear."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be established a school at Puryear, Henry County, Tennessee, "Puryear School," embracing the following territory: Beginning northeast of T. L. Valentine's residence; thence west, embracing Finley Provine, Jack Stephens, and Jack Aakins, to Clear Creek; thence south with Clear Creek to Puryear and Cottage Grove Roads; thence south to MacRoss; thence southeast, embracing the land of Bob Fields, John Jones, J. D. Morris, including the land of Bill Jackson; thence north, embracing the land of Bill Douglass and Ike Freeman; thence down Clark's River to the beginning.

Sec. 2. *Be it further enacted,* That said School District shall have the right to elect their own School Board, which shall consist of five members, and who shall elect three School Directors, who shall act together in employing teachers and do any other work to the advancement of the school.

Sec. 3. *Be it further enacted,* That said School District shall have the right to elect their own School Board, which shall consist of five members, and who shall elect three School Directors, who shall act together in employing teachers and do any other work to the advancement of the school.

Sec. 4. *Be it further enacted,* That a special election shall be had for the purpose of electing the three School Directors and the School Board of five, created by this Act; *Provided,* that said School Directors and School Board shall hold their offices until the general election.

Sec. 5. *Be it further enacted,* That there shall be an election held on the first Saturday in July for the election of said School Commissioners and School Board; that if for any cause any of said Directors or said Board so elect-

ed under this Act fail or refuse to Act or qualify as the law directs for ten days after the election as directed by the law, and if no election is held, that the County Superintendent of Henry County shall have power to fill the vacancy or vacancies by appointment.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 274.

HOUSE BILL No. 613.

A BILL to be entitled "An Act to authorize the appointment of Notaries Public by the Governor in counties having a population of not less than 12,936 and not exceeding 12,975, according to the Federal Census of 1900, or any subsequent Federal Census."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor be, and is hereby, authorized to appoint Notaries Public in counties having a population of not less than twelve thousand nine hundred and thirty-six, and not exceeding twelve thousand nine hundred and seventy-five, according to the Federal Census of 1900, or any subsequent Federal Census; *Provided,* that the Governor shall not have the right to appoint exceeding two Notaries Public in any one Civil District of said county.

This Act applies to Wayne County.

SEC. 2. *Be it further enacted,* That the provisions of this Act shall not affect the right of the County Court to elect Notaries Public as now provided by law.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 275.

HOUSE BILL No. 809.

A BILL to be entitled "An Act to create an independent School District of parts of the First, Fourteenth, and Fifteenth Civil Districts of Greene County, Tennessee."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be established from portions of the First, Fourteenth, Fifteenth Civil Districts of Greene County, Tennessee, beginning with the farm of A. M. Reeser, on the south side of the Nolachucky River, in the First Civil District; thence westward to the farm of Mrs. Roda Earnest; thence northwest to the residence of C. E. Smith, in the Fourteenth Civil District; thence northwest to the farm of James McCrackin; thence northeast to the farm of Charles Hankal; thence east to the farm of John Grant in the Fifteenth Civil District; thence to the fork of the public road at Oakdale schoolhouse; thence north to the residence of John Good; thence east to the Washington County line, near the house of Michael Anderson; thence with the county line to the mouth of Limestone Creek at the Nolachucky River; thence west to the beginning, the farm of A. M. Reeser.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 276.

HOUSE BILL No. 611.

AN ACT entitled "An Act to create a new Special School District out of a part of the Fourth and Fifth Civil Districts of Houston County."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an additional School District, to be known and designated as School District No. 9, be established in Houston County with the following boundaries:

Beginning on the railroad on Boon's crossing, running thence with said railroad to the west boundary line of William Averitt's farm; thence in a southern direction with the dividing ridge between Ward Hollow Branch and Muster Ground Branch to the Eighth District line; thence with said district line in a western direction to the old Charlotte and Dover stage road; thence with said road to the Fifth District line; thence with said Fifth District line westward to a point a little north of L. R. Hooper's east boundary line, crossing Bateman's Branch with said L. R. Hooper's east boundary line, to the ridge on the south side of the said Bateman's Branch; thence south with said ridge to a point east of James Kingsmill's place; thence southwest so as to include said Kingsmill's residence as well as Mrs. Ella Boon's place; thence in a western direction to a point east of a place known as the Mate Wallace place, excluding said place; thence in a northwestern direc-

tion to the old Ross Pond; thence in a northeastern direction with the county road leading from Erin to Waverly to a point in said road a little south of George Teff's residence; thence in an eastern direction to the beginning of the proposed new School District.

SEC. 2. *Be it further enacted,* That the School District created by the first section of this Act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules that govern, control, and regulate the other School Districts in Houston County, and that at first regular election held in said county for School Directors, three Directors shall be elected for said School District, and until the next regular election the County Superintendent shall appoint three Directors to serve until their successors are elected and qualified.

SEC. 3. *Be it further enacted,* That all laws in conflict with this Act are repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 277.

House Bill No. 756.

A BILL to be entitled "An Act to establish School District No. 29 in Rutherford County, State of Tennessee, and to provide Directors for the same."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory embraced in the following metes and bounds shall constitute, and is hereby established as, School District No. 29 of the County of Rutherford, State of Tennessee: Boundaries.

Beginning at center of Stone's River, Mrs. Emma Hunt's northwest corner; thence with her west line south to a stone in Jefferson Road; thence northwest with said road to the northwest corner of M. E. Neely's; thence with his west line south to his southwest corner; thence with his line to northeast corner of Neal farm; thence south with said Neal line to a point in road leading from Lebanon Pike to Lewis Mill; thence east with said road to Stewart's northwest corner; thence south with said Stewart's west line to point in road leading to Florence Station; thence east with said road to corner northwest of Joe Black's farm; thence south with said Black's line to point in road leading to Dentonville; thence across Lebanon Pike to Crutcher's southeast corner; thence north with Crutcher's, east to Drake's southwest corner; thence east with Drake's south line to his southeast corner; thence north with Drake's east line to center of river, Drake's northeast corner; thence with the meanderings of said river eastward to H. C. Drake's northwest corner; thence with line west to a stake in road leading from Betty's Ford; thence north with said road to the center of Jefferson Pike; thence east with said pike to north of road between W. M. McDaniel and R. M. Rucker; thence with said road northwardly to S. D. Hall's east line; thence north with said Hall's east line to his northwest corner; thence with his north line to his northwest corner; thence north with Bivin's east line to his northeast corner; thence with his north line east to J. B. John's southwest corner; thence with his west line to point in road leading from Lebanon Pike to Cains-

ville; thence west with said road to the Hubbard well; thence westwardly to Dr. Elwood Sander's southwest corner; thence north to Lander's west line and Mrs. Susan Weather's east line to Frank Weather's southeast corner; thence with his east line to his northeast corner; thence west with his north line to his northwest corner; thence south with his west line to a point in the "cut off" road; thence west with said road to Frank Bell's southeast corner; thence north with the Powell's Chapel road to Bell's northeast corner; thence west with his north line to his northwest corner; thence south with his west line to the Jefferson Pike; thence southeastward with said pike to N. C. Robinson's northeast corner; thence northward with his line to center of river; thence eastward with the meanderings of said river to the beginning.

SEC. 2. *Be it further enacted,* That the Superintendent of Public Instruction for the County of Rutherford is hereby empowered to appoint three School Commissioners for said district, to serve until the next regular election for School Commissioners.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 278.

House Bill No. 676.

TO BE ENTITLED "An Act to provide for the creation of Improvement Districts for the purposes of opening, widening, extending, grading, curbing, guttering, paving, gravelling, macadamizing, parking, or laying permanent sewers on, upon, or in any street, highway, avenues, or alley within the corporate limits of any city or town in this State having a population of not less than thirty-two thousand nor more than seventy-five thousand inhabitants, according to the Federal Census of 1900, or any subsequent Federal Census; to provide for the appointment of Improvement District Commissioners for said Improvement Districts; to provide a method of assessing part of the cost of said improvements upon the land lying in, abutting on, or adjacent to said Improvement Districts, and of paying for said improvements; and to authorize the issuance of bonds or certificates, to pay for same, and the redemption of said bonds."

This Act applies to Knoxville.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cities or towns of this State having a population of not less than thirty-two thousand inhabitants, nor more than seventy-five thousand, according to the Federal Census of 1900 or any subsequent Federal Census, it shall be lawful for the legislative bodies of said cities or towns, upon petition duly signed by the owners of two-thirds of the lots or parcels of land abutting on, or adjacent to, any street, highway, avenue, or alley within the corporate limits of such city or town, or abutting on or adjacent to any part of such street, highway, avenue, or alley, and not less than one block or the space between two cross streets in length, to provide by ordinance duly passed for the improvement of any such street, highway, avenue, or alley, by opening, widening, extending, grading, curbing, guttering, paving, gravelling, macadamizing, or laying permanent sewers therein, or part of same not less than one block in length as aforesaid, and to provide for the making of special levies or assessments upon the land abutting on, or in case of sewers adjacent to, such street, highway, avenue, or alley or part thereof, to be improved in the manner hereinafter set forth, to pay for said improvements.

Petition for improvement districts.

SEC. 2. *Be it further enacted,* That in order to bring any contemplated improvement of any street, highway, avenue, or alley within the corporate limits of any of the cities or towns aforesaid within the provisions of this Act, the owners of two-thirds of the lots or parcels of land abutting on, or adjacent to, said street, highway, avenue, or alley or part of such street, highway, avenue, or alley, not less than one block in length, shall first file with the legislative body of such city or town a petition setting forth the limits of the Improvement District desired to be created, the character of the improvements desired, whether opening, widening, extending, grading, curbing, guttering, paving, gravelling, macadamizing, or laying permanent sewers, averring the willingness of each of the signers of said petition to pay their reasonable *pro rata* share of the cost of said improvement; and each signer of such petition shall not only sign his name, but also designate his lots or parcels of lands abutting on, or adjacent to, the street, highway, avenue, or alley proposed to be improved; *Provided, however,* that such petition shall in no case be gotten up by paving contractors, or their agents or employees, nor by any one who intends to be, or thereafter becomes, a bidder on the work to be done pursuant to said petition.

SEC. 3. *Be it further enacted,* That upon the filing of such petition as above set forth in Section 2 thereof, with the legislative body of any of said towns or cities aforesaid, said legislative body may, in its discretion, either grant or reject same by resolution, stating the reasons therefor. If such petition be granted, said legislative body shall forthwith, by ordinance, designate the limits of the Improvement District by distinctly specifying the street, highway, avenue, or alley, or part thereof to be included therein as set forth in said petition, and by giving it a number such as "Improvement District No. ——;" shall also designate the character and kind of the work to be done, the manner of the construction of said improvement, and the material to be used therein; or the legislative body of said city or town may decide upon the manner of the construction of said improvement and the material to be used therein after receiving bids for the same. Said ordinance shall also direct the City Engineer of said city or town to prepare proper plans and specifications for the construction of said improvements, and also direct him to stake out the established grade of said street, highway, avenue, or alley to be improved; and may require him to prepare

estimates of the cost of the proposed improvements and file same with the Recorder of said city or town.

Improvements —how let out.

SEC. 4. *Be it further enacted,* That all permanent improvements authorized by this Act shall be constructed under contract with the lowest responsible bidder, and no contract shall be let for the construction of any such improvement until notice of the letting of the contract, inviting sealed proposals or bids, therefor shall have first been published in some newspaper of general circulation in such city or town for not less than ten days, and in such other papers as the legislative body of such city or town may direct. Such notice, by reference, shall include the plans and specifications of the City Engineer, and may, also, require the bidder to furnish other and different plans and specifications to be in all respects complete for the construction of the improvement, together with his bid for same. The notice shall serve (reserve) the right to reject any and all bids, and may require samples of material to be furnished to the City Engineer at lesat three days before the time for opening said bids, and any other provisions said legislative body of said city or town may determine.

Bond to accompany bids.

SEC. 5. *Be it further enacted,* That all bids for the construction of the improvements authorized by this Act shall be accompanied by a suitable bond, with at least two good and solvent sureties, who are citizens or residents of the city or town where the improvement is to be done, or, in lieu of personal sureties, the bond of some surety company authorized to do business in this State may be given, in a penal sum of at least ten per cent of the entire cost of the work to be done or improvement to be made, computed on the basis of the bid submitted, conditioned that the contractors named therein shall, in case said work is awarded them and his or their bid accepted, enter into a contract with said city or town within the time required, and for the price named in their respective bids, and in accordance with the plans and specifications of the City Engineer, and the provisions of the resolutions or ordinances of said legislative body. All bonds, whether tendered with bids for the work or for specific performance of the contract, and all forms of contract, shall be submitted to the attorney or solicitor of said city or town to ascertain if they sufficiently guard the interest of said city or town, and are in all respects legally sufficient, and he shall report his opinion in reference thereto in writing to said legis-

lative body of said city or town. Before any of the bids submitted shall be opened, the said attorney or solicitor of said city or town shall investigate and report as satisfactory the bond submitted with said bid, and said bond shall also be examined by said legislative body, and determined to be satisfactory before proceeding to open any of said bids. All bids shall be opened and read by the Recorder of said city or town in open session of said legislative body, at such time as that body may direct, and no bids shall be considered which are not in accordance with the plans and specifications of the City Engineer, or those furnished by the bidder with his bid when so required; and also accompanied by proper bond aforesaid.

Bids may be rejected.

All bids, or any part thereof, may be rejected and new bids ordered. The bond or bonds accompanying the successful bid shall be deposited with the Recorder of said city or town, and be held by him to secure the faithful performance by the bidder of all his undertakings. The person to whom the contract for the improvement shall be awarded in addition to the bond hereinbefore provided for, shall as a part of his contract execute a bond to said city or town in an amount equal to twenty-five per cent of the entire contract price of said improvement, conditioned that such party shall well and truly perform all of the terms and conditions of his contract in a good and workmanlike manner and in accordance with the plans and specifications, which shall form part of said contract, and shall indemnify and save the city harmless from all losses, costs, and expenses, which it may sustain by reason of any negligence of such contractor, and such bond must be approved by said legislative body of said city or town before such contract shall have any binding force on said city or town.

Sec. 6. *Be it further enacted,* That whenever any street, highway, avenue, or alley or part thereof is designated as, or laid off as, constituting an Improvement District as hereinbefore provided, before any improvement shall be made herein, as provided in this Act, the city or town, by its duly authorized officials, shall lay off and establish the permanent grade in said street, highway, avenue, or alley or part thereof, to be improved, and shall bring such street, highway, avenues, or alley, or part thereof, to be improved, up or down to such permanent grade, as the case may be, before said improvement shall be made. And the cost and expense of all filling or excavating, sub-grad-

ing, or the work necessary to establish the permanent grade of such street, highway, avenues, or alley, or part thereof, to be improved, and of sub-grading for such permanent grade, and making all the necessary cuts or excavations or fills therefor, shall be borne by said city or town out of its general funds, or special funds derived from the special tax, not exceeding five mills on the dollar, as hereinafter authorized, or the proceeds of the "City Improvement Bonds or Certificates" hereinafter authorized; but in no case shall it be paid out of the proceeds of, or the moneys received from, special levies or assessments herein authorized, or from the "Improvement District Bonds" herein authorized.

Two-thirds of cost to be borne by abutting property.

SEC. 7. *Be it further enacted,* That whenever any street, highway, avenue, or alley, or part thereof, in the cities or towns aforesaid, is laid off as, and constituted, an Improvement District as hereinbefore provided, that two-thirds of the expenses or cost of the improvement made therein shall be assessed against, or upon the land abutting on, or adjacent to, said street, highway, avenue, or alley, or part thereof, to be improved, and constituting the Improvement District; and one-third of such expense shall be paid by said city or town out of its general funds or special funds to be raised for the purpose of paying the city's or town's share of the cost of said improvement. The city or town in addition to said one-third cost of the whole shall also pay for the cost of said improvements at the intersections of said street, highway, avenue, or alley with other streets, highways, avenues, or alleys, and the space opposite alley, and also for the spaces in front of city property, and any other property exempt from special taxes, and the cost of sub-grading or of establishing permanent grades as hereinbefore provided. Said two-thirds of the cost or expense of said improvement on such street, highway, avenue, or alley, or part thereof, constituting the Improvement District, that is to be assessed against, or upon the lands abutting on, or adjacent to, said street, highway, avenue, or alley, shall be assessed upon or against said land and the several lots or parcels thereof with equality and uniformity and according to the value thereof without including in such value the cost of the improvements thereon; *Provided, however,* that the aggregate or total amount of the levy or assessment made upon or against any lot or parcel of land shall not exceed twenty-five per cent of the actual cash value of said lot or parcel of land, not including the

improvements thereon, and the city or town shall pay any part of such levy or assessment upon or against any such lot or parcel of land as may be in excess of twenty-five per cent of the actual cash value thereof, not including the improvements thereon. And all money realized from such assessments shall constitute a sinking fund for the payment of the cost of such improvement, and shall be used and appropriated to the payment of such costs and any bonds and interest thereon which may be issued therefor, as hereinafter provided, and for no other purpose whatever.

Assessment—how made.

And said assessment shall be made as follows; Two-thirds of the cost of the improvement, except the spaces in front of city property and any other property exempt from special taxation, and except as to the intersection of streets, highways, avenues, or alleys, and the spaces opposite alleys and the cost of sub-grading as hereinbefore provided, shall be levied upon the land abutting on, or in case the improvement is a sewer adjacent to, the street, highway, avenues, or alley, constituting the Improvement District, and become delinquent as herein provided—to-wit: The legislative body creating such Improvement District may provide that such levy or assessments shall be payable in not less than five nor more than ten equal annual installments, and when the number of installments shall be determined the first installment shall become delinquent in ninety days after the date of such levy assessment, and the subsequent installments shall become delinquent annually thereafter until all are paid in full, principal and interest. Such special levy shall be payable to the proper official of said city or town to whom general taxes are paid, by the owners of the land upon which they are made as aforesaid, at or before the time they become delinquent as hereinbefore provided and in the installments provided for by the legislative body of said city or town; *Provided, however,* that the whole amount of the levy made upon or against any parcel or lot of land abutting on, or adjacent to, said Improvement District, with the interest then due, may be paid by the lot owner at his option at the time such levy is made, or at any installment period thereafter; and such levies or assessments shall also be a lien upon the lands or lots so assessed, and shall draw interest at the rate of not exceeding six per cent per annum from the time of the levy or assessment aforesaid, until the same shall be paid or become delinquent, which-

ever shall happen first. Said interest to be paid annually or semi-annually, as the legislative body of said city or town may, by ordinance, determine; said special levies or assessments being made payable at such times and in such amounts, and with such rate of interest not exceeding six per cent per annum, as will meet the payments of the improvements herein contemplated, and the "Improvement District Bonds," hereinafter authorized, and interest thereon, so far as the cost of such improvements is levied upon, or assessable against, the land abutting on, or adjacent to, such "Improvement District," payment of such special levies or assessments hereinafter provided for the authorized, and the interest thereon, may be enforced and collection made after they become delinquent with expenses as the payment of taxes is now enforced and collection thereof is made in the respective cities or towns to which this Act applies, and the property upon, or against, which such special levies or assessments are made may be sold for any delinquent installment of such levy or assessment, and the interest thereon, without affecting the validity of the lien for any subsequent installment or interest, in the same manner, and subject to the same forfeitures, certificate, right of redemption, and deed, or suit at law or in equity, as in the case of sale for ordinary taxes of such city or town; or in any other manner now or hereafter provided by law in respect thereto.

Bonds to issue for other one-third of cost.

SEC. 8. *Be it further enacted,* That for the purpose of making and completing any improvement authorized by this Act when necessary to fully complete and finish any permanent improvement when the same is made at the intersection of any street, highway, avenue, alley, or spaces opposite alleys or in front of city property or other property exempt from special taxation, and for the cost of sub-grading as aforesaid, and to pay the one-third part or share of the cost of the improvement to be made incumbent upon the city or town to pay as hereinbefore provided, such cities or towns shall have the power, and they are hereby authorized, to issue "City Improvement Bonds," to pay the costs and expenses of and for the said improvements enumerated in this Act relating to the intersection of streets, highways, avenues, and alleys, and spaces opposite alleys and spaces in front of city property and in front of other property exempt from special taxation, the cost of sub-grading as aforesaid, and to pay also the one-third of

the cost of such improvement incumbent on the city or town to pay as hereinbefore provided.

Said bonds when issued shall draw interest not to exceed six per cent per annum, payable annually or semi-annually, as the legislative body of such city or town may determine, at the date of issuance of said bonds, said interest to be evidenced by interest coupons attached to said bonds, and shall run for a period not to exceed twenty years, at the option of the city, and shall not be sold for less than par. The amount of money realized from the sale of said bonds shall be used for no other purpose than for paying the costs of said improvements so made, at the intersection of streets, highways, avenues, or alleys, and spaces opposite alleys, spaces in front of city property, or other property exempt from special taxation, the cost of sub-grading as aforesaid, and the one-third share of the cost of the improvement to be made in any Improvement District, incumbent on the city or town to pay as hereinbefore provided.

Bonds to designate district.

Said "City Improvement Bonds" shall be for such denominations or amounts not less than one hundred dollars nor more than one thousand dollars each, as the legislative body of said cities or towns may determine at date of issuance. They shall be executed by the Mayor and Recorder of such city or town under the seal of said city or town, and shall recite on their faces that they are issued pursuant to this Act and the ordinance of such city or town authorizing their issuance. They shall also recite by number and description for what Improvement District they were issued and for what character of improvement in such district (whether curbing, guttering, paving, or sewers, or other improvement authorized by this Act, as the case may be) they were issued to pay; they shall also recite their date of issuance, date of maturity, the fact that a special tax has been authorized to be levied to create a sinking fund for their payment, and such other matters of law or fact as said legislative body of such city or town may determine essential to protect the respective interests of the city or town and the purchasers of said bonds.

Denominations

SEC. 9. *Be it further enacted,* That the "City Improvement Bonds" issued as provided by this Act shall be in denominations of not less than one hundred dollars nor more than one thousand dollars, and shall be paid, interest and principal, at maturity out of the fund to be provided as hereinafter specified. Said legislative body of said city

or town creating an "Improvement District" under the provisions of this Act shall, notwithstanding any of its charter provisions, restrictions, or limitations as to its tax rate, to the contrary, annually levy a sufficient special tax of not exceeding five mills on the dollar on the assessed valuation of all the taxable property in such city or town to provide for the payment of the improvements herein authorized to be made at the intersection of streets, highways, avenues, or alleys, spaces opposite alleys, space opposite city property, or other property exempt from special taxation, the cost of sub-grading as aforesaid, and the one-third part of the cost of such improvement incumbent upon the city or town to pay as hereinbefore provided, and when the cost thereof cannot be levied upon or assessed against the land abutting on, or adjacent to, such "Improvement District;" and to provide a sinking fund for the payment of any bonds that may be issued for such improvements in anticipation of the collection of such tax, which funds, so provided, shall not be used or appropriated to any other purpose than the payment of the costs of such improvements or such bonds, and the interest thereon from time to time as it accrues.

Special levy of taxes.

SEC. 10. *Be it further enacted,* That for the purpose of paying the costs and expenses of any permanent improvement when the same is a lien upon, and property chargeable as a special levy or assessment upon or against land abutting on or adjacent to the street, highway, avenue, or alley, or part thereof, constituting the Improvement District where improvements are to be made and said costs and expenses are levied upon the lands or lots abutting on or adjacent to such Improvement District as hereinbefore provided for and authorized, the first of the installments of the costs or expenses of such improvement levied upon each lot or parcel of land shall be payable at the time of the levy and become delinqnent in ninety days thereafter, as hereinbefore provided, and for the remaining part of such costs and expenses levied upon and assessable against the lands or lots abutting on, or adjacent to, such Improvement District, the legislative body of such city or town may issue bonds of said city or town to be called "Improvement District Bonds for the City of (give corporate name of city or town), for Improvement District No. ——," and in amounts of not less than one hundred dollars nor more than one thousand dollars each, and when so issued shall be in annual series to correspond

with the installments into which the levies or assessments on lands or lots abutting on, or adjacent to, such Improvement District may be divided, each of said series of bonds to become due and payable not exceeding sixty days after the installment of the levy or assessment with which it corresponds is due and payable. Said bonds shall draw such rate of interest not exceeding six per centum per annum, payable annually or semi-annually, as the legislative body of such city or town may determine at time of ordering issuance of same, and said bonds shall not be sold for less than par; and said bonds and the interest thereon shall be paid solely out of the moneys realized from the special levies or assessments upon such lands or lots abutting on, or adjacent to, said Improvement District specified in said bonds, as hereinbefore provided.

Rate of interest

Said "Improvement District Bonds, District No. ——," of such city or town shall be duly executed by the Mayor and Recorder of said city or town and under the corporate seal of such city or town, and shall recite that they are issued in accordance with this Act, and the ordinance of such city or town authorizing same; the date of issuance, the date when due, their serial number, the number of the Improvement District, the description of the Improvement District, naming the street, highway, avenue, or alley, or part thereof, constituting same; the character of the improvement (whether for paving, guttering, curbing, or sewering, or other improvement herein authorized); the fact that remaining installments of the special levy upon or assessments against the lands or lots abutting on, or adjacent to, such Improvement District constitute a sinking fund for the payment of such bonds and such other matters as the legislative body of such city or town may deem essential to protect the interest of the city or town and the purchasers of said "Improvement District Bonds."

Form of bonds.

SEC. 11. *Be it further enacted,* That the proceeds of any and all the "Improvement District Bonds" of any "Improvement District" for the improvement of any street, highway, avenue, or alley within the corporate limits of the cities or towns provided for in this Act, shall be exclusively applied to, and used for, no other purpose than the payment of the costs and expenses of the improvements upon and to the particular street, highway, avenue, or alley where said improvements were made for the payment of which said bonds were issued; and that the money realized from the special levies or assessments upon

Application of funds.

the abutting or adjacent lands to any such street, highway, avenue, or alley, or part thereof, constituting the "Improvement District" where said improvements are made, shall be applied solely to, and used solely for, the payment of the costs and expenses of the improvements made upon the particular street, highway, avenue, or alley, or part thereof, constituting the "Improvement District" on which the said land abuts or is adjacent, or to the payment of said "Improvement District Bonds" for said Improvement District issued to pay for so much of said improvements as may be charged to said abutting or adjacent lots or parcels of land. And all of said "Improvement District Bonds" so issued shall be duly executed, consecutively numbered, attested, and registered by the City Comptroller of said city or town, and shall then be delivered by him to the Treasurer of said city or town, and his receipt taken therefor, and he shall be charged therewith at their par value, and shall be liable for the full amount of the bonds so delivered to him and the proceeds thereof, and that said bonds shall not be sold at less than their par value with accrued interest, and it shall be the duty of the City Comptroller, City Treasurer, and Finance Committee of the legislative body of such city or town under the direction of the legislative body of such city or town to sell said bonds, and said Comptroller and Treasurer shall keep a record of all bonds sold by number, date of sale, date of maturity, with name and post office address of the purchaser.

Expenses of bonds.

SEC. 12. *Be it further enacted,* That whenever any city or town within the provisions of this Act has incurred the cost and expense as authorized by this Act, by the creation of an "Improvement District" as herein authorized for the improvement of any street, highway, avenue, or alley, or part thereof within its corporate limits as herein authorized, the expense thereof ascertained and fixed or assessed and levied as herein required, whether such expense is to be paid by said city or town or levied upon, or assessed against, the land or lots abutting on, or adjacent to, such street, highway, avenue, or alley, and it shall be deemed expedient or necessary by the legislative body of such city or town, said legislative body shall pass and adopt an ordinance providing for and authorizing the issuance of "City Improvement Bonds" or "Improvement District Bonds, District No. ——," as the case may be for the amount of the expense of such improvement as hereinbefore provided in this Act.

SEC. 13. *Be it further enacted,* That whenever by ordinance the legislative body of the cities or towns within the provisions of this Act shall, upon petition filed as hereinbefore provided, have created an Improvement District as hereinbefore provided, such resolution or ordinance shall thereafter be published in some newspaper of general circulation in such city or town, and such publication shall be notice thereof to all persons interested.

Improvement District Commissioners provided.

SEC. 14. *Be it further enacted,* That whenever any city or town within the provisions of this Act shall have created an "Improvement District" for the improvement of any street, highway, avenue, or alley within its corporate limits as hereinbefore provided, and the cost or expense of such improvement has been ascertained and fined and determined, it shall be the duty of the legislative body of the city or town creating such Improvement District to elect or appoint not less than three nor more than seven "Improvement District Commissioners," to be selected from the owners of the lots or parcels of land abutting on, or adjacent to, the street, highway, avenues, or alley or parts thereof constituting the "Improvement District," and which said Improvement District Commissioners shall serve without compensation. And it shall be the duty of said Improvement District Commissioners to make lists or levy or assessment rolls of the lands or lots abutting on, or adjacent to, said street, highway, avenue, or alley, or part thereof to be improved, together with a description of each lot or parcel of land so abutting on, or adjacent to, said Improvement District, with the name or names of the person or persons owning the same, if known, and the amount levied or assessed upon or against each lot or parcel of land, and shall, when completed, file such list with the Recorder of said city or town.

Publication of levy lists.

SEC. 15. *Be it further enacted,* That immediately upon filing said lists, or levy of or assessment rolls, as above provided in Section 14, with the Recorder of said city or town, said Improvement District Commissioners shall fix a time when they will meet to consider objections thereto. Thereupon the Recorder of said city or town shall publish for three days in succession in some newspaper of general circulation therein, and cause to be posted up in a conspicuous place in the City Hall of said city or town, copies of said lists, or levy or assessment rolls, together with a notice to all persons interested, to appear at the time and place fixed by said Improvement

District Commissioners, and show cause, if any they have, why said levies or assessments should not be confirmed. Said Improvement District Commissioners shall meet at the City Hall of said city or town at the time specified in said notice, and said time shall not be less than ten days after the first publication of the aforesaid notice.

Meeting of Commissioners and duties

SEC. 16. *Be it further enacted,* That at the time and place so fixed said Improvement District Commissioners shall meet and consider all objections to said assessments that may be made by any person or persons interested in the lands or lots so levied upon or assessed, or by the agent or attorney of such person or persons; and shall make a record of such revisions, corrections, or amendments to such levies or assessments as shall seem to them right and just; and they may adjourn from time to time until all objections so made shall be considered; and it shall be the duty of every person who has objection to such said assessments or levies to appear before said Commissioners at the time and place thus fixed, and file in writing such objection, and all persons failing so to do shall forever thereafter be precluded from making any objection to the validity of said levies or assessments; *Provided, however,* that any person or persons interested as aforesaid, who shall be aggrieved by the action of said Improvement District Commissioners in disallowing or overriding their objection to or complaints as to said assessments or levies, may appeal for correction of such action of said Commissioners to the legislative body of said city or town.

SEC. 17. *Be it further enacted,* That when said "Improvement District Commissioners" shall have considered and passed upon all objections made before them, they shall return said rolls or lists to the legislative body of said city or town, with a report of any or all changes and modifications which they recommend, and said legislative body may adopt said report recommendation, or modify the same, and when all such amendments or changes shall have been made, if any are required, and all appeals from the action of the Improvement District Commissioners, if any have been taken, shall have been heard and determined, said heard and determined said legislative body of said city or town shall by ordinance duly passed adopted, passed and confirm said lists or levy or assessment rolls.

SEC. 18. *Be it further enacted,* That whenever the legislative body of said city or town shall have adopted,

passed, or confirmed any such list or levy or assessment rolls as aforesaid, such adoption, passage, or confirmation shall operate as, and be, a special levy or levies or assessment or assessments, and the same shall be a lien upon the lands or lots abutting on, or adjacent to, the street, highway, avenue, or alley to be improved and constituting the Improvement District wherein such levies or assessments are made, and upon which said levies or assessments are made, from the date of such levy or assessment until the same are paid and discharged, and said liens shall be enforced in the same manner and by the legal process or procedure as liens for general taxes are enforced; *Provided, however,* that however that any error, mistake of name, number of lot, amount, or other irregularity may at any time be corrected, and no such levy or assessment shall ever be declared void or invalid by reason thereof, but the person aggrieved may have the same corrected by application to the legislative body of said city or town.

"Special Assessment Book."

SEC. 19. *Be it further enacted,* That immediately on the making of such special levy or assessment as herein provided, the same shall be transferred from the said lists, or levy or assessment rolls, to a book to be kept for that purpose by the City Comptroller of said city or town, to be known as the "Special Assessment Book," and which shall be properly indexed; shall show the names of the owners of the lots or lands; shall also show the lots or parcels of ground abutting on, or adjacent to, the street, highway, avenue, or alley, or part thereof to be improved, and constituting the Improvement District; the amounts of the levies or assessments made against each of said lands or lots as shown by the lists or assessment rolls aforesaid; the issue of warrants, certificates, or bonds, and when paid, etc., which said book shall be a book of original entries for these purposes, and shall be competent evidence in all cases and in all the courts of this State; said levies or assessments shall be due and payable without further demand, as provided herein.

Provision for other expenses.

SEC. 20. *Be it further enacted,* That the expense of improving such portions of any street, highway, avenue, or alley, or part thereof, within any Improvement District in said cities or towns as cannot be lawfully levied upon or assessed against the lots or lands abutting on, or adjacent to, said Improvement District as hereinbefore provided, shall also be referred to said Improvement District Commissioners and examined by them and returned to

said legislative body with a report of any changes or modifications which they may recommend, which report may be adopted or modified by said legislative body, and when all changes, if any, have been made, such expense shall be fixed and approved by said legislative body.

As to supplemental levies.

SEC. 21. *Be it further enacted,* That in case of any omissions, errors, and mistakes in making the levies or assessments aforesaid in respect to the total cost of the improvement, or in case of deficiencies or otherwise, a supplemental levy or assessment to support such deficiencies, errors, omissions, or mistakes may be made; and such supplemental levy or assessment shall be made in the same manner and after the same notice as hereinbefore provided for the original levy or assessment, and shall be a lien on the abutting or adjacent lots in the same manner, and be payable in the same manner, draw the same rate of interest, and be subject to the same penalties, and enforced and collected in the same manner as such original levy or assessment.

Certificates in lieu of bonds may be issued

SEC. 22. *Be it further enacted,* That whenever the legislative body of such cities or towns within the provisions of this Act shall deem it expedient, they may, in lieu of the Improvement District Bonds hereinbefore authorized, provide in the contract for making the improvements herein contemplated and authorized; that the contractor shall receive in payment of such portion of such improvements as are assessable to, or levied upon, the land or lots abutting on, or adjacent to, such improvement, certificates for the amounts assessed to, or levied upon, the various lots and lands abutting on, or adjacent to, such improvement, and the street, highway, avenue, or alley, or part thereof thus improved; which said certificates shall be executed by the Mayor and Recorder of such city or town, and shall transfer to such contractor the various amounts assessed against, or levied upon, such lots or lands, together with all the interest and penalties accrued or to accrue thereon, and shall entitle the owner thereof to receive the amount thereof when paid, and to enforce payment thereof as hereinbefore provided, or in any other lawful manner.

Owners redress of grievances.

SEC. 23. *Be it further enacted,* That when any owner or part owner or person having any interest in any of the lots or lands abutting on, or adjacent to, such street, highway, avenue, or alley, or part thereof, constituting an Improvement District as hereinbefore provided, upon or

against which said lots or lands said levies or assessments have been made, as hereinbefore provided, shall be aggrieved by the action of the legislative body of such city or town in confirming the lists or levy or assessment rolls aforesaid, or in confirming and making such levy or assessment upon or against his lot or land, such owner or person having an interest in such lots or lands shall have the right of appeal from the action of such legislative body to the Circuit Court of the county in which such city or town is located by petition duly filed, setting forth the facts and the claims of such petition, and such cases shall be tried by such Circuit Courts in the same manner as now, or may hereafter be, provided for the trial of other civil causes in actions at law in this State.

SEC. 24. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 25. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 279.

House Bill No. 247.

AN ACT to amend an Act entitled "An Act to amend Chapter 1 of the Acts of 1883 and Chapter 1 of the Acts of 1891, and Chapter 10 of the Acts of the Extraordinary Session of 1898, so as to provide for the expenditures of the turnpike, highway, and bridge taxes collected in suburban districts annexed to any Taxing District organized under the Act of January 29, 1879," so as to provide that only $22,500 of said taxes shall be used in the territory annexed to the Taxing District, and to direct how the same is to be expended and to make reports of same, and providing penalty for failure.

This Act applies to Shelby County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act passed March 29, 1899, and being Chapter 166 of the published Acts of 1899, and being entitled "An Act to amend Chapter 167 of the Acts of the extraordinary session of 1898 so as to provide for the expenditure of the turnpike, highway, and bridge taxes collected in suburban districts annexed to any taxing district organized under the Act of January 29, 1879," be, and hereby is, amended by adding to the end of Section 1 of said Act the following; *Provided,* said taxes shall not amount to more than twenty-two thousand five hundred dollars in any year, and all over that amount is to be retained by the county officials; and *Provided further,* that said taxes shall be used on the following main roads or pikes entering City of Memphis or taxing districts through annexed territory: Randolph Roads, also new Raleigh Road, also old Raleigh Road, also old State Line Road or Poplar Street Road or Pike, also Pigeon Roost Road or Leneer Boulevard, also Hernando Road or Mississippi Avenue, also Hornlake Road, and on no other streets or roads in said taxing district; but *Provided further,* that none of said taxes shall be expended in repairing, gravelling, or balustring within the tracks of any street or railway or within two feet of either side thereof; and that the Mayor or other Chief Executive of said taxing district shall make detailed reports to the County or Quarterly Court on the first Monday in January of each year hereafter; said reports showing where

or what roads or pikes and in what amounts said funds have been expended; and for failure to expend said taxes or to make said reports as to the manner and amounts of such expenditures, said Mayor or other Chief Executive shall be guilty of a misdemeanor and liable to a fine of not less than fifty dollars and not more than one hundred dollars and thirty days in the workhouse.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 280.

HOUSE BILL No. 800.

AN ACT providing for the relocation of tollgates on all turnpikes in Tennessee ten miles long and having two tollgates.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every person, company, association, or corporation organized under the general laws of this State, owning and operating a turnpike or toll road in this State, ten miles or more in length, with only two toll gates thereon, which maintains bridges over all creeks crossing said turnpike, and which maintains and keeps a bridge across and over a creek intersecting or crossing the said turnpike near where the second toll gate is located, may re-locate and maintain said toll gate nearer said creek than now located, and on either side of said creek, as may be decided on by the person or persons in control of said road, and may collect toll from all persons who pass through said gate; *Provided,* said toll gate is not located within five and one-half miles of the county town or any

incorporated town at one of the termini of said turnpike; and *Provided,* said toll gate, when re-located, is not less than four miles from the first toll gate.

SEC. 2. *Be it further enacted,* That the removal of said toll gate shall be permitted on conditions that no toll or charge shall be made to persons going to or from any point on said turnpike road within the territory now within the first and second toll gates or going to or from any point reached by traveling any public road leading off from the turnpike road within one-half mile of the said toll gate so re-located; *Provided,* said persons shall travel on horseback, in carts, pleasure wagons, or carriages; and *Provided further,* that any wagon loaded with household or kitchen furniture, agricultural or farm products, or live stock, or live stock on foot destined as above set out, shall be exempt from any charge or toll whatever at said toll gate, and all other persons or loaded wagons may be charged regular toll.

SEC. 3. *Be it further enacted,* That the re-location of said second toll gate shall in no way affect or change the location of the first toll gate, nor change the legal rate of toll at this gate.

SEC. 4. *Be it further enacted,* That this Act shall apply to all counties in this State having a population of not less than twenty-six thousand and seventy nor more than twenty-six thousand one hundred, according to the Federal Census of 1900 or any subsequent Federal Census.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

or what roads or pikes and in what amounts said funds have been expended; and for failure to expend said taxes or to make said reports as to the manner and amounts of such expenditures, said Mayor or other Chief Executive shall be guilty of a misdemeanor and liable to a fine of no less than fifty dollars and not more than one hundred dollars and thirty days in the workhouse.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives

E. RICE,
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Approved April 11, 1905.

JOHN I. COX,
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CHAPTER 280.

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said Rutherford's to C. M. Lamar's northwest line; thence with said line to J. W. Williams' northwest line; thence with said Williams' northwest line to D. A. Wallace's northwest line; thence with said line to a corner with J. S. Wallace; thence a southeast course with dividing line between W. D. Wallace and J. S. Wallace, to a corner with A. J. Weir's southwest line to a division line between A. J. Weir and John Carden; thence with said division line to corner between said A. J. Weir and W. S. Phillips; thence with said Phillips' line in a southeast course to the beginning, be, and the same is hereby, incorporated into a School District of Anderson County.

County Superintendent to appoint directors.

SEC. 2. *Be it further enacted,* That the County Superintendent of Public Instruction of Anderson County is hereby authorized and directed to appoint three Directors for said district, to serve until the next regular election for School Directors, when three Directors shall be elected by the people of said district in the manner now provided by law, and said district shall be entitled to all the privileges, immunities, and rights of other School Directors, and be subject to the same regulations and instructions.

SEC. 3. *Be it further enacted,* That the Clerk of said district, as soon as may be after coming into office, shall furnish to the proper authorities a correct statement of the number of children within the school age within said district, and the County Trustee of Anderson County, upon said enumeration, shall disburse the funds belonging to said district upon the orders of the Directors of said district.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 286.

House Bill No. 521.

AN ACT to fix the time for holding the Chancery Courts in the Sixth Division of Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Chancery Courts in the Sixth Chancery Division be held at the following times and places:

At Centerville—On the first Tuesdays after the first Mondays in January and July.

At Springfield—On the second Mondays in January and July.

At Clarksville—On the first Mondays in February and September.

At Ashland City—On the first Tuesdays after the first Mondays in April and October.

At Lebanon—On the second Mondays in April and October.

At Charlotte—On the fourth Mondays in April and October.

At Dickson—On the first Thursdays after the fourth Mondays in April and October.

At Gallatin—On the first Monday in May and the second Monday in November.

At Waverly—On the third Monday in May and the first Monday in November.

At Dover—On the fourth Mondays in May and November.

At Erin—On the first Mondays in June and December.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 287.

House Bill No. 599.

A BILL to be entitled "An Act to create Special School District No. 18 of Crockett County, Tennessee."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in order to better serve the public interests of the Seventh and Ninth Civil Districts of Crockett County, Tennessee, special School District No. 18 of Crockett County, Tennessee, is hereby authorized and created with metes and bounds as follows—to-wit:

Beginning at the south boundary line of the Seventh Civil District of said County of Crockett in the center of Buck Creek, where the same crosses the Civil District line, running thence in a northerly direction with the meanderings of said creek to the Forked Deer River; thence west with the Taylor and Terry heirs' north boundary line to Terry heirs' northwest corner; thence south with said Terry heirs' west boundary line to J. G. Ray's northeast corner; thence west with said Ray's north boundary line to his northwest corner; thence south with said Ray's west boundary line to his southwest corner; thence east with his south boundary to J. F. Lyon's northeast corner; thence south with said J. F. Lyon's and J. B. Lyon's west boundary line to T. H. Avery's north boundary line; thence west to the northwest corner of said Avery's lands; thence south with T. H. Avery's west boundary line to the Seventh District line; thence east with the said Seventh District line to the beginning.

Sec. 2. *Be it further enacted,* That the County Superintendent is hereby authorized to appoint three citizens living in the above described territory to serve as School Directors until the next regular election of School Directors, when three Directors shall be elected by the people of said special School District in the manner now provided by law. And the Directors herein provided for are authorized and empowered to receive from the Directors of the School Districts from which this special district is formed its *pro rata* of any and all school funds in the

hands of the Directors of the original School Districts, in proportion to the scholastic population of each fraction so taken to form this special district.

SEC. 3. *Be it further enacted,* That the management and control and support of the school or schools of the district above described be, and the same shall remain, in all other respects under the general public laws as they now exist; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 288.

HOUSE BILL No. 434.

A BILL to be entitled "An Act to incorporate the Town of Portland, Sumner County, Tennessee, and the inhabitants thereof, and to provide for the government and control of the same, and to define the corporate limits and the powers of said municipal corporation, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Portland, in Sumner County, in said State, and the inhabitants thereof be, and they are hereby, constituted an incorporation and body politic, by the name and style of "The Mayor and Aldermen of the Town of Portland, Tennessee," and by the same shall have perpetual succession, shall sue and be sued, and plead and be impleaded in all courts of law and equity, may purchase, receive, and hold property, real, personal, or mixed, within said town or without the limits of the same, and may sell, lease, and dispose of the same for the benefit of said town, and may make such contracts for public grounds and promenades as will be beneficial to said town and its inhabitants, and may have and use a common seal and change it at pleasure.

Boundaries.

SEC. 2. *Be it further enacted,* That the corporate limits of said Town of Portland shall be as follows: Beginning at a stone, the northeast corner of the cemetery lot; thence with line of said lot, north eighty-six and one-fourth degrees, west forty-two and one-fourth poles to the west side of the Shun Pike Road; thence with the west edge of said road north four and three-fourths degrees, east twenty-four poles to a stake west of a large black oak; thence north eighty-five degrees, west one hundred and ten poles to a stake in Anthony's field; thence south seventeen and three-fourths degrees, west two hundred and seventy-two poles to a stake on the east side of Harris' Road; thence with east edge of said road, south five and one-eighth degrees, west one hundred and thirty-seven and one-half poles to a stake; thence south eighty-one and one-fourth degrees, east one hundred and ninety-seven poles to a stake in Stinson's field, east of his barn; thence north sixty-nine and one-fourth degrees, east one hundred and ninety-five poles to a stake on the west side of the Gallatin Road; thence with west edge of said road, north twelve and one-half degrees, west thirty-two poles; thence north ten and three-fourths degrees, west seventy-three poles; thence north four and one-half degrees, east forty-two and one-half poles to a stake at a turn in the north side of said road; thence north thirty-three degrees, west two hundred and five poles to the beginning.

Officers.

SEC. 3. *Be it further enacted,* That the officers of said corporation shall be a Mayor, Board of Aldermen, seven in number, a Recorder, a Treasurer, and City Marshal, and such other officer or officers as may be provided for by the by-laws and ordinances of said corporation.

How elected—duties.

SEC. 4. *Be it further enacted,* That the Mayor and Aldermen shall be elected by the qualified voters of said town, and shall hold their offices for a period of two years and until their successors shall be elected and qualified, and where two or more persons shall have an equal number of votes for either office, the election shall be determined by a majority vote of the Council of Board elect; a vacancy, whether temporary from absence or otherwise, shall be supplied in the same manner. The Mayor shall fill all vacancies occurring in any office except that of Alderman, until the same can be filled by election by the Board. Vacancies either of Mayor or Alderman, by death, removal, or resignation, shall be filled by the votes of a majority of the Board present at a meeting. No one shall be elected

Mayor unless he is a *bona fide* citizen of the town, and unless he shall have been a *bona fide* resident thereof two years next preceding his election; and he shall be a freeholder of the value of three hundred dollars in said corporation; and the qualifications for Aldermen shall be the same as that of Mayor. The Mayor shall preside at all meetings of the Board when he is present, and take care that all the ordinances of the town are duly enforced, take an oath of office before he enters upon the duties of the same, and call special sessions of the Board when he may deem it expedient, and perform such other duties as may be required of him by the laws or ordinances of said town.

The members elect of the Board of Aldermen before entering upon their official duties shall take an oath before some person authorized to administer an oath, to support the Constitution of the United States and the State of Tennessee, and to discharge truly and to the best of their abiity the duties of Aldermen.

The Board of Aldermen shall consist of seven members, unless the number is increased or diminished by ordinance of the corporation, which may be done by the Board.

Powers of Board.

SEC. 5. *Be it further enacted,* That the Board shall have full power and authority to appoint such officers, servants and agents of the corporation as they may deem necessary, and shall provide for by ordinance; but no person shall be eligible to any office, either elective or appointive, in said town unless he shall have been a *bona fide* resident of the town for not less than two years previous thereto. The Board shall fix the compensation of said officers from time to time, and shall have power to dismiss any officer, servant, or agent by them appointed, five of said Board concurring in said dismissal.

Sheriff to first hold election.

SEC. 6. *Be it further enacted,* That the Sheriff of Sumner County, after ten days notice, shall hold an election in the Town of Portland, on the first Tuesday in May, 1905, for the purpose of electing seven persons to serve as Aldermen, and one person to serve as Mayor, and one other person as County Magistrate for the corporation of said Town of Portland; and said Magistrate shall serve for a period of six years, commencing Wednesday, the 3d day of May, 1905. And the Sheriff holding said election shall, within three days thereafter, give to the persons having the highest number of votes for Mayor and for Magistrate, and to the seven persons having the high-

est number of votes for Aldermen, a certificate of their election; and it shall be the duty of said Mayor and Aldermen to meet at some convenient house, in the Town of Portland, on Saturday, after the first Tuesday in May, 1905, and, after qualifying as aforesaid, proceed to organize and enter upon the discharge of their duties.

Other elections

And every two years from and after the first Tuesday in May, 1905, or upon such other day as the Mayor and Aldermen may determine by ordinance, the City Marshal, or such other person as may be designated by ordinance or by law of the corporation, shall open and hold an election for Mayor and Aldermen at some convenient point in the Town of Portland, at such place within said corporate limits as may be fixed by ordinance of the corporation; said elections shall be held under the existing State laws governing elections for State and county officers, and under such other laws, rules, and regulations as said Board may prescribe by ordinance. And in addition to persons living within the corporate limits, duly qualified to vote under the laws of the State, all citizens of Sumner County, owning a freehold within said corporate limits, who are otherwise entitled to vote, shall be entitled to vote in said elections. The result of said elections shall be certified by the officers holding the same to the existing Mayor, who shall lay it before the Board of Aldermen at their next regular meeting thereafter; and on the first Monday in June next, after said election in May, 1907, unless changed by an ordinance of the corporation, the Mayor and Aldermen elect shall enter upon the duties of their respective offices.

Treasurer, Recorder and Marshal.

SEC. 7. *Be it further enacted,* That the Treasurer, Recorder, and City Marshal shall be elected at the first meeting of the Board of Aldermen after the election held by the Sheriff as above provided, and after all regular elections as hereinbefore provided for, and shall hold their offices for a period of two years, or until their successors are elected and qualified; but the Board shall have the right by ordinance at any time to change the time of the election of said officers or the duration of their terms of office. Said officers shall each enter into a bond of five hundred dollars, payable to the Mayor and Board of Aldermen, for the faithful performance of their duties, and in addition thereto shall enter into such bonds, take such oath, and perform such duties as said corporation may, by

ordinance, direct. No member of the Board of Aldermen shall be eligible to any of said offices.

SEC. 8. *Be it further enacted,* That the Mayor and Aldermen shall have power within the town by ordinance:

1. To levy and collect taxes upon all property taxable by law for State purposes; to make such rules and provide such penalties upon delinquent taxpayers as said Board may see proper for the enforcement of the collection of such taxes.

2. To levy and collect taxes upon all privileges and polls taxable by the laws of this State, provided that the poll tax shall not exceed one dollar annually.

3. To appropriate money and provide for the debts and expenses of the town by the levy of a special tax when the same shall be necessary.

4. To make regulations to prevent the introduction of contagious diseases into the town; to establish pesthouses, hospitals, and institutions of like character necessary in the warding off, checking, or prevention of such diseases, and make regulations for the government of the same.

5. To establish a system of free schools and levy a special tax for its maintenance.

6. To make regulations to secure the health of the town, and to prevent and remove nuisances.

7. To provide the town with waterworks, cisterns, pumps, etc.

8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, alleys, and sidewalks; to require the owners of property to build and construct, repair, or pave the streets fronting their residences and business houses; and where any such person shall fail to build or repair the sidewalk in front of his residence or business house, or clean the street in front of same, after notice provided by such ordinance shall have been given, or to abate or remove a nuisance upon his premises or adjoining the same for which he or she is responsible, and the city shall do the work, it shall be done at the expense of the owner of such lot or premises and the cost thereof shall be, and is hereby, declared a lien upon such lot or premises; said lien shall be enforced in the same manner as mechanic liens are enforced, and to provide for lighting the streets. Streets.

9. To establish, regulate, and support a night watch or patrol.

Market places.

10. To erect a market house, establish markets, and regulate the same; to erect a calaboose or workhouse in or near said town, and regulate the same; and any person who shall fail or neglect to pay any fine or cost imposed on him by any ordinance of said town may be committed to the workhouse or calaboose until such fine and cost, or either, be fully paid. Every person committed to the workhouse shall be required to work for the town at such labor as his health and strength will permit, within or without such workhouse, not exceeding ten hours each day, and for such work or labor the person so confined and employed shall be allowed, exclusive of his board, a credit upon such fine and costs of not less than thirty cents per day, and as much more as said town may by ordinance prescribe until the whole is discharged, when he or she shall be released; *Provided*, that no person shall be required to work for more than four months for one offense.

Public buildings.

11. To provide for the erection of all buildings necessary for the use of the town, and to pass laws making the injury, destruction, or defacing of them a misdemeanor; and to provide for the enclosing, improving, and regulating of all public grounds belonging to the town, either in or out of its corporate limits.

12. To license, tax, and regulate all avocations, pursuits, or callings that may at any time be licensed or taxed by the State of Tennessee pursuant to an Act of its General Assembly or otherwise.

13. To license, tax, and regulate hackney carriages, carts, omnibuses, wagons, drays, and vehicles of every sort and description; and to license, tax, and regulate theatrical and other shows, exhibitions, and amusements.

14. To prohibit and suppress all disorderly houses and bawdy houses.

Fires.

15. To provide for the prevention and extinguishments of fires, and to organize and establish fire companies; to regulate the storage of combustible or explosive materials of all kinds, and to regulate the use of lights, candles, and stove pipes in stables and other places.

16. To establish standard weights and measures; to provide for the inspection of scales and regulate the weights and measures to be used in the town in all cases not otherwise provided for by law; and to provide for and regulate the inspection of butter, lard, and other provisions, and to regulate the vending of, and provide for the inspection of, poultry, fish, milk, or vegetables, and to prohibit

or regulate the sale of all impure, unwholesome, or unhealthy food or drinks or liquids; and to restraining the forestalling of provisions and to suppress hucksters.

17. To regulate the police or patrol of the town; to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery, collection, and appropriation; to regulate the giving of bail by offenders; to imprison any offender or offenders for refusal or failure to discharge, pay, or secure, according to ordinance, fines, forfeitures, or penalties imposed upon them, either in the county jail or workhouse, and to provide for the arrest and confinement in the jail, calaboose or workhouse of all disorderly persons within the town by day or by night, and to authorize the arrest and detention of all suspicious person or persons found violating any ordinance. Regulation and appointment of police.

18. To prevent and punish by pecuniary penalties and imprisonment all breaches of the peace, noise, disturbance, or disorderly assemblies in any street, house, or other place by day or by night; and all offenses, whether civil or criminal, arising under the by-laws and ordinances, shall be cognizable before the Recorder, who, upon application, shall issue his warrant direct to the City Marshal or other officer of the town, or to the Sheriff or any Constable, whose duty it shall be immediately to execute the same, which warrant may be served by said officer on the offender anywhere within the limits of the County of Sumner, and upon the return of said warrant it shall be the duty of the Recorder to hear and determine the cause and give judgment accordingly; from which judgment in all cases an appeal lies to the Circuit Court of Sumner County upon the defendant's entering into a good and solvent bond in the sum of two hundred and fifty dollars for his appearance at the next term of the Circuit Court, which shall convene thereafter. In the event any person so appealing shall fail or refuse to enter into such bond for his or her appearance, said city, through its officers, shall have the right to confine such person in the city workhouse or in the county jail until the case may be reached or tried by the Circuit Court; it shall be the duty of the Jailer or Sheriff of Sumner County to receive and keep any person or persons in jail, who may be committed to his charge for a breach of the by-laws and ordinances of said corporation and all disorderly persons committed to his charge by the City Mar-

shal or other officer of the said corporation or of the State and county, for which he shall receive the same fees as in other cases of imprisonment, to be paid by the offender, and for which execution shall be awarded by the Recorder, and in case of insolvency the said costs or fees shall be paid by the corporation. In case of the incompetency or absence of the Recorder, the same being made to appear to the Magistrate, he shall have and exercise the same jurisdiction as is conferred by this Act upon the Recorder.

Assessment of property.

19. To provide for the assessment of all property taxable for municipal purposes, either by providing for a special assessment thereof by some person appointed or elected to make such assessment; *Provided,* such assessment shall be for taxation for municipal purposes only, or to adopt the assessment made by the County or District Assessor for State and county purposes, or in such other manner as to the authorities of said corporation may seem right and proper; and that the levy for municipal purposes of every character the kind shall at no time exceed in amount the levy of State and county for the same year.

Delinquent taxes.

20. To provide for the collection of delinquent taxes and to fix the time when same shall become delinquent; prescribe such penalties as they may see proper to enforce their payment or collection; and to this end it is now provided that the Circuit or Chancery Courts of Sumner County shall have jurisdiction in all cases involving the revenue of the said corporation, without regard to the amount, and said corporation shall have the right to join in any suit for the collection of such taxes as many persons as may be desired, and sue for the collection of taxes upon as many different pieces of property as may be deemed advisable in any one bill; *Provided,* the number of pieces of property or taxes shall not exceed twenty-five; and *Provided further,* that the costs of such cases shall be *pro rated* among the parties of pieces of property.

21. And said Mayor and Aldermen shall have full power and authority to enact such by-laws and ordinances as may be for the general welfare of the citizens of said town, and as may be necessary to preserve the health, quiet, peace, and good order and good morals of the town, and to protect and preserve the property of its citizens, and to provide for and protect the moral and phyiscal well-being of all minors.

SEC. 9. *Be it further enacted,* That all process directed to the City Marshal or other officer of the corporation may be executed by the Sheriff of the county or any Constable, or by such other person as may be designated by an ordinance of the corporation.

Justice of the Peace may issue warrants of arrest—when.

SEC. 10. *Be it further enacted,* That in the absence, temporary or otherwise, of the Recorder, the City Marshal or other officers may apply to a Justice of the Peace for a warrant, who shall issue it, and on the arrest of the offender proceed to hear and determine the case, and if the person charged be adjudged guilty, shall assess such fine and penalty as may be prescribed by ordinance of the town in such cases. In the event of the absence of the Mayor, temporary or otherwise, the said corporation may provide by ordinance some person or official to act and serve in his stead as Mayor *pro tempore,* and such Mayor *pro tempore* shall be invested with all the powers and charged with all the duties that the Mayor has or would have.

Power to commit offenders.

SEC. 11. *Be it further enacted,* That when any person or persons may be convicted or fined for any offense against the laws or ordinances of the corporation, it shall be the duty of, and lawful and proper for, the Recorder or Justice of the Peace, who may render the judgment, to commit the offender to the workhouse or calaboose or to the county jail to work out at hard labor the said fine and costs, or he may receive good and sufficient security for said fine and costs, and within thirty days thereafter shall issue the execution therefor, directed to the City Marshal or other officer of the corporation, or to the Sheriff or other lawful officer of the county, which execution shall have the same force and validity as executions issued by Justices of the Peace and the officer or officers to whom directed shall have the same power and authority and be charged with the same duties with respect to the same as Constables or Sheriff. In case the officer into whose hands the execution may come shall fail to make proper return of the same before the Recorder or Justice of the Peace within thirty days from the date of its issuance, or if such officer fail on demand to pay over to the Treasurer any money by him collected on such executions, he and his securities shall be liable to the same penalties that Constables are now subject to by law for failing to return executions issued by Justices

of the Peace or for failing to pay over money collected on the same, by motion before a Justice of the Peace.

SEC. 12. *Be it further enacted,* That the City Marshal, or other police officer of said corporation, shall be invested with concurrent jurisdiction with District Constables of the State, and shall have and exercise the same power in all matters relating to the enforcement of its ordinances and execution of its process.

SEC. 13. *Be it further enacted,* That before the Mayor and Aldermen of the Town of Portland, Tennessee, shall be liable for damage to any person for injury to person or property, the person aggrieved or some one for him shall give to the Mayor of the city notice in writing of the injury complained of within thirty days after the injury occurred, stating when, where, and how the same occurred and the extent thereof, and giving a statement of the facts in connection with the same, and before any suit shall be brought for such injury it shall affirmatively appear that such notice was given and that such corporation refused to pay damages.

Jurisdiction of Recorder and Police.

SEC. 14. *Be it further enacted,* That the jurisdiction of the Recorder and the police authority of said corporation shall extend to a distance of one mile from the corporate limits of the same for the suppression of all disorderly acts and practices forbidden by the laws of the State or by the laws and ordinances of the corporation.

SEC. 15. *Be it further enacted,* That it shall never be lawful to sell within the corporate limits of said corporation nor within one mile of said corporate limits any wine, whisky, beer, ale, hard cider, or any malt, vinous, spirituous, or intoxicating liquors of any sort or description to be drunk as a beverage; nor shall any general law with respect to the sale of such liquors, enacted by the General Assembly of this State, be held or construed to alter, repeal, amend, or in any manner affect this provision.

Labor on streets.

SEC. 16. *Be it further enacted,* That all male residents within the corporate limits of said town within the ages of eighteen and fifty years, except such as are exempt by the ordinance of said corporation, shall be subject to assessment for labor on the streets and roads of said town, not to exceed six days, and shall be subject to perform such labor in person or by substitute and with wagons and teams and implements each and every year, when assigned to such labor by the Mayor and Aldermen of said town, or their designated officer or committeeman, or shall

pay such reasonable sum in commutation of such labor as may be fixed by ordinance in lieu of such labor, and said Mayor and Aldermen are hereby empowered to enforce this provision and carry into effect the same by proper ordinance and by such fines and penalties as they may deem best.

SEC. 17. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 289.

HOUSE BILL No. 297.

AN ACT to create the office of County Judge for the County of Tipton, and to abolish the Quorum and Chairman's Court of said county, and to define the duties of said County Judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the office of County Judge of the County of Tipton, be, and the same is hereby, established in said county.

SEC. 2. *Be it further enacted,* That said County Judge shall be a person learned in the law, and otherwise legally qualified, and as soon as practicable after the passage of this Act, the Governor shall fill said office by appointment, the person appointed to hold his office until the first regular election for county officers occurring after the passage of this Act. Qualifications.

SEC. 3. *Be it further enacted,* That at the first regular election for county officers occurring after the passage of this Act the said County Judge shall be elected by the qualified voters of Tipton County.

SEC. 4. *Be it further enacted,* That the term of office of said County Judge shall be eight years from the first day of September following his election.

County Judge to be commissioned.

SEC. 5. *Be it further enacted,* That said County Judge shall be commissioned in the same manner as other Judges of the State, and before entering upon the duties of the office he shall take an oath to support the Constitution of the United States and of the State of Tennessee, and an oath of office.

Quorum Court abolished.

SEC. 6. *Be it further enacted,* That the Quorum Court and Chairman's Court in said county is hereby abolished, and the County Judge shall have and exercise all the jurisdiction now belonging to said Quorum Court or Chairman's Court, he shall preside over the County Court at its quarterly session, which shall be held as heretofore, and shall have and exercise the same powers, jurisdiction, and authority which now belong to and are exercised by the Chairman of the County Court, and shall perform the duties now required of said Chairman, either in or out of the court.

Judge to hold court.

SEC. 7. *Be it further enacted,* That the County Court to be held by the County Judge, shall hold its regular sessions on the first Monday of each month, provided that on the Mondays of the quarterly session of the County Court all the business requiring the presence of all or any of the Justices of the Court shall be first disposed of, after which the County Judge shall dispose of such other business before the court as, by the provisions of this Act, is directed to be attended to by him, and said court shall sit from day to day as long as the business thereof shall require, and shall have the same power to keep order as is now conferred upon Circuit Judges and Chancellors.

Jurisdiction.

SEC. 8. *Be it further enacted,* That the jurisdiction and power of the present County Court or its Chairman are hereby transferred and given to the County Judge, who shall have jurisdiction, power, and authority now exercised or possessed by the County Court or its Chairman over all questions that the Chairman of the County Court now has jurisdiction of, and all other jurisdictions, power, and authority which may be necessary and property in the exercise thereof.

SEC. 9. *Be it further enacted,* That said County Judge shall have the power and authority to grant fiats or writs of attachment or injunction *certiorari* and *supersedeas* and all other extraordinary writs that the Chancellors and Circuit Judges of this State have the power to grant, and also to hear and determine cases on writs of *habeas corpus,* and he shall also have the right to appoint receivers.

SEC. 10. *Be it further enacted,* That the salary of the County Judge shall be in the sum of eight hundred dollars per annum, and the same shall be paid quarterly by the County Court of Tipton County, and it is hereby made the duty of the Quarterly Court of said county to make an appropriation to pay said salary at each Quarterly Court, the same to be paid quarterly. Salary

SEC. 11. *Be it further enacted,* That said County Judge shall not practice as an attorney in the court over which he presides or act as counsel in any case appealed therefrom.

SEC. 12. *Be it further enacted,* That whenever it shall so happen, from sickness or other cause, that the County Judge is unable to attend his court, then the Governor shall appoint some suitable person to hold the court until the disability is removed, said appointment to be made by the Governor upon the certificate of said County Judge, stating that he is unable to attend or hold his court.

SEC. 13. *Be it further enacted,* That the County Court Clerk shall be and continue the Clerk of the County Court and shall have all the powers, jurisdiction, and authority now possessed by him. Duties of Clerk.

SEC. 14. *Be it further enacted,* That hereafter it shall be the duty of the Clerk of the County Court to keep a docket of all cases to be tried in said court, as are now kept by the Clerks of the Circuit Court or the Clerks and Masters of the Chancery Court.

SEC. 15. *Be it further enacted,* That all appeals of *certiorari* from municipal courts in the County of Tipton shall be to said County Court, and said County Judge is hereby given jurisdiction to try said cases.

SEC. 16. *Be it further enacted,* That so much of the Chapter 120 of the Acts of 1875, as establishes the Chairman's Court, as applies to Tipton County, is amended and repealed.

SEC. 17. *Be it further enacted,* That said County Judge shall have the power to solemnize the rites of matrimony.

SEC. 18. *Be it further enacted,* That this Act take effect from and after January 1, 1906, the public welfare requiring it.

Passed April 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 290.

HOUSE BILL No. 292.

AN ACT to amend an Act passed March 10, 1891, to create the office of County Judge for the County of Obion.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 136, of the Acts of 1891, be so amended as to read, that the County Judge shall have the power and authority to grant fiats or writs of attachment or injunction *certiorari* and *supersedeas* and all other extraordinary writs that the Chancellors and Circuit Judges of this State.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 291.

House Bill No. 720.

A BILL to be entitled "An Act to create a Board of Jury Commissioners for counties in this State having a population of sixteen thousand four hundred and ten and less than sixteen thousand four hundred and twenty inhabitants by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census; to prescribe the duties of the members of said Board and of the Judges and the Clerks of the Circuit Courts and the Sheriff in each county affected by this Act, and to provide for the appointment and selection of jurors for the Circuit Courts in the counties coming under the provisions of this Act and the qualifications of persons to be selected as jurors, and to punish violations of this Act and to repeal all laws in conflict with this Act."

This Act applies to Warren County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That at each regular term of the Circuit Court, after the passage of this Act, the Judges of each Circuit Court of this State, in each county in this State, to which this Act applies, or in vacation within sixty days after the final adjournment of the regular term, shall appoint three Jury Commissioners, from different localities in the county, each of whom shall be a citizen of the county and a freeholder thereof, and shall be a man of good reputation and good moral habits and sound judgment, and not more than two of whom shall belong to the same political party, that no person having a pending suit in said court or interest therein, if known to the Judge, or directly or indirectly seeks the appointment, shall be appointed or serve on said Board of Jury Commissioners. So soon as said Commissioners are appointed the Judge so appointing the same shall in writing, signed by him, state whom he has appointed as such Commissioners and shall file with the Clerk of said Circuit Court said writing, which shall be preserved as a record of said court, and said Clerk shall, within ten days after the same is filed, or as soon thereafter as practicable, issue for each of said persons so appointed Commissioners a copy of said order or writing so filed in his office by the Judge, and he shall also notify each of said Commissioners to meet at the courthouse on a day to be named by him or as soon thereafter

as practicable, the same to be at least thirty days before the next term of the court for which said Commissioners are to make the jury list and select said jurors, and shall deliver the same to the Sheriff, who shall serve the same on said Commissioners by giving them a true copy of the same and making his return on the copy so furnished him; and each Commissioner, before entering upon his duty as such, shall take and subscribe in writing and file with said Circuit Clerk, who is hereby authorized to administer said oath: "I (here insert name of Commissioner), do solemnly swear that I will faithfully perform and honestly discharge all the duties imposed upon me by the laws of the State as a Jury Commissioner without fear, favor, or partiality, and that I will select and appoint as jurors only such men as are competent and qualified for service as jurors and none others, so help me God" (here Commissioner signs his name). Sworn to and subscribed to before me this the ——— day of ————, 19—.

Here Clerk signs his name. And said Commissioners shall, after thus being sworn, meet at some place in the county site of said county, and shall elect and make out a list of twenty-five jurors, or a greater number if so directed by the Judge in his written order in appointing said Commissioners, to attend and serve as jurors at the next regular term of the Circuit Court in said county.

SEC. 2. *Be it further enacted,* That the jury list, when made out by said Commissioners, shall be certified to and signed by them and sealed up in an envelope and filed with the Clerk of the Circuit Court and by him filed in his office, and the date of such filing indorsed thereon, and they shall also keep a record of such jury list in a book to be furnished them for that purpose by the Clerk of the Circuit Court after they have entered the names of the jurors selected thereon, and the said Clerk shall keep said book and said jury list secretly, and not allow the same to be inspected by any one other than the Commissioners or the Judge of said Court.

Names to be kept secret.

The said Clerk and Commissioners shall keep secret the names of all persons placed upon said jury list and entered in said book, and shall not divulge the same except as may be absolutely necessary in the performance of their duties imposed upon them by this Act, and said jury list and said book containing the names shall be kept and preserved as a part of the records of his office. Thereafter and at least ten days before the term of said court, for

which said jury list has been made and said jurors selected, and said Clerk shall issue to the Sheriff a writ of *venire facias* for the twenty-five persons whose names first appear upon said list of jurors so selected to appear at said court for which they were selected as jurors for said term of court, and it shall be the duty of the Sheriff to serve the same as now provided by law in summoning jurors.

Commissioner must serve.

SEC. 3. *Be it further enacted,* That any person appointed and summoned as a Jury Commissioner herein provided, refusing or neglecting to act as such shall be guilty of contempt of court and may be fined, unless good cause be given for refusal or neglect, the sum of fifteen dollars, and shall also be guilty of a misdemeanor. That in case any one so appointed as a Commissioner does not serve, then the other two Commissioners shall perform the duties required of said Board of Jury Commissioners, and in case two or more do not serve, then the Circuit Judge shall, on the first day of the term of said court, select the jurors to serve at that term and from time to time during said term he shall select such additional jurors as may be needed.

Compensation.

SEC. 4. *Be it further enacted,* That said Jury Commissioners shall faithfully and truly perform the duties herein required of them, and shall receive as a compensation therefor the sum of one dollar and a half ($1.50) per day while actually engaged in the performance of duty, which shall be paid them upon certificate of such service, signed by the Judge of said Circuit Court, out of the Treasury of the county where said service is performed.

Clerk to furnish panel from list when called.

SEC. 5. *Be it further enacted,* That when on the trial of any criminal case, the same being a felony, where a panel may be called for or demanded under the existing law, the Clerk of the court shall, from the jury list furnished for that term, copy the number of names ordered by the court for said panel, first placing thereon the names of all the twenty-five jurors summoned on the original panel to attend said court as jurors and who are in attendance on the court and who have not been excused by the court and who are not then engaged in service as grand jurors or engaged as jurors in the trial of some other case; and if any other names are required to complete the panel ordered by the court, then the same shall be made by the Clerk from the jury list so filed by the Jury Commissioners, commencing with the twenty-sixth on said jury list and

continuing consecutively down the list until the original panel ordered by the court is completed, and shall issue summons for said persons not already in attendance on the court as jurors, and the Sheriff shall summon them, and if the original and first panel ordered made out by the court in the case on trial is exhausted before the trial jury is selected and completed, then the Judge of the court shall select and appoint other persons to be summoned by the Sheriff to be placed on an additional panel or panels as jurors for the purpose of completing and impaneling the trial jury in said felony case on trial; he, the said Judge, selecting them from the remaining names on the jury list or other competent persons whose names are not on said jury list, and the Clerk shall issue summons for said persons so selected by the Judge and the Sheriff shall summon them.

Court may designate other jurors.

SEC. 6. *Be it further enacted,* That if at any time from any cause the jury list aforesaid be exhausted the presiding Judge of the court shall select and name other persons as jurors for the required service and have them summoned instanter; *Provided, however,* the trial Judge may in felony cases and before the jury list furnished by the Jury Commissioners is exhausted may select and appoint, as provided for in Section five (5) of this Act, and have summoned as jurors in the trial of said felony case persons whose names are not on the list of jurors furnished by the Commissioners.

Judge to designate number to be drawn.

SEC. 7. *Be it further enacted,* That the Board of Jury Commissioners so appointed as aforesaid shall select list and envelope as aforesaid, the number of persons qualified as aforesaid, and the Judge may order and is empowered to have placed on said jury list to be made by said Jury Commissioners a greater number than twenty-five names, and it shall be the duty of the Judge in the order appointing said Commissioners to name and so direct what number of names shall be selected and placed upon said list, if more than twenty-five is deemed necessary; that at all special terms of the court the Judge thereof shall, at the time he orders and appoints said special term, or within a reasonable time thereafter, select jurors therefor and order them summoned, and as soon after the passage of this Act as practicable the Circuit Judge shall, in vacation prior to meeting of next regular term of the court, appoint the persons to serve as jurors to serve at the first regular term of the Circuit Court in each of the counties to which this Act applies, and to have the Sheriff summon them, and

during said term of said court the presiding Judge shall select and appoint and have summoned all persons necessary for jurors.

Who qualified to be put on list by Commissioners.

SEC. 8. *Bt it further enacted,* That no person shall be selected and put upon said jury list as a juryman by said Jury Commissioners, or selected by the Judges, that is not a citizen of the State and a resident of the jurisdiction of the court wherein he is to serve as a juror, and who is not a householder or a freeholder in the county or State, or who has, by himself or through any other person, requested or asked to be appointed as a juror, and who is not a man of good moral character and reputation and of sound judgment and practicable sense, and possesses the qualifications now prescribed by law, except that having served on the regular panel of jurors within two years shall not disqualify a person to be appointed by said Commissioners, or by the Judge, and to serve as a juror when thus appointed, either by the Commissioners or by the Judge, the presiding Judge may excuse from jury service any one summoned under this Act for good cause shown under oath.

Grand and petit jurors.

SEC. 9. *Be it further enacted,* That the grand and petit juries for the term shall be selected and formed as heretofore under the law from the twenty-five jurymen first summoned under the provisions of this Act, but if other jurors be necessary to their selection and formation their names shall be taken from said list for the term and they shall be summoned for such service and their names shall be taken in rotation from the list.

SEC. 10. *Be it further enacted,* That it shall be a misdemeanor for the Clerk of the court or any one of said Jury Commissioners to allow any one to see the said list of jurymen so selected, except the Judge of the Court, or to give any information to any person or persons as to whose names are on said list, except as is necessarily made known in the performance of their respective duties prescribed herein, and any Clerk or Commissioner guilty of a violation of this provision shall be guilty of a misdemeanor.

SEC. 11. *Be it further enacted,* That any person or officer required under the provisions of this Act to perform or discharge any duty willfully fails or neglects to perform such duty he shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty dollars and imprisoned in the county jail not exceeding

three months, the imprisonment being in the discretion of the court, and for all violations of any provisions in this Act the grand juries are given inquisitorial power, and it shall be their duty to send for witnesses and examine as to all violations of this Act and make presentments for all violations thereof.

Applies to Warren County.

SEC. 12. *Be it further enacted,* That this Act shall apply to all counties of this State having a population of sixteen thousand four hundred and ten (16,410) and less than sixteen thousand four hundred and twenty (16,420), according to the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census.

SEC. 13. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 292.

House Bill No. 732.

AN ACT to establish a special school district in Hickman County, including the town of Goodrich, and to provide for School Directors.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be established in Hickman County, including the Town of Goodrich, with the following boundaries:

Beginning at what is known as the Green Briar Pond, on the Gray's Bend and Pinewood Road; thence in a western direction to Andy Whitson's house; thence continuing in a western direction to Pine River, at the mouth of Bird Creek; thence down Pine River, with its meanderings, to Joe Andrew Hassell's; thence in a southwestern direction with the old Centerville Road to where it intersects the old Nashville Road; thence with the old Nashville Road to Alexander Coats' farm; thence in a northwestern direction to the beginning.

Sec. 2. *Be it further enacted,* That the School District created by the first section of this Act be known as District No. 16 in said county, and to have all the emoluments, rights, and privileges, and to be governed by the same laws, rules, and officers that regulate the other districts of the county, and that the County Superintendent of Hickman County is authorized and empowered to appoint three directors for the special district created by the first section of this Act, who shall have the control and regulation of the schools in said district, and who shall serve until the next regular election of school officers, or until their successors are elected and qualified.

Sec. 3. *Be it further enacted,* That the special School District created by the first section of this Act shall be entitled to and receive out of the funds now on hand and hereafter paid into and disbursed to the Seventh School District of said county its just and legal *pro rata* part of the school funds according to its scholastic population.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 293.

HOUSE BILL No. 793.

A BILL to be entitled "An Act to establish a school district in Gibson County, to be known as Kenton High School District No. 32," and to provide for the election or appointment of Directors for said district, and to define their powers, duties, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, to be known and designated as Kenton High School District No. 32, of Gibson County, Tennessee, be established in the Tenth Civil District of Gibson County, with the following lines and boundaries:

Beginning at a point where the line dividing the Counties of Gibson and Obion crosses Grassy Creek, running then south with the meanderings of said creek to T. M. King's southwest corner; thence east with said King's south boundary line to the corner of same in N. B. Townsley's line; thence south with said Townsley's west line, passing said Townsley's southwest corner, and continuing south with J. D. Dodson's line to the southwest corner; thence east with said Dodson's south line to the southeast corner; thence north to northeast corner in J. B. Birchett's line; thence east with Birchett's south line to corner in W. D. Kerr's west line; thence south with said Kerr's line to southwest corner; thence east with

Kerr's south line to a point where J. H. Duran corner (?) thence south with Duran's line to southwest corner; thence east with Duran's south line to southeast corner in Talliffero's west line to corner, and continuing south with J. S. Duggin's west line to his southwest corner; thence east with Duggin's south line to his southeast corner, continuing east with R. E. Fowler's south line to a point where said line crosses Howse's Creek; thence northeast with meanderings of said creek to where same crosses John Tull's south line; thence east with said Tull's line to a point where said line crosses the Mobile & Ohio Railroad; thence south with the said railroad to where same crosses Edmonson's Creek; thence northeast with meanderings of said creek to where it flows into the county line crosses same; thence west with said county line to the beginning.

SEC. 2. *Be it further enacted,* That W. D. Kerr, T. M. Bogle, and R. H. Brown are hereby appointed as School Directors for the School District created by the first section of this Act, to serve until next general election for School Directors in Gibson County, when three directors shall be elected by the people of said special School District created by the above section, and successively thereafter at every regular election for School Directors in Gibson County.

SEC. 3. *Be it further enacted,* That the School District created by the first section of this Act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules that govern, control, and regulate other School Districts in Gibson County, Tennessee.

SEC. 4. *Be it further enacted,* That the Trustee of Gibson County be, and he is hereby, empowered and directed to apportion to the district created by the first section of this Act, in proportion to the scholastic population of said district, its rate *pro rata* of all the school funds in his hands at the time of the passage of this Act, or that may hereafter come into his hands, under the same rules and regulations as he does to the other School Districts in Gibson County, Tennessee.

Scholastic census to be taken.

SEC. 5. *Be it further enacted,* That upon the passage of this Act the said District Directors shall take the census of the scholastic population within said territory included within the limits of the district created by the first section of this Act and report the same to the County Trustee, and upon this scholastic report apportion the school fund of the present Tenth Civil District between this dis-

trict herein created and the remainder of the Tenth District, according to the scholastic population of the territory covered by this district, and the balance of the territory not so covered.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 294.

HOUSE BILL No. 536.

A BILL to be entitled "An Act to amend Sub-section 7, of Section 3, of Chapter 169, of the Acts of 1903, being Act known as the general game law, passed April 3, 1903, and approved April 11, 1903, so that the same will not apply to Giles County."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sub-section 7 of Section 3 of Chapter 169 of the Acts of 1903, passed April 3d, and approved April 11, 1903, known as the general game law be, and the same is hereby, repealed in so far as it affects or applies to Giles County, so that squirrels may be killed in said county at any time and all seasons of the year.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 295.

House Bill No. 259.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Anderson County at any quarterly session be, and is hereby, permanently authorized and empowered to cause to be issued not exceeding one hundred thousand dollars ($100,000) of interest-bearing, coupon bonds of said county, to be signed by the Chairman or County Judge of said county, and countersigned by the County Court Clerk of said county, to be used, or the proceeds thereof, for no other purpose than to locate and build public roads in said county as herein provided.

Rate of interest

Sec. 2. *Be it further enacted,* That said bonds shall bear such rate of interest, not to exceed five per cent per annum, and mature and become due and payable at such time or times from seven to thirty years after their date, as the County Court of said county may by order determine. Said bonds shall be payable in lawful money of the United States.

Coupons.

Sec. 3. *Be it further enacted,* That the interest on said bonds shall be represented by coupons attached to the same, and shall be payable semi-annually at such time and place as the County Court of said county may by order determine.

Funds to be applied to certain roads.

Sec. 4. *Be it further enacted,* That the proceeds of said bonds hereby authorized shall be used and expended in locating, grading, bedding and macadamizing the following roads—to wit: No. 1, of said roads shall begin at the corporate limits of the Town of Clinton, in said county, and run a western course from said Town of Clinton by way of Robertsville to the corporate limits of the Town of Oliver Springs, in said county, and said Board of Commissioners of said county as provided for in this Act shall let the contract for building road No. 1, as provided for in this Act, and shall specify in said contract that said road No. 1 shall be built from the Town of Oliver Springs and from the Town of Clinton at the same time, and it is the legislative intent that said road No. 1

shall be built from the corporate limits of Clinton and from the corporate limits of Oliver Springs at one and the same time, and said Board of Commissioners shall advertise for and let, under the provisions of this Act, two different contracts for building road number one, said contract shall specify that the work of construction of road No. 1 shall begin at the corporate limits of the Town of Oliver Springs, and one contract shall provide that said work of construction of road No. 1 shall begin at the corporate limits of the Town of Clinton, and the work of construction of said roads shall begin at both ends at one and the same time.

Interest not to exceed five per cent.

The interest on said road bonds shall not exceed five (5) per cent per annum, number 2 of said roads shall begin at the corporate limits of the Town of Clinton and shall run in a northern direction by the Town of Coal Creek, to the postoffice in the Town of Briceville, in said county, and said road No. 2 shall be built from the Town of Clinton and from the Town of Briceville at one and the same time, and said Board of Commissioners shall advertise for and let two contracts, as provided for in this Act, authorizing the construction of road number 1, and it is the legislative intent that the work of construction of road No. 2 shall commence and be carried on from both ends of the said road at the same time.

Number 3 of said roads shall commence at the corporate limits of the Town of Clinton, and shall run in an eastern direction to Andersonville, in said county.

Number 4 of said roads shall commence at the corporate limits of the Town of Clinton, and shall run in a southern direction to the Knox County line at a point as agreed upon by the County Court of Anderson County. Said roads shall be built and completed in the order herein set out.

Denominations, etc.

SEC. 5. *Be it further enacted,* That the bonds herein authorized shall be executed in denominations of one hundred dollars to one thousand dollars as the County Court may determine and in such installments as the County Court may determine that the needs of construction demand, and that said bonds shall not be sold for less than par.

SEC. 6. *Be it further enacted,* That the Board of Commissioners, hereinafter provided for, shall have full power to determine the nature and character of said roadbeds, the depth and width of macadam and generally the

kind and cost of the road improvements except in so far as said court may see proper to determine same; but said Commissioners shall have power to make all changes in the location of said roads and fix the grades of the same, which shall in no case exceed ten per cent grade.

Commissioners to be elected by County Court.

SEC. 7. *Be it further enacted,* That the County Court of said county shall elect three Commissioners, not more than two of whom shall be of the same political party, and neither of whom shall be a member of said County Court, who shall be elected on account of their ability, intelligence, and well known integrity. Said Commissioners shall have full control and supervision of the construction of said roads, subject to the orders of said County Court in respect to all matters and powers not herein given and entrusted to said Commissioners. In the election of said Commissioners, said court shall designate from the persons so elected one to act as Chairman, and one to act as Secretary of said Board, and fix their respective salaries, the same to be paid out of the proceeds of said bonds, and not to exceed four hundred dollars ($400) for the Chairman, three hundred dollars ($300) for the Secretary, and one hundred dollars ($100) for the other members of the Board, per annum, and in case of a vacancy in said Board, the Chairman of said Court or Judge shall fill the vacancy by appointing until the next term of the Quarterly Court when said court shall fill said vacancy.

Commissioners to give bonds.

SEC. 8. *Be it further enacted,* That before said Commissioners shall enter upon the duties of their office, they shall execute bonds with good and solvent security in the penal sum of ten thousand dollars ($10,000), payable to Anderson County, and conditioned upon the honest and faithful performance of their duties as such Commissioners, and shall take and subscribe to the following oath before the Clerk of said County Court (which bonds and oath shall be spread upon the record of said court):

Oath.

State of Tennessee, County of Anderson. I, ———, one of the Board of Road Commissioners of Anderson County, do solemnly swear (or affirm) that I will faithfully, honestly, and impartially discharge my duties as such Commissioner to the best of my skill and ability; and that I will not, directly or indirectly, be or become personally interested in any contract or contracts to be let by said Board of Commissioners or in the work to be done thereunder; that I will in no manner favor or seek to favor any friend or injure any enemy, by any act, or

conduct of mine, in the discharge of my said duties, and that my whole purpose in all my acts to be done as such Commissioner shall be to subserve the best interests of Anderson County, so help me God.

Subscribed to and sworn to, etc.

Engineer may be employed.

SEC. 9. *Be it further enacted,* That said Board of Commissioners shall have power to employ a competent civil engineer, with one assistant, if deemed necessary by them, whose compensation shall not exceed nine hundred dollars ($900) and four hundred dollars ($400), respectively, per annum, or at that rate for the actual time put upon said work, the same to be paid out of the proceeds of said bonds.

Contracts.

SEC. 10. *Be it further enacted,* That the said Board of Commissioners shall let all contracts for grading, constructing, and macadamizing the roads, upon which the proceeds of said bonds are to be expended; *Provided,* that no contract shall be let except after advertising for thirty days in some newspaper, and securing sealed bids therefor, and the lowest and best bid shall be accepted at the discretion of said Board; and *Provided further,* that no bid shall be accepted unless the party making same shall first give bond in an ample amount to be fixed by said Commissioners, conditioned to faithfully comply with his contract, and at no time shall more than eighty per cent of the amount due upon any contract be paid until the work upon said contract be completed and accepted in writing by a majority of said Commissioners; and *Provided further,* that no bid shall be accepted without the unanimous consent of said Board wherein there has been no competitive bidding. Said Board shall have the right to reject any and all bids.

Open and change roads.

SEC. 11. *Be it further enacted,* That said Board of Commissioners are hereby authorized and empowered to institute proceedings in the manner now provided by law in case of ordinary Road Commissioners to open or change the location of roads, and to condemn private property and assess damages for any changes they may decide to be necessary in the location of said roads, such damages to be paid out of the proceeds of said bonds.

Books to be kept by Commissioners.

SEC. 12. *Be it further enacted,* That it shall be the duty of said Commissioners to keep books, and enter therein all accounts and expenses incurred in the construction of said roads as expended under this Act; and said books shall be open to inspection at any reasonable time

by any citizen or taxpayer of Anderson County, and they shall first audit and prove in writing all claims for work done and material furnished in the construction of said roads, and all or any item of expense payable out of the proceeds of said bonds. They shall report in writing and under oath to each quarterly term of said court the amount of work done, and obligations incurred by them, during the preceding three months, which reports shall be passed upon by said court and compared with the book of the Chairman or Judge of said court herein required to be kept, and shall be confirmed in so far as correct.

Funds to be kept separate

SEC. 13. *Be it further enacted,* That the funds arising from the sale of said bonds shall at all times be kept separate and distinct from the other funds of said county, and shall be paid out only upon the written orders or warrants of the Chairman or Judge of said court drawn upon said funds, and the Chairman or Judge of said court shall keep a book, in which shall be kept alone a full account of the orders or warrants drawn upon said funds, said book to show the amount and date of each order or warrant, and the claim upon which it was paid; also the names of the Commissioners who shall have audited or approved the same, but no order or warrant shall be drawn by the Chairman of said court on said funds, unless the claim for which said order or warrant may be drawn, shall have been audited and approved in writing by a majority of said Commissioners, and unless said order or warrant shall show upon its face the claim or account on which it was drawn. And any disbursement of any part of said funds, except in strict compliance herewith, shall be illegal and void, and no credit shall be allowed therefor.

Term of Commissioners.

SEC. 14. *Be it further enacted,* That said Commissioners shall be elected for a period of two years, and biennially thereafter till said roads are completed, and may hold office until their successors are elected and qualified; when so elected and qualified, said Commissioners shall, during the term of their office, have and exercise all the powers herein given to them for the purpose of building said roads.

Court to ratify terms of this Act.

SEC. 15. *Be it further enacted,* That said bonds shall not be issued, and said Commissioners shall not be vested with the powers herein conferred, unless said County Court shall first accept and comply with the terms of this Act; and *Provided,* that said County Court shall have the right after ten days' written notice, to remove any or

all of said Commissioners, at the discretion of said Court, by a two-thirds (2-3) vote of all the Justices of said county.

Interest and sinking fund tax.

SEC. 16. *Be it further enacted,* That if necessary to meet the interest on the bonds issued hereunder, said County Court is authorized and shall collect a special road improvement tax sufficient to pay said interest; the same to be levied upon all the property in said county, including all that within the corporation limits of any municipality in said county, and said County Court shall have the power to levy annually and collect said special road improvement tax in an amount sufficient also to establish a sinking fund to meet said bonds at maturity; *Provided,* that the road tax now authorized by law, and which would otherwise be expended upon the roads that may be improved hereunder may be applied to meet said interest, or put into the sinking fund; and *Provided further,* that the special road improvement tax hereby authorized shall not for any one year exceed in amount thirty cents on the one hundred dollars' worth of property as shown by the Tax Assessor's books of said county.

SEC. 17. *Be it further enacted,* That the proceeds of said bonds shall be used for the purposes set out in this Act, and shall be expended for the purpose of locating, grading, bedding, and macadamizing the roads herein provided for only so far as said amounts will build and construct good, substantial roads, commencing at the points herein provided.

SEC. 18. *Be it further enacted,* That all laws or parts of laws in conflict herewith are hereby repealed.

SEC. 19. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 296.

House Bill No. 244.

A BILL to be entitled "An Act to amend an Act passed March 26, 1903, and approved April 2, 1903, entitled 'An Act to incorporate the Town of Springfield, Robertson County, Tennessee; to provide for the government and control of the same; to define the corporate limits, and the powers, and duties of said municipal corporation, etc.; to appoint the first Board of Mayor and Aldermen, etc., of said town, prescribe their powers, duties, etc.,' being Chapter 508, of the Acts of 1903, so as to eliminate a portion of Grove Street from the boundaries of said town, and change the eastern boundary line where it crosses East May Street, so as to run just west of the residence of A. M. Pike."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 26, 1903, and approved April 2, 1903, be, and the same is hereby, so amended as to change the boundaries of the corporate lines on Grove Street, in said town, so that the boundaries of the corporate lines in said town may be as follows—to-wit: Beginning at a point at J. M. Huddleston's southeast corner; thence west with the north boundary line of Grove Street to A. G. White's southeast corner; thence north with his east line to Spring Street; thence west with the south side of Spring Street to A. G. White's northwest corner; thence south with his west line to the north side of Grove Street; thence west with the north side of Grove Street to a point in said line, directly north of the northeast corner of Hill Street; thence across Grove Street to the east boundary line of Hill Street; thence east with the south boundary line of Grove Street to a point directly opposite the beginning point; thence north across said street to the beginning corner, where Maple Street intersects with Grove Street, and change the eastern boundary line where it crosses East May Street, so as to run just west of the residence of A. M. Pike.

Sec. 2. *Be it further enacted,* That all laws and parts of laws inconsistent with or in conflict with this Act be,

and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 297.

HOUSE BILL No. 703.

A BILL to be entitled "An Act to amend Senate Bill No. 155, Chapter 258, of the Acts of the General Assembly of 1903, so as to provide that in counties having a population of not less than thirty-five thousand and not more than thirty-six thousand two hundred and fifty, under the Federal Census of 1900 and any subsequent census, all taxes remaining unpaid assessed for the year 1904, either county or State, shall not be collected by sale or distress of any property liable therefor before June 1, 1905, and providing for the sale or distress of property liable for such taxes after said time."

This Act applies to Montgomery County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 50 of Chapter 258 of the Acts of the General Assembly of 1903, being the general assessment law, be, and is hereby, so amended as to provide that in counties having a population, by the last Federal Census or by any subsequent Federal Census, or of not less than 35,000 or more than 36,250 inhabitants, that said State and county taxes, assessed for the year 1904, which remained unpaid on the first day of March, 1905, and which would, by the provisions of said Act hereby amended, at that time have gone into the hands of the Constables and Deputy Trustees for distress and sale of any property liable therefor, shall not be collected by the County Trustees of such counties by such distress and sale of any property liable therefor under the provisions of said Act before June 1, 1905, at which time all State

and county taxes remaining unpaid in counties having such population, shall be collected by the County Trustee of said counties in the same manner as is now provided for their collection by said section of said Act; except that poll taxes for the year 1904 shall be collected as now provided by law.

SEC. 2. *Be it further enacted,* That Section 51 of said Act be, and the same is hereby, so amended as to provide that after the first day of July, 1905, the Trustees of said counties shall advertise for sale to the highest bidder all real estate upon which taxes remain due and unpaid, or which is liable for sale for other taxes, at the courthouse door of the county on the first Monday of August following, and said advertisement shall be in the same form as is now provided by said section of the Act hereby amended except that the real estate shall be advertised for sale on the first Monday in August instead of June, and that such notices shall be inserted in some newspaper published in the county for the same time as is now required by said section of said Act, and that on the first Monday in August, 1905, if any taxes in said counties remain unpaid, the Trustee shall proceed to sell the land of each delinquent taxpayer to pay the amount of taxes due by him, and all costs, interest, penalties, and charged thereon in the same manner as is now provided by Section 52 and the subsequent sections of the Act of which this Act is amendatory.

SEC. 3. *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 11, 1905.

JOHN I. COX,
Governor.

CHAPTER 298.

House Bill No. 694.

AN ACT for locating and building public roads in Morgan County; to authorize the County Court to issue interest-bearing, coupon bonds of said county, and to provide for a Board of Commissioners to carry out the provisions of this Act.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Morgan County at any quarterly session be, and is hereby, authorized and empowered to issue bonds of said county, not to exceed the sum of fifty thousand ($50,000) dollars; *Provided,* the County Court of said county, by a vote of the majority of the Justices of the Peace comprising said court, shall vote for the issuance of said bonds. The bonds when issued shall be interest-bearing, coupon bonds, and shall be used for the purpose of laying out, establishing, and building public roads in said county.

Sec. 2. *Be it further enacted,* That said bonds shall bear interest at the rate of five per cent per annum, and shall be payable in lawful money of the United States at such time or times as the County Court may designate, which time shall not be less than five nor more than thirty years.

Coupons to be attached.

Sec. 3. *Be it further enacted,* That the interest on said bonds shall be represented by coupons attached to the same, payable semi-annually at such time and place as the County Court of said county may designate by order.

Sec. 4. *Be it further enacted,* That said bonds shall be executed in denominations of one hundred and one thousand dollars, as the County Court may determine. They shall not be sold for less than par, and the proceeds arising from the sale of said bonds shall be used and expended in laying out, locating, grading, and bedding the public roads of Morgan County in the manner designated by the County Court of said county.

Commissioners to be elected.

Sec. 5. *Be it further enacted,* That the County Court shall elect three Commissioners, neither of whom shall be members of the County Court, they shall be elected on ac-

count of their ability, intelligence, and integrity, and shall be skilled and experienced in road building. They shall be freeholders of the County of Morgan and interested in the construction and maintenance of public roads. Said Commissioners shall have the full control and supervision of the construction of said roads. In the election of said Commissioners the court shall designate from the persons elected one to act as Chairman and one to act as Secretary of said Board, and fix the respective salaries, the same to be paid out of the proceeds of said bonds, the salary of the Chairman shall not exceed three hundred dollars per year, and that of the Secretary two hundred dollars, and that of the other member of the Board not to exceed one hundred dollars per annum. In case of a vacancy in said Board, the Chairman of said court shall fill the vacancy by appointment until the next regular term of said court, when said court shall fill said vacancy.

Bond and oath of office.

SEC. 6. *Be it further enacted,* That said Commissioners, before entering upon the duties of said office, shall execute bond with good and solvent security in such sum as the said County Court shall designate, payable to Morgan County, conditional upon the honest and faithful performance of their duties as such Commissioners, and shall subscribe to an oath before the Clerk of said County Court to faithfully, impartially, and honestly discharge their duties as such Commissioners.

SEC. 7. *Be it further enacted,* That said Board of Commissioners shall have power to employ a skilled and competent engineer, at such salary as in their judgment they see proper, who shall be paid out of the proceeds of said bonds for the time actually employed by said Board.

Lay out and open roads.

SEC. 8. *Be it further enacted,* That said Board of Commissioners are hereby authorized and empowered to institute proceedings in the manner now provided by law in the case of ordinary Road Commissioners to lay out, open, or change the location of roads or parts of roads, and to condemn private property and assess damages for any changes they may decide to be necessary in the location of said roads, such damages to be paid out of the proceeds of said bonds.

Let contracts by competitive bids.

SEC. 9. *Be it further enacted,* That said Board of Commissioners shall let contracts for grading, constructing, and repairing all roads upon which the proceeds of said bonds are to be expended. All contracts shall be let after properly advertising the same and receiving bids in

the way and manner to be designated by the Board of Commissioners, and the lowest and best bid shall be accepted at the discretion of said Board, and all contractors shall be required to give bond in ample amount, to be fixed by said Commissioners, and as much as twenty per cent upon all contracts shall be withheld until work is completed and accepted by a majority of the Commissioners. No contract shall be awarded without the unanimous consent of said Board where there has been no competitive bidding.

Record of accounts.

SEC. 10. *Be it further enacted,* That said Board of Commissioners shall keep a record of all accounts and expenses made and incurred in the construction of roads or expended under this Act, and said books shall be open for inspection to any taxpayer of Morgan County; they shall audit and approve in writing all claims for work done and material used in the construction of roads, and all other items of expense payable out of the proceeds of said bonds; they shall report in writing all claims for work done and all obligations incurred by them during the preceding three months, which report shall be sworn to and filed in said court for the inspection of the court and for comparison with the Chairman's books of said court.

Funds to be kept separate

SEC. 11. *Be it further enacted,* That the funds arising from the sale of said bonds shall at all times be kept separate from the other funds of said county, and shall be paid out by the Trustee only upon the written orders or warrants of the Chairman of said court or County Judge, drawn upon said funds, and the Chairman or Judge of said court shall keep a book in which he shall keep alone a full account of the orders or warrants drawn upon said funds. Said book to show the dates and amounts of said orders or warrants and the claim upon which it is paid, and no order or warrant shall be drawn by the Chairman of said court on said fund unless the claim for which said order or warrant may be drawn shall have been audited and approved by a majority of said Commissioners and shall show upon its face the claim on account of which it was drawn, and any disbursement of any part of said funds, except in strict compliance herewith, shall be illegal and void and no credit allowed thereof.

Term of Commissioners.

SEC. 12. *Be it further enacted,* That said Commissioners shall be elected for a period of two years, and biennially thereafter until said roads are completed, and may hold office until their successors are elected and quali-

fied. Said County Court shall have the right, upon ten days' notice, to remove any or all of said Commissioners, at the discretion of the court, by a two-thirds vote of all of the Justices of the Peace of said county.

Bonds—how issued.

SEC. 13. *Be it further enacted,* That said bonds, when issued, shall be signed by the Chairman of the County Court or County Judge, and shall be countersigned by the County Court Clerk. That in order to meet the interest on the bonds issued hereunder the County Court is authorized and shall levy and collect a special road tax sufficient to pay the interest on said bonds, the same to be levied on all the property of said county, including all the corporate limits of any municipality in said county, and said County Court shall have the power to levy annually and collect said special road improvement tax in amount sufficient to establish a sinking fund to meet said bonds at maturity; *Provided,* that the road tax now authorized by law, which would otherwise be expended upon the roads, may be applied to meet said interest or put into the sinking fund. The special road improvement tax hereby authorized shall (not) for any one year exceed thirty cents on the hundred dollars' worth of property as shown by the Assessor's books of said county.

SEC. 14. *Be it further enacted,* That all laws in conflict with this Act be, and the same are hereby, repealed; and this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 299.

HOUSE BILL No. 455.

A BILL entitled "An Act to prevent horses, mules, donkeys, cattle, sheep, goats, hogs, or other live stock from running at large in all counties of this State containing a population of not less than eleven thousand one hundred and forty and not more than eleven thousand two hundred, according to the Federal Census of 1900, or any subsequent Federal Census, and to provide a remedy for damages committed, and to prescribe punishment for the violation of this Act."

This act applies to Hancock County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all counties in this State having a population of not less than 11,140, and not more than 11,200, according to the Federal Census of 1900, or that may have a population of not less than 11,140 and not more than 11,200 under any subsequent Federal Census; it shall be unlawful for any owner of any horse, mule, donkey, cattle, sheep, goat, hog, or other live stock, knowingly to permit the same to run at large within the limits of such counties within this State.

SEC. 2. *Be it further enacted,* That the owner of live stock mentioned or included in Section 1 of this Act shall be liable for all damage done to the property of other persons while any of said stock may be running at large in said counties.

SEC. 3. *Be it further enacted,* That in addition to the owner's liability for the damage done by the live stock mentioned or included in Section 1 of this Act, the party damaged shall have a lien on the animal or animals doing the damage, and may enforce said lien by attendment, as landlord for rent.

SEC. 4. *Be it further enacted,* That any person violating this Act shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifteen dollars.

SEC. 5. *Be it further enacted,* That nothing in this Act shall operate to amend or repeal the railway fence and stock law.

SEC. 6. *Be it further enacted,* That this Act shall take effect from and after the first day of June, 1905, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 300.

HOUSE BILL No. 736.

A BILL to be entitled "An Act to amend an Act entitled 'An Act authorizing Cocke County, Tennessee, to issue bonds for the building of turnpikes, and the improvement of public roads in said county, and the maintenance of same upon an affirmative vote of the people, and regulate the same and to levy a tax and create sinking fund for the payment of same, and for the appointment and payment of Commissioners and regulation of same; and to provide for the violation of the provisions of this Act,' passed at the regular session of the General Assembly of 1905, March 14, 1905, and approved March 20, 1905, so as to include in Section 11 the road from Stokely's Mill to Grindstaff's Mill."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 11 of an Act passed by the present General Assembly March 14, 1905, and approved by the Governor March 20, 1905, entitled "An Act authorizing Cocke County, Tennessee, to issue bonds for the building of turnpikes and the improvement of public roads in said county, and the maintenance of same upon an affirmative vote of the people, and to regulate the same, and to levy a tax and create sinking fund for the payment of same, and for the appointment and payment of Commissioners, and regulations of same, and to provide for the violation of the provisions of this Act," be so

amended as to insert after "Mooneyham Branch" the following, "from Stokely's Mill to Grindstaff's Mill in the old Fifteenth District."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 301.

HOUSE BILL No. 718.

AN ACT to change the lines between the Fifteenth and Sixteenth Districts of Greene County, so as to include the farms of certain persons named in the Act within the Fifteenth District for all purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the lines between the Fifteenth and Sixteenth Districts of Greene County, Tennessee, be, and the same are hereby, changed so as to include the farms of John Ratliff, Geo. A. Crawford, John Bowser, and G. W. Smith in the Fifteenth District for all purposes.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 302.

House Bill No. 857.

AN ACT to be entitled "An Act to create an independent school district in Henry County; define the boundaries thereof, and provide the appointment of Directors for the same."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be, and the same is hereby, created in Henry County, to be known as School District No. 17, with bounds as follows—to-wit: Beginning at Blood River Church; thence west to J. I. Dale's; thence northwest to G. H. Robinson's; thence north to Kentucky line; thence west to the Sixth Civil District line; thence south with Sixth District line to J. B. Brown's; thence east with the Blood River Creek meanderings to W. H. Morse's; thence east and northeast with old Eighteenth and Twenty-Second District line to the beginning, the same being in the old Twenty-second District of said County of Henry.

Sec. 2. *Be it further enacted,* That three School Directors shall be appointed by the County Superintendent of Schools, as now provided by law in case of vacancy, to serve until the next regular election.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 303.

House Bill No. 745.

AN ACT to create and establish four (4) Civil Districts in the County of Meigs, in lieu of the eight (8) districts now existing, and to define the boundaries of same.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there are hereby created and established for and within the County of Meigs, in this State, and in lieu of the eight Civil Districts therein as now laid out, four Civil Districts only.

Sec. 2. *Be it further enacted,* That the boundaries of said districts shall be as follows: First District shall be the First District as now existing; Second District shall be composed of old Second and Third Districts; Third District shall be composed of old Fourth, Fifth, and Sixth Districts; Fourth District shall be composed of old Seventh and Eighth Districts.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it; *Provided,* that this Act shall in no way interfere with the rights and terms of office of the present Justices of the Peace and district officers of said county; and *Provided further,* that this Act shall in no way affect the School Districts of said county as now laid out, or that may hereafter be established by the County Court of said county.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 304.

House Bill No. 782.

AN ACT to fix the times of holding the courts in the Fourteenth Judicial Circuit.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Circuit Courts in the Fourteenth Judicial Circuit shall, after the passage of this Act, be held as follows—to-wit: In Obion County on the first Mondays in the months of January, May, and September; in Dyer County on the first Mondays in the months of February, June, and October; in Benton County on the fourth Mondays in January, May, and September; in Lake County on the first Mondays in March, July, and November; in Weakley County on the first Mondays in the months of April, August, and December.

Sec. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 305.

House Bill No. 765.

AN ACT to be entitled "An Act to change the line between the Seventeenth and Eleventh Civil Districts of Greene County, Tennessee."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Civil District line between the Seventeenth and Eleventh Civil Districts of Greene County, Tennessee, be changed as follows—to-wit: Beginning at the mouth of Gap Creek, near John R. Weems' bridge; thence up Gap Creek a north course to Zion Church, via the old Bailey burying ground, including in the Seventeenth District the lands of Roy Brown, John Malone, deceased, the lands of Abe Kellar, deceased, John Johnson, Will Reed, G. A. Bailey, Dr. John Linebaugh, Bob Henard, Nathan Tucker, to where said Van Hill Road intersects with the Snapp's Ferry Road; thence up the Snapp's Ferry Road to the line of the Sixteenth Civil District; thence with the line of the Sixteenth Civil District to the line of the Seventeenth Civil District.

Sec. 2. *Be it further enacted,* That that part of the Eleventh Civil District included in said line be attached and become a part of the Seventeenth Civil District.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 306.

HOUSE BILL No. 716.

A BILL to be entitled "An Act to protect fish in Giles County."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person or persons to seine, trap, or grabble fish in any stream, lake, or pond in Giles County, without the written permission of the person or persons through whose lands the stream flows or upon whose land the lake or road is located; *Provided,* this Act shall not prevent seining for minnows for bait.

SEC. 2. *Be it further enacted,* That any person or persons guilty of violating the provisions of Section 1 of this Act shall be deemed guilty of misdemeanor and, upon conviction, shall be fined not less than five nor more than fifty dollars.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 307.

House Bill No. 774.

AN ACT to change the line between the Thirteenth and Fourteenth Civil Districts of Robertson County, so as to include the farm of J. A. Elliott in the Thirteenth District.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Thirteenth and Fourteenth Civil Districts of Robertson County be so changed as to include the farm of J. A. Elliott in the Thirteenth District.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 308.

House Bill No. 616.

AN ACT to amend Chapter 307, of the Acts of 1903, so as to correct the description of the boundary of the City of Cleveland, and to provide for the working out of unpaid street tax in the workhouse or on the streets.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Chapter 307 of the Acts of 1903 be so amended that after the words "blacksmith shop," in the fourth line from the bottom of said section, the remainder of said section shall read as fol-

lows: "Thence south with the Johnston line to the Raht corner; thence southeast with the line of the graveyard to the beginning corner, the same being the southeast corner of said graveyard."

SEC. 2. *Be it further enacted,* That in the fifth line of Section 2 of said Act the word "west" be inserted between the words "limits" and "of."

SEC. 3. *Be it further enacted,* That the Board of Mayor and Aldermen of said city shall have power, by appropriate ordinance, to provide for the working out in the workhouse or on the streets of said city of all street taxes unpaid after the same shall become due.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 309.

HOUSE BILL No. 598.

A BILL to be entitled "An Act to repeal Sub-section 7, of Section 3, of Chapter 169, of the Acts of 1903, being Act known as the general game law, passed April 3, 1903, and approved April 11, 1903, so that the same will not apply to Lincoln County and Bedford County."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sub-section 7 of Section 3 of Chapter 169 of the Acts of 1903, passed April 3, 1903, and approved April 11, 1903, known as the General Game Law, be, and the same is hereby, repealed, in so far as it affects or applies to Lincoln County and Bedford County, so that squirrels may be killed in said counties at any time and all seasons of the year.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 310.

HOUSE BILL No. 573.

AN ACT to amend Chapter 382, of the published Acts of the State of Tennessee of 1903, being an Act to establish and define a lawful fence, consisting of four barbwire, rail, or plank, in all counties in Tennessee having a population of not less than fourteen thousand two hundred nor more than fifteen thousand inhabitants, according to the Federal Census of 1900, or any subsequent Federal Census.

This Act applies to Rhea County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 382 of the published Acts of 1903, of the State of Tennessee, be so amended as to provide that such fence laws shall be operative and effectual in such counties as above provided as may adopt the same by a majority vote of the legal voters of such county or counties, when election is called and held according to law by the Election Commissioners of said county or counties; *Provided further,* that the adoption of such law shall be submitted to the qualified voters of said county or counties on condition that the same shall be submitted at the same time of the submission of the question of the adoption of the small stock law, as provided for by Chapter 177 of the published Acts of 1903, and amendments thereto. The tickets shall have printed thereon, "For the four-wire, etc., fence law," for those favoring the same, and "Against the four-wire, etc., fence law," for those against the same, and the Election Commissioners shall compare the returns and declare the result as in

other legal elections, and all laws in conflict herewith are repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 311.

HOUSE BILL No. 526.

AN ACT to prohibit the running at large of live stock in counties of certain population in Tennessee.

This Act applies to Bradley County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall hereafter be unlawful for live stock, such as cattle, horses or mules, hogs, sheep, and goats, to run at large in counties having a population of not less than 15,750 and not more than 15,800, by the Federal Census of 1900, or any future Federal Census, and any person willfully or knowingly permitting such stock to run at large in said county or counties shall be, and is hereby, declared to be guilty of a misdemeanor and punished as provided in Section 2 of this Act.

SEC. 2. *Be it further enacted,* That any violation of Section 1 of this Act shall be a misdemeanor and punishable by a fine of not less than two dollars nor more than five dollars.

SEC. 3. *Be it further enacted,* That any damage done by said live stock running at large in said county or counties shall be, and is hereby, constituted a lien upon said live stock, and can be collected as any other lien by a writ of attachment.

SEC. 4. *Be it further enacted,* That any person or persons upon whose lands such live stock shall be found running at large have the right to take up and confine them,

CHAPTER 307.

House Bill No. 774.

AN ACT to change the line between the Thirteenth and Fourteenth Civil Districts of Robertson County, so as to include the farm of J. A. Elliott in the Thirteenth District.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Thirteenth and Fourteenth Civil Districts of Robertson County be so changed as to include the farm of J. A. Elliott in the Thirteenth District.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 308.

House Bill No. 616.

AN ACT to amend Chapter 307, of the Acts of 1903, so as to correct the description of the boundary of the City of Cleveland, and to provide for the working out of unpaid street tax in the workhouse or on the streets.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Chapter 307 of the Acts of 1903 be so amended that after the words "blacksmith shop," in the fourth line from the bottom of said section, the remainder of said section shall read as fol-

lows: "Thence south with the Johnston line to the Raht corner; thence southeast with the line of the graveyard to the beginning corner, the same being the southeast corner of said graveyard."

SEC. 2. *Be it further enacted,* That in the fifth line of Section 2 of said Act the word "west" be inserted between the words "limits" and "of."

SEC. 3. *Be it further enacted,* That the Board of Mayor and Aldermen of said city shall have power, by appropriate ordinance, to provide for the working out in the workhouse or on the streets of said city of all street taxes unpaid after the same shall become due.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 309.

HOUSE BILL No. 598.

A BILL to be entitled "An Act to repeal Sub-section 7, of Section 3, of Chapter 169, of the Acts of 1903, being Act known as the general game law, passed April 3, 1903, and approved April 11, 1903, so that the same will not apply to Lincoln County and Bedford County."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sub-section 7 of Section 3 of Chapter 169 of the Acts of 1903, passed April 3, 1903, and approved April 11, 1903, known as the General Game Law, be, and the same is hereby, repealed, in so far as it affects or applies to Lincoln County and Bedford County, so that squirrels may be killed in said counties at any time and all seasons of the year.

CHAPTER 299.

HOUSE BILL No. 455.

A BILL entitled "An Act to prevent horses, mules, donkeys, cattle, sheep, goats, hogs, or other live stock from running at large in all counties of this State containing a population of not less than eleven thousand one hundred and forty and not more than eleven thousand two hundred, according to the Federal Census of 1900, or any subsequent Federal Census, and to provide a remedy for damages committed, and to prescribe punishment for the violation of this Act."

This act applies to Hancock County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all counties in this State having a population of not less than 11,140, and not more than 11,200, according to the Federal Census of 1900, or that may have a population of not less than 11,140 and not more than 11,200 under any subsequent Federal Census; it shall be unlawful for any owner of any horse, mule, donkey, cattle, sheep, goat, hog, or other live stock, knowingly to permit the same to run at large within the limits of such counties within this State.

SEC. 2. *Be it further enacted,* That the owner of live stock mentioned or included in Section 1 of this Act shall be liable for all damage done to the property of other persons while any of said stock may be running at large in said counties.

SEC. 3. *Be it further enacted,* That in addition to the owner's liability for the damage done by the live stock mentioned or included in Section 1 of this Act, the party damaged shall have a lien on the animal or animals doing the damage, and may enforce said lien by attendment, as landlord for rent.

SEC. 4. *Be it further enacted,* That any person violating this Act shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifteen dollars.

SEC. 5. *Be it further enacted,* That nothing in this Act shall operate to amend or repeal the railway fence and stock law.

SEC. 6. *Be it further enacted,* That this Act shall take effect from and after the first day of June, 1905, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 300.

HOUSE BILL No. 736.

A BILL to be entitled "An Act to amend an Act entitled 'An Act authorizing Cocke County, Tennessee, to issue bonds for the building of turnpikes, and the improvement of public roads in said county, and the maintenance of same upon an affirmative vote of the people, and regulate the same and to levy a tax and create sinking fund for the payment of same, and for the appointment and payment of Commissioners and regulation of same; and to provide for the violation of the provisions of this Act,' passed at the regular session of the General Assembly of 1905, March 14, 1905, and approved March 20, 1905, so as to include in Section 11 the road from Stokely's Mill to Grindstaff's Mill."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 11 of an Act passed by the present General Assembly March 14, 1905, and approved by the Governor March 20, 1905, entitled "An Act authorizing Cocke County, Tennessee, to issue bonds for the building of turnpikes and the improvement of public roads in said county, and the maintenance of same upon an affirmative vote of the people, and to regulate the same, and to levy a tax and create sinking fund for the payment of same, and for the appointment and payment of Commissioners, and regulations of same, and to provide for the violation of the provisions of this Act," be so

CHAPTER 313.

House Bill No. 542.

AN ACT for the protection of fish in Haywood County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person to catch, kill, or wound any fish in any of the streams, lakes, rivers, or ponds in Haywood County, Tennessee, by seine, trap, net, gun, grabbing with hands, gig, poison, dynamite, or in any way or by any contrivance or device whatever, except by rod or line, or trot line, or by barrel nets with a mesh not to exceed two inches, and with wings not to exceed ten feet; *Provided,* first, the provision of this section shall not apply to private ponds; and, second, to minnows not exceeding four and one-half inches in length, which may be caught exclusively for bait by dip net or by minnow seine, not exceeding twelve feet in length.

Sec. 2. *Be it further enacted,* That it shall be unlawful for any person, company, or corporation to build any dam or obstruction across any of the streams in Haywood County, Tennessee, or any fish gate or trap for the purpose of corralling or catching fish.

Sec. 3. *Be it further enacted,* That any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and fined not less than fifteen dollars nor more than twenty-five dollars, except that case of wounding or destroying fish by means of poison or dynamite or any other explosive whatever, the person or persons found guilty of same shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Sec. 4. *Be it further enacted,* That all fines recovered under this Act shall be paid into the county treasury for the benefit of the common school fund.

Sec. 5. *Be it further enacted,* That this Act shall be given in charge by the Judge of the Circuit and Criminal Court to the grand jury of each term of court, and that

the grand jury shall have inquisitorial powers to send for witnesses and make presentments for violations of this Act without prosecution.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 314.

HOUSE BILL No. 504.

AN ACT to create School District No. 15 in Macon County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be established out of portions of the School Districts Nos. 2 and 5 of Macon County, Tennessee, so as to include the following farms:

Beginning on a stake east of Long Creek and about one-fourth of a mile north of Widow J. M. Douglas' farm, in the line between the States of Tennessee and Kentucky; running thence south one mile to E. Payne's; thence south five-eighths of a mile to H. D. Jent's; thence south 45 degrees east one-half a mile to the Widow Margaret Lyles'; thence south 80 degrees east three-fourths of a mile to Joel Blankenship's; thence 80 degrees east one-half mile to A. P. House's place; thence south 85 degrees east one mile to Rufus Driver's; thence north fifteen degrees east three-fourths of a mile to T. P. Wheeley's; thence north 20 degrees east one-half mile to J. W.

Crowder's; thence north one-fourth of a mile to the State line; thence west with same State line three miles to the beginning. Said district will be known and numbered the Fifteenth School District of Macon County.

SEC. 2. *Be it further enacted,* That the election authorities of Macon County be, and are hereby, empowered and required to hold an election within said district by the qualified voters of said district on the fourth Saturday in April, 1905, for School Directors, to hold their office until next regular election.

SEC. 3. *Be it further enacted,* That the Clerk of said district shall furnish to the County Superintendent of Macon County a correct statement of the number of children within said district.

SEC. 4. *Be it further enacted,* That the County Superintendent shall furnish a copy of said enumeration to the Trustee of Macon County, who shall pay the moneys belonging to that portion of said county upon the order of the Directors of the district.

SEC. 5. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 315.

House Bill No. 795.

AN ACT to create a special school district in Marshall County, and provide for the appointment of School Directors for the same.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be created in Marshall County with the same metes and bounds as School District No. 20 before the passage of the Act of 1903, and let it be known as School District No. 20.

Sec. 2. *Be it further enacted,* That the following named families of Williamson County be, and are hereby, permitted to patronize said school: T. D. Haley, Ole Vichory, O. R. Brittian, R. D. Tatum, T. J. Wilson, Darl Riggs, and Jordan Riggs; and that the families of Fayette Lytle, Doc Fulton, and J. T. Bastin, of Rutherford County, be permitted to patronize said school.

Sec. 3. *Be it further enacted,* That the County Superintendent of Marshall County shall appoint three School Directors for said School District, to serve until the next regular August election.

Sec. 4. *Be it further enacted,* That in the distribution of school fund of Marshall County said District No. 20 shall receive its *pro rata* part, and in the distribution of the school funds of Rutherford and Williamson Counties, that part of the school fund belonging to the children of school age of the families named in this bill shall go toward the maintenance of said School Districts, and shall be paid out on the teachers' salary upon the warrant of the School Directors of the School District.

Sec. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 316.

House Bill No. 574.

AN ACT to amend Chapter 177, of the Acts of 1903, being an Act to prohibit the running at large of hogs, sheep, and goats in counties having a population by the Federal Census of 1900, or any subsequent Federal Census, between fourteen thousand two hundred and fifteen thousand, and fixing the penalty for the violation of the same.

This Act applies to Rhea County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 177 of the published Acts of 1903 of Tennessee be so amended as to strike out Section 2 and provide that this Act shall only apply to such counties as may adopt the same by a majority vote of the legal voters of said county at a legal election held for said purpose by the Commissioners of Election; *Provided further,* that the tickets used in said elections shall be in conformity of law and in such district where the Dortch law applies the ticket shall conform thereto. The ticket shall provide for those favoring the small stock law, "for the small stock law" and those "against said law." The Election Commissioners, as in other elections, shall compare the returns and declare the result, and all laws in conflict are hereby repealed.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 317.

House Bill No. 783.

AN ACT to create an independent School District in the Sixteenth Civil District of Carroll County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be established in the Sixteenth Civil District of Carroll County, Tennessee, being bounded and including in the bounds of said independent School District the following territory—to-wit:

Beginning at the residence of Mrs. V. V. Chambers, including same, that being the southeast corner of said independent School District; thence to the residence of L. T. Smith, including same; thence to the residence of H. S. Massey, including same; thence to the residence of J. C. Cleaves, including same; thence to the residence of Hugh Smith, including same; thence to the residence of Thomas Henley, including same; thence to the residence of M. C. Chandler, including same; thence to the residence of J. C. Ware, including same; thence to the residence of C. D. Cox, including same; thence to the residence of J. E. Williams, including same; thence to the residence of W. R. Weaks, including same; thence to the residence of M. F. Stoper, including same; thence on a direct line to the beginning, and including all parties and property within the limits of said boundaries.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 318.

House Bill No. 773.

AN ACT to authorize the Town of Franklin, in Williamson County, to issue bonds for the construction of waterworks, and to provide by taxation for the redemption of such bonds.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Franklin, in Williamson County, be, and the same is hereby, authorized to issue its coupon bonds to an amount not exceeding the sum of fifteen thousand dollars, in addition to such amounts as have heretofore been authorized, in such denominations as may be determined by the Mayor and Aldermen, having not less than ten nor more than thirty years to run, payable at some place to be designated by the Mayor and Board of Aldermen of said town, and bearing a rate of interest not greater than six per centum per annum, for the purpose of providing said town with suitable waterworks.

Use of funds.

Sec. 2. *Be it further enacted,* That the bonds hereby authorized to be issued shall be used exclusively in the purchase and erection of waterworks suitable for said town, so as to procure for the inhabitants thereof an ample supply of pure water, and for purchasing all grounds, rights of way, engines, mains, and supply pipes, standpipes, aqueducts, filters, machinery, apparatus, fixtures, tools, and materials of whatever kind and character incident and necessary for the proper construction, operation, and maintenance of such waterworks.

Sec. 3. *Be it further enacted,* That said town may use said bonds in whole or in part in payment for the construction of such waterworks in whole or in part; or it may sell said bonds in whole or in part and appropriate the proceeds to the payment of the costs of such waterworks in whole or in part; *Provided,* that said bonds shall in no case be sold for less than par.

Annual tax for redemption of bonds.

Sec. 4. *Be it further enacted,* That said town is hereby authorized to levy and collect an annual tax in

addition to all other municipal taxes for the purpose of paying the interest on said bonds and providing for a fund for the redemption of the bonds at maturity, or for retiring the same, if the town so elect, at the expiration of such times as may be fixed by the ordinance providing for their issuance, and designated on the face thereof.

Election to be first held.

SEC. 5. *Be it further enacted,* That such bonds shall not be issued, and a tax for the payment of the same shall not be levied or collected, except upon an election, to be first held by the qualified voters of said town, at which election the proposition to issue said bonds and levy said tax shall obtain the assent of two-thirds of the votes cast at said election. Such election shall be advertised at least twenty days prior thereto, either in some newspaper published in said town or by printed hand bills posted at different public places therein in such manner as may be provided by appropriate corporate ordinance, and shall be held as other municipal elections in said town are held; *Provided,* that if such proposition shall have been at any time rejected at an election for the purpose of obtaining the assent of the qualified voters thereto, said town may at any other time, after ninety days, proceed by ordinance to order another election, which shall be provided for, advertised, and held in the same manner as provided for the election in the first instance.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 319.

House Bill No. 764.

AN ACT to create an independent school district in the First Civil District of Greene County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be established in the First Civil District of Greene County, Tennessee, so as to include the following boundary and known as the Mt. Zion School:

Beginning at a point on the south bank of Nolachuky River in the line between the lands of John Johnson and W. W. Harmon, and running thence in a southwesterly direction to a point in the forks of a road on the ridge, some fifty yards from the house of Frances Bowman; thence in nearly same course to the forks of a road just to the south of the house of Eliza White; thence in a straight line to the forks of a road near the house of Rachel Rice; thence in a westerly course to the ford of Camp Creek, near Jones' store; thence in a northwesterly direction to the mouth of Camp Creek; thence with a line between the First and Thirteenth Civil Districts of said county to the beginning. Said district will be known and numbered as the Thirty-eighth School District of Greene County, Tennessee.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 320.

House Bill No. 626.

A BILL to be entitled "An Act to prevent the running at large of live stock in counties of a certain population in Tennesee, said counties having a population of seventeen thousand seven hundred and fifty and less than seventeen thousand seven hundred and seventy, by the Federal Census of 1900, or by any subsequent Federal Census, when approved by a majority of the voters of such county or counties, in an election to be held for that purpose."

This Act applies to McNairy County

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for live stock of any kind to run at large in counties of the State of Tennessee having a population of not less than 17,750, nor more than 17,770, by the Federal Census of 1900 or by any subsequent Federal Census.

Sec. 2. *Be it further enacted,* That any violation of Section 1 of this Act shall be a misdemeanor, punishable by fine of not less than one dollar nor more than twenty-five dollars.

Sec. 3. *Be it further enacted,* That any damage done by any live stock running at large in any of said counties shall be, and is hereby, constituted a lien upon such trespassing stock, to be enforced as other liens, by judgment at law and execution or by attachment.

Sec. 4. *Be it further enacted,* That any person or persons who own the lands upon which any live stock may be found running at large shall have the right to take up said live stock and confine them, giving them sufficient food and attention, and that such person or persons shall be paid a reasonable amount for such food and attention, to be determined as other questions of fact are determined, and for the payment of said amount when so determined, there shall be a lien on such live stock, to be enforced as provided in Section 3 of this Act.

Sec. 5. *Be it further enacted,* That all fines collected under this Act shall be paid into the public school fund of the county in which said fines are assessed.

SEC. 6. *Be it further enacted,* That this Act shall take effect only in such of the above named and described counties as shall express their approval of the same at a popular election to be called and held as any regular election is held, on the 12th day of August, 1905; *Provided,* that to vote in said election so called and held, it shall not be necessary to present a poll tax receipt. Said election shall be held and certified as any other regular election. Those favoring the law shall cast a ballot marked, "For the Stock Law;" those opposed to the law will cast a ballot marked, "Against the Stock Law;" and if a majority of the votes cast in said election so called and held shall be in favor of the Stock Law, then this Act shall take effect in such county or counties expressing their approval as herein provided on the first day of January, 1906, following said election, if approved as above set out, on said 12th day of August, 1905.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 321.

HOUSE BILL No. 248.

AN ACT to repeal Sections 2 and 3, of an Act entitled "A Bill to be entitled 'An Act to amend an Act entitled "An Act to provide for the construction, repairing, and buying of turnpike, macadamized, and graded roads, gravel roads,'" passed March 23, 1883, Chapter 167, and to amend an Act entitled 'An Act to provide for the construction, repairing, and buying of turnpikes, macadamized, and graded gravel roads,' passed April 10, 1893, Chapter 177, so as to change the rate of taxes for said purpose and for the expenditure of the same," being Chapter 365, of the published Acts of 1903, passed April 13, 1903.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sections 2 and 3 of an Act

passed April 13, 1903, and being Chapter 365 of the published Acts of 1903, and being an Act entitled a Bill to be entitled an Act to amend an Act entitled an Act to provide for the construction, repairing, and buying turnpike, macadamized, graded, gravel roads, passed March 23, 1883, Chapter 167, and to amend an Act entitled an Act to provide for the construction, repairing, and buying of turnpike, macadamized and graded gravel roads, passed April 10, 1893, Chapter 177, so as to change the rate of taxes for said purpose and for the expenditure of the same, be, and hereby are, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 322.

HOUSE BILL No. 702.

AN ACT to be entitled "An Act to establish an independent school district out of portions of the Tenth and Eleventh Civil Districts of Moore County, Tennessee, to be known as the Twelfth School District of Moore County, and to provide a Board of Directors for the same."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be, and the same is hereby, established out of portions of the Tenth and Eleventh Civil Districts of Moore County, Tennessee, including within said district the homes and farms of the following persons—to-wit:

C. T. Anderson, G. W. Cunningham, H. Oosley, Sarah Older, W. M. Rhea, F. M. Williams, N. G. Prince, M. Bates, Burl Holder, T. C. Prince, Haskell Prince, Enoch Nelson, Lucy Carter, Mary Sims, John Watkins,

Thomas Watkins, W. M. Watkins, John W. Anderson, W. M. Cobb, R. S. Anthony, Wilkins Cobb, D. E. Griffin, B. M. Osborne, and J. M. Cobb.

SEC. 2. *Be it further enacted,* That said independent School District shall be known as School District No. 12 of Moore County, and through a Board of Directors shall exercise all the powers of a School District now given by law.

SEC. 3. *Be it further enacted,* That the County Superintendent shall appoint a Board of Directors for said district, to serve until the regular election for School Directors under the present law.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 323.

HOUSE BILL No. 642.

AN ACT to be entitled "An Act to create and establish a voting precinct in the Town of Ashland, in the Sixth Civil District, and also one in the Town of Flatwoods, in the Third Civil District of Wayne County, Tennessee, and to provide for payment of officers holding elections in said precincts."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a voting precinct be created and established in the Town of Ashland in the Sixth Civil District and one in the Town of Flatwoods in the Third Civil District of Wayne County, Tennessee.

SEC. 2. *Be it further enacted,* That the officers holding elections at the precincts established by the first section of this Act shall be entitled to demand and receive the same pay from the county as the officers of other voting precincts of said county.

SEC. 3. *Be it further enacted,* That the precincts established by the first section of this Act shall so remain until changed by an Act of the General Assembly.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 324.

HOUSE BILL No. 737.

AN ACT to amend Chapter 267, of the public Acts of 1899, entitled "An Act incorporating the Town of Dyer, Gibson County, Tennessee; to define the boundaries, and the taking effect of the same."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 2 of said Act be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That the corporate limits of the Town of Dyer shall be as follows:

Beginning at the southeast corner of C. Buck's lot in East Dyer and running in a northerly direction to a stake in the Dyer and Kuly Mill Road, thirty feet west of a branch between the residences of Mrs. Ellen Jewell and Everett Hayes; thence down said branch thirty feet south of its meanderings to where it crosses the M. & O. R. R.; thence in a southwesterly direction to a ravine crossing the Dyer and Yorkville Road just west of E. E. Hutchison; thence in a southeasterly direction to the southwest corner of the lot bought by T. H. Woodward from H. J. Carver; thence east to the iron gate post setting south of T. H. Woodward's residence; thence in an easterly direction to the southeast corner of Oakwood

Cemetery; thence in a northeasterly direction to the beginning.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 325.

HOUSE BILL No. 738.

AN ACT to amend an Act entitled "An Act to amend Chapter 267, of the Acts of 1899, being Chapter 256 of the Acts of 1903."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 6 of Chapter 256 of the Acts of 1903 be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That the salary of the Marshal and other policemen of the Town of Dyer, in Gibson County, Tennessee, shall be regulated by ordinance of the Town Council of the Town of Dyer, and neither the Marshal or any other policeman shall be entitled to any other compensation for their services rendered the town during his employment on the police force.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 326.

HOUSE BILL No. 541.

AN ACT to restrict and change the corporate limits of the Town of Rogersville, Hawkins County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the Town of Rogersville be restricted and changed at the southwestern limits thereof as follows: That Section 19 of Chapter 315, Acts of 1903, after the words "thence north 26 degrees west 86 poles to stone on land of Mrs. J. Armstrong," at fifth and sixth lines of said section, be so changed as to read, "Thence a northwesterly direction to post at J. M. Gray's gate," so as to leave the said J. M. Gray's dwelling and most of his premises out of said corporation, instead of as it now reads—to-wit: "Thence south 55 degrees west, 75 poles to post, at west side of J. M. Gray's garden; thence north 34 3-4 degrees west 30 poles to the northwest corner of his yard; thence north 55 degrees east 10 poles to post near his gate."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 327.

House Bill No. 710.

AN ACT to amend Section 2, of Chapter 225, Acts 1903, passed March 18, 1903, and approved March 25, 1903, entitled "An Act to amend Section 3, Chapter 198, Acts of 1901, entitled 'An Act to incorporate the Town of Henderson, Chester County, Tennessee, and define the rights, powers, etc., of said town.'"

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 2 of said Act of 1903, Chapter 225, be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted,* That the Recorder of the Town of Henderson, Chester County, Tennessee, who, by virtue of his office, shall exercise and perform in addition to his duties as Recorder the functions and duties as an Alderman.

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 328.

House Bill No. 704.

A BILL to be entitled "An Act to create and establish a school district to be known as School District No. 27, in County of Williamson; to define the boundaries thereof, and to provide a Board of Directors for said district."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, to be known as School District No. 27, be created and established in the County of Williamson, bounded as follows:

Beginning at the southeast corner of the John Davis farm, now owned by J. H. Akin; running thence east to the Louisville & Nashville Railroad track; thence north with railroad track to West Harpeth Creek; thence east with meanderings of said creek to Anderson's old mill site; thence north to the McLemore place, including same in the district; thence north along the lane running east of said McLemore place and Lem Hood and Samuel Edgmon to the original Edgmon farm; thence around the same so as to include it in the district; thence to the northeast corner of Snowbird Hollow, formerly owned by J. H. Hood; thence to the northeast corner of the Mayberry Lane, where the same runs into the Franklin and Spring Hill Turnpike Road; thence west with said turnpike road to the Coleman Lane; thence with said lane to the Carr farm; thence south, including the A. S. Caldwell place, and around the said farm so as to include it in the new district; thence south to the Watson place so as to include it in the new district; thence southeast to the Tim Dodson place so as to include it in the new district; thence north with the lane in front of said Dodson residence to the lane running eastwardly; thence along said lane eastwardly to the southeast corner of John Davis farm (owned by J. H. Akin); thence to the beginning point, the southeast corner of the said John Davis farm, so as to include the same in the new School District.

Sec. 2. *Be it further enacted,* That R. L. Ezell, R. S. Crowles, and W. L. Hood be, and they are hereby, cre-

ated and constituted Directors of said School District No. 27, to serve as such until the next regular election for electing School Directors in Williamson County.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 329.

HOUSE BILL No. 784.

AN ACT to make it unlawful for persons to mortgage personal property when the title to same is not in the mortgagor, and to fix the punishment for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person or persons to knowingly mortgage personal property and obtain money or goods by reason of such mortgage, knowing the title to such personal property is not in the mortgagor.

SEC. 2. *Be it further enacted,* That any person guilty of a violation of the provisions of this Act shall upon conviction be guilty of a felony and punished by confinement in the penitentiary not less than three years nor more than ten years.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 330.

House Bill No. 834.

A BILL to be entitled "An Act to establish a school district in the Twentieth District, in Gibson County, Tennessee, to be known and designated as Fruitland High School District No. 34, and to provide for the appointment or election of Directors for said district, and to define their powers, etc."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, to be known and designated as Fruitland High School District, No. 34, of Gibson County, Tennessee, be established in Gibson County, Tennessee, with the following lines and boundaries:

Beginning with the northwest corner of L. C. Cooper, running then south with N. M. Stewart's west boundary line to a point in Fruitland and Gibson Wells Road; thence west with said Fruitland and Gibson Wells Road to Bailey's northwest corner, being the corner where Bailey and Sam Dugan corner on said road; thence south to a point, the corner of the farms of Mrs. C. Dungan and H. A. Tuggle; thence east with the lane between the farms of H. A. Tuggle and Ben Caldwell and Mrs. C. Dungan, to a point in H. T. Burnett's west boundary line; thence south to the point where Mrs. R. Powell and H. T. Burnett corner; thence east, leaving out the farm of H. T. Burnett, to Jim Lassitor's line; thence south to said Lassitor's west line to the point where the said Lassitor and H. A. Senter corner; thence east with the line between said Lassitor's farm and the farm of A. H. Senter to a point in the Humbolt Road; thence north to S. C. Scruggs' southeast corner; running thence east so as to take in the farm of W. T. Scruggs to a point where the said W. T. Scruggs and John Lewis corner; thence north to a point where Bob Coleman and the said Scruggs corner; thence east to Bob Coleman's south boundary line to a point in N. A. Coleman's west boundary line; thence north, taking in the farms of John Wallsmith, John Coleman, Tom Dennis, and Oscar Wilson, to said Wilson's

northeast corner; running thence west to Oscar Wilson's north boundary line to a point on P. T. Walker's east boundary line; thence north, taking in the farm of said P. T. Walker, to a point where William Penny corners with the said P. T. Walker; thence west, taking in the farms of C. H. Fitzgerald and Finnis Sharpe, to a point where said Sharpe corners with P. S. Knox; thence north, taking in the farm of P. S. Knox, to his northeast corner; thence west, taking in the farm of P. S. Knox and John Sharpe, to the beginning.

SEC. 2. *Be it further enacted,* That N. M. Stewart, J. R. Campbell, and M. N. Coleman are hereby appointed as School Directors for the School District created by the first section of this Act, to serve until the next general and regular election for School Directors in Gibson County, when three Directors shall be elected by the people of said special district, and successively thereafter at every regular election for School Directors in Gibson County.

SEC. 3. *Be it further enacted,* That the School District created by the first section of this Act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules that govern, control, and regulate other School Districts in Gibson County, Tennessee.

SEC. 4. *Be it further enacted,* That the Trustee of Gibson County be, and he is hereby, directed and empowered to apportion to the district created by the first section of this Act, in proportion to the scholastic population of said district, its rate *pro rata* of all school funds in his hands at the time of the passage of this Act or may hereafter come into his hands under the same rules and regulations as he does to the other School Districts in Gibson County.

SEC. 5. *Be it further enacted,* That upon the passage of this Act the said District Directors shall take the census of the scholastic population within the territory included in the above bounds, and report the same to the County Trustee, and upon this scholastic report apportion the school fund of the Twentieth District between the district created by the first section of this Act and the balance of the Twentieth District, according to the scholastic population of the territory covered by this district and the balance of territory not so covered.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are

hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 331.

House Bill No. 837.

AN ACT to authorize the Mayor and Aldermen of the Town of Springfield, Robertson County, to borrow the sum of fifteen thousand dollars, and issue their bonds therefor, for the purpose of improving, repairing, and extending their waterworks plant or system, and to levy and collect taxes for the payment of said bonds and the interest thereon.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the Town of Springfield, Robertson County, be, and they are hereby, authorized and empowered to borrow the sum of fifteen thousand dollars for the purpose of improving, repairing, and extending their waterworks system or plant, and to this end the said Mayor and Aldermen are hereby authorized and empowered to issue negotiabie, interest-bearing coupon bonds to the amount of said sum of fifteen thousand dollars, and to negotiate and sell the same for the purpose of raising money to improve, repair, or extend their waterworks plant or system. Said bonds shall be signed by the Mayor and Recorder of said town, and the corporate seal of said town shall be fixed to each before being issued. They shall be issued in such denominations as said Mayor and Aldermen shall fix, and shall be payable not more than thirty years from date, or sooner, at the option of said Mayor and Aldermen of the Town of Springfield; said bonds shall be designated "Waterworks Improvement Bonds," and shall bear interest at a rate not to exceed six per cent per annum, payable semi-

annually, to be evidenced by coupons attached to each of said bonds, and said bonds shall not be sold or disposed of in any way at a less sum than dollar for dollar of their face value.

Interest and sinking fund tax.

SEC. 2. *Be it further enacted,* That while said bonds or any of them are outstanding a special tax not to exceed twenty cents on the one hundred dollars of taxable property within the corporate limits of said town and taxable under the laws of the State for municipal or corporation purposes, and to levy and collect a special privilege or license tax upon all pursuits, vocations, or business carried on within the corporate limits of said town required by the laws of the State to pay a privilege tax to the State, not exceeding the rate or amount of privilege tax on such business for State purposes for the purpose of paying the interest on said bonds as it becomes due, and to create a fund with which to pay off and retire the bonds herein authorized to be issued.

Election to be first held.

SEC. 3. *Be it further enacted,* That before said bonds shall be issued, the Election Commissioners of Robertson County, Tennessee, shall submit the question to the legal voters of the Town of Springfield, to ascertain the will of said voters. Said Election Commissioners shall order said election and give notice thereof according to law. At said election all persons qualified to vote for Mayor and Aldermen of said town shall be entitled to vote therein. Those voting in favor of the issuance of said bonds shall have printed or written upon their ballots the words "For Bonds," and those opposed to the issuance of bonds shall have printed or written upon their ballots the words "Against Bonds," and if a majority of the votes cast are for bonds, then the Board of Mayor and Aldermen of the Town of Springfield shall have authority to issue said bonds under the provisions of this Act, but not otherwise.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 332.

House Bill No. 483.

AN ACT to regulate the working and laying out the public roads in this State, in counties having a population not under sixty thousand and over seventy-two thousand inhabitants, by the Federal Census of 1900, or any subsequent Federal Census; to provide revenue for public road purposes, and create Boards of Public Road Supervisors in each road district in said counties, and defining their duties, fixing penalties for the violation of the provisions of this Act, and to repeal all laws in conflict with the provisions of this Act.

This Act applies to Hamilton County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That at the January term of the County Court, 1906, the County Court of each county in this State having a population of not under sixty thousand or over seventy-two thousand inhabitants, by the Federal Census of 1900, or any subsequent Federal Census, shall elect one Road Commissioner for each Road District, which district shall be coextensive with the Civil Districts, who shall hold his office until the first Monday in January, 1907, at which time he shall be elected for a term of two years, and elected every two years thereafter at said January terms. The person chosen shall be a citizen and freeholder in the district, skilled and experienced in the business of road making, and not a member of the County Court, and shall hold his office until the first Monday in January, 1907, and until his successor is elected and qualified.

District Commissioner to take oath.

Before entering upon his duties he shall take an oath before the Clerk of the County Court for the faithful discharge of the same, and shall give a good, sufficient, and solvent bond for the faithful accounting of all moneys coming into his hands. As compensation he shall be entitled to one dollar and fifty cents per day for each day's service actually rendered, but shall not claim pay in any district for more than one hundred days' service in any one year.

Powers and duties.

Sec. 2. *Be it further enacted,* That the District Road Commissioner shall have general supervision over all

public roads, bridges, and overseers in his district. It shall be his duty to give a receipt, from a stub receipt book prepared and kept for that purpose, for all moneys received by him, and turn over said moneys to the County Trustee. He shall buy necessary tools for road working, employ teams and labor, and the same shall be paid for out of the road fund for his district. He shall not directly or indirectly employ his own team or teams to work on the public roads of his district. All payments for material, tools, labor, teams, compensation of road officials, etc., shall be made on order on the County Judge or Chairman of the County Court, issued from a stub order book prepared and kept for that purpose, and approved by the Chairman of the Board of Public Road Supervisors hereinafter created. He shall appoint for a term of one year an overseer for each section of public road established by the Board of Public Road Supervisors in his district. Said overseer shall be a person subject to road duty, residing in the district, and shall be exempt from actual road labor. It shall be the duty of the several Road Commissioners, herein provided for, to immediately after their election and thereafter as it may become necessary, make out and furnish to the Chairman of the Public Road Supervisors a certified list of all hands assigned to labor on each section of road, naming the hands by sections living within their several districts subject to road duty, and said Board shall make the same matter of record. He shall swear out warrants against all delinquent road hands within ten days after they have become delinquent before some Justice of the Peace in his district and have the road overseer and other necessary witnesses to convict the delinquent summoned.

Same.

SEC. 3. *Be it further enacted,* That in laying out and making public roads it shall be the duty of the District Road Commissioners and overseers to avoid heavy grades and to reduce the same by cutting down sharp points or changing the direction of roads. Ditches shall be maintained on each side of the roadbed of sufficient depth to drain the roadbed. In constructing and maintaining first and second class roads broken stone and gravel shall be used when obtainable. He shall cause overseers to erect, place, and keep placed durable mileposts on all first and second class roads, and when necessary shall build and construct substantial footlogs or footbridges with good and sufficient hand railing.

Same.

It shall be his duty to make an annual report in each year, not later than the first day in December, to the Chairman of the Board of Public Road Supervisors, showing the work accomplished by him during the year. These reports shall describe each section of the public roads in his district and state whether it is first, second, or third class road, and its condition at the time of the report. This report shall also show the amount of commutation money collected, from whom, and what section of road; how collected, whether by suit or otherwise, and if collected by suit, from what court; and also that said funds were turned over to the County Trustee. For incompetency or neglect of duty the said Commissioners shall be removed from office by the County Court at its quarterly session or by the Judge or Chairman of the County Court out of term time on ten days' written notice. It shall be the duty of the several Road Commissioners to file an itemized sworn statement of the actual service rendered by them in discharging their official duties with the Board of Public Road Supervisors, and at the same time file with said Chairman of the Board all stub receipt and stub order books used by them during the year. It shall be the duty of said Board to investigate and approve the same if found correct.

Duties of overseers.

SEC. 4. *Be it further enacted,* That the overseers appointed by the District Road Commissioners shall serve as many days as are assessed road hands without compensation, and for each additional day of actual service in superintending the working of roads and warning of hands he shall receive one dollar and fifty cents per day, but shall not claim pay for more than fifty days in any one year. And he shall deliver to each hand working out his time a receipt showing the time worked, issued from a stub book prepared and kept for that purpose. He shall file an itemized sworn statement of the actual service rendered by him with the Board of Public Road Supervisors, together with the time receipt stub book. He shall have charge of all tools belonging to his section of road and shall take care of same and turn them over to his successor when appointed. It shall be a misdemeanor for any road overseer, having received notice in writing of his appointment, to fail or refuse to serve or to fail or refuse to faithfully and fully perform his duties as road overseer and keep his section of road in reasonable repair at all times throughout his term of office. It shall be the duty of the various road overseers

to give three days' warning to road hands, either in person or by written notice left at the residence or usual stopping place of each hand subject to road duty, stating time and place to meet to work the road. In warning hands the road overseers are authorized and empowered to administer an oath to hands claiming exemption from road duty, and false swearing by any hand as to such exemptions is hereby declared to be perjury and a felony punishable as other perjuries under existing laws; and any hand claiming any exemption shall do so at the time he is warned or at the time and place he is notified to work the road or he will be stopped from afterwards claiming said exemption.

Overseers to report.

The road overseer shall report to the District Road Commissioner, within three days after default, all hands failing or refusing to work public roads or commuting for the same. It shall be his duty to work the hands in person and not by substitute, and to place and keep up durable mileposts and signboards at all principal crossings.

Who subject to road duty.

SEC. 5. *Be it further enacted,* That all male residents of the counties falling within the provisions of this Act, between the ages of twenty-one and forty-five years, shall be subject to road labor, except those who have been exempted by the County Court for physical disabilities, the order of the court also showing exemptions from the payment of poll taxes for the same cause; and in case any hand warned by the overseer shall willfully fail or refuse to perform faithfully and honestly and obedient to the order of the overseer as many days' labor on the public roads as are assessed against him he shall be guilty of a misdemeanor and subject to indictment and punished accordingly; *Provided,* that road hands, under the provisions of this Act, may commute by paying to the Commissioner of his district on or before the day appointed for road working, seventy-five cents per day. All commutation money shall be used to employ labor upon the section on which the road hands commuting have been assigned, to be paid out on order drawn on the County Judge or Chairman of the County Court. A day's work, within the meaning of this Act, shall be eight hours of actual labor on the road. All fines collected from delinquent road hands shall be placed to the credit of the road section to which delinquents were assigned for road duty. Labor upon the public roads shall be performed within the months of March, April, May, June, July, August, Sep-

tember, and October, except repairs in case of necessity, which the road overseer shall repair. The number of days' labor of hands subject to road duty shall be three days in one year.

Convicts to work.

SEC. 6. *Be it further enacted,* That all county convicts or prisoners confined in the county workhouse subject to labor shall work upon the public roads.

District Supervisors provided.

SEC. 7. *Be it further enacted,* That a Board of Public Road Supervisors for each Civil District be, and the same is hereby, created, which said Board shall consist of the District Road Commissioner, appointed by the County Court, who shall be Secretary of the Board, and one person in each district, appointed by the Circuit Judge of the County, which appointment shall be made as soon after the passage of this Act as practicable. Said person, appointed by the Circuit Judge, shall be a resident and freeholder of the district for which he was appointed, and shall be Chairman of the Board, and shall hold his office until the first Monday in January, 1907, at which time the Circuit Judge shall make appointments of a Supervisor for each district in the county for a term of two years, and until their successors are appointed and qualified, and all vacancies shall be filled as in the first instance. The Secretary of said Board shall keep a record of all official business transacted by the Board, including all reports of the District Road Commissioner and the overseers, in a well-bound book prepared and kept for that purpose. All books and stationery used by them shall be paid for by the county out of the road funds for their respective districts. Their compensation shall be one dollar and fifty cents per day for actual service rendered, and shall be paid by the Trustee on the warrant of the County Judge.

Duties of Board

SEC. 8. *Be it further enacted,* That it shall be the duty of said Board of Public Road Supervisors to inspect the public roads of their districts and see that the same are kept in proper repair; to classify the roads in their districts into three classes, as follows: Roads of the first class shall not be more than fifty or less than twenty-four feet wide, roads of the second class shall not be more than twenty-four or less than eighteen feet wide, and roads of the third class shall not be more than eighteen feet or less than fourteen feet wide. Said Board shall lay off the public roads in their districts into sections, and number the same, beginning at number one and not to exceed ten

sections in any one district. They shall assign the hands subject to road labor on each section by boundaries. In laying off said sections they shall state the points of beginning and ending, giving the distance and class of roads in each section, the same to be made a matter of record in a book kept by them. They shall fix the price to be allowed for a day's work on the public road with wagon and team or horse and plow, and for a day's labor of hands without wagon and team or horse and plow.

As to opening of roads, etc.

SEC. 9. *Be it further enacted,* That all application to open, change, close, or restore to the public use any and all public roads in this State shall be made by written petition to the Commissioner of the district in which the road is located, and if said road is intended to be located in more than one district, then the petition shall be made to the Commissioners of all districts interested, and they shall act jointly. The Road Commissioner, within ten days after the application has been filed with him, shall notify the person first named on the petition of the date at which he will be present at the beginning point mentioned in the petition to act on the application. Five days' written notice of the date and beginning point shall be given by the petitioners to all persons having an interest in the land to be affected by the proposed change. If any such person shall be a nonresident, or his residence be unknown, then notice to his agent or attorney, if such agent or attorney resides in the county, shall be sufficient; and if there be no such agent or attorney, then notice shall be made by publication in some newspaper published in the county for four consecutive weeks, the last publication to be at least one week before the date appointed by the Road Commissioner as aforesaid. The Road Commissioner shall attend at the appointed time and place, and if the prescribed notice to interested parties has been given, shall act upon the application and assess the damages, if, in his judgment, there should be any. The Road Commissioner shall report his action in the premises to the Judge or Chairman of the County Court, and with his report shall file the orignal petition, the notice to the landowners, and the names of the material witnesses. Said report shall be filed at or before the regular monthly term coming five days after the hearing had by the Road Commissioners, and at said term the Judge or Chairman of the County Court shall consider the whole matter and shall make and enter such order as to the opening, changing, closing, or re-

storing to the public the proposed road as the court may deem proper. Said order shall fix and adjudge the amount of damages, if any, to be paid the respective persons interested in the land affected by any change so ordered, which damages shall be paid by the county out of the general funds raised for county purposes, and the Judge or Chairman shall issue his warrant or warrants accordingly.

From such order any interested party may appeal to the Circuit Court, and thence to the Supreme Court; *Provided,* that appeal to the Circuit Court may be perfected before the County Court Clerk on or before the first Monday of the month following the entry of said order.

County Court to levy tax for roads.

SEC. 10. *Be it further enacted,* That the County Courts in this State in said counties shall levy each year, for public road purposes, and *ad valorem* tax on all property of their respective counties, outside of towns, cities, and taxing districts, which levy shall not be less than ten cents or more than twenty cents on each one hundred dollars' worth of taxable property, and shall be collected by the County Trustee and held by him as a separate fund to be disbursed upon the order of the District Road Commissioners, approved by a majority of the Public Road Supervisors; said orders to be drawn upon the County Judge or Chairman of the County Court, for which said Trustee shall have compensation the same as on county and State taxes. The tax collected from this assessment from a given district shall be expended on the public roads of that district, under the supervision of the Road District Commissioner, on such roads as may be designated by a majority of the Board of Public Road Supervisors, who shall direct special attention to main roads or leading thoroughfares of the district. Any and all other road tax which may be collected shall be divided equitably between the road districts, and it shall be expended as provided above; *Provided,* that on all privileges not less than one-fourth of the entire assessment for county purposes shall be set aside by the respective County Courts for road purposes, and shall be apportioned equitably between the several road districts of said counties, to be expended as above designated.

How expended.

Annual reports of County Judge.

SEC. 11. *Be it further enacted,* That the Judge or Chairman of the County Court shall make annual reports to the County Court, at its January terms, showing receipts and disbursements of all road funds, itemizing

the same by districts, and the Chairman of the Board of Public Road Supervisors, at the same time, shall submit an annual report to the court, including copies of all reports filed with them by the District Road Commissioners and road overseers, both reports shall be referred to and examined by the Revenue Commissioners or Finance Committee of the County Court, to be acted upon by them, and their action to be reported to the County Court.

SEC. 12. *Be it further enacted,* That nothing in this Act shall be so construed as to affect the right of counties to construct, purchase, and maintain bridges, turnpikes, and improved highways, and pay for the same out of the general or special county funds, as now provided by law.

SEC. 13. *Be it further enacted,* That the road hands, subject to labor on the public roads, shall be required to perform their labor in person and not by substitute, or commute for the same, and the road overseers shall superintend all the work done on their sections by road hands, commutation money, or road tax money.

SEC. 14. *Be it further enacted,* That any public road official violating any provision of this Act shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars or more than fifty dollars, at the discretion of the Judge or jury trying the case, and the grand juries of the various counties of this State, falling under the provisions of this Act, shall have inquisitorial powers over violations of this Act.

It shall be the duty of the Chairman of the Board of Public Road Supervisors, in the district where the offense is committed, to prosecute all violations of this Act, and furnish the Attorney General and members of the grand jury the names of State witnesses.

Hamilton County.

SEC. 15. *Be it further enacted,* That the provisions of this Act shall not apply to counties with a population under sixty thousand or over seventy-two thousand inhabitants, by the Federal Census of 1900, or any subsequent Federal Census.

SEC. 16. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed; and that this Act

take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 333.

House Bill No. 300.

AN ACT to extend the corporate limits of the City of Nashville, in Davidson County, Tennessee, and to make the corporate limits thereof coextensive with the lines and territory of the First Civil District of said county.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the City of Nashville, in Davidson County, Tennessee, be, and they are hereby, extended to and shall be coextensive with the lines and territory of the First Civil District of said county.

Sec. 2. *Be it further enacted,* That no portion of the territory added to the City of Nashville by this Act shall, prior to the year 1915, be assessed for payment of any portion of this present indebtedness of the said Mayor and City Council of Nashville.

Sec. 3. *Be it further enacted,* That this Act shall take effect on the first day of September, 1906, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 334.

HOUSE BILL No. 411.

A BILL to be entitled "An Act to provide for the protection and application of the funds arising from leases of the school lands in fractional township four, south, range five, east of the basis line, Ocoee District, Polk County, Tennessee."

WHEREAS, The school lands, to wit: Section sixteen, fractional township four, south range five, east of the basis line, Ocoee District, Polk County, Tennessee, have been leased for mining purposes, under Chapter 44, of the Acts of the General Assembly of 1889; and,

WHEREAS, The funds arising from said leases in connection with the common school fund of said township will be largely in excess of the amount required to maintain said common schools; therefore,

Township Commissioners to build school houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Township Commissioners of said township are hereby authorized to erect not exceeding two school buildings in said township for the purpose of establishing and maintaining secondary or graded schools; *Provided, however,* that before erecting any new building or buildings it shall be the duty of said Commissioners to call a mass meeting of the qualified voters of said township, by giving at least twenty days written or printed notice thereof in at least five public places in said township, and by publication in some newspaper published in the county. The plan, cost, and location of said building or buildings shall be submitted to said mass meeting, and if a majority of the qualified voters attending said meeting shall oppose or object to either the plan, cost, or location of said building, or buildings, said Commissioners shall not be authorized to erect the same. A record of the name of each qualified voter, voting in said meeting, and how he voted, shall be made and kept in a well-bound book provided for that purpose. Said Commissioners are hereby authorized to properly furnish any building or buildings erected as herein provided. If any

building or buildings shall be erected the contract or contracts therefor shall be let to the lowest bidder, who shall give bond in double the amount of the contract price, conditioned for the faithful performance of the contract.

Control of schools.

SEC. 2. *Be it further enacted,* That said Township Commissioners shall have full control and supervision of the township schools; *Provided,* that nothing herein shall be so construed as to interfere in any manner with the powers and duties of the common School Directors of the Eighth and Tenth Civil Districts of said county, or with their control of the common schools or common school funds of their district; *Provided, however,* that the Township Commissioners may, by arrangement with said District Directors, permit any children of school age in parts of said districts outside of the township to attend the township schools for such length of time as they would be entitled to attend the common schools of their districts; and *Provided further,* that all children of school age residing in said township shall have equal right to attend and receive instruction in the township schools.

SEC. 3. *Be it further enacted,* That the Township Commissioners are hereby authorized to contribute so much of the township funds as they may deem proper to the support and maintenance of the common schools in the township.

Scholastic census.

SEC. 4. *Be it further enacted,* That in July of each year said Commissioners shall enumerate the scholastic population of said township and make return thereof to the public school authorities as provided by general law pertaining to common schools.

Teachers.

SEC. 5. *Be it further enacted,* That said Commissioners are hereby authorized to employ competent instructors and pay them out of the township funds; *Provided,* that no instructor or teacher shall be employed who has not first obtained a certificate of qualification as now required by law for the common schools.

Funds—how paid out.

SEC. 6. *Be it further enacted,* That the township funds herein authorized to be expended by the Commissioners shall be paid out by the Trustee upon the warrant of any two of said Commissioners, and that the Trustee shall be allowed a commission of one per cent for collecting and paying out said funds.

Commissioners to keep account.

SEC. 7. *Be it further enacted,* That said Commissioners shall keep a full and complete account of all moneys expended by them, showing when and to whom paid and

for what purpose. On the first day of July of each year it shall be the duty of said Commissioners to file copies of said account under oath—one with the State Superintendent of Public Instruction and one with the Clerk of the County Court of said county. Any citizen of said township shall have the right at any time to examine and inspect said books of accounts, and any Commissioners refusing the same shall be guilty of a misdemeanor.

Commissioners to settle claims.

SEC. 8. *Be it further enacted,* That in case there are or may be any just or legal claims against said lands of fees, costs, or judgments in litigation to protect said lands, said Commissioners are hereby authorized to settle with legal and just creditors by compromise or otherwise out of any funds arising from said leases.

Trustee to loan surplus funds

SEC. 9. *Be it further enacted,* That if at any time there shall be in the hands of the Trustee as much as two thousand dollars over and above the amount required for current use of the schools of said township, it shall be his duty to loan the same to some solvent bank or banks for the best interest obtainable, and if at any time there shall be as much as five thousand dollars on hand not needed for current use of the schools, it shall be the duty of said Commissioners to invest the same as a permanent school fund in bonds of the United States or of the State of Tennessee. The interest on such loans or investments shall be placed to the credit of the funds of said township.

SEC. 10. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 335.

HOUSE BILL No. 780.

AN ACT to regulate the catching of fish in Houston County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall hereafter be lawful for any *bona fide* citizen of Houston County to catch, capture, or kill fish in any manner in said county for his own use or for the use of citizens of said county, except by dynamite or other explosive substances or seines or nets.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 336.

HOUSE BILL No. 759.

AN ACT to amend Sections 3 and 5, of Chapter 308, of the Acts of 1903, incorporating the Town of Erwin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 3 of Chapter 308 of the Acts of 1903 be, and the same is hereby, amended by omitting the word "January" and substituting "April."

SEC. 2. *Be it further enacted,* That Section 5 of Chapter 308 of the Acts of 1903 be, and the same is hereby,

amended by inserting after the word "same" the following: "To provide for the construction and repair of sidewalks and foot pavements, and if the owner or owners of any real estate shall fail to comply with the provisions of said ordinance within such time as may be prescribed therein, the Board of Mayor and Aldermen, through any officer or agent they may designate, may contract for the construction or repair of such sidewalks or foot pavements, and pay for the same, and the amount so paid shall draw interest and be a lien upon said real estate, and may be enforced by attachments at law or in equity or the amount may be recovered against said owner or owners by suit before any court of competent jurisdistion.

To take and appropriate land for widening or improving the streets or parts of streets, lanes or alleys or for laying new streets, avenues, squares, parks, promenades, or other public grounds, or for the changing of water courses when the public convenience or necessity requires it in the manner now provided by law.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 337.

HOUSE BILL No. 305.

Line between Overton and Clay Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between Overton and Clay Counties be so changed as to include all the lands of A. J. Poston, Bill Smith, J. P. Maxwell, J. B. Ayers, Elijah Carwile, and part of farm of Mrs. Fisk Kirkpatrick, in the Third Civil District of Overton County.

SEC. 2. *Be it further enacted,* That the point of beginning of the said new line be in the Overton and Clay County line, where said line crosses the line between Mrs. Kirkpatrick and Mrs. M. J. Abney, and running westwardly to A. J. Poston's north line; thence westerly with Poston's line to a stake in the west boundary line of the H. S. Maxwell's five thousand acre entry; thence south with said Maxwell line to a point where it crosses the Hutcherson's Fork of Mill Creek; thence up said creek to the Overton County line.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 338.

HOUSE BILL NO. 274.

AN ACT to create a Board of Jury Commissioners for counties in this State having a population of not less than 17,281 and not more than 17,300 inhabitants, according to the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, and for the selection of juries, to prescribe the duties of the members of said Board, and of the Judges, and punish violations of this Act, to provide for jury lists and jury boxes to be kept in each county affected by this Act, and to repeal all laws in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a Board of Jury Commissioners for each county in this State having a population of 17,281 and less than 17,300 inhabitants by the Federal Census of 1900 or that may have that number of inhabitants by any subsequent Federal Census, to be appointed by the Circuit and Criminal Judge, who holds court in said county, and in case there is more than

This Act applies to Marion County.

one Circuit Judge or a Judge holding a Criminal Court, or a Chancellor or other Judge whose duty it shall be to hold the Circuit Court or Criminal Court, then such Judges holding Circuit or Criminal Court, and if more than one Judge, by all jointly. Said Board shall consist of three discreet persons who are householders and freeholders of the county, and who are not practicing attorneys at law or State or county officers, each of whom shall be appointed for a term of two years after the passage of this Act. All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made. In the event that at any time when by the provisions of this Act it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof, or by the certificate of a reputable physician, that such member is by temporary sickness or physical disability or other good and sufficient reason unable to attend and discharge such duty or duties, then said affidavit or certificate shall be filed in the office of the Circuit Court Clerk, and the two remaining members shall constitute the Board and discharge such duties.

SEC. 2. *Be it further enacted,* That the Jury Commissioners, before entering upon the discharge of their duties, shall take and subscribe before an officer authorized to administer oaths the following oath—namely:

Oath of Commissioners.

"I, A———— B————, do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the county of (filling in name), to the best of my knowledge and ability; that I will not place the name of any person on said list, or in the jury box, whom I believe to be corrupt or unfit, or who has to my knowledge solicited that his name be placed on the jury list or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duty, unless called upon to give evidence thereof in some court of justice or other legal tribunal of this State, so help me, God."

Said oath shall be spread upon the minutes of the Circuit or Criminal Court, and the original preserved as a part of the records of said Commissioners.

Organization.

SEC. 3. *Be it further enacted,* That immediately after their appointment and qualification, said Jury Commissioners shall meet and organize by the election of their

members as Chairman, the Clerk of the Board of Jury Commissioners, and shall perform all the clerical duties required by law. Before entering upon the performance of his duties as Clerk of said Board, he shall take and subscribe to an oath to faithfully discharge his duties as required by law, and that he will never divulge any of the proceedings or deliberations of the Jury Commissioners, unless compelled to testify thereto in some court of this State. That oath shall be spread upon the minutes of the court and the original preserved as a part of the records of the Commission.

Jury lists to be prepared.

SEC. 4. *Be it further enacted*, That it shall be the duty of the said Jury Commissioners to select from the tax books of the county and other sources the names of upright and intelligent men known for their integrity, their character, and sound judgment from each and every district in the county, and in the proportion to the population of said districts as near as may be, and possessing the qualifications now prescribed by law, except that service on the regular panel within two years shall not disqualify a person, a list of names numbering not less than one-eighth the whole number of votes cast in the county for presidential elections at the presidential election next preceding the making of said list; *Provided*, that said list shall not for any one county contain more than one thousand nor less than two hundred and fifty names. Said list shall constitute the jury list for two years from the making thereof, and shall not, during said years, be added to or taken from, except as hereinafter provided. The Circuit Court Clerk of the Board shall purchase for the Board at the expense of the county a suitable and well-bound book in which to record said list. At the top of each page of said book shall be written or printed the words, "Jury Lists for ———— County" (filling in the name of the county). Said book shall be so ruled as to leave space at the left-hand side of each page for the names, and at the right-hand side for such entries as are hereinafter provided for. Preceding the list of names in said book shall be written these words: "Jury List, selected by the Board of Jury Commissioners for ———— Counties, the day of ———— (filling in the name of county and date). Immediately following this shall be recorded the list of jurors selected, placing one name on each line, arranging the names in alphabetical order, and numbering them consecutively, beginning with number

Record—how kept.

one. After each name shall be placed in parenthesis the initials of the Commissioner proposing such name, but no name shall be placed on said list except by majority vote of the Board of Commissioners. At the end of the list shall be written and signed by the Commissioners the following: "We certify that the foregoing was the jury list selected by us, the —— day of ———" (filling in the names). The Commissioners shall also report the list to the next term of the Circuit and Criminal Court as follows: "To the honorable Circuit and Criminal Court of ———— County (filling in the name of the county). We, the Jury Commissioners for said county, respectfully submit the following as a jury list, selected by us for the next two years, as shown by the jury book herewith—viz." (here shall follow a complete copy of the list). Each of the names on said list shall be written on a slip or scroll of paper and placed in an envelope containing no mark or sign indicating the name within the envelope, and then placed in a box, to be known as a Jury Box, and so labeled. Said box shall be kept securely locked and under seal, and it shall not be unlocked, or the seal broken, except by the order of, and in the presence of, the Board, and then only for the purpose of drawing therefrom the names of jurors, or making a new list as herein provided, or in open court by order of the Circuit or Criminal Court for good and sufficient cause. Said jury book shall be kept in secret by the Clerk under lock and key, and no one shall be allowed to inspect the same, except the Clerk, the presiding Judge, and Jury Commissioners. It shall be the duty of the Clerk of the Circuit Court to record the jury list in said jury book, and to write the names or number on said slips or scroll. For these services he shall be entitled to a fee of five cents for each name on said list, to be paid by the county on the certificate of the Circuit or Criminal Judge that the services have been rendered.

Lists to be kept secret.

Sec. 5. *Be it further enacted,* That not less than ten days nor more than fifteen before each regular or special term of the Circuit Court or Criminal Court said Board shall unlock the jury box and break the seal thereof, and after well shaking the same, cause to be drawn therefrom, in the presence of the Board, by a child under ten years of age, a number of names equal to the number of jurors, who, under existing laws, are selected by the County Court and Judge of the Circuit or Criminal Court, or the

Jurors' names to be drawn from box.

number designated by the order of the Court, as hereinafter provided, to constitute the regular panel of grand and petit jurors for such term of court. In the event a name or names of a person or persons known to the Commissioners to have died, or to have removed from the county, or to be mentally or physically disabled, shall be drawn, such name or names shall be put aside and another name or names drawn in its or their stead. When in this way a required number of names have been drawn, the slips or scrolls on which they have been written shall be placed in a sealed envelope safely kept by the Chairman of the Board, and by him delivered in open court to the Judge in open court on the first day of the term. In the same manner all names which have been drawn and put aside as above provided shall be kept and delivered in open court. A report shall also be prepared by the Clerk of the Board substantially as follows: "To the Honorable ———— Court of ———— County (filling in name of the court, whether Circuit or Criminal, and also the name of the county). We, the Jury Commissioners for said county, respectfully report the following as the regular panel of grand and petit jurors which have been drawn according to law for the ———— term of said court—viz. (filling in the blank before the word "term," and then copying the name drawn from the jury box.)" If any names have been drawn and put aside as above provided, there shall be added to the report substantially the following: "In addition to the above there were drawn from the jury box the following names of persons known to the Board to have died or removed from the county or become mentally or physically disabled—viz. (here copying such names)." If, as hereinbefore provided, any member of the Board cannot be present at said drawing, this fact shall be stated in the report, which shall be signed by the members actually present at the drawing. This report shall be delivered to the Clerk of the Circuit or Criminal Court, and by him filed in his office, and the date of such filing endorsed thereon. Thereafter, and at least five days before the next regular or special term of such court, the Clerk of the court shall issue to the Sheriff a writ of *venire facias* commanding him to summon the persons whose names are set out in said report as the jurors for said term of court, and it shall be the duty of the Sheriff to serve the same as now provided. At such regular or special term of the court the

Report of Commissioners to each term of court.

Judge thereof shall first compare the list contained in the report filed with the Clerk with the names on the slip or scrolls delivered in open court by the Chairman of the Board, and if they correspond they shall constitute the panel of grand and petit jurors for that term of the court, and said report shall be spread upon the minutes of the court. From this panel the grand and petit jurors shall be made up as now required by law, examining each proposed juror to ascertain if he is qualified. In the event that by reason of the disqualification of proposed jurors or other cause the required number of jurors cannot be obtained from said panel, the Clerk of the Circuit Court shall produce in open court the jury box, and said box shall be opened and there shall be drawn therefrom in the manner provided for the original drawing, except that it shall be done in open court instead of the presence of the Board, the number of names deemed by the Judge sufficient to complete the juries. This process shall, if necessary, be continued until the grand and petit juries are completed; *Provided,* it shall be the duty of the Judge of each Circuit and Criminal Court to make a rule or order of court entered on the minutes designating how many jurors shall be in attendance on each term of the court, and the number of additional or extra jurors who shall be in attendance to supply the places of such jurors as shall be disqualified in particular cases, and further directing how many names shall be drawn by the Board for each term, including such number as he deems necessary to insure the prompt assembling of the juries.

Grand and petit juries—how made up.

SEC. 6. *Be it further enacted,* That a list shall be kept by the Clerk of the Court of all persons whose names are drawn from the jury box, but who are for any reason other than that they are not qualified, do not serve as regular jurors, and when the juries are made up an entry shall be spread upon the minutes showing a list of such persons, and their names shall in open court be put back into the jury box, the court ordering the box to be opened for that purpose. A list of these constituting the regular grand and petit jurors shall also be spread on the minutes, and it shall be the duty of the Clerk of the Circuit Court to enter in the space following the name of every such juror on the jury list the following words, "Regular jury," and also the date of such service on the jury. The names drawn from the jury box as herein provided shall constitute the juries for both the Circuit and Criminal Court.

Names of unused jurors to be replaced

SEC. 7. *Be it further enacted,* That whenever the dge is satisfied that in any case a jury cannot be ob- ned from the regular panel, he may, but not earlier an three days before the case is assigned for hearing, use the jury box to be brought into open court, and such mber of names as he deems sufficient to obtain such jury be drawn therefrom, and the Sheriff shall forthwith mmon the persons whose names so drawn from the panel drawn and summoned and the regular panel, the panel all be made up, if practicable; if not, another panel all likewise be drawn and summoned instanter, and so n until the jury is completed, or the jury box exhausted fore the jury is completed, the Sheriff shall summon ch other men as may be designated by the presiding udge until the jury is completed; *Provided,* that in case f emergency the presiding Judge may in his discretion, here the regular panel has been exhausted before the ury is completed, furnish the Sheriff with additional ames, who shall forthwith be summoned by the Sheriff, nd so on until the jury is completed. The Judge shall ot place on the list the name of any person who seeks irectly or indirectly through another to be summoned as a juror, and such solicitation shall operate to disqualify said persons for jury service.

Court may order panel from outsiders, when.

SEC. 8. *Be it further enacted,* That it shall be a misdemeanor punishable by a fine of not less than $25 nor more than $50 for any person to request, or have another request, to be placed upon said jury list. The names drawn from the jury box under this section shall be carefully preserved and returned to the jury box, whether such person serve on the jury or not, in the same manner as hereinbefore provided, with respect to names of those drawn but not serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned under this section that he has served on a regular jury within two years, nor shall serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned under this section that he has served on a regular jury within two years, nor shall serving on a jury under this section disqualify or excuse him from service on the regular juries if his name is regularly drawn from the box thereafter. The Clerk of the court shall keep a list of all persons serving on juries; *Provided,* in this section and at the close of each term shall furnish the same to the Clerk of the Board, who shall enter opposite each such

name the words, "Served on special jury," together with the date of such service.

Court may excuse jurors.

SEC. 9. *Be it further enacted,* That the court shall not have the right to excuse any person summoned as a juror who is qualified for service, except it may be made to appear by affidavit in writing, which shall be preserved as a record of court, and in which it shall appear to the satisfaction of the court that the state of his own health or that of his family requires his absence, or that some pressing and urgent business engagement the neglect of which would cause irreparable loss, or the public service would be materially injured by the attendance, and such details shall be given as will clearly show the reason therefor to the satisfaction of the court. If excused, it shall be only for such time as the cause of excuse exists. If by reason of excusing of jurors under this section it becomes necessary to have additional jurors during the term, they shall be drawn and summoned, the drawing to be done in open court, as provided in Section 5 of this Act. Nothing in this Act shall be construed as prohibiting a Judge from discharging a juror for good cause to him appearing.

SEC. 10. *Be it further enacted,* That before the Clerk delivers to the Sheriff or Deputies the writ for the regular panel, or any writ for names of jurors otherwise drawn, or prepared by the presiding Judge, he shall administer an oath to the Sheriff or Deputies to keep said names secret, and instruct them to caution such jurors not to divulge the fact that they have been summoned as jurors.

Jury lists—when to be made by Commissioners.

SEC. 11. *Be it further enacted,* That the jury list herein provided for shall be prepared as soon as practicable after the passage of this Act. On the first Monday in July, 1905, or as soon thereafter as practicable, and biennially thereafter, the Board shall make out a new jury list and place the names in the jury box, the names then remaining in the jury box being first removed; *Provided,* that if within two years the number of names remaining in the jury box shall have been reduced until there are less than one-third of the number of names on the jury list, then the Judge of the Circuit or Criminal Court shall, by an order made either at chambers or in open court, require the Board to renew the list and box as though the two years had expired.

SEC. 12. *Be it further enacted,* That when a new jury list is to be made the Board shall, if practicable, not put

thereon the names of those on the list for the preceding two years, who have actually served during that time as regular jurors.

Court may investigate box —when.

SEC. 13. *Be it further enacted,* That if for any reason the court should at any time discover that the jury box has not been filled or renewed, or that the jury list has not been prepared or renewed as required by law, or the panel drawn therefrom, as required by law, or the jury box has been tampered with, the Circuit or Criminal Judge may have the right to investigate said jury box, and also the jury list, and see that this Act is duly enforced, and should it be discovered that any irregularities or frauds exist, correct them. If for any reason a legal panel is not furnished a Circuit or Criminal Court at any regular or special term, as provided by this Act, then the Judge of said court shall have the right to select a panel and such additional jurors as may be needed by this court during said term of court.

Lists to be kept secret.

SEC. 14. *Be it further enacted,* That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the Court, his Deputy, or the Sheriff, or any of his Deputies, to divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names constitute the panel, or any part of it for the court, or any name or names drawn from the jury box for service in any case pending in court or to fail to perform any duty imposed by this Act, and upon conviction thereof they shall pay a fine of not less than $40 and be imprisoned in the county jail not less than thirty days, one or both, in the discretion of the court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years. It shall also be contempt of court punishable by the Circuit Court upon its own motion, or upon the petition of the District Attorney, for any Jury Commissioner, Circuit Court Clerk, or other person to open any jury box, except as herein provided, or to destroy, deface, or remove without authority such box, or to change, deface, or remove without authority any jury list, or to assist or connive at such acts, or for any custodian of a jury box or list to knowingly permit any such acts to be done.

Court may remove Commissioners.

SEC. 15. *Be it further enacted,* That the Judge or Judges having the right to appoint Jury Commissioners have the right and authority to remove any and all of such Jury Commissioners for incompetency, failure to perform

their duties as required by law, or corruption in office, or for any other good and sufficient reason, upon giving five days' notice to said Commissioner or Commissioners of the time and place of taking action thereon and the grounds therefor.

Compensation of Commissioners.

SEC. 16. *Be it further enacted,* That said Jury Commissioners shall receive two dollars each for every day's service while actually engaged in making up the jury list, to be paid from the county treasury.

SEC. 17. *Be it further enacted,* That the book for recording the jury list, and also the jury box, shall be purchased by the Circuit Court Clerk and paid for by the county, and the Circuit Court Clerk shall be the custodian of such book and box, which book and box shall not be open for inspection, except to the Commissioners themselves and the courts heretofore referred to.

SEC. 18. *Be it further enacted,* That in the absence of fraud no irregularity with respect to the provisions of this Act shall affect the validity of the grand jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury, unless such irregularity has been specifically pointed out and exception taken thereto before the jury is sworn.

SEC. 19. *Be it further enacted,* That the provisions of this Act will apply to all grand and petit juries in all Circuit and Criminal Courts of this State.

SEC. 20. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 21. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 339.

House Bill No. 644.

AN ACT to repeal Chapter 220 of the printed Acts of Tennessee of 1847-8, being an Act entitled "An Act to incorporate the town of Richmond, in Bedford County; to fix the time of holding the Chancery Court at Rutledge, and for other purposes," and to repeal all laws that amend said Act so as to repeal the charter of the Town of Richmond.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 220 of the Acts of Tennessee of 1847-8, and all laws amending said Act, be, and are hereby, repealed, and the charter of the Town of Richmond be, and is hereby, repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 340.

House Bill No. 467.

AN ACT to authorize incorporated Board of Education of public schools in cities and taxing districts of 100,000 inhabitants or over, according to the Federal Census of 1900, or any future census, to issue bonds for certain school purposes.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That incorporated Board of Education in cities or taxing districts of 100,000 inhabitants

This Act applies to Shelby County.

or over, according to the Federal Census of 1900 or any future census, be, and the same are hereby, invested with power and authority to issue coupon bonds to an amount not exceeding $125,000 in addition to such bonds heretofore issued by such bonds or any of them; said bonds so authorized to be issued for the purpose of providing ways and means for the construction of school buildings and grounds and for improvements and repairs to school property.

SEC. 2. *Be it further enacted,* That bonds authorized by this Act may be issued in such denominations and made payable when it may seem to the said Board of Education best fitted to accomplish the object in view, and shall bear a rate of interest not exceeding four and one-half per cent per annum, payable in lawful money of the United States and at such place as such Boards of Education may fix and determine. Said bonds shall be in such form as may be fixed and prescribed by said Board of Education, and shall be signed with the signatures of the President and Secretary of such Boards, the interest coupons attached to such bonds bearing the engraved or lithographed signature of the President and Secretary of such Boards; *Provided,* however, that said bonds shall not be sold for less than par, and no commission shall be paid for the sale of said bonds.

Bonds may be secured by mortgage.

SEC. 3. *Be it further enacted,* That said Boards of Education and each of them are hereby authorized and empowered to secure the payment of each and all of said bonds and coupons authorized by this Act to be issued, ratably and without preference by a mortgage or trust deed upon any and all real estate and buildings thereon; the property of said Board of Education and said mortgages or trust deeds may contain such terms or provisions as such Board of Education or any of them so issuing said bonds may deem most expedient and best, not inconsistent with this Act.

Pay interest on bonds.

SEC. 4. *Be it further enacted,* That the Boards of Education so issuing said bonds under this Act are given the irrepealable power and authority and are directed to pay the interest evidenced by the coupons upon said bonds as they severally mature from and out of the taxes hereinafter authorized and directed to be levied and collected for this purpose, and said taxes shall be used for this specific purpose and for none other.

Council to levy tax for interest on sinking fund.

SEC. 5. *Be it further enacted,* That the Legislative ouncil or other governing agencies of said cities and tax- g districts are hereby given the irrepealable power and uthority and are directed in addition to the taxes levied r them for the building of said schools, or the payment bonds heretofore issued by said School Boards, and ow outstanding, to annually levy a tax sufficient to pay e interest on such bonds authorized to be issued by this ct as the same mature, and to create a sinking fund fficient to pay the principal of said bonds at their maurity.

Sinking fund to be invested.

SEC. 6. *Be it further enacted,* That the said sinking nd directed by this Act shall be held and invested by e Fire and Police Commissioners or other governing gencies of said cities and taxing districts or by their cororate successors either in purchasing and retiring the onds authorized to be issued by this Act or by investing aid sinking fund in other public securities as in their udgment may seem best for the safe preservation of said und until said bonds mature, when they shall use said inking fund and all accumulations thereof in payment of he principal of said bonds.

SEC. 7. *Be it further enacted,* That said Board of Education issuing bonds under this Act shall cause to be prepared a register of said bonds and coupons, showing heir date, amount, and disposition made of same, and nake report thereon at the time of making their general report, for which service no compensation shall be allowed.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 341.

House Bill No. 848.

AN ACT to create a Board of Jury Commissioners for counties in this State having a population of twenty-four thousand nine hundred and thirty (24,930) and less than twenty-four thousand nine hundred and nfty (24,950) inhabitants by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, and for the selection of juries; to prescribe the duties of members of said Board and of the Judges, and punish violations of this Act; to provide for jury lists and jury boxes to be kept in each county affected by this Act, and to repeal all laws in conflict with this Act.

This Act applies to Sullivan County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a Board of Jury Commissioners for each county in this State having a population of twenty-four thousand nine hundred and thirty, and less than twenty-four thousand nine hundred and fifty inhabitants by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, to be appointed by the Governor of the State of Tennessee.

Jury Commissioners to be appointed.

Said Board shall consist of three discreet persons who are twenty-one years of age, citizens, householders and freeholders of the county, and who are not practicing attorneys at law, or Federal, State, county, or municipal officers, and who have no suit pending in said court at the time of their or his appointment, and not more than two of whom shall belong to the same political party, each of whom shall be appointed for a term of two years. All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made.

Qualification.

In the event that at any time when, by the provisions of this Act, it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof, or by the certificate of a reputable physician, that such member is by temporary sickness or physical disability, or for some other good and sufficient reason, unable to attend and discharge such duty or duties, then said affidavit or certificate shall be filed in the office

Duties.

of the Circuit Court Clerk, and the two remaining members shall constitute the Board and discharge such duties. In case more than one Commissioner is sick or unable to discharge his duties, or for any reason fails or refuses to perform his or their duties as Commissioner or Commissioners, this fact shall be certified to the Governor by the Clerk of the Circuit Court or Courts of counties affected by this Act, or by his or their Deputy or Deputies, and the Governor shall immediately appoint a Commissioner or Commissioners, to serve pending the removal of said disabilities and until the regular Commissioner or Commissioners are able to perform, and perform, his or their duties; or his or their places are permanently filled as herein provided. Such special Commissioner or Commissioners shall take the same oath and be subject to the same rules and regulations as regular Commissioners. Two Commissioners shall be required to be present to transact any business.

SEC. 2. *Be it further enacted,* That the Jury Commissioners, before entering on the discharge of their duties, shall take and subscribe before an officer authorized to administer oaths the following oath—viz.:

"I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the County of ———— (filling in name) to the best of my knowledge and ability; that I will not place the name of any person or persons on said jury list or lists, or in the jury box or boxes, whom I believe to be corrupt and unfit, or who has to my knowledge solicited, or had others to solicit, that his name be placed on the jury list or lists, or in the jury box or boxes; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in discharge of their duties, unless called upon to give evidence thereof in some court of justice or other legal tribunal of this State, so help me God." Oath.

Said oath shall be spread upon the minutes of the Circuit Court, and the original preserved as a part of the records of said Commissioners.

SEC. 3. *Be it further enacted,* That immediately after their appointment and qualification said Jury Commissioners shall meet and organize by the election of one of their members as Chairman. The Clerk of the Circuit Court, or his Deputy, shall be the Clerk of the Board of Jury Commissioners, and shall perform all the clerical Organization of Board.

duties required by law. Before entering upon the performance of his duties as Clerk of said Board, he shall take and subscribe to an oath to faithfully discharge his duties, as required by law, and that he will never divulge any of the proceedings and deliberations of the Jury Commissioners, unless compelled to testify thereto in some court of this State. This oath shall be spread upon the minutes of the court, and the original preserved as a part of the records of the Commissioners.

Selection of jury lists.

SEC. 4. *Be it further enacted,* That it shall be the duty of said Jury Commissioners to select from the tax books of the county and other sources names of upright and intelligent men, known for their integrity, fair character, and sound judgment, from each and every district in the county, and in proportion to the population of such districts, as near as may be, and possessing the qualifications now prescribed by law, except that served on a regular panel within two years shall not disqualify a person, a list, or lists of names not numbering less than one-sixth the whole number of votes cast in the county, or in the districts comprising any circuit or law court thereof, for Presidential Electors at the presidential election next preceding the making of said list or lists; *Provided,* said list or lists shall not, for any one county or court thereof, contain more than four thousand names nor less than two hundred names. Said list or lists shall constitute the jury list or lists for one year from making thereof, and shall not during said years be added to or taken from, except as hereinafter provided.

Clerk to keep record of same.

The Circuit Court Clerk shall purchase for the Board a suitable and well-bound book or books, in which to record said list or lists. At the top of each page of said book or books shall be written or printed the words, "Jury list for ———— County (filling in the name of the county), and for ———— Court (filling in the name of the court)." Said book or books shall be so ruled as to leave a space at the left-hand of each page for the names, and at the right-hand side for such entries as are hereinafter provided for.

Preceding the list of names in said book or books shall be written these words: "Jury list or lists, selected by the Board of Jury Commissioners for ———— County, and ——— Court, the ——— day of ———" (filling in the name of county, court, and date). Immediately following this shall be recorded the list of jurors selected,

placing one name on each line, arranging the order and numbering them consecutively, beginning with number one. After each name shall be placed (in parenthesis) the initials of the Commissioner or Commissioners proposing such name, but no name shall be placed on said list except by majority vote of the Board of Commissioners. At the end of the list shall be written and signed by the Commissioner the following: "We certify that the foregoing is the jury list selected by us the —— day of ———— (filling in the date)." The Commissioners report the list or lists to the next term of the Circuit or Law Court, as follows:

Report of Commissioners.

"To the Honorable ———— Court of ———— (filling in name of the county and court): We, the Jury Commissioners for said county, respectfully submit the following as the jury list selected by us for the next year, as shown by the jury book herewith—viz. (here shall follow a complete copy of the list)." Each of the names on said list shall be written on a slip or scroll of paper, placed in a box or boxes, to be known as the jury box or boxes, and so labeled. Said box or boxes shall be kept securely locked and under seal, and it, or they, shall not be unlocked or the seal broken except by order of and in the presence of the Board, and then only for the purpose of drawing therefrom names of jurors or making a new list or lists, as herein provided, or in open court, by order of the court, for good and sufficient cause.

Said jury books or books shall be kept in secret by the Clerk, or his Deputy, under lock and key, and no one shall be allowed to inspect the same except the Clerk, or his Deputy, the presiding Judge, and the Jury Commissioners.

It shall be the duty of the Clerk of the Circuit Court, or his Deputy, to record the jury list or lists in said jury book or books, and to write the names and numbers on said slips or scrolls. For these services he shall be entitled to a fee of five cents for each name on said list or lists, to be paid by the county on the certificate of the Circuit Judge that the services have been rendered.

Jurors for each term, how selected.

SEC. 5. *Be it further enacted,* That not less than ten days nor more than fifteen days before each regular or special term of court said Board shall unlock the jury box for that court and break the seal thereof, and after having well shaken the same, cause to be drawn therefrom, in the presence of the Board, by a child under ten years of

age, a number of names equal to the number of jurrors, who, under existing laws, are selected by the County Court, or the number designated by order of the Court, as hereinafter provided, to constitute the regular panel of grand and petit jurors for such term of court. In the event a name or names of a person or persons known by the Commissioners to have died or removed from the county, or to be mentally or physically disabled, shall be drawn, such name or names shall be put aside and another name or names drawn in its or their stead. When in this way the required number of names have been drawn, the slips or scrolls on which they have been written shall be placed in a sealed envelope and safely kept by the Chairman of the Board, and by him delivered in open court to the Judge of the court on the first day of the term.

In the same manner all names which have been drawn and put aside, as above provided, shall be kept and delivered in open court.

A report shall also be prepared by the Clerk of the Board substantially as follows:

Report to each term of court.

"To the Honorable ———— Court of ———— County (filling in the name of the court, whether Circuit or Law, and also the name of the county): We, the Jury Commissioners for said county, respectfully report the following as the regular panel of grand and petit jurors, which have been drawn according to law for the ———— term of said court—viz. (filling in the blank before the word 'term' and then copying the names drawn from the jury box.)"

If any names have been drawn and put aside as above provided, there shall be added to the report, substantially the following: "In addition to the above, there were drawn from the jury box the following names of persons known to the Board to have died, removed from the county or district, or become mentally or physically disabled—viz. (here copy such names)."

If, as heretofore provided, any member of the Board cannot be present at said drawing, these facts shall be stated in the report, which shall be signed by the members actually present, not less than two at the drawing.

This report shall be delivered to the Clerk of the Circuit or Law Court, according to the court for which said panel has been drawn, and by him filed in his office, and the date of such filing endorsed thereon.

Thereafter, and at least five days before the next regular or special term of such court, the Clerk of the court, or his Deputy, shall issue to the Sheriff a writ *venire facias,* commanding him to summon the persons whose names are set out in said report, as the jurors of said term of court, and it shall be the duty of the Sheriff to serve same as now provided. At such regular or special term of the court the Judge thereof shall first compare the list contained in the report filed with the Clerk with the names on the slips or scrolls, delivered in open court, by the Chairman of the Board, and if they correspond they shall constitute the panel of grand and petit jurors for that term of the court, and said report shall be spread upon the minutes of the court. From this panel the grand and petit juries shall be made up, as now provided by law, examining each proposed juror to ascertain whether he is qualified. In the event that by reason of the disqualification of proposed jurors, or other cause, the required number of jurors cannot be obtained from said panel, the Clerk of the Circuit or Law Court, or his Deputy, shall produce in open court the jury box, and said box shall be opened, and there shall be drawn therefrom, in the manner provided for the original drawing, except that it shall be done in open court instead of in the presence of the Board, the number of names deemed sufficient by the Judge to complete the juries. This process shall, if necessary, be continued until the grand and petit juries are completed; *Provided,* it shall be the duty of the Judge of each Circuit Court and Law Court to make a rule, or order of court, entered on the minutes designating how many jurors shall be in attendance to supply the places of such jurors as shall be disqualified in particular cases, and further directing how many names shall be drawn by the Board for each term, including such number as he deems necessary to insure the prompt impaneling of the juries.

Clerk to issue summons to Sheriff.

Drawing of extra jurors.

SEC. 6. *Be it further enacted,* That a list shall be kept by the Clerk of the Court, or his Deputy, of all persons whose names are drawn from the jury box or boxes, but who for any reason, other than that they are not qualified, do not serve as regular jurors; and when the juries are made up an entry shall be spread upon the minutes showing a list of such persons, and their names shall, in open court, be put back in the jury box, the court ordering the box to be opened for that purpose. A list of those constituting the regular grand and petit jurors shall also

Names unused to be replaced in jury box.

be spread upon the minutes; and it shall be the duty of the Clerk of the Circuit or Law Court, or his Deputy, to enter in the name of every such juror on the jury list the following words, "Regular jury," and also the date of such service on the jury.

Court may order additional names to be drawn, when.

SEC. 7. *Be it further enacted,* That whenever the Judge is satisfied that in any case a jury cannot be obtained from the regular panel, he may, but not earlier than three days before the case is assigned for hearing, cause the jury box to be brought into open court, and such number of names as he deems sufficient to obtain such jury to be drawn therefrom, and the Sheriff shall forthwith summon the persons whose names are drawn. From the panel so drawn and summoned, and the regular panel, the panel shall be made up, if practicable. If not, another panel shall likewise be drawn and summoned instanter, and so on until the jury is completed or jury box exhausted; if the jury box is exhausted before the jury is completed, the presiding Judge shall order the Sheriff to summon the Jury Commissioners to appear in open court and they shall proceed to make up a jury list and fill the jury box as already provided in this Act, and the jury box shall be brought again into open court and another number of names drawn therefrom under the direction and supervision of the presiding Judge, the juror summoned, and the jury completed if possible; *Provided,* that in case of emergency, when the Jury Commissioners cannot be gotten together and the jury list and the box cannot be filled, and the jury box is empty, the presiding Judge may, in his discretion, where the jury is not completed, furnish the Sheriff with additional names, who shall forthwith be summoned by the Sheriff, and so on until the jury is completed. The Judge shall not place on the list the name of any person who seeks directly or indirectly through another to be summoned as a juror, and such solicitations shall operate to disqualify said person for jury service. It shall be a misdemeanor, punishable by fine of not less than twenty-five dollars nor more than fifty dollars, for any person to request, or have another request, to be placed upon said jury list. The names drawn from the jury box under this section shall be carefully preserved and returned to the jury box, whether such person serve on the jury or not, in the same manner as hereinbefore provided; with respect to those drawn but not serving as regular jurors, it shall not be cause for challenge of a person drawn or sum-

May order special panel from outsiders, when.

moned under this section that he has served on a regular jury within two years, nor shall service on a jury under this section disqualify or excuse him from service on the regular juries, if his name is regularly drawn from the box thereafter. The Clerk of the Court, or his Deputy, shall keep a list of all persons serving on the juries as provided in this section, and at the close of each term shall furnish the same to the Clerk of the Board, who shall enter opposite each such name the words, "Served on special jury," together with the date of such service.

Jurors, how excused by court.

SEC. 8. *Be it further enacted,* That the court shall not have the right to excuse any person summoned as a juror who is qualified for service, except it be made to appear by affidavit in writing, which shall be preserved as a record of court, and in which it shall appear to the satisfaction of the court that the state of his own health or that of his family requires his absence, or that some pressing or urgent business engagement, the neglect of which would cause irreparable loss, or the public service will be materially injured by his attendance, and such details shall be given as will clearly show the reason therefor to the satisfaction of the court. If excused, it shall only be for such time as the cause for such excuse exists. If, by reason of excusing of jurors under this section, it becomes necessary to have additional jurors during the term, they shall be drawn and summoned, the drawing to be done in open court, as provided in Section 5 of this Act. Nothing in this Act shall be construed as prohibiting a Judge from discharging a juror for good cause to him appearing.

Sheriff to take oath.

SEC. 9. *Be it further enacted,* That before the Clerk or his Deputy shall deliver to the Sheriff, or his Deputies, the writ for the regular panel, or any writ for names of jurors otherwise drawn or prepared for the presiding Judge, he shall administer an oath to said Sheriff, or his Deputies, to keep said names secret and instruct him or them to caution such jurors as summoned not to divulge the fact that they have been summoned as jurors.

When lists are to be prepared by Jury Commissioners.

SEC. 10. *Be it further enacted,* That the jury list or lists herein provided for shall be prepared as soon as practicable after the passage of this Act. On the first Monday in May, 1905, or as soon thereafter as practicable, and annually thereafter, the Board shall make out a new jury list or lists, and place the names in the jury box or boxes, the old names then remaining in the jury box

being first removed; *Provided,* that within the year the number of names remaining within the jury box or boxes shall have been reduced until there are less than one hundred names on the jury list or lists, or in the jury box or boxes, then the Judge of the Circuit or Law Court shall, by an order made either at chambers or in open court, require the Board to renew the list or lists, box or boxes, as though the year had expired.

SEC. 11. *Be it further enacted,* That when a new jury list is to be made the Board shall, if practicable, not put thereon the names of those on the list for the preceding year who have actually served during that time as regular jurors.

Court may investigate jury box—when.

SEC. 12. *Be it further enacted,* That if for any reason the court should at any time discover that the jury box, or boxes, had not been filled or renewed as required by law, or the panel or panels drawn, or additional names drawn therefrom as required by law, or the jury box or boxes had been tampered with, the Judge of the Circuit or Law Court shall have the right to investigate and examine said jury box or boxes and also the jury list or lists, and see that this Act is duly enforced, and should it be discovered that any irregularities or fraud exists correct same. If for any reason a legal panel is not furnished a Circuit or Law Court at any special or regular term thereof, as provided by this Act, then the Judge of said court shall summon said Jury Commissioners to appear in open court, and said Jury Commissioners shall then cause to be drawn from the jury box, as already herein provided, such number of names as the presiding Judge may direct, and furnish list of names drawn to the Clerk or his Deputy, said jurors shall forthwith be summoned and the juries made up as heretofore provided in this Act.

Lists to be kept secret.

SEC. 13. *Be it further enacted,* That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the court, his Deputy, or the Sheriff, or any of his Deputies, to divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names constitute the panel, or any part of it, for the court or courts, or any name or names drawn from the jury box or boxes for service in any case pending in court, or to fail to perform any duty imposed by this Act, and upon conviction thereof, he or they shall pay a fine of not less than forty dollars and be imprisoned in the county jail for not less than thirty

days, one or both, in the discretion of the court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years. It shall also be a contempt of court punishable by the Circuit or Law Court upon its own motion, or upon the petition of the District Attorney, for any Jury Commissioner, Circuit Court Clerk, or any other person, to open any jury box or boxes except as herein provided, or to destroy, deface, or remove without authority such box or boxes, or change, deface, or remove without authority any jury list or lists, or assist to connive at any such acts, or for any custodian of the jury box or boxes, list or lists, to knowingly permit any such acts to be done.

Governor may remove Commissioners.

SEC. 14. *Be it further enacted,* That the Governor shall have the right and authority to remove all or any of said Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or for any other good and sufficient reason shown.

SEC. 15. *Be it further enacted,* That the Jury Commissioners shall receive two dollars each for every day's service while actually engaged in making up the jury lists to be paid from the County Treasury.

Records to be paid for by counties.

SEC. 16. *Be it further enacted,* That the book or books for recording the jury list or lists, also the jury box or boxes, shall be purchased by the Circuit Court Clerk and paid for by the county, and the Circuit Court Clerk or his Deputy shall be the Custodian of said book or books, box or boxes, which book or books, box or boxes shall not be opened for inspection except to the Commissioners themselves and the courts heretofore referred to.

SEC. 17. *Be it further enacted,* That in the absence of fraud no irregularity with respect to the provisions of this Act shall affect the validity of any action of the grand jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury, unless such irregularity has been specially pointed out and exceptions taken thereto before the jury is sworn.

Act applies to all juries.

SEC. 18. *Be it further enacted,* That the provisions of this Act shall apply to all grand and petit juries in all Circuit and Law Courts in any and all of the counties of this State coming within the provisions of this Act.

SEC. 19. *Be it further enacted,* That in case any of the counties of this State, affected by the provisions of this

Act shall have two courts (other than the Chancery Court) sitting in either or any of said counties wherein jury trials are had, then the regularly appointed Deputy of the Circuit Court Clerk, if any, may keep and hold the jury list and box for his court, and may act as Clerk of the Board for all business pertaining to his court, and may do and perform any and all acts with reference thereto in as full and ample manner as the Clerk himself could do; and in case said Deputy is, by the terms of his appointment, a Deputy for the entire county, then he may do and perform any and all the duties of the Clerk under the provisions of this Act. The Deputy shall take and subscribe to the same oath as the Clerk, and be subject to the same rules and regulations as the Clerk.

Separate jury boxes if more than one court.

SEC. 20. *Be it further enacted,* That in case any of the counties of this State affected by the provisions of this Act shall have more than one court (other than the Chancery Court) sitting regularly therein, wherein jury trials are had, a jury list and a jury box shall be prepared and kept by the Jury Commissioners for each and every court held regularly in each and all the counties of this State coming within the provisions of this Act. And the Jury Commissioners, in preparing jury lists and boxes for said courts, shall select jurors from each and all the districts of said county or counties in proportion to the population, where and when the court for which said jury list is being selected has jurisdiction over the entire county, but where the jurisdiction of the court for which the jury list is being selected is only over certain districts or part or parts of the county, then the jury list shall be selected from those districts or from that part or those parts of the county over which said court has jurisdiction. The territory from which the jury list or lists shall be taken shall be coextensive with the jurisdiction of the court for which the jury list is being made.

SEC. 21. *Be it further enacted,* That the Jury Commissioners provided for in this Act shall be appointed as soon as practicable after the passage of this Act, and shall hold office for two years, or until their successors are appointed and qualify, not, however, exceeding four years, unless reappointed.

SEC. 22. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 23. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 342.

HOUSE BILL No. 476.

AN ACT to authorize and empower the City of Harriman to issue its bonds for the purpose of funding or canceling certain of its existing bonds, and to repeal Chapter 433 of the Acts of the General Assembly of Tennessee of 1903 relating to the same subject as this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the City Council of the City of Harriman, in Roane County, is hereby authorized and empowered to issue bonds of said City of Harriman in its corporate name, signed by the Mayor and City Treasurer, and countersigned by the City Clerk of said municipal corporation, with the seal of said city attached, to an amount not exceeding one hundred thousand dollars.

Denomination, time to run, etc.

SEC. 2. *Be it further enacted,* That the bonds herein authorized shall be executed in denominations of not less than fifty dollars, nor more than one thousand dollars each, and shall run for a term of twenty (20) years from April 1, 1905, and shall bear a rate of interest not to exceed five per centum per annum, as said City Council may by ordinance decide, payable semi-annually with semi-annual interest coupons attached, and shall in no case be sold for less than par. Said bonds and interest shall be paid in gold coin of the United States of the present standard value.

Known as "Funding Bonds."

SEC. 3. *Be it further enacted,* That the series of bonds herein authorized to be issued shall be known as the "Funding Bonds of the City of Harriman of 1905," and shall be used for funding and canceling such of the present and existing bonds of said City of Harriman known as "Waterworks, public improvement, electric light, and incandescent light bonds" of said city, whether heretofore sold or unsold, as said City Council may by ordinance order and direct to be funded or cancelled.

SEC. 4. *Be it further enacted,* That for the purpose of enabling the City Council of the City of Harriman to fund or cancel such of said existing bonds, as said City Council may direct, and to carry out the purposes of this Act, said City Council is hereby authorized and empowered to exchange bonds herein authorized to be issued for a like amount of any of said existing bonds, or to sell the whole or any part of the bonds herein authorized at either a public or private sale, and with the proceeds arising therefrom purchase and pay off or cancel a like amount of said existing bonds; *Provided,* however, that no bonds issued under the provisions of this Act be sold or exchanged for less than their par value.

Interest and sinking fund tax.

SEC. 5. *Be it further enacted,* That the City Council of the said City of Harriman shall provide and levy by ordinance a tax upon the taxable property and privileges in said City of Harriman to pay the interest on said bonds as the same accrues, and in like manner provide a sinking fund wherewith to retire said bonds by levying a special tax, to be designated as a "Sinking Fund Tax." This tax is to be levied, collected, and used exclusively for the purpose levied, and to be sufficient with its accumulations, as near as can be estimated, to meet or retire the principal of said indebtedness at or by its maturity.

SEC. 6. *Be it further enacted,* That as the original issue of the bonds to be funded or cancelled under the provisions of this Act was duly and legally authorized by the qualified voters of said City of Harriman at an election held in said city in pursuance of ordinance duly enacted under the terms of the charter of said city, it shall not be necessary to submit the question of issuing the bonds provided for in this Act to a vote of the qualified electors of said city, the issue of bonds herein authorized being in effect a reissue of said existing bonds.

SEC. 7. *Be it further enacted,* That Chapter 433 of the Acts of the General Assembly of Tennessee of 1903,

relating to the same subject as this Act, be, and the same is hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 343.

House Bill No. 592.

A BILL to be entitled An Act to amend Section 5 of Chapter 104, Acts of 1903, said chapter being "An Act to incorporate the Town of Newport, in the County of Cocke, provide for the election of officers, prescribe their duties, and define the power of said corporation."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 5 of Chapter 104 of the Acts of 1903 be amended by inserting in the fifth line of said section, between the words "corporation" and the following clause, assessed for taxation at $100 who has had the title to said freehold for as much as six months prior to any election.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 344.

HOUSE BILL NO. 864.

AN ACT to create Board of Jury Commissioners for counties in this State having a population of not more than 11,160 and not less than 11,140 inhabitants by the Federal Census of 1900 or that may have that number of inhabitants by any subsequent Federal Census, and a population of not more than 21,000 or not less than 20,500 by the Federal Census of 1900, or by any subsequent Federal Census, and for the selection of juries; to prescribe the duties of the members of said Board and of the Judges, punish violations of this Act; to provide for jury lists and jury boxes to be kept in each county affected by this Act, and to repeal all laws in conflict with this Act.

This Act applies to Hancock and Claiborne counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a Board of Jury Commissioners for each county in this State having a population of not more than 11,160 and not less than 11,140 inhabitants by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, and a population of not more than 21,000 nor not less than 20,500 by the Federal Census of 1900 or by any subsequent Federal Census, to be appointed by the Circuit Judge who holds court in said county, and in case there is more than one Circuit Judge, or the Judge holding the Criminal Court, or a Chancellor or other Judge, whose duty it shall be to hold the Circuit Court or Criminal Court, then by such Judges holding Circuit or Criminal Courts, and if more than one Judge, by all jointly. Said Board shall consist of three discreet persons, who are householders and freeholders and residents of different sections of the county, and who are not practicing attorneys at law or State or county officers, and who have no suit pending in said court at the time of their or his appointment, and not more than two of whom shall belong to the same political party, each of whom shall be appointed for a term of six years at the July term of said court. All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made. In the event that at any time when, by the

Court to appoint Commissioners.

provisions of this Act, it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof, or by the certificate of a reputable physician, that such member is by temporary sickness or physical disability, or for some other good and sufficient reason, unable to attend and discharge such duty or duties, then said affidavit or certificate shall be filed in the office of the Circuit Court Clerk, and the two remaining members shall constitute the Board and discharge such duties.

SEC. 2. *Be it further enacted,* That the Jury Commissioners, before entering upon the discharge of their duties, shall take and subscribe before an officer authorized to administer oaths the following oath—viz.:

Oath of Commissioners.

"I, A—— B——, do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the County of (filling in name) to the best of my knowledge and ability; that I will not place the name of any person on said jury list or in the jury box whom I believe to be corrupt or unfit, or who has to my knowledge solicited, or had others to solicit, that his name be placed on the jury list or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in their discharge of their duties, unless called upon to give evidence thereof in some court of justice, or other legal tribunal of this State, so help me God."

Said oath shall be spread upon the minutes of the Circuit Court, and the original preserved as a part of the records of said Commissioners.

Commissioners to organize.

SEC. 3. *Be it further enacted,* That immediately after their appointment and qualification said Jury Commissioners shall meet and organize by the election of one of their members as Chairman. The Clerk of the Circuit Court shall be the Clerk of the Board of Jury Commissioners, and shall perform all the clerical duties required by law. Before entering upon the performance of his duties as Clerk of said Board he shall take and subscribe to an oath to faithfully discharge his duties as required by law, and that he will never divulge any of the proceedings and deliberations of the Jury Commissioners, unless compelled to testify thereto in some court in this State. This oath shall be spread upon the minutes of the court, and the original preserved as a part of the records of the Commissioners.

To prepare jury lists.

SEC. 4. *Be it further enacted,* That it shall be the duty of the said Jury Commissioners to select from the tax books of the county and other sources names of upright and intelligent men, known for their integrity, fair character, and sound judgment, from each and every district in the county and in proportion to the population of such districts, as near as may be, and possessing the qualifications now prescribed by law, except that served on a regular panel within two years shall not disqualify a person, a list of names numbering not less than one-fifth the whole number of votes cast in the county for Presidential Electors at the presidential election next preceding the making of said list; *Provided,* said list shall not for any one county contain more than four hundred names nor less than two hundred and fifty names. Said list shall constitute the jury list for two years from the making thereof, and shall not during said years be added to or taken from, except as hereinafter provided.

Clerk to purchase book.

The Circuit Court Clerk, as Clerk of the Board, shall purchase for the Board a suitable and well-bound book, in which to record said list. At the top of each page of said book shall be written or printed the words: "Jury list for County of ————" (filling in the name of the county). Said book shall be so ruled as to leave a space at the left-hand side of each page for the names, and at the right-hand side for such entries as are hereinafter provided for. Preceding the list of names in said book shall be written these words: "Jury list selected by the Board of Jury Commissioners for ———— County, the ——— day of ————" (filling in the name of county and date). Immediately following this shall be recorded the list of jurors selected, placing one name in each line, arranging the names in alphabetical order, and numbering them consecutively, beginning with No. 1. After each name shall be placed in parenthesis the initials of the Commissioners proposing such name, but no name shall be placed on such list except by a majority vote of the Board of Commissioners.

Certification.

At the end of the list shall be written and signed by the Commissioners the following: "We certify that the foregoing is the jury list selected by us the —— day of ———" (filling in the date).

The Commissioners report the list to the next term of the Circuit Court as follows:

"To the Honorable Circuit Court of ———— County (filling in the name of the county).

"We, the Jury Commissioners for said county, respectfully submit the following as the jury list selected by us for the next two years, as shown by jury book herewith—viz.: (here shall follow a complete copy of the list)."

Each of the names on said list shall be written on a slip or scroll of paper and placed in a box, to be known as the jury box, and so labeled. Said box shall be kept securely locked and under seal, and it shall not be unlocked or the seal broken except by the order of, and in the presence of, the Board, and then only for the purpose of drawing therefrom names of jurors or making a new list as herein provided, or in open court, by order of the Circuit or Criminal Court, for good and sufficient cause. Said jury book shall be kept in secret by the Clerk, under lock and key, and no one shall be allowed to inspect the same except the Clerk, the presiding Judge, and Jury Commissioners. It shall be the duty of the Clerk of the Circuit Court to record the jury list in said jury book, and to write names or numbers on said slips or scrolls. For these services he shall be entitled to a fee of five cents for each name on said list, to be paid by the county on the certificate of the Circuit Judge that the services have been rendered. Report of Commissioners.

SEC. 5. *Be it further enacted,* That not less than ten days nor more than fifteen days before each regular or special term of the Circuit Court or Criminal Court said Board shall unlock the jury box and break the seal thereof, and after well shaking the same cause to be drawn therefrom in the presence of the Board, by a child under ten years of age, a number of names equal to the number of jurors, who, under existing laws, are selected by the County Court and the Judge of the Circuit or Criminal Court as the member designated by order of the court, as hereinafter provided, to constitute the regular panel of grand and petit jurors for such term of court. In the event a name or names of a person or persons, known by the Commissioners to have died or removed from the county, or to be mentally or physically disabled, shall be drawn, such name or names shall be put aside and another name or names drawn in its or their stead. When in this way the required number of names have been drawn, the slips or scrolls on which they have been written shall be Names to be drawn for.

placed in a sealed envelope and safely kept by the Chairman of the Board, and by him delivered in open court to the Judge of the court on the first day of the term. In the same manner all names which may have been drawn and put aside, as above provided, shall be kept and delivered in open court. A report shall also be prepared by the Clerk of the Board substantially as follows:

Report of Commissioners to each court.

"To the Honorable ———— Court of ———— County (filling in the name of the court, whether Circuit or Criminal, and also the name of the county).

"We, the Jury Commissioners for said county, respectfully report the following as the regular panel of grand and petit jurors, which have been drawn according to law, for the —— term of said court—viz.: (filling in the blank before the word 'term,' and then copying the names drawn from the jury box)."

If any names have been drawn and put aside, as above provided, there shall be added to the report substantially the following:

"In addition to the above there were drawn from the jury box the following names of persons known to the Board to have died or removed from the county or become mentally or physically disabled (here copying such names)."

If, as heretofore provided, any member of the Board cannot be present at said drawing, this fact shall be stated in the report, which shall be signed by the members actually present at the drawing. This report shall be delivered to the Clerk of the Circuit or Criminal Court, according to the court for which said panel has been drawn, and by him filed in his office, and the date of such filing indorsed thereon. Thereafter, and at least five days before the next regular or special term of such court, the Clerk of the court shall issue to the Sheriff a writ of *venire facias,* commanding him to summon the persons whose names are set out in said report as the jurors for said term of court, and it shall be the duty of the Sheriff to serve same as now provided. At such regular or special term of the court the Judge thereof shall first compare the list contained in the report filed with the Clerk with the names on the slips or scrolls, delivered in open court, by the Chairman of the Board, and if they correspond they shall constitute the panel of grand and petit jurors for that term of the court, and said report shall be spread upon the minutes of the court. From this panel

Clerk to issue summons to Sheriff.

the grand and petit jurors shall be made up, as now provided by law, examining each proposed juror to ascertain whether he is qualified. In the event that, by reason of the disqualification of proposed jurors, or other cause, the required number of jurors cannot be obtained from said panel, the Clerk of the Circuit Court shall produce in open court the jury box, and said box shall be opened, and there shall be drawn therefrom, in the manner provided for the original drawing, except that it shall be done in open court instead of in the presence of the Board, the number of the names deemed by the Judge sufficient to complete the juries. This process shall, if necessary, be continued until the grand and petit jurors are completed; *Provided,* it shall be the duty of the Judge of each Circuit and Criminal Court to make a rule or order of court, entered on the minutes, designating how many jurors shall be in attendance on each term of his court, and the number of additional or extra jurors who shall be in attendance to supply the places of such jurors as shall be disqualified in particular cases, and further directing how many names shall be drawn by the Board of each term, including such number as he deems necessary to insure the prompt impaneling of the juries.

Court to designate number to be drawn.

SEC. 6. *Be it further enacted,* That a list shall be kept by the Clerk of the court of all persons whose names are drawn from the jury box, but who, for any reason other than that they are not qualified, do not serve as regular jurors; and when the juries are made up an entry shall be spread upon the minutes showing a list of such persons, and their names shall, in open court, be put back in the jury box, the court ordering the box to be opened for that purpose. A list of those constituting the regular grand and petit jurors shall also be spread on the minutes, and it shall be the duty of the Clerk of the Circuit Court to enter in the space following the name of every such juror on the jury list the following words, "Regular jury," and also the date of such service on the jury. In counties where the Criminal and Circuit Courts are separated the Clerk of the Criminal Court shall, during each term of his court, furnish a list of the regular jurors serving to the Clerk of the Circuit Court, and from this list the latter shall make the entries on the jury list required by this section.

Certain names to be returned to box.

SEC. 7. *Be it further enacted,* That whenever the Judge is satisfied that in any case a jury cannot be ob-

Court may order additional names drawn, when

tained from the regular panel, he may, but not earlier than three days before the case is assigned for hearing, cause the jury box to be brought into open court, and such number of names as he deems sufficient to obtain such jury to be drawn therefrom, and the Sheriff shall forthwith summon the persons whose names are so drawn. From the panel so drawn and summoned, and the regular panel, the panel shall be made up, if practicable. If not, another panel shall likewise be drawn and summoned instanter, and so on until the jury is completed or the jury box exhausted. If the jury box is exhausted before the jury is completed, the Sheriff shall summon such other men as may be designated by the presiding Judge until the jury is complete; *Provided,* that in case of emergency the presiding Judge may in his discretion, where the regular panel has been exhausted before the jury is completed, furnish the Sheriff with additional names, who shall forthwith be summoned by the Sheriff, and so on until the jury is completed. The Judge shall not place on the list the name of any person who seeks either directly or indirectly through another to be summoned as a juror, and such solicitations shall operate to disqualify said person for jury service. It shall be a misdemeanor punishable by fine of not less than $25 nor more than $50 for any person to request or to have another to request to be placed upon said jury list. The names drawn from the jury box, whether such person serve on the jury or not, in the same manner as hereinbefore provided with respect to names of those drawn but not serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned under this section that he has served on a regular jury within two years. Nor shall service on a jury under this section disqualify or excuse him from service on the regular juries, if his name is regularly drawn from the box thereafter.

The Clerk of the court shall keep a list of all persons serving on juries as provided in this section, and at the close of each term shall furnish the same to the Clerk of the Board, who shall enter opposite each said name the words, "Served on special jury," together with the date of such service.

Court may excuse jurors.

SEC. 8. *Be it further enacted,* That the court shall not have the right to excuse any person summoned as a juror who is qualified for service, except it be made to appear by affidavit in writing, which shall be preserved

s a record of court, and in which it shall appear to the atisfaction of the court that the state of his own health r that of his family requires his absence, or that some ressing and urgent business engagement, the neglect of hich would cause irreparable loss or the public service ill be materially injured by his attendance, and such etails shall be given as will clearly show the reason there- or to the satisfaction of the court. If excused, it shall nly be for such time as the cause of excuse exists. If, y reason of excusing of jurors under this section, it be- omes necessary to have additional jurors during the erm, they shall be drawn and summoned, the drawing to e done in open court, as provided in Section 5 of this ct. Nothing in this Act shall be construed as prohib- ting a Judge from discharging a juror for good cause to im appearing.

Sheriff to take oath.

SEC. 9. *Be it further enacted,* That before the Clerk delivers to the Sheriff or his Deputies the writ for the egular panel, or any writ for names of jurors otherwise drawn or prepared by the presiding Judge, he shall administer an oath to said Sheriff or Deputies to keep said names secret, and instruct them to caution such jurors as summoned not to divulge the fact that they have been summoned as jurors.

Lists to be prepared, when.

SEC. 10. *Be it further enacted,* That the jury list herein provided for shall be prepared as soon as practicable after the passage of this Act. On the first Monday in September, 1906, or as soon thereafter as practicable, and biennially thereafter, the Board shall make out a new jury list and place the names in the jury box, the names then remaining in the jury box being first removed; *Provided,* that if within two years the number of names remaining in the jury box shall have been reduced until they are less than one-third of the number of names on the jury list, then the Judge of the Circuit or Criminal Court shall, by an order made either at chambers or in open court, require the Board to renew the list and box as though the two years had expired.

SEC. 11. *Be it further enacted,* That when a new jury list is to be made, the Board shall, if practicable, not put thereon the names of those on the list for the preceding two years, who have actually served during that time as regular jurors.

Court may investigate jury box—when.

SEC. 12. *Be it further enacted,* That if for any reason the court should at any time discover that the jury

box had not been filled or renewed, or that the jury list had not been prepared or renewed as required by law, or the panel drawn, or additional names drawn therefrom, as required by law, or the jury box has been tampered with, the Circuit or Criminal Judge may have the right to investigate said jury box, and also the jury list, and see that this Act is duly enforced; and should it be discovered that any irregularities or frauds exist, correct same. If for any reason a legal panel is not furnished a Circuit or Criminal Court at any regular or special term, as provided by this Act, then the Judge of said court shall have the right to select a panel and such additional jurors as may be needed by this court during said term of court.

Names not to be divulged.

SEC. 13. *Be it further enacted,* That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the Court, his Deputy, or the Sheriff, or any of his Deputies, to divulge any of the secrets of the Jury Commissioners, or to notify any one what name or names constitute the panel, or any part of it, for the court or any name or names drawn from the jury box for service in any case pending in court, or to fail to perform any duty imposed by this Act, and upon conviction thereof they shall pay a fine of not less than forty dollars and be imprisoned in the county jail not less than thirty days, one or both, in the discretion of the court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years.

It shall also be a contempt of the court, punishable by the Circuit Court upon its own motion or upon the petition of the District Attorney, for any Jury Commissioner, Circuit Court Clerk, or other person to open any jury box, except as herein provided; or to destroy, deface, or remove without authority such box, or to change, deface, or remove without authority any jury list, or to assist in or connive at any such acts, or for any custodian of a jury box or list to knowingly permit any such acts to be done.

Court may remove Commissioners.

SEC. 14. *Be it further enacted,* That the Judge or Judges having the right to appoint Jury Commissioners have the right and authority to remove any or all of said Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or for any other good and sufficient reason, upon giving five days notice to said Commissioner or Commissioners of the time and place of taking action thereon and the grounds therefor.

SEC. 15. *Be it further enacted,* That said Jury Commissioners shall receive two dollars each for every day's service while actually engaged in making up the jury list, to be paid from the county treasury.

SEC. 16. *Be it further enacted,* That the book for recording the jury list, and also the jury box, shall be purchased by the Circuit Court Clerk and paid for by the county, and the Circuit Court Clerk shall be the custodian of said book and box, which book and box shall not be opened for inspection, except by the Commissioners themselves and the courts heretofore referred to.

SEC. 17. *Be it further enacted,* That in the absence of fraud no irregularity with respect to the provisions of this Act shall affect the validity of any action of a grand jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury, unless such irregularity has been specially pointed out and exception taken thereto before the jury is sworn.

SEC. 18. *Be it further enacted,* That the provisions of this Act shall apply to all grand and petit juries in all Circuit and Criminal Courts of this State.

SEC. 19. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 20. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 345.

HOUSE BILL No. 797.

A BILL to be entitled "An Act to amend an Act entitled An Act to establish Taxing Districts in this State and to provide the means of local self-government for the same, the same being Chapter 11 of the Acts of 1879, and all the Acts amendatory thereof, constituting the charter of the City of Memphis," so as to provide a uniform rate of city taxation on real and personal property.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 11 of the Acts of 1879, and all Acts amendatory thereof, be, and the same are hereby, amended so that only one city tax rate on real and personal property shall be levied, and this one tax rate shall apply equally and uniformly to all real and personal property within the limits of such city without discrimination on account of location or character of such property. But property exempt from taxation under existing laws shall not be affected by this Act. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 2. *Be it further enacted,* That this Act shall be in force and effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 346.

House Bill No. 821.

AN ACT entitled An Act to repeal Chapter 759 of the Acts of the General Assembly of 1903, entitled "An Act to incorporate the Town of Oliver Springs, in the Counties of Roane, Morgan, and Anderson, and to create a Board of Mayor and Aldermen for said town, and to define the powers thereof."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 759 (seven hundred and fifty-nine) of the Acts of the General Assembly of 1903, be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 347.

House Bill No. 754.

AN ACT to extend and more definitely establish the corporate lines of the Town of Tullahoma, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporation lines of the town of Tullahoma, Tennessee, be so extended and defined so as to include the following boundaries:

Beginning at a Spanish oak stump on the east bank of Rock Creek and running thence south seventy-eight and one-half degrees east fifty-three poles and eight links to

a stone on west side of the Hurricane Springs Road; thence with said road south thirty degrees east fourteen poles and twenty links to a stone; thence south seventy-eight and one-half degrees east thirty-three poles and three links to a stone on the west bank of a branch; thence north forty-three and three-fourths degrees east eighty-seven poles and three links to the east side of Jackson Street, the same being the original corporation line.

The territory included in the above boundaries is known as the Ogle addition to Tullahoma, Tennessee. Also the following territory so as to include the home of T. D. Teachout:

Beginning at a stake in the east bank of Rock Creek about two hundred feet westward or northwestward from the "Big Spring," and being a corner in the present boundary line of the corporation of said Tullahoma; thence directly across to the west bank of said Rock Creek; thence up with the meanders of said Rock Creek about thirty poles to a stake at the forks of said creek; thence southwest thirty-two degrees and fifty poles to the east side of the old Shelbyville or Winchester Road, passing nine feet northwest of the line of T. D. Teachout's dwelling; thence along said road about sixty-five poles, crossing the Shelbyville and Tullahoma Road, to a corner in the present corporation line, being the southeast intersection of said roads.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 348.

House Bill No. 89.

AN ACT entitled An Act to make the School Districts of Henry County legal School Districts.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all the schoolhouses and School Districts of Henry County heretofore laid off by the County Court as School Districts, with metes and bounds, shall be legal School Districts.

Sec. 2. *Be it further enacted,* That they shall have power to elect their own School Directors.

Sec. 3. *Be it further enacted,* That a special election shall be had the first Saturday in July, 1905, for the purpose of electing three School Directors for each district created by this Act; *Provided,* that said School Directors shall hold their office until general election of School Directors.

Sec. 4. *Be it further enacted,* That if from any cause any of the Directors so elected under this Act fail or refuse to qualify as the law directs from ten days after his or their election as provided in this Act, or if no election be held, then the County Superintendent in the county shall have power to appoint Directors or fill vacancy or vacancies by appointment.

Sec. 5. *Be it further enacted,* That Section 9 of the General School Law shall apply to the School Districts in this Act.

Sec. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 349.

House Bill No. 855.

AN ACT to amend Section 1, Chapter 279, of the Acts of the General Assembly of 1901, entitled "An Act to incorporate the Town of Lebanon, in Wilson County, Tennessee, establish the boundaries thereof," etc., so as to substitute the boundaries given below for the boundaries set out in said Act.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the Town of Lebanon, Tennessee, be so extended as to include in the corporate limits of the Town of Lebanon on the following property, roads, and streets: Beginning on the Lebanon and Nashville Turnpike, Mrs. Mark's northwest corner, north forty-five degrees east one hundred and thirteen poles to a walnut in Castle Heights premises; thence north seventy-seven and one-fourth degrees east ninety-four and one-fourth links south to end of Barton's stone fence; thence north thirty-six and one-fourth degrees east one hundred and ten poles twenty-one links to a cedar south side of Cole's Ferry Pike, ending of stone fence; thence north fifty-four and one-half degrees east eighty-four poles and nineteen links to Sander's gate in old barrel factory lot; thence south eighty-five and three-fourths degrees east forty-four poles to Hunter's Pike; thence south eighty-seven and one-half degrees east one hundred and forty-nine poles and ten links to Hartsville Pike; thence south ten and one-half degrees east one hundred and thirty-three poles and fifteen links to Rome Pike; thence south forty-nine and one-fourth degrees east one hundred and twenty-one poles and seventeen links to Trousdale Ferry Pike, end of lane west of Tom Stoke's; thence south three degrees west one hundred and seven poles and fifteen links, south thirty-nine and three-fourths degrees west thirty-seven poles and six links, south fifty-three and one-fourth degrees west fifty-six poles to center of Sparta Pike; thence south sixty-six degrees west eighty-five poles to end of rock fence; thence north of Tennessee Central Railroad south sixty-one and one-half degrees west one hundred and eighteen poles and fourteen links;

hence south of Woolard's house to pole yard; thence south sixty-four degrees west one hundred and sixty-eight poles and six links to north side of cemetery; thence north seventy-four and one-half degrees west six poles and fifteen links to center of Murfreesboro Pike; thence north forty-two and three-fourths degrees west one hundred and forty-two poles to Tucker's Cap Road; thence east of Jarrett's north thirty-three and three-fourths degrees west one hundred and thirty-seven poles to a new street, west of Waggoner's residence; thence north thirty and one-half degrees west one hundred and seven poles to point west side of Mrs. Mark's lot; thence north fourteen and three-fourths degrees east twenty-eight poles to the beginning.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 350.

HOUSE BILL No. 725.

AN ACT to authorize the Mayor and City Council of Nashville to issue bonds for funds with which to acquire a site and erect and equip a new high school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and City Council of Nashville be, and is hereby, authorized to issue its coupon bonds in a sum not exceeding $300,000 for the purpose of acquiring funds with which to acquire a site, and to erect and equip a new high school building.

SEC. 2. *Be it further enacted,* That said bonds shall mature not more than thirty years after date, shall not bear more than five per cent interest, payable semi-annually, and shall not be sold for less than par.

SEC. 3. *Be it further enacted,* That said bonds shall not be issued unless and until the issuance thereof shall have been approved by a majority of the qualified voters of said city, voting at a special election to be called for that purpose.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 351.

HOUSE BILL No. 661.

AN ACT to amend an Act passed by the General Assembly of Tennessee, 1905, being House Bill No. 96.

This Act applies to Roane County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That House Bill No. 96, being a bill entitled "An Act to define a lawful fence in counties having a population of not less than twenty-two thousand seven hundred and thirty-eight and not more than twenty-two thousand seven hundred and fifty, by the last Federal Census, or any subsequent Federal Census," be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 352.

House Bill No. 915.

AN ACT to prohibit and make it unlawful to sell or tipple intoxicating liquors, beers, ale, or any drink that intoxicates, in counties in this State having a population of not less than 29,250 nor more than 29,300 under last or any subsequent Federal Census, and to prescribe penalties for violation of this Act.

This Act applies to Tipton County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person, firm, or corporation to sell or tipple intoxicating liquors, beers, ale, or any drink that intoxicates, in this State.

Sec. 2. *Be it further enacted,* That this Act shall only apply to counties in this State, having a population of not less than twenty-nine thousand two hundred and fifty nor more than twenty-nine thousand three hundred, by the Federal Census of 1900, or any subsequent Federal Census.

Sec. 3. *Be it further enacted,* That any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction, fined not less than fifty dollars ($50), and confined in county jail or workhouse not less than six months.

Sec. 4. *Be it further enacted,* That the grand juries of this State shall have inquisitorial powers of the provisions of this Act.

Sec. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 353.

House Bill No. 648.

AN ACT to amend Section 1, Chapter 39, of the Acts of 1901, entitled An Act to legalize and regulate primary elections so as to provide that election of Ward and District Committeemen shall be elected as provided for the election of all other officers under this Act, and provided that one poll list be returned to County Court Clerk and the other to the Governing Committee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1, of Chapter 39, of the Acts of 1901, be, and the same is hereby, amended by adding to aforesaid section: and Ward Committeemen and District Committeemen; *Provided,* that one poll list shall be returned to County Court Clerk, the other to the Chairman of the Governing Committee.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 354.

House Bill No. 762.

AN ACT to create a separate School District in Smith County, Tennessee, out of parts of the Third and First School Districts of said county.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a separate school district is hereby created out of parts of the Third and First School Districts of Smith County, Tennessee, the same to include the following boundaries—to wit: The farms of

H. M. Bridgewater, C. S. Key, E. W. Chambers, Mrs. Lucy Nunley, John Bridgewater, A. H. Baston, James Piper, Joe Baker, T. O. Key, Henry Hackett, Will Baker, P. C. Hiett, J. M. Key, G. M. Key, Herschel Hackett, T. E. Hackett, M. D. Hackett, S. C. Bridgewater, and all citizens included within said boundaries.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 355.

HOUSE BILL No. 859.

AN ACT to amend Chapter 291 of the Acts of the General Assembly of the State of Tennessee, passed March 24, 1903, and approved April 3, 1903, being Senate Bill 229, which is an Act to incorporate the Town of Dickson, in the County of Dickson, under the corporate name of the "Town of Dickson," this Act being an Act to change the western boundary and limit of said Town of Dickson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 291, of the Acts of 1903, being Senate Bill No. 229, which is an Act to incorporate the Town of Dickson, in the County of Dickson, under the corporate name of the "Town of Dickson," be amended so as to change the western boundary and limit of said Town of Dickson, making it begin where the present north boundary line of said town intersects the east boundary line of the Dikeman place; thence southward with the east boundary of the said Dikeman place to the N., C. & St. L. Ry.; thence diagonally across said railroad and Railroad Street to the line between Mrs. Mattie Easley and W. T. Crozer; thence south-

ward with their line to said Mrs. Easley's southeast corner; thence west with their line to and across Bryan Avenue to the alley between Will Childress and I. N. Sharron; thence south with west side of Bryan Avenue to Fifth Street; thence west with the north side of Fifth Street to and across Freemon Avenue; thence south with the west side of Freemon Avenue to where it intersects the present corporation line.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 356.

HOUSE BILL No. 1000.

AN ACT to create a special School District in the Ninth and Nineteenth Civil Districts of Blount County, and to provide for Directors and government of same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special school district be, and the same is hereby, created out of a part of the Ninth and Nineteenth Civil Districts, covering the Town of Maryville, and bounded as follows: On two sides by two parallel lines, each one mile from the Main street in Maryville, and parallel to the same; and on the other two sides by two lines, each one mile from the courthouse, and running at right angles to the two lines running parallel with Main Street as above shown.

SEC. 2. *Be it further enacted,* That the Directors of the Ninth and Nineteenth School Districts be, and the same are hereby, directed and empowered to pay over to

he Directors of the special school district created by this ct, in proportion to the scholastic population of said spe- ial district, its *pro rata* of all school funds in their hands t the time of the passage of this Act.

SEC. 3. *Be it further enacted,* That the County Su- erintendent of Public Instruction for Blount County is ereby authorized and directed to number said special chool district and to appoint three Directors for same to erve until the next regular election for School Directors, hen three Directors shall be elected by the people of aid special district in the manner now provided by law, nd said special school district shall be entitled to the same awful privileges, immunities, and rights of other school listricts, and be subject to the same rules, regulations, and restrictions.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 357.

HOUSE BILL No. 369.

AN ACT to extend the limits of Newbern, amending its charter.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 450, of the Acts of 1901, entitled "An Act to incorporate the town of Newbern, in Dyer County," etc., and the amendment thereto, passed by the present General Assembly, being House Bill No. ——, and passed January ——, 1905, be, and the same is so, amended as to extend the corporate limits of the said town in the following manner—to wit: Beginning at

a stake in the west side of Sharp's Ferry Road, it being a present northeast corner of said corporation, made so by the aforesaid amendment to the charter of the said town; thence east to a stake in a line with the west line of the Dr. R. N. Fryer land; thence south with his west line to the northwest corner of the J. H. Scobey lot; thence east with his north line to his northeast corner; thence south with his east line to a stake in the south side of the Newbern and Yorkville Road; thence east with the said road to a stake in a line with Mrs. Mollie Weakley's east line; thence south to and on with Mrs. Mollie Weakley's east line to her southeast corner; thence east to a stake in a line with the west line of the J. N. Wyatt home place; thence south to and with the west line of the said J. N. Wyatt place to a stake sixteen poles south of his northwest corner; thence west to B. W. Oliver's east line; thence south twelve poles to a stake in his east line; thence west to A. J. Radford's east line; thence south sixteen poles to a stake; thence west to a stake twelve poles east of Miss Eva Davis' east line; thence south to a stake in J. L. Wilt's north line; thence west to a stake in the old corporation line at the southeast corner of the Fairveiw Cemetery.

SEC. 2. *Be it further enacted,* That all residents and property owners in the territory added to the Town of Newbern by this Act shall have the municipal privileges and be liable for municipal taxes for the current year, 1905. For the portion of year unexpired after the passage of this Act.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 358.

SENATE BILL No. 367.

AN ACT to amend Paragraph 1, Section 1, of an Act entitled "An Act to provide for the organization of corporations," passed March 19, 1875, approved March 23, 1875, and being Chapter 142, of the Acts of 1875, by inserting the words "and maintaining" after the word "building" in said paragraph, and by inserting the words "parsonages, schools, hospitals, and such other religious, educational, or benevolent institutions as may be necessary or proper to the work of missionary bodies in the United States or in any foreign country" after the word "church" in said paragraph, and to give to existing corporations incorporated under said Section 1, Paragraph 1, the benefit of said amendments.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Paragraph 1, of Section 1, of an Act entitled "An Act to provide for the organization of corporations," passed March 19, 1875, approved March 23, 1875, and being Chapter 142, of Acts of 1875, be so amended as to read as follows:

This amends Sub-section 1 of Section 2513 of Shannon's Code.

"The support of public worship, the building and maintenance of churches, parsonages, schools, hospitals, chapels, and such other religious, educational, or benevolent institutions as may be necessary or proper to the work of missionary bodies in the United States, or in any foreign country, and the maintenance of all missionary undertakings."

SEC. 2. *Be it further enacted,* That any religious association heretofore incorporated under said Section 1, of Chapter 142, of the Acts of 1875, and now in existence, shall have and enjoy the power to do and enjoy all those things enumerated in said paragraph, as amended, upon the acceptance of said amendments by proper resolution.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 359.

SENATE BILL No. 358.

AN ACT to be entitled An Act to create a Criminal Court for the Counties of Anderson, Campbell, Morgan, Scott, Pickett, Fentress, and Union, to be known as the Criminal Court for the Second Judicial Circuit of Tennessee; and to fix the times of holding the Criminal Court in said counties, and to provide for the appointment of a Judge to hold said Criminal Courts in said counties, and to fix his salary and provide for the payment thereof; and to provide for the Judge of the Criminal Court to hold the Circuit Courts in the counties of Morgan, Scott, Fentress, and Union Counties, and to provide that the Criminal Court shall cease to exist on September 1, 1906; and to amend an Act entitled an Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and to provide for the administration of justice and equity in the Circuit and Chancery and other inferior courts, and to fix the times for holding the terms of said Chancery, Circuit, and other courts, being Chapter 427 of the Acts of 1899, so as to provide that the Judge of the Second Circuit shall hold the Chancery Court of Jefferson County, and the Judge of said Criminal Court shall hold the Chancery Court of Scott County, and to repeal all laws and parts of laws in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a Criminal Court is hereby created and established for the Counties of Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union, to be known as the Criminal Court for the Second Judicial Circuit of Tennessee.

SEC. 2. *Be it further enacted,* That said Criminal Court shall have general common law and statutory jurisdiction, original and appellate, over all criminal cases arising in said counties, to the same extent as is now, or hereafter may be conferred upon the Circuit and Criminal Courts of this State under the common law or the statutes.

SEC. 3. *Be it further enacted,* That the times of holding the Criminal Courts in said counties shall be as follows:

Anderson County, second Mondays in January, May, and September.

Campbell County, third Mondays in March, July, and November.

Morgan County, third Mondays in April, August, and December.

Scott County, third Mondays in February, June, and October.

Union County, first Mondays in March, July, and November.

Fentress County, fourth Mondays in April, August, and December.

Pickett County, second Mondays in February, June, and October.

SEC. 4. *Be it further enacted,* That the Circuit Court Clerks of the several counties herein named shall be the Clerks of said Criminal Court, and they shall perform the same duties and receive the same compensation as now provided by law.

SEC. 5. *Be it further enacted,* That the Attorney General of the Second Judicial Circuit shall perform the duties of Attorney General in the Criminal Court in the counties herein named, except in Pickett County; and in Pickett County the duties of the Attorney General shall be performed by the Attorney General of the Fifth Judicial Circuit.

SEC. 6. *Be it further enacted,* That immediately upon the passage of this Act, or as soon thereafter as practicable, the Governor shall appoint a Judge of said Criminal Court created by this Act, who shall possess the same qualifications and be clothed with the same powers and jurisdiction as are now provided by law for Judges in this State, and whose salary shall be the same, and paid in like manner by the State, as that of other Criminal and Circuit Judges of the State; and who shall hold said office until September 1, 1906.

SEC. 7. *Be it further enacted,* That the Criminal Court created and established by this Act shall exist and continue until the first day of September, 1906, when said Criminal Court shall cease to exist and be abolished; and after which time the Criminal jurisdiction vested by this Act in said Criminal Court aforesaid shall again vest in and be exercised by the Circuit Courts of said counties.

SEC. 8. *Be it further enacted,* That the Judge of the Criminal Court created by this Act shall hold the Circuit Courts in the Counties of Morgan, Scott, Fentress, Pickett, and Union, at such times as is now or may hereafter be provided by law.

SEC. 9. *Be it further enacted,* That the Judge of the Second Circuit of this State shall, from and after the passage of this Act, hold the Chancery Court of Jefferson County, and the Judge of the Criminal Court created by this Act shall hold the Chancery Court of Scott County during the time that this Act is in effect.

SEC. 10. *Be it further enacted,* That all bonds and recognizances, heretofore or hereafter taken, and all process heretofore or hereafter issued, shall be made returnable to the times and places fixed by law for holding the courts in the several counties herein named.

SEC. 11. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed in so far as they conflict with this Act, but no further or otherwise.

SEC. 12. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 360.

SENATE BILL No. 156.

AN ACT to amend "An Act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporators to be accepted as surety thereon," being Chapter 175, of the Acts of 1895, approved May 14, 1895.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 9 of the said Act of 1895, Chapter 175, be amended by striking out the second paragraph of said section and substituting the following:

"The said deposit shall be held by the Treasurer as security for any liability incurred by the company making said deposit by reason of the breach of any bond or

obligation referred to in this Act; *Provided, however,* that said surety company organized under the laws of any other State or government, and having a general deposit in some State of the United States of a sum not less than $100,000, consisting of lawful money of the United States, or of an equal amount in the bonds of the United States, or of any State, the value of which shall be at or above par, as security for any liability incurred under this Act, shall be required to keep on deposit only the sum of $25,000 in the State, consisting of lawful money of the United States, or an equal amount in the bonds of the United States, or of the State of Tennessee; *Provided further,* that no deposit in this State shall be required of any company organized under the laws of any other State or government, which has an actual paid up cash capital of $300,000, of which at least $200,000 shall be invested in the bonds of the United States, or other good securities, to be itemized and certified as such by the Insurance Commissioner of the State in which said sum is deposited, reckoning same at their current market value, and to be approved by the Insurance Commissioner of Tennessee, which $200,000 shall be deposited with and held by same Insurance Commissioner or other proper officer of some State of the United States as security for the protection of all policyholders and creditors in the United States; *Provided further,* that said surety company organized under the laws of any other State government, and having such general deposit, shall file with the Treasurer of this State a certificate from the officer of the State with whom said general deposit has been made, showing that the said company has deposited with the said officer the sums required in the lawful money of the United States, or an equal amount in the securities above provided for, for the benefit of all liabilities of said company in any or all States."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 361.

SENATE BILL No. 545.

AN ACT to amend the charter of the Town of Dyer, Gibson County, Tennessee, so as to empower the said city to issue bonds, not to exceed five thousand dollars, for general school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the Town of Dyer be, and the same is hereby, so amended as to give the Town Council the power to issue and sell city bonds not to exceed the sum of five thousand dollars for the purpose of adding to the school building, equipping same with furniture and apparatus, seats, and in any other way deemed proper by the School Board to advance the interests of the school in Dyer, "West Tennessee College."

SEC. 2. *Be it further enacted,* That the bonds hereby and herein provided for may be issued at any time under this Act, but the Board of Mayor and Aldermen shall, before issuing same, order an election held and permit the qualified voters of said Town of Dyer to accept or reject the proposition of issuing same. Said election shall be advertised by printed hand bills posted in public places in said town for twenty days before said election, and if a majority of the votes at said election be in favor of the issue of said bonds, then they shall be issued accordingly.

SEC. 3. *Be it further enacted,* That the said bonds shall not be sold at less than par and shall bear a rate of interest not greater than six per cent per annum, and shall be redeemable by the city at its option after five years, and shall not run for a longer period than fifteen years.

SEC. 4. *Be it further enacted,* That the denomination or size of said bonds and the amount to be issued and sold at any one time may be determined by the Town Council, and the same may be issued and sold under such rules and regulations as the said Town Council may adopt.

SEC. 5. *Be it further enacted,* That the said Town Council is hereby empowered to levy and collect such taxes as they may deem best, and at such times as they think proper, with which to pay the interest on said bonds and to redeem or pay said bonds.

SEC. 6. *Be it further enacted,* That the interest on said bonds shall be due and payable annually, and the coupons for same shall be receivable for taxes due the said corporation of Dyer. The said interest and principal of said bonds shall be payable in lawful money of the United States of America.

SEC. 7. *Be it further enacted,* That all Acts and parts of Acts in conflict with this Act are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 362.

SENATE BILL No. 411.

AN ACT to repeal an Act entitled "A Bill to be entitled an Act to prevent the running at large of hogs in counties of a population of not less than 6,400 and not more than 6,500 population," being Chapter 358, of the Acts of 1903, passed April 15, 1903, and approved April 15, 1903.

This Act applies to Houston County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "A Bill to be entitled an Act to prevent the running at large of hogs in counties of a population of not less than six thousand four hundred and not more than six thousand five hundred population," passed April 15, 1903, and approved April 15, 1903, being Chapter 358 of the Acts of 1903, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 363.

SENATE BILL No. 337.

AN ACT to permit the straightening of the Big Hatchie River, and the removing of obstructions from the channel of same, and for the improvement of the bottom lands along said river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for persons owning lands in the bottom of the Big Hatchie River, or interested in such lands, to dig ditches or canals along and in said river bottom for the purpose of carrying off the waters of said stream more rapidly; and to remove obstructions from the natural channel of said river. Such ditches may be cut across the bends of said river or located wherever may be most advantageous to effect the purpose carrying off the waters of said stream rapidly and draining the bottom lands along and adjacent to said stream.

SEC. 2. *Be it further enacted,* That nothing in the Act of 1879, Chapter 32, declaring the Big Hatchie River navigable from the point where it is crossed by the Mississippi Central Railroad, in Hardeman County, to its mouth, or in the Act of 1899, Chapter 69, amending said Act of 1879 so as to close to navigation said river, except as to flat boats and rafts, from the point where said railroad, now the Illinois Central Railroad, crosses said river in Hardeman County, Tennessee, to the point where the dividing line between the Counties of Hardeman and Haywood crosses said river, or in any other Act declaring said river navigable, shall prevent

the digging of ditches, etc., as provided in the first section of this Act, being done, it being the intention of this Act to permit such work and improvements to be done looking to the betterment of the bottom lands along and adjacent to said stream, notwithstanding said river may be navigable, or heretofore declared navigable; *Provided, however,* that this Act shall not apply to that part of said stream below Rialto, where the same is crossed by the line of the Illinois Central Railroad from Memphis to Fulton, Kentucky, but shall apply only to that part of said river which is above the point of crossing of said railroad at Rialto; *Provided,* this Act shall not apply to said stream in Hardeman County.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 364.

SENATE BILL NO. 404.

AN ACT to amend an Act passed February 4, 1901, entitled An Act to incorporate the Town of Carthage, in Smith County, Tennessee, and conferring and defining the corporate powers thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed February 4, 1901, entitled "An Act to incorporate the Town of Carthage, in Smith County, Tennessee, and conferring and defining the corporate powers thereof," be so amended as to add to the eleventh section thereof the following:

And the Council shall have full power and authority to execute a mortgage on the bridge provided for in this section and Section 12 of this Act, and all of its appurtenances, for the purpose of securing the payment of any

and all bonds issued to secure the money with which to build the same, and any mortgage so executed, whether before or after the bridge herein provided for is erected, shall constitute a first lien on said bridge and all its appurtenances as security for the payment of said bonds until they are fully paid, and may be foreclosed in any court having jurisdiction of the subject-matter for the payment of the bonds aforesaid, if not paid before they fall due.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 365.

SENATE BILL No. 311.

AN ACT to amend Section 11, of Article 6, of the charter of the City of Harriman, said charter being Chapter 49 of the Acts of 1891 of the General Assembly of Tennessee, and entitled "An Act to incorporate the City of Harriman, Roane County, Tennessee, and to establish a School District therein and support the same by taxation, and to provide for an election of officers for said city and School District, and to provide when the Act shall go into effect and for other purposes," so as to create a Board of Sewer Commissioners for said City of Harriman, to regulate and define the powers and duties of said Board, to make sewer assessments fixed by said Board against real property a lien against the same and to enforce such lien.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 11 of Article 6 of the charter of the City of Harriman, said charter being Chapter 49 of the Acts of 1891 of the General Assembly of Tennessee, and entitled "An Act to incorporate the City

of Harriman, Roane County, Tennessee, and to establish a School District therein and support the same by taxation, and to provide for an election of officers for said city and School District, and to provide when this Act shall go into effect and for other purposes," be amended by adding to said section after the word "highway," being the last word in the last line thereof, the following words: "And for the purpose of making more effective this section, there is hereby created and established for the City of Harriman a Board of Sewer Commissioners, to be composed of three members, who shall be nominated by the Mayor and confirmed by the City Council at its first regular meeting in April, 1905, one for a term of one year, one for a term of two years, and one for a term of three years; and ever afterwards at the first regular meeting of said Council, in the month of April of each and every year, in like manner there shall be selected a member of said Board for a term of three years to succeed the member whose term may expire at that time. In case of a vacancy in said Board the City Council shall fill the same as herein provided for the unexpired term. Said Board of Sewer Commissioners, by direction of the City Council by ordinance, shall have complete supervision, control, and management of the construction, operation, and maintenance of the public sewer system of the City of Harriman, and shall have power and authority to make all rules, regulations, and requirements necessary for connections with and use of the public sewers of said city, to make rates and assess the same against any real property, as may be provided by ordinance, for each connection to be made with any sewer, and for each invert (or sewer tap) made ready for connection; *Provided,* the City Council by ordinance direct the construction of such sewer; and when any property owner fails to make connection with any public sewer, as may be required by ordinance, and when such connection has been made by the City of Harriman, the Board of Sewer Commissioners shall add to the assessment for connection the expenses incurred in making the connection, which shall become a part of such assessment, and all assessments thus made against real property by said Board shall be, and the same is hereby, declared a lien against such property, which lien may be enforced by suit in any court of competent jurisdiction brought in the name of the City of Harriman."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 366.

SENATE BILL No. 434.

AN ACT to amend an Act entitled "An Act to reduce the Acts incorporating the City of Knoxville, and the various amendments thereto, to one Act, and to amend the same," approved June 10, 1885, so as to authorize the Mayor and Aldermen of the City of Knoxville to create a Park Commission, and to define its duties and powers; to appropriate money and, if necessary, to issue bonds to the extent of $50,000 to acquire and improve public parks in or near said city, and to take and appropriate lands in, adjacent, or near to said city, by condemnation for a public park or parks.

Board of Park Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "An Act to reduce the Acts incorporating the City of Knoxville, and the various amendments thereto, to one Act, and to amend the same," approved June 10, 1885, be, and the same hereby is, amended so as to provide that there shall be a Board of Park Commissioners for the City of Knoxville, to consist of three members, citizens of the town and not members of the Board of Mayor and Aldermen, who shall be elected by the Board of Mayor and Aldermen from the citizens and qualified voters of the town by ballot; and the term of each member shall be five years, except that at the first election the Board of Mayor and Aldermen shall designate one member to serve three years, one to serve for four years, and one for five years, and all members chosen after the first election shall serve for five years, unless elected to fill out the terms of those assigned to shorter terms at the first election. Said Park Commissioners shall receive no compensation for their services, but the Board of Mayor and Aldermen shall appropriate

annually an amount sufficient to defray the necessary and proper expenses of the Commission, and to provide clerical and other necessary assistants. The Board of Mayor and Aldermen shall, by proper ordinances, prescribe the duties of the Park Commission and rules and regulations for their government, and enforce the same. The Mayor shall have power to suspend any member of the Park Commission for cause for a period not exceeding thirty days, and the Board of Mayor and Aldermen shall have power to remove any member of said Commission by the method now provided by the charter of the City of Knoxville for impeaching members of the Board of Public Works, except that only a two-thirds vote of all the members of the Board of Aldermen shall be necessary for a conviction and removal.

City to appropriate money and issue bonds.

SEC. 2. *Be it further enacted,* That the Mayor and Aldermen of the City of Knoxville shall have power to appropriate money for public parks, and it is hereby authorized to issue in its corporate capacity coupon bonds, to be signed by the Mayor and countersigned by the Recorder, to the amount of fifty thousand dollars, to procure lands in, adjacent, or near to said city for a public park or parks, and to have the same improved under the supervision of the Park Commission hereby provided for. The Mayor and Aldermen shall determine the denominations of said bonds and the times and places for payment of interest thereon, but the bonds shall not bear a higher rate of interest than five per cent, and shall mature in not more than forty years from the date upon which the first bond hereunder shall be issued. Said bonds shall be issued from time to time in such amount as the Board of Mayor and Aldermen may deem proper and the expenditure of the money so raised shall be intrusted to said Park Commission under proper ordinances of the Mayor and Aldermen; *Provided, however,* that none of said bonds shall be issued, except in pursuance of an ordinance duly passed at three regular meetings by the Mayor and Aldermen. None of said bonds shall be sold for less than par, and the coupons thereto attached shall, at maturity, be received by the City of Knoxville for all taxes and dues to it, except sinking fund taxes levied to retire this or any other bond issue of the city, and except for school taxes; and *Provided further,* that said bonds shall not be issued unless so ordered by two-thirds of the votes cast in an election, to be held upon due notice by order

CHAPTER 361.

SENATE BILL No. 545.

AN ACT to amend the charter of the Town of Dyer, Gibson County, Tennessee, so as to empower the said city to issue bonds, not to exceed five thousand dollars, for general school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the Town of Dyer be, and the same is hereby, so amended as to give the Town Council the power to issue and sell city bonds not to exceed the sum of five thousand dollars for the purpose of adding to the school building, equipping same with furniture and apparatus, seats, and in any other way deemed proper by the School Board to advance the interests of the school in Dyer, "West Tennessee College."

SEC. 2. *Be it further enacted,* That the bonds hereby and herein provided for may be issued at any time under this Act, but the Board of Mayor and Aldermen shall, before issuing same, order an election held and permit the qualified voters of said Town of Dyer to accept or reject the proposition of issuing same. Said election shall be advertised by printed hand bills posted in public places in said town for twenty days before said election, and if a majority of the votes at said election be in favor of the issue of said bonds, then they shall be issued accordingly.

SEC. 3. *Be it further enacted,* That the said bonds shall not be sold at less than par and shall bear a rate of interest not greater than six per cent per annum, and shall be redeemable by the city at its option after five years, and shall not run for a longer period than fifteen years.

SEC. 4. *Be it further enacted,* That the denomination or size of said bonds and the amount to be issued and sold at any one time may be determined by the Town Council, and the same may be issued and sold under such rules and regulations as the said Town Council may adopt.

SEC. 5. *Be it further enacted,* That the said Town Council is hereby empowered to levy and collect such taxes as they may deem best, and at such times as they think proper, with which to pay the interest on said bonds and to redeem or pay said bonds.

SEC. 6. *Be it further enacted,* That the interest on said bonds shall be due and payable annually, and the coupons for same shall be receivable for taxes due the said corporation of Dyer. The said interest and principal of said bonds shall be payable in lawful money of the United States of America.

SEC. 7. *Be it further enacted,* That all Acts and parts of Acts in conflict with this Act are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 362.

SENATE BILL No. 411.

AN ACT to repeal an Act entitled "A Bill to be entitled an Act to prevent the running at large of hogs in counties of a population of not less than 6,400 and not more than 6,500 population," being Chapter 358, of the Acts of 1903, passed April 15, 1903, and approved April 15, 1903.

This Act applies to Houston County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "A Bill to be entitled an Act to prevent the running at large of hogs in counties of a population of not less than six thousand four hundred and not more than six thousand five hundred population," passed April 15, 1903, and approved April 15, 1903, being Chapter 358 of the Acts of 1903, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 363.

SENATE BILL No. 337.

AN ACT to permit the straightening of the Big Hatchie River, and the removing of obstructions from the channel of same, and for the improvement of the bottom lands along said river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for persons owning lands in the bottom of the Big Hatchie River, or interested in such lands, to dig ditches or canals along and in said river bottom for the purpose of carrying off the waters of said stream more rapidly; and to remove obstructions from the natural channel of said river. Such ditches may be cut across the bends of said river or located wherever may be most advantageous to effect the purpose carrying off the waters of said stream rapidly and draining the bottom lands along and adjacent to said stream.

SEC. 2. *Be it further enacted,* That nothing in the Act of 1879, Chapter 32, declaring the Big Hatchie River navigable from the point where it is crossed by the Mississippi Central Railroad, in Hardeman County, to its mouth, or in the Act of 1899, Chapter 69, amending said Act of 1879 so as to close to navigation said river, except as to flat boats and rafts, from the point where said railroad, now the Illinois Central Railroad, crosses said river in Hardeman County, Tennessee, to the point where the dividing line between the Counties of Hardeman and Haywood crosses said river, or in any other Act declaring said river navigable, shall prevent

the digging of ditches, etc., as provided in the first section of this Act, being done, it being the intention of this Act to permit such work and improvements to be done looking to the betterment of the bottom lands along and adjacent to said stream, notwithstanding said river may be navigable, or heretofore declared navigable; *Provided, however,* that this Act shall not apply to that part of said stream below Rialto, where the same is crossed by the line of the Illinois Central Railroad from Memphis to Fulton, Kentucky, but shall apply only to that part of said river which is above the point of crossing of said railroad at Rialto; *Provided,* this Act shall not apply to said stream in Hardeman County.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 364.

SENATE BILL No. 404.

AN ACT to amend an Act passed February 4, 1901, entitled An Act to incorporate the Town of Carthage, in Smith County, Tennessee, and conferring and defining the corporate powers thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed February 4, 1901, entitled "An Act to incorporate the Town of Carthage, in Smith County, Tennessee, and conferring and defining the corporate powers thereof," be so amended as to add to the eleventh section thereof the following:

And the Council shall have full power and authority to execute a mortgage on the bridge provided for in this section and Section 12 of this Act, and all of its appurtenances, for the purpose of securing the payment of any

and all bonds issued to secure the money with which to build the same, and any mortgage so executed, whether before or after the bridge herein provided for is erected, shall constitute a first lien on said bridge and all its appurtenances as security for the payment of said bonds until they are fully paid, and may be foreclosed in any court having jurisdiction of the subject-matter for the payment of the bonds aforesaid, if not paid before they fall due.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 365.

SENATE BILL No. 311.

AN ACT to amend Section 11, of Article 6, of the charter of the City of Harriman, said charter being Chapter 49 of the Acts of 1891 of the General Assembly of Tennessee, and entitled "An Act to incorporate the City of Harriman, Roane County, Tennessee, and to establish a School District therein and support the same by taxation, and to provide for an election of officers for said city and School District, and to provide when the Act shall go into effect and for other purposes," so as to create a Board of Sewer Commissioners for said City of Harriman, to regulate and define the powers and duties of said Board, to make sewer assessments fixed by said Board against real property a lien against the same and to enforce such lien.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 11 of Article 6 of the charter of the City of Harriman, said charter being Chapter 49 of the Acts of 1891 of the General Assembly of Tennessee, and entitled "An Act to incorporate the City

of Harriman, Roane County, Tennessee, and to establish a School District therein and support the same by taxation, and to provide for an election of officers for said city and School District, and to provide when this Act shall go into effect and for other purposes," be amended by adding to said section after the word "highway," being the last word in the last line thereof, the following words: "And for the purpose of making more effective this section, there is hereby created and established for the City of Harriman a Board of Sewer Commissioners, to be composed of three members, who shall be nominated by the Mayor and confirmed by the City Council at its first regular meeting in April, 1905, one for a term of one year, one for a term of two years, and one for a term of three years; and ever afterwards at the first regular meeting of said Council, in the month of April of each and every year, in like manner there shall be selected a member of said Board for a term of three years to succeed the member whose term may expire at that time. In case of a vacancy in said Board the City Council shall fill the same as herein provided for the unexpired term. Said Board of Sewer Commissioners, by direction of the City Council by ordinance, shall have complete supervision, control, and management of the construction, operation, and maintenance of the public sewer system of the City of Harriman, and shall have power and authority to make all rules, regulations, and requirements necessary for connections with and use of the public sewers of said city, to make rates and assess the same against any real property, as may be provided by ordinance, for each connection to be made with any sewer, and for each invert (or sewer tap) made ready for connection; *Provided,* the City Council by ordinance direct the construction of such sewer; and when any property owner fails to make connection with any public sewer, as may be required by ordinance, and when such connection has been made by the City of Harriman, the Board of Sewer Commissioners shall add to the assessment for connection the expenses incurred in making the connection, which shall become a part of such assessment, and all assessments thus made against real property by said Board shall be, and the same is hereby, declared a lien against such property, which lien may be enforced by suit in any court of competent jurisdiction brought in the name of the City of Harriman."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 366.

SENATE BILL No. 434.

AN ACT to amend an Act entitled "An Act to reduce the Acts incorporating the City of Knoxville, and the various amendments thereto, to one Act, and to amend the same," approved June 10, 1885, so as to authorize the Mayor and Aldermen of the City of Knoxville to create a Park Commission, and to define its duties and powers; to appropriate money and, if necessary, to issue bonds to the extent of $50,000 to acquire and improve public parks in or near said city, and to take and appropriate lands in, adjacent, or near to said city, by condemnation for a public park or parks.

Board of Park Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "An Act to reduce the Acts incorporating the City of Knoxville, and the various amendments thereto, to one Act, and to amend the same," approved June 10, 1885, be, and the same hereby is, amended so as to provide that there shall be a Board of Park Commissioners for the City of Knoxville, to consist of three members, citizens of the town and not members of the Board of Mayor and Aldermen, who shall be elected by the Board of Mayor and Aldermen from the citizens and qualified voters of the town by ballot; and the term of each member shall be five years, except that at the first election the Board of Mayor and Aldermen shall designate one member to serve three years, one to serve for four years, and one for five years, and all members chosen after the first election shall serve for five years, unless elected to fill out the terms of those assigned to shorter terms at the first election. Said Park Commissioners shall receive no compensation for their services, but the Board of Mayor and Aldermen shall appropriate

annually an amount sufficient to defray the necessary and proper expenses of the Commission, and to provide clerical and other necessary assistants. The Board of Mayor and Aldermen shall, by proper ordinances, prescribe the duties of the Park Commission and rules and regulations for their government, and enforce the same. The Mayor shall have power to suspend any member of the Park Commission for cause for a period not exceeding thirty days, and the Board of Mayor and Aldermen shall have power to remove any member of said Commission by the method now provided by the charter of the City of Knoxville for impeaching members of the Board of Public Works, except that only a two-thirds vote of all the members of the Board of Aldermen shall be necessary for a conviction and removal.

City to appropriate money and issue bonds.

SEC. 2. *Be it further enacted,* That the Mayor and Aldermen of the City of Knoxville shall have power to appropriate money for public parks, and it is hereby authorized to issue in its corporate capacity coupon bonds, to be signed by the Mayor and countersigned by the Recorder, to the amount of fifty thousand dollars, to procure lands in, adjacent, or near to said city for a public park or parks, and to have the same improved under the supervision of the Park Commission hereby provided for. The Mayor and Aldermen shall determine the denominations of said bonds and the times and places for payment of interest thereon, but the bonds shall not bear a higher rate of interest than five per cent, and shall mature in not more than forty years from the date upon which the first bond hereunder shall be issued. Said bonds shall be issued from time to time in such amount as the Board of Mayor and Aldermen may deem proper and the expenditure of the money so raised shall be intrusted to said Park Commission under proper ordinances of the Mayor and Aldermen; *Provided, however,* that none of said bonds shall be issued, except in pursuance of an ordinance duly passed at three regular meetings by the Mayor and Aldermen. None of said bonds shall be sold for less than par, and the coupons thereto attached shall, at maturity, be received by the City of Knoxville for all taxes and dues to it, except sinking fund taxes levied to retire this or any other bond issue of the city, and except for school taxes; and *Provided further,* that said bonds shall not be issued unless so ordered by two-thirds of the votes cast in an election, to be held upon due notice by order

Election to be first held as to bonds.

of the Mayor and Aldermen, which shall be held according to the laws regulating such elections existing in the State of Tennessee under the conduct of the officers charged with the duty of providing for the registration of voters and the conduct of general elections in the City of Knoxville, all expense of registration and election to be borne by the City of Knoxville. Upon the tickets to be used in said election shall be printed, first, "Park Bonds," and second, "No Park Bonds," and persons voting for the issuance of bonds shall mark their tickets with a cross opposite the words "Park Bonds," and persons voting against the issuance of bonds shall, in like manner, mark their tickets opposite the words, "No Park Bonds."

SEC. 3. *Be it further enacted,* That as soon as the bonds hereby authorized, or any part of them, shall have been issued hereunder, said Board of Mayor and Aldermen shall provide by ordinance for a sinking fund to retire said bonds, said fund to be used exclusively for that purpose, and to be sufficient with its accumulations to retire the principal debt at maturity. Said sinking fund shall be under the management of Commissioners regularly appointed by the Mayor and Aldermen already existing or hereafter created.

SEC. 4. *Be it further enacted,* That in order to acquire suitable ground for a public park or parks, the Mayor and Aldermen of the City of Knoxville may take and appropriate by exercise of the power of eminent domain lands in said City of Knoxville or adjacent or near thereto, the condemnation to be made in the manner prescribed in the charter of said city for appropriating lands for other municipal purposes.

SEC. 5. *Be it further enacted,* That Section 38 of the aforesaid Act, approved June 10, 1885, be, and the same is hereby, modified in so far as the same conflicts with this Act.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 367.

SENATE BILL No. 8.

AN ACT entitled An Act to amend "An Act to incorporate the Town of Pulaski, in the County of Giles, State of Tennessee, and the inhabitants thereof, to define the boundaries and provide for the government thereof," being Chapter 269, of the Acts of 1903, of the General Assembly of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "An Act to incorporate the Town of Pulaski, in the County of Giles, State of Tennessee, and the inhabitants thereof, to define the boundaries and provide for the government thereof," passed March 27, 1903, and approved April 10, 1903, and being Chapter 269 of the Acts of the General Assembly of Tennessee of 1903, be, and the same is hereby, amended so as to add to said corporate limits the following described property—to wit:

TRACT No. 1.

Beginning at a point in middle of Pleasant Run Creek and in the east boundary of corporation line; thence with said line north 2¾ degrees west 8½ chains to a point in said line; thence leaving said line and with the middle of said creek north 28¾ degrees east 8.20 chains north, 7¾ degrees east 4.64 chains to a point in said creek, Jim Lewis' southwest corner; thence with his and other south boundary line south 82½ degrees east 7.12 chains to a stake in Sauney Jordan's west boundary line; thence with said line south 3¾ degrees west 8.70 chains to his southwest corner; thence with his south boundary line south 84½ degrees east 2.20 chains to the west margin of a street; thence with west margin of said street south 1 degree east 9.62 chains; thence leaving said street and with the old Jones property north 87 degrees west 7.20 chains, the west margin of a street; thence with west margin of said street south 83¾ degrees west 6.36 chains to a fence; thence with said fence and with Childers' lots north 86 1-4 degrees west 1.94 chains; thence south 2½ degrees west 5.35 chains to north margin of Washington Street; thence with north margin of said street north

76 degrees west 9.25 chains to a point on north side of said street; thence north 15 degrees east 3 chains to a point in Cave Spring Branch; thence with Ice Factory lot north 66 1-4 degrees west 2.65 chains; thence with the Davis lots north 15½ degrees east 6 1-2 chains to south margin of an alley; thence with south margin of said alley 72¾ degrees east 6 chains to the beginning, containing 31.94 acres.

TRACT No. 2.

Beginning at the southeast corner of the late J. B. Childers, being the north margin of Washington Street, running thence east with the north margin of said Washington Street to the west margin of a north and south street forming the west boundary of the Jones addition, said street being called ———— Street; thence with the west margin of said ———— Street north to the southeast corner of Tract No. 3, here set out and which is the property of E. E. Baker.

TRACT No. 3.

Beginning at the northeast corner of Tract No. 2; thence running north with the west margin of said ———— Street, which forms the west margin of the Jones addition, to the intersection of the same with the extension of East Woodring Street, as shown by the plat of the sub-division of Tract No. 1, which is filed in the office of the Recorder of the Town of Pulaski; thence in a northwest direction with the south margin of said street to Tract No. 1; thence south 86 feet; thence east to the beginning.

TRACT No. 4.

Being in the Seventh Civil District of Giles County, and known as lot No. 3 of a division of Jones' addition to Pulaski, and bounded as follows: Commencing at the northeast corner of Sam Abernathy's lot No. 2, running south and with said Sam Abernathy's line 197 feet to a street; thence with margin of said street 93 feet to corner lot No. 4; thence with said rock fence to the beginning.

TRACT No. 5.

The same lies immediately south of and adjacent to the southern boundary of the town on the Pulaski and Elkton

Turnpike, and is bounded on the north by the corporation line and the property of Arthur Frazier, on the east by Pleasant Run, on the south by John G. Ballentine, and on the west by the Pulaski and Elkton Turnpike.

SEC. 2. *Be it further enacted,* That Article 3, Section 7, and Sub-section 7 of said Chapter 269 of the Acts of the General Assembly of Tennessee of 1903, be amended by adding to said Sub-section 7 the following words:

"Said amount shall constitute a lien on said lot or lots."

SEC. 3. *Be it further enacted,* That Article 7 of said Chapter 269 of the Acts of the General Assembly of Tennessee of 1903 be amended by adding to said article, after Section 17 of said article, the following:

"Sec. 18. Privileges may be assessed to an amount not exceeding the State privilege tax for general municipal purposes, and a like amount for school purposes."

SEC. 4. *Be it further enacted,* That Article 7, Section 7, of said Act be amended by inserting the word "not" after the words "and it shall," and immediately before the words "be necessary in order to vest a good and valid title."

SEC. 5. *Be it further enacted,* That Section 6, Article 6, of said Act be amended by adding to said section, after the words "Justices of the Peace," the following words: "And the jail fees which shall be the amount paid or contracted to be paid the Sheriff by the Town of Pulaski."

SEC. 6. *Be it further enacted,* That Article 9, Section 1, of said Act be amended by inserting the word "or" in the last sentence of said section immediately after the words, "Shall be loaned out on good real estate security by the Recorder," and immediately before the words, "On note or notes with solvent securities."

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 368.

SENATE BILL No. 584.

A BILL to be entitled An Act to create an independent School District out of a part of the Fifteenth Civil District of Greene County and a portion of the Thirteenth Civil District of Washington County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District is hereby created out of portions of the Fifteenth Civil District of Greene County and the Thirteenth Civil District of Washington County as follows:

Beginning at W. S. White's, in Washington County, and running thence east to Frank Hows'; thence south with T. W. Howe's, I. W. Cox, C. R. White, William Bradley, W. C. Hale, C. H. Whitaker, and Scott LaRue, of Washington County; thence with J. E. and S. P. Baxter, Phillips' heirs, and Martha Dickinson; thence west with W. E. Mahoney, Martha Phillips, A. G. R. Baxter, R. E. Mathes, W. M. Whitaker, Alex Bates, Joseph Hayes, Lewis White, E. S. Baff, J. A. Hayes, D. B. Hill, W. A. Hayes, James Phillips; thence north with A. J. Smith, S. H. Baxter, Jr., Amon Hayes, Z. Burnett, Jacob Pratt, Isaac Depew, H. P. Heir, and B. D. Shiffer; thence east with Josiah Smith, M. A. Smith, S. M. Smith, W. B. Evans, C. M. Cox, and Louisa Baxter—all of the latter being in Greene County—to the beginning at W. S. White's, including all territory within said boundaries.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 369.

SENATE BILL No. 73.

A BILL to be entitled An Act to accept the trust created by Mrs. Ann E. Webber in favor of Watkins Institute, of Nashville, Tennessee.

SECTION 1. *Whereas,* Samuel Watkins, now deceased, a citizen of the State of Tennessee, by his last will, provided for the establishment of a public educational institution, now known as "The Watkins Institute;" and

Whereas, the State of Tennessee, by the Act of its Forty-second General Assembly, approved April 1, 1881, and which is Chapter 49 of the Session Acts of 1881, accepted the said trust created by said will for the organization and management of the Watkins Institute; and

Whereas, in pursuance thereof lands in the City of Nashville, Davidson County, Tennessee, were conveyed to the State of Tennessee, to be held in said trust, and substantial buildings were erected thereon, and Commissioners, as by said will is provided for, regularly appointed by the Governor of this State, by and with the advice and consent of the Senate, charged with the duties and intrusted with the powers by the said will prescribed and provided; and

Whereas, Mrs. Ann E. Webber, now deceased, lately a citizen of Davidson County, Tennessee, by her deed, which was recorded in Book No. 268, page 551, on the 25th day of April, 1902, in the Register's office of Davidson County, Tennessee, and which deed is as follows—viz.: Record of deed

Whereas, the State of Tennessee, by Act of the General Assembly, passed on the 29th day of March, 1881, accepted the Trusteeship of the fund bequeathed for educational purposes, as can be seen by reference to the last will and testament of Samuel Watkins, duly probated and recorded in the County Court of Davidson County, Tennessee, in Book of Wills and Inventories No. 25, pages 560 to 566 inclusive, at its October term, 1880; and

Whereas, the Commissioners of said Watkins Institute appointed by the Governor in compliance with the will of said Watkins and the acceptance of the said trust, have now, and have had for a number of years, a successful night school, which recommends itself to my judgment and has enlisted my sympathy; therefore, in consideration of the premises aforesaid, and those hereinafter stated, and the sum of one dollar to me in hand paid, the receipt whereof is hereby acknowledged, I, Ann E. Webber, of Nashville, Davidson County, State of Tennessee, have this day bargained, sold, and conveyed, and do hereby transfer unto the State of Tennessee, in trust, the following lots or parcels of land, situate and lying on the west side of North Summer Street, between Union and Church Streets, in the City of Nashville, county and State aforesaid:

Conveyance clause.

Lot No. 1, known by street numbers 221, 223, and 225, fronting in a body 44 feet 8 inches, and running back westwardly between paralleled lines 175 feet 8 inches to Stewart's alley, and being the property conveyed to me by Martha H. Moore and others by deed registered in the Register's office of said county and State, in Book No. 71, page 301, to which special reference is here made for a more specific description.

Description Lot No. 1.

Lot No. 2 is a lot or parcel of land fronting 24 feet on the west side of North Summer Street, in the City of Nashville, county and State aforesaid, being parts of lots Nos. 1 and 2 in Boyd McNairy's plan of lots in said city, and bounded as follows: Beginning at John Browne's southeast corner nine inches in the south wall of said John Browne's business house, fronting on the west side of said street; nine inches of said Browne's said south wall is upon the lot of land hereby conveyed, and the center of said land is the dividing line between Browne's business house and the lot hereby conveyed. Said Browne's now owned by ———— people in Ireland, and running from said line and corner in a southern direction, with the line of said North Summer Street 24 feet; thence at right angles in a western direction 175 feet, more or less, to an alley; thence with said alley in a northern direction 24 feet to the line of John Browne's lot; thence with said John Browne's line in an eastern direction, including nine inches of said Browne's south wall, 175 feet, more or less, to the beginning point on said North Summer Street, it being the same lot of ground

Lot No. 2.

conveyed to me, then Ann E. Bohan, by deed of Daniel Ferris, registered in the Register's office of Davidson County, Tennessee, in Book No. 60, page 103.

To have and to hold the said recited lots or parcels of land and the improvements thereon, to the said State of Tennessee, in trust, for the purposes hereinafter mentioned. And I, Ann E. Webber, for myself, my heirs, representatives, and assigns, do covenant with the said State of Tennessee that I am lawfully seized and possessed of said described lots or parcels of land in fee simple, have a good right to convey them, and that the same are unencumbered. And I do further covenant and bind myself, my heirs, and representatives to warrant and forever defend the title to the said property to the said State of Tennessee.

I expressly reserve to myself the rents, issues, income, and emoluments derived and to be derived from said recited lots and premises for and during my natural life; but from and after my death these rents, income, etc., shall become a part of the fee this day conveyed to the State of Tennessee.

To have and to hold the above recited lots or parcels of land to the State of Tennessee, its representatives and assigns, in trust for the following uses and purposes, and no other—to wit:

Rents and profits—how applied.

That the income, rents, and profits after the payment of taxes, repairs, insurance, etc., arising from the property conveyed aforesaid, shall be applied under the supervision of the Commissioners of the Watkins Institute for the enlargement of the facilities of the night school as at present conducted, and continuing to teach the branches now taught with such added branches as time may show advisable, for instance, telegraphy, civil engineering, and electric science in its further development, and such other practical arts and sciences as will contribute to the maintenance of people of our own race, regardless of age or sex, whose educational opportunities are either limited or whose daily labor makes a night school desirable, hoping that the fund to be derived may greatly enlarge the scope of its usefulness, even to the extent of adding a day school. In other words, a Technological Institute for the City of Nashville is desired.

It will be desirable to extend the night school as now conducted into six or seven months, instead of four months as heretofore.

These schools are to remain free schools for all time to come, and the income is to be held in trust for the purposes aforesaid only.

Property may be sold for reinvestment.

The General Assembly of the State is empowered, if deemed advisable, to sell said property after my death and make judicious reinvestment of the fund derived from the sale, but in that event also the corpus is to remain intact, and the interest or income alone derived therefrom is to be applied in accordance with my directions as herein specified.

The Commissioners of the Watkins Institute and their successors in office are to receive no compensation for their services, and are to render the Governor of Tennessee a biennial report of the receipts and disbursements of said rents and income.

To have and to hold the said recited lots or parcels of land to the said State of Tennessee, its representatives and assigns, forever, subject only to the reservation to myself of the control of the same and the collection of the rents, profits, and income of the same for my own uses and purposes during my life as aforesaid.

The home of the night school is at present in the Watkins Institute. Should the future development of the proposed Technological Institute require an additional building or buildings, it might be desirable for the greater facilities of the work that the General Assembly of Tennessee empower the Governor to add two or more members to the Board of Commissioners in addition to the three provided for in Mr. Watkins' will.

Ann E. Webber, State of Tennessee, Davidson County. Personally appeared before me, J. F. Galloway, ————, a Notary Public, in and for said county and State, the within named bargainor, Ann E. Webber, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 27th day of March, 1902.

J. F. GALLOWAY,
Notary Public.

Attest:
J. F. GALLOWAY
WM. C. COLLIER.

State of Tennessee, Davidson County.

Register's Office, May 7, 1902.

I, James K. Goodloe, Register for said county, do hereby certify that the foregoing instrument and certificate are registered in said office, in Book No. 268, page 551; that they were received April 25, 1902, at 4:02 o'clock P.M., and were entered in Note Book 18, page 44.

JAMES K. GOODLOE,
Register of Davidson County.

By Ernest Finch, D. R.

Conveyed said lands therein mentioned to the State of Tennessee, upon the trust provided, for the use of "The Watkins Institute;" and

Whereas, the Governor of the State of Tennessee accepted the said deed and trust, and also the Commissioners of said Institute, but there has been no formal acceptance by the General Assembly of this State; and

Whereas, it is manifestly to the advantage of the youth of this State, and particularly the youth of the capital of Tennessee, that said trust should be accepted; and now, therefore,

Be it enacted by the General Assembly of the State of Tennessee, That the said action of the Governor and of said Commissioners be, and hereby is, approved, and the said deed of conveyance and the trust thereby created be, and they are hereby, accepted by this General Assembly for and on behalf of the State of Tennessee; and

Acceptance ratified.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 370.

SENATE BILL No. 384.

AN ACT to change the county line between Smith and Putnam Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the Counties of Smith and Putnam be so changed as to detach the lands of I. W. Evans from the County of Putnam and attach the same to Smith County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 371.

SENATE BILL No. 619.

AN ACT to change and establish the line between the Fourth and Seventh Districts of Greene County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Fourth and Seventh Civil Districts of Greene County is changed to and established at the following named points:

Beginning at a point near Lick Creek, said point known as the Rollins, Craft, and Hayes corner; thence nearly north with Craft's and Hayes' line to the Craft Mill Road; thence with said road to the angle just east of W. P. Craft's residence; thence with the west fork of the

road to an angle west of said residence; thence west across Craft's and Yate's fields to the John Craft Road, near Busler's store; thence with said road to the Lick Branch Road; thence with said road to King's and Craft's line; thence with said line to Cox's and Carter's line; thence with said line to Moore's and Riddle's line; thence with said line to Riddle's and Hall's line; thence with said line to Myre's and Willoughby's line; thence with said line to Pennington's line; thence with said line to Kite's and Brown's line; thence with said line to Brown's and Myre's line; thence with said line to the line between Greene and Hawkins County.

SEC. 2. *Be it further enacted,* That all the lands south and west of this newly established line, heretofore included in the Seventh Civil District, are, after the passage of this Act, included in the Fourth Civil District, and all the lands east and north of this newly established line, heretofore included in the Fourth Civil District, are, after the passage of this Act, included in the Seventh Civil District.

SEC. 3. *Be it further enacted,* That this new line established by this Act shall remain at the points named in this Act until changed by some subsequent Act of the General Assembly of Tennessee.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 372.

SENATE BILL No. 585.

AN ACT to create an independent School District out of portions of the Twelfth, Seventeenth, and Fourteenth Civil Districts of Greene County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District be established out of portions of the Twelfth, Seventeenth, and Fourteenth Civil Districts of Greene County:

Beginning in the line of the Twelfth and Fourteenth Civil Districts at the Roaring Fork; thence with same, not including V. S. Britton, to the line of the Henry Hawkins farm; thence with line of same to Rufus Quinton, including said Quinton and the John Morrison farm; thence in a northwest direction to the line of the A. B. Brown farm, including said farm and John Foster and J. H. Foshe; thence north to the line of Joseph Harmon, including said Harmon and B. D. Crumley; thence a direct line to George White's, including said White, George Malone, and W. H. Malone; thence east to the line of the Fourteenth District, including W. A. Brown, W. W. Gass, W. M. McAmis, J. B. King, and James Justic's lower farm, not including H. B. Malone and William Malone; thence a direct line to the beginning.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 373.

SENATE BILL No. 433.

A BILL to be entitled An Act to change the line between the Counties of Overton and Pickett.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Overton and Pickett to be so changed as to detach that part of the lands of James Boles from Overton County and attached to Pickett County, which is at or near Spurrier, Tennessee.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 374.

SENATE BILL No. 307.

A BILL to be entitled "An Act to change the line between the Counties of Coffee and Grundy."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Coffee and Grundy be changed so as to include in Coffee County all of the farm now owned by Thomas E. Mabry and the farm now owned by Mrs. Mary Pointer.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 375.

SENATE BILL No. 386.

AN ACT to prohibit the running at large of live stock in counties of certain population in Tennessee.

This Act applies to Bradley County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall hereafter be unlawful for live stock, such as cattle, horses, or mules, hogs, sheep, and goats, to run at large in counties having a population of not less than 15,750 and not more than 15,800 by the Federal Census of 1900 or any future Federal Census; and any person willfully or knowingly permitting such stock to run at large in said county or counties shall be, and is hereby, declared to be guilty of a misdemeanor and punished as provided in Section 2 of this Act.

SEC. 2. *Be it further enacted,* That any violation of Section 1 of this Act shall be a misdemeanor and punishable by a fine of not less than two dollars nor more than five dollars.

SEC. 3. *Be it further enacted,* That any damage done by said live stock running at large in said county or counties shall be, and is hereby, constituted a lien upon said live stock, and can be collected as any other lien by a writ of attachment.

SEC. 4. *Be it further enacted,* That any person or persons upon whose lands such live stock shall be found running at large have the right to take up and confine them, giving same reasonably good feed and attention,

and shall be entitled to a reasonable compensation for same, and shall and is hereby given a lien on said stock for the same.

SEC. 5. *Be it further enacted,* That nothing in this Act shall relieve railroad companies in any way from damages by killing or damaging stock. Said railroad companies shall be liable under this Act for all damages done to stock as before the passage of this Act.

SEC. 6. *Be it further enacted,* That this Act shall not apply or become effective in any county until the County Court of such county shall, by a majority vote, order an election, at which the adoption or rejection of the provisions of this Act shall be submitted to the qualified voters of such county or counties.

Said election shall be held as now provided by law. Voters favoring the adoption of the provisions of this Act shall have written or printed on their ballots the words "No Fence." Voters opposed shall have written or printed on their ballots the word "Fence." If a majority of the qualified voters voting in said election shall favor the adoption, then this Act shall apply and become effective in such county sixty days after said election.

SEC. 7. *Be it further enacted,* That for the purpose of ordering and holding said election this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 376.

SENATE BILL No. 172.

AN ACT to amend an Act entitled "An Act to amend the Exemption Laws and to comprise them all in one Act," it being Chapter 71 of the Acts of the third session of the Thirty-sixth General Assembly of the State of Tennessee, passed January 31, 1871, and approved February 1, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1, of Chapter 71, of the Acts of the General Assembly of the State of Tennessee, passed January 31, 1871, and approved February 1, 1871, at the third session of the Thirty-sixth General Assembly, be, and the same is hereby, amended by striking out all of said section after the word "garnishment," in the third line thereof and substituting in lieu thereof the following: "Ninety (90%) per centum of the salary, income, or wages of every person earning a salary or wages or drawing an income of forty ($40) dollars or less per month, and who is eighteen years of age or upward, or is the head of a family, and is a resident of the State of Tennessee; *Provided,* that the lien created by the service of garnishment, execution, or attachment shall only affect ten (10%) per centum of said salary, wages, or income earned at the time of service of process. And that there shall be exempt from execution, attachment, or garnishment thirty-six ($36) dollars of the salary, wages, or income of every person earning a salary or wages or income in excess of forty ($40) dollars per month, who is eighteen years of age or upward or who is the head of a family, and who is a resident of the State of Tennessee." so that said section shall read as follows:

SEC. 2. *Be it further enacted,* That there shall be exempt from execution, attachment, and garnishment ninety (90%) per centum of the salary, income, or wages of every person earning a salary or wages, or drawing an income of forty ($40) dollars or less per month, and who is eighteen years of age or upward or is the head of a family, and is a resident of the State of Tennessee; *Provided,* that the lien created by the service of garnishment, exe-

ution, or attachment shall only effect ten (10%) per entum of such salary, wages, or income earned at the ime of service of process. And there shall be exempt rom execution, attachment, or garnishment thirty-six $36) dollars of the salary, wages, or income of every per- on earning a salary, wages, or income in excess of forty $40) dollars per month who is eighteen years of age or upward or who is the head of a family, and who is a resi- lent of the State of Tennessee; *Provided,* that the debtor shall only pay the costs of one garnishment on each debt on which suit is brought.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are here- by, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 377.

SENATE BILL No. 678.

AN ACT to authorize the County of Shelby to issue and sell not exceeding $1,000,000 of bonds for the purpose of building a courthouse in said county and to declare the manner in which said bonds shall be issued and disposed of and the manner in which the proceeds of said bonds be kept and paid out, and said courthouse erected and to provide for the payment of said bonds and interest thereon. And to authorize the courthouse commission in the name of the County of Shelby to condemn land for the courthouse site and to provide that the compensation for the land condemned shall be paid out of the proceeds of said bonds. And to provide the proceedings for the exercise of this power of condemnation, and to repeal Chapter 16, Acts of 1905, passed February 2, 1905, and approved February 4, 1905, entitled "An Act to authorize the County of Shelby to issue and sell not exceeding $1,000,000 of bonds for the purpose of building a courthouse in said county, and to declare the manner in which said bonds shall be issued and disposed of, and the manner in which the proceeds of said bonds shall be kept and paid out and said courthouse erected, and to provide for the payment of said bonds and interest thereon."

Second Courthouse Bond Act, Shelby County, 1905.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Shelby County is hereby authorized and empowered by resolution to direct the issuance of bonds of said county, not to exceed $1,000,000; said bonds shall be due and payable fifty years from the date of issuance, and shall bear not more than four per cent interest per annum, payable semi-annually from the date of issuance.

SEC. 2. *Be it further enacted,* That after said resolution has been passed by the County Court, the Chairman of said court and the County Court Clerk shall cause to be issued the bonds directed in said resolution, which bonds shall have upon their face "Shelby County Courthouse Bonds," the date on which the same were issued, and the date and time the same matured. They shall be signed by the Chairman of said court and by the County Court Clerk, and shall have the seal of the County Court Clerk attached thereto. They shall be numbered, beginning at number one; and to each bond there shall be attached coupons numbered, beginning at number one, and having on them the number of the bond

to which they are attached. These coupons shall each be for the amount of semi-annual interest that will be due upon said bond, and they shall be signed with the lithograph *facsimile* of the signature of the Chairman of the County Court, and of the County Court Clerk. The expense of the issuance of said bonds shall be paid out of the proceeds thereof. These bonds shall be in denominations ranging from one hundred to one thousand dollars, as the County Court may determine.

Interest and sinking fund tax.

SEC. 3. *Be it further enacted,* That the County Court, at the annual meeting at which the tax rate and tax budget is fixed for the other county taxes for said county, is hereby authorized, empowered, and directed to levy a tax sufficient to pay the annual interest upon said bonds that have been so issued, and also to provide a sinking fund to retire said bonds. Said tax shall be collected by the County Trustee, and he shall be entitled to the same compensation for collecting said taxes as he is allowed for other taxes, and he shall give a good and solvent bond properly conditioned in a sufficient amount to preserve and protect said fund that shall come into his hands upon the collection of said taxes. But the Quarterly Court of said county shall have the power, from time to time, as said sinking fund accumulates to designate depositories for the same, from which interest may be obtained. These depositories shall be solvent banking or trust companies in said county, and shall give bond properly conditioned in an amount to be fixed by the court.

Commissioners to be appointed.

SEC. 4. *Be it further enacted,* That the Chairman of the County Court of Shelby County shall appoint five Commissioners, two of whom shall not be members of the County Court, and who shall be taxpayers and residents of the City of Memphis. They shall constitute a commission who are authorized and empowered to sell said bonds for not less than par. Said sale of bonds to be advertised for not less than ten days in some Memphis newspaper. The proceeds of these bonds when sold are to be turned over to depositories selected by said Commission, and the depositories shall give bonds with good and solvent sureties to secure said funds, and the faithful performance of their duties regarding same. The amount and condition of said bonds are to be fixed by the County Court and approved by it.

Chairman to keep record.

SEC. 5. *Be it further enacted,* That the Chairman of the County Court shall keep a well-bound book in which the number, date, and amount of each bond signed and issued is recorded, together with the amount and number of the coupon attached to said bond, and in said book shall be entered the name of the purchaser of each of said bonds, together with the amount paid for same.

Chairman and Secretary to draw funds.

SEC. 6. *Be it further enacted,* That the Chairman of the Commission and some other member of said Commission who shall have been elected by said Commissioners their Secretary, shall alone be authorized, upon their direct warrant or check, which shall be countersigned by the Chairman of the County Court, to draw out of the hands of depositories the proceeds arising from sale of said bonds, and no check shall be drawn until approved and ordered by the Board of Commissioners, and the said Secretary shall keep a neat, well-bound and accurate set of books showing the amount in the hands of the depositories arising from the sale of said bonds, and also showing the date, amount, and purpose for which said fund is checked out of said depositories.

Election of Chairman and Secretary, and compensation.

SEC. 7. *Be it further enacted,* That said Commission shall elect annually a Chairman and a Secretary. The Secretary not to be a member of the County Court. They may receive compensation for their services to be fixed by the County Court, not to exceed two thousand ($2,000) dollars per annum each, and the fact that the Chairman so elected is a member of the County Court shall not disqualify him from receiving such compensation as may be fixed by the Court, as above provided. Said Chairman and Secretary shall enter into bonds to be fixed by the Commission, and to be approved by the Quarterly County Court of Shelby County, conditioned for the faithful performance of their duties, and shall quarterly make a full and complete report to the County Court. The Commission may require bonds of said Chairman and Secretary in some solvent surety company, and may pay the premiums thereon out of said fund, or may require said officials to pay the same. It shall be the duty of the Secretary of said Board to keep the books and accounts for said Board, but the Chairman of the County Court shall also keep books showing the amounts received and paid out by the depositories. In the event of a vacancy in said Commis-

sion by the death or failure or refusal of any member to act, or his removal from Shelby County, or his removal from the Commission by the Quarterly County Court of Shelby County, because of his failure to properly and satisfactorily perform his duties as a member of said Commission, the Chairman of said Court is empowered and directed to appoint his successor.

Commissioners to locate and purchase site.

SEC. 8. *Be it further enacted,* That it shall be the duty of the said Commissioners to select and purchase from the proceeds of the sale of said bonds a proper site upon which to locate said courthouse, and shall attend to the building of the same until said courthouse is finally completed.

SEC. 9. *Be it further enacted,* That said Commissioners are authorized to procure a competent architect, and to pay him out of the courthouse fund. They are directed to advertise for at least sixty (60) days for bids on the plans, which shall have been prepared and agreed upon by them. The party to whom the contract is awarded shall enter into bond with sureties of unquestionable solvency in an amount, and properly conditioned, to insure the proper, satisfactory, and faithful performance of said work.

Expenses and proceeds of old courthouse.

SEC. 10. *Be it further enacted,* That all proper expenses, including the expenses necessarily incurrred in the sale of said bonds, and all proper expenses in the purchase of the lot and the erection of the building, shall be paid out of the funds arising from the sale of said bonds. But in no case shall the commission on sale of said bonds exceed three-eighths of one per cent. Should the present site and courthouse building be sold, the proceeds of such sale are to be used to retire courthouse bonds.

Court may retire bonds.

SEC. 11. *Be it further enacted,* That the County Court of said county, whenever there is a sufficient fund arising from the sinking fund tax above provided for, or whenever there is a fund not especially appropriated or needed for other county purposes, may purchase and cancel any of said bonds that can be obtained for a price that, in the opinion of the County Court, would justify them in making such purchase, and any bonds so purchased shall be cancelled by the Chairman of the court, who shall write across the face thereof in red ink that said bond is cancelled, give the date thereof, and sign his name thereto as Chairman, and he shall also cancel said bond and all

attached coupons with a sharp instrument provided for that purpose. An accurate account in a book kept for the purpose shall be made and kept of all bonds so purchased and cancelled, giving the amount and number of said bond, the date when same was purchased, and the amount paid therefor, and he shall thereupon paste said bonds and coupons in a space set apart in books provided for their reception.

Power of condemnation for site.

SEC. 12. *Be it further enacted,* That the Courthouse Commission, in the name of the County of Shelby, be, and is hereby, expressly given the power to condemn any land in the City of Memphis, Shelby County, that may be necessary for the courthouse site, and the proceedings for the exercise of this power of condemnation shall be the same as those now provided by law for the taking of private property for public uses. The compensation for land so condemned to be paid out of the proceeds of said bonds in all respects as if said property were acquired by purchase.

SEC. 13. *Be it further enacted,* That Chapter 16, Acts of 1905, passed February 2, 1905, and approved February 4, 1905, entitled "An Act to authorize Shelby County to issue $1,000,000 bonds to build a courthouse," and Acts amendatory thereof, be, and the same are hereby, repealed.

SEC. 14. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 378.

SENATE BILL No. 430.

A BILL to be entitled An Act to change the line between the Counties of Overton and Pickett.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Overton and Pickett be so changed as to detach that part of the land of Lottie Sells from Overton County and attach to Pickett County, which land is at or near Spurrier, Tennessee.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 379.

SENATE BILL No. 140.

AN ACT to regulate the drilling, maintenance, and operation of wells for the production of oil, gas, salt water, or mineral water, requiring the same to be plugged when abandoned or not operated, prohibiting the waste of natural gas, and imposing penalties and providing remedies for neglect or refusal to case, plug, or shut in wells.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any well shall be drilled for the production of petroleum oil, natural gas, salt water or mineral water, it shall be the duty of the owner thereof,

before drilling said well into the oil and gas sand, to encase such well with good and sufficient wrought iron, steel, or metal casing in such manner as to exclude and shut out all surface water, salt water, or fresh water, and to prevent the same from reaching or penetrating said oil and gas sand.

Abandoned wells to be filled up.

SEC. 2. *Be it further enacted,* That it shall be the duty of any owner of any well drilled for any of the purposes mentioned in the first section of this Act, before abandoning or ceasing to operate the same and before drawing the casing therefrom, to fill up the well with sand or rock sediment to a depth of at least fifty feet above the top of the oil or gas-bearing sand or rock, and drive a round, seasoned wooden plug at least three feet in length, equal in diameter to the diameter of the well below the casing, to a point at least five feet below the bottom of the casing; and immediately after drawing the casing, except in regions where the well caves after the withdrawal of the casing, shall drive a round, seasoned wooden plug at a point just below where the lower end of the casing rested; which plug shall be at least three feet in length, tapering in form, and of the same diameter at the distance of eighteen inches from the smaller end, as the diameter of the hole below the point at which it is to be driven. After the plug has been properly driven, there shall be filled in on top of the same, sand or rock sediment to the depth of at least fifty feet above the top of the oil or gas-bearing sand or rock.

Prevent waste of gas.

SEC. 3. *Be it further enacted,* That it shall be the duty of any owner of any well producing gas, to prevent the waste of said gas by escape and within the time hereinafter limited, to shut in and confine the same in said well, or in the pipes or pipe lines connected therewith. Said gas, with respect to any well heretofore drilled, shall be so shut in within ninety days after the approval of this Act, and with respect to any well hereafter drilled or completed, shall be shut in within ninety days after the said well shall reach the lowest oil and gas sand defined or recognized in the gas or oil district in which said well is situated; but if any such well in the course of drilling shall pass through any oil and gas sand which produces gas above the said last or lowest oil and gas sand, then the drilling of said well to the last or lowest oil and gas sand shall be prosecuted with reasonable diligence, so that any

waste of gas from the said upper sand shall not continue longer than shall be reasonably necessary. *Provided, however,* that this section of this Act shall not apply to any well producing both oil and gas from the same sand, or to any well while it is being operated as an oil well, or to any well drilled more than five years before the passage of this Act.

Owners of adjoining lands may stop wells—when.

SEC. 4. *Be it further enacted,* That if the owner of any such well shall neglect or refuse to cause said well to be plugged or shut in pursuant to the provisions of the second and third sections of this Act for a period of thirty days after a written notice so to do (which notice may be served personally upon such owner, or may be posted in a conspicuous place at or near the well), it shall be lawful for the owner or operator of any adjacent or neighboring lands to enter upon the premises where said well is situated and cause the same to be plugged, if it be an abandoned well, or shut in if not abandoned, pursuant to the provisions hereof; and the reasonable cost and expense incurred in so doing shall be paid by the owner of said well, and may be recovered as debts of like amount are by law recoverable.

Owner defined, etc.

SEC. 5. *Be it further enacted,* That the term "owner," as herein used with reference to any well, shall mean and include each and every person, persons, copartnership, partnership, association, or corporation owning, managing, operating, controlling, or possessing said well as principal or principals or as lessees, contractors, employees, or agents of such principal or principals; and the terms "oil and gas sand" or "sand," as herein used, shall mean and include any bed, seam, or stratum of rock, sand, or other material which produces, yields, or contains in quantity sufficient to be utilized, petroleum oil and natural gas, or either of them.

Penalty.

SEC. 6. *Be it further enacted,* That any person or persons, copartnership, partnership, association, or corporation violating any of the provisions of this Act shall be liable to a penalty of one hundred dollars, to be recovered with costs of suit in any civil action to be brought in the name of the State of Tennessee, in any Circuit Court, and such action may be brought at the instance and upon the relation of any citizen of the State.

Equity courts may hear complaints.

SEC. 7. *Be it further enacted,* That aside from and in addition to the imposition of any penalties under this

Act, it shall be the duty of any Chancery Court in the exercise of its equitable jurisdiction, to hear or determine any bill or bills in equity which may be filed to restrain the waste of natural gas in violation of this Act, and to grant relief by injunction or by other decrees or orders, in accordance with the principals and practice in equity. The complainant in such bill shall have sufficient standing to maintain the same if he shall aver and prove that he is interested in the lands situated within the distance of one mile from said well, either as an owner of such land in fee simple, or as an owner of leases thereof, or of rights therein for the production of oil and gas or either of them.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 380.

SENATE BILL NO. 365.

AN ACT to amend an Act entitled An Act to create and regulate the office of County Judge of Lewis County, approved May 14, 1895, same being Chapter 214, Acts of 1895.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 5, Chapter 214, of the Acts of 1895, approved May the 14th, 1895, be, and the same is hereby, amended by striking out the words "one hundred ($100)" in said section and inserting in lieu thereof the words and figures "two hundred ($200)," so as to fix the salary of said Judge at two hundred dollars instead of one hundred.

SEC. 2. *Be it further enacted,* That this Act take effect from and after the first day of April, 1905, the public welfare requiring it.

Passed April 12, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 381.

SENATE BILL No. 615.

A BILL to be entitled an Act to amend an Act entitled "An Act to redistrict the County of Maury, State of Tennessee, into nine Civil Districts, as now existing, and to define and prescribe the boundaries of such Civil Districts, and to repeal all laws or parts of laws in conflict with this Act," passed April 13, 1903, approved April 15, 1903, so as to create an additional Civil District in Maury County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of the Act mentioned in the title hereof, being Chapter 363 of the General Assembly of the State of Tennessee for the year 1903, be, and the same is hereby, amended by striking out of line three of said section the word "nine" and inserting the word "ten," so that said section when amended shall read as follows: "That the County of Maury in this State shall hereafter consist, and be composed of, ten Civil Districts instead of twenty-five Civil Districts."

SEC. 2. *Be it further enacted,* That the Tenth Civil District of said county shall consist, and be composed of, all that territory embraced in Civil Districts Nos. Two, Fifteen, and Sixteen, as the same existed and were laid out on the twelfth day of April, 1903.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 382.

SENATE BILL No. 408.

AN ACT entitled "An Act to incorporate the Town of Munford, Tennessee, and to prescribe its corporate boundaries and regulate its municipal government."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the citizens of Munford, in the County of Tipton, State of Tennessee, are hereby incorporated by the name of the Mayor and Aldermen of Munford, and by that name may sue and be sued, and contract and be contracted with, hold real and personal property, assess taxes to improve its streets and public squares, and pass all ordinances necessary for the benefit and good of the town.

SEC. 2. *Be it further enacted,* That the boundaries of said Town of Munford, Tennessee, shall be as follows:

Boundaries.

Beginning at a stake in J. M. Ellison's field, from which south 73½ degrees west 2.69 chains, the northeast corner of the brick pillar of Ellison's barn; thence north 45½ west 40 chains to a stake about 50 yards northeast of a cabin; thence north, crossing the Randolph Road at 33.20 chains, in all 36 chains, to an iron axle, from which south 41½ degrees east about 3 chains to the northwest corner of the chimney to Walter Crigger's house; thence south 12 1-4 degrees west at 39.22 chains, crossing Drummond's Road, in all 40 chains, to a stake; thence south 35 degrees east 39.72 chains to a stake on Wooten's north line; thence north 87 1-4 degrees east at 1.90 chains, crossing Memphis Road, in all 9.40 chains, to an iron wheel; thence

north 49 1-4 degrees east 18.38 chains to a stake 1½ feet east of a 4-inch sweet gum pointer; thence east 9.50 chains to an 18-inch black gum tree, marked "X" on the north side; thence north 69½ degrees east 17.85 chains to a stake in Griffith's lot; thence north 9¾ degrees west at 8.30 chains, crossing Atoka Road, in all 10.97 chains, to beginning.

SEC. 3. *Be it further enacted,* That there shall be a Mayor and six Aldermen, who shall constitute the Board of Mayor and Aldermen of Munford, and they shall be elected by the qualified voters as hereinafter provided.

SEC. 4. *Be it further enacted,* That at said election to be held on the second Tuesday in May, 1905, and every two years thereafter, there shall be elected in addition to the Mayor and six Aldermen above provided for a City Marshal and Recorder and Treasurer, and all officers mentioned in the above section shall hold office for a period of two years, or until their successors are elected and qualified, unless sooner removed as hereinafter provided for. Date of elections.

SEC. 5. *Be it further enacted,* That every person elected to the office of Mayor or Aldermen or of City Marshal and Recorder and Treasurer shall have been a resident of the State of Tennessee for more than one year, a resident within the boundaries of Munford for not less than six months immediately preceding the election, and shall continue to reside within the Town of Munford during his term of office. In case of the removal of any officer of the Town of Munford his respective office shall immediately become vacant. Who eligible to office.

SEC. 6. *Be it further enacted,* That all elections for said Town of Munford shall be held by the Commissioners of Elections of Tipton County under the laws of the State of Tennessee governing elections, or by such officer or officers and in such manner as the laws of the State may prescribe.

SEC. 7. *Be it further enacted,* That all persons who are qualified to vote for members of the General Assembly in the State, and who have been actual *bona fide* residents and citizens of the territory within the corporate boundaries of Munford for six months prior to the election, and all non-residents who are qualified voters under the laws of the State of Tennessee and Tipton County, owning real estate in Munford, shall be entitled to vote in the election to be held on the second Tuesday in May, 1905, and at every subsequent municipal election. Who may vote.

Oath of office.

SEC. 8. *Be it further enacted,* That on the third Tuesday in May, 1905, and on the same day of every year thereafter, that the officers of the corporation of Munford shall each, before entering upon the discharge of his duties, take an oath before some Justice of the Peace for Tipton County to support the Constitution and the laws of the United States and the State of Tennessee, and an oath of office.

Compensation of officers.

SEC. 9. *Be it further enacted,* That the salaries and compensation of all officers of the Town of Munford shall be fixed by ordinance of the Board of Mayor and Aldermen, and the said salaries of the various officers heretofore mentioned may be changed by ordinance, but they shall not be increased or diminished during the term for which they are elected.

ower of city.

SEC. 10. *Be it further enacted,* That the Mayor and Aldermen of the Town of Munford shall have power by ordinance in said corporation to levy and collect taxes upon all property taxable by law for State purposes and upon all privileges and polls taxable by the laws of the State, to appropriate money to provide for the debts and expenses of the town; to prevent and remove nuisances; to open, alter, abolish, widen, extend, preserve, and keep in good repair the streets and sidewalks; to establish patrols and watches, to regulate and suppress all disorderly houses and houses of ill fame, and to provide for the arrest and confinement of all vagrants, riotous or disorderly persons within the limits of the town; to impose fines and penalties for the breach of any ordinance or by-law, and to provide for their recovery.

Workhouse.

SEC. 11. *Be it further enacted,* That the Mayor and Aldermen may, as soon as practicable after the passage of this Act, erect, purchase, or rent and organize a workhouse within or beyond the limits of the town; and any person who shall neglect, fail, or refuse to pay any fine or costs imposed upon him or her, under any ordinance of the town, shall be committed to the workhouse until such fine and costs be fully paid. Every person so committed to the workhouse shall be required to work for the town at such work as his or her health and strength will permit, within or without the workhouse, not exceeding ten hours per day, Sunday excepted. And for such work shall be allowed forty cents per day and board until the whole fine and costs are discharged, when said person shall be released.

And until such workhouse is established, such offenders may be made to work the streets of said town, subject to the same probation and limitations as above.

SEC. 12. *Be it further enacted,* That the Mayor shall act as President of the Board of Mayor and Aldermen, and the Recorder and Treasurer shall act as Secretary or the Clerk to said Board of Mayor and Aldermen, and during the absence of either one of these officials the Aldermen present shall choose one of their own members to fill the vacancy temporarily; and said Board shall have power to fill all vacancies caused by death, removal, resignation, or otherwise.

SEC. 13. *Be it further enacted,* That four members of the Board of Aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day.

SEC. 14. *Be it further enacted,* That all ordinances of Munford and a full and complete record of the proceedings of the Board of Mayor and Aldermen shall be kept by the Recorder, who shall keep a minute book, and also a separate book called the ordinance book, in which shall be recorded all the ordinances passed by the Board, with the date on which they were passed.

Record of Board to be kept.

SEC. 15. *Be it further enacted,* That the Recorder and Treasurer shall collect, receive, and receipt and account for the revenue of the corporation, but he shall not pay out any part of the same except on warrants previously authorized by the Mayor and attested by the Recorder and the Treasurer; and such warrants shall specify the particular fund out of which they are to be paid, and shall be payable out of no other fund.

Revenue—how collected and disbursed.

SEC. 16. *Be it further enacted,* That the Recorder and Treasurer shall have the custody of all public records and of all contracts and of all deeds and other instruments of writing belonging to said corporation, except his own official hand.

SEC. 17. *Be it further enacted,* That the Board of Mayor and Aldermen may by ordinance prescribe and require a bond or bonds of any officer elected by said Board or by the people or voters of said town, and fix the amount and terms thereof; and such bonds shall be required of any and all officers charged with the collection of the corporation revenue.

Accounts to be kept.

SEC. 18. *Be it further enacted,* That it shall be the duty of the Recorder and Treasurer to keep a full and accurate system of accounts with each official department of the corporate government showing the amounts of receipts and expenditures of each of said departments, and he shall submit a statement of the same to the Board of Mayor and Aldermen.

Mayor to try offenders.

SEC. 19. *Be it further enacted,* That the Mayor of said town is hereby vested with full power and authority to try and determine all offenses for the violation of ordinances and laws of said corporation, and impose and enforce and cause to be enforced penalties and punishments for the violations of the laws and ordinances of the said Town of Munford. And he is also hereby vested, within the limits of the corporation, with concurrent jurisdiction with Justices of the Peace in cases of the violations of the criminal laws of the State of Tennessee, and be entitled to the same fee as now allowed Justices of the Peace for their services.

Said court to have power and authority to preserve order and decorum while in session, and shall be vested with the same powers to suppress disorder in the courtroom as are incident to the Justices of the Peace.

The Mayor shall have the power to remit fines and penalties.

SEC. 20. *Be it further enacted,* That the City Marshal of said Town of Munford, or any person of the police force of said town, may arrest any person who, in his presence, may be guilty of a breach of any ordinance of said corporation or of a crime against the laws of the State of Tennessee, and they are empowered to serve process of any kind or charter issued by or out of the Mayor's court, and to serve process in criminal matters issued by a Justice of the Peace within the corporation of said town.

SEC. 21. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 383.

SENATE BILL No. 441.

AN ACT to create a special School District in Marshall County, and to provide for the appointment of School Directors for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District, to be known as District No. 19, to be created in Marshall County, that the metes and bounds of said district shall be the same as were the metes and bounds of School District No. 51 before the passage of the Act of the Legislature of 1903.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Superintendent of Public Instruction to appoint three Directors for said School District, to serve until the regular August election, 1906.

SEC. 3. *Be it further enacted,* That the Trustee of Marshall County shall, in the distribution of the school fund, prorate to the district herein created according to the scholastic population of said district.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 384.

SENATE BILL No. 308.

A BILL to be entitled An Act to regulate the location of tollgates on turnpike roads in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever any turnpike company shall own any turnpike road running through a portion of two or more counties, and a portion of the said turnpike road shall be purchased by any county, and made free pike, and it shall be that a tollgate located upon that portion made free, shall for that reason be removed, it shall be lawful for said turnpike company, whether chartered or incorporated by special Act, or under the general law, to replace said tollgate at any point within two miles of the tollgate so removed, upon the portion of the turnpike road so remaining and required to be kept or maintained; *Provided,* said turnpike company shall have or acquire and maintain not less than five miles of turnpike road; and *Provided further,* that such tollgate so replaced shall not be located nearer than six miles to any other tollgate upon said turnpike road.

SEC. 2. *Be it further enacted,* That any turnpike company coming within the provisions of Section 1 of this Act, which may have heretofore sold any portion of its road to any county for the purpose of making the same a free pike, and for that reason shall have had a tollgate removed or discontinued, shall have the right to erect and maintain another tollgate at any point within two miles of the location of said tollgate so removed or discontinued, and shall have the right to maintain any tollgate already so erected; *Provided,* said turnpike company shall have or acquire, and still maintain, not less than five miles of turnpike road; and *Provided further,* that no tollgate so erected or maintained shall be located nearer than six miles to any other tollgate located on said road.

SEC. 3. *Be it further enacted,* That all laws, or parts of laws, in conflict with this Act be, and the same are here-

by, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 385.

SENATE BILL No. 329.

AN ACT to change the line between Moore and Franklin Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Moore and Franklin Counties be, and the same is hereby, so changed as to include all the lands of N. A. Majors, in Moore County, and said lands are hereby detached from Franklin County and attached to Moore County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 386.

SENATE BILL No. 502.

AN ACT to establish the Twenty-fourth School District in Giles County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a new School District, to be known as the Twenty-fourth School District of Giles County, is hereby created out of portions of the Thirteenth, Fourteenth, and Nineteenth School Districts of said county, which said School Districts are co-extensive with the Civil Districts of said county of the same number as follows:

Beginning at J. C. Hannah's northwest corner; thence with his line running to his south boundary line in a southeastern direction to W. C. Rose's east boundary line; thence with his east boundary line to J. J. Zuccorella's west boundary; thence south of his west boundary and T. P. Anderson's west boundary to R. J. Anderson's west boundary; thence with his south boundary in a northeastern direction to J. A. Morris' south boundary; thence with his south boundary and east boundary to A. W. Parker's farm; thence with Parker's east boundary to James Lidwell's east boundary; thence with his east boundary in a northern direction to Mrs. Alice Crossno's east boundary; thence with her east boundary and north boundary so as to include R. J. Evan's farm, to J. C. West's north boundary; thence west to M. E. Alexander's north boundary; thence west, including the farms of A. A. McKinzie and C. L. Ross, to the beginning.

SEC. 2. *Be it further enacted,* That the general laws applicable to School Districts in Tennessee shall apply to the district hereby created.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 387.

SENATE BILL No. 614.

AN ACT to amend Chapter 17, of the Acts of the General Assembly of the State of Tennessee, passed March 23, 1897, and approved March 24, 1897.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 17 of the Acts of the General Assembly of the State of Tennessee, passed March 23, 1897, and approved March 24, 1897, be, and is, amended as follows: At the end of Section 1 of said Act add the following words: "And the provisions of this Act shall apply to and embrace all counties in the State, as a whole, which have a population of not less than forty-two thousand five hundred and not more than forty-five thousand by the Federal Census of 1900 or by any subsequent Federal Census, without reference to the unmber of Civil Districts therein or the population of any Civil District therein."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 10, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 388.

SENATE BILL No. 498.

AN ACT to amend the charter of the City of Chattanooga, Tennessee, giving the Board of Education the care, control and maintenance of public school buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the City of Chattanooga, Tennessee, and all Acts heretofore passed by the General Assembly of the State of Tennessee amendatory thereof, are hereby amended so as to give the Board of Education of said City of Chattanooga the care, control, maintenance, and repair of all public school buildings and grounds located in the City of Chattanooga, and the making of contracts therefor are hereby devolved upon the Board of Education of said city.

For all such purposes the General Council shall only be charged with the duty of making necessary appropriations and all expenditures and all moneys so appropriated shall be under the direction and control of said Board of Education.

In these additional matters hereby placed within the jurisdiction of the Board of Education, said Board shall have the same powers and discretion and be subject to the same restrictions and limitations prescribed by existing laws with respect to matters under the control of the Board of Public Works of said city.

SEC. 2. *Be it further enacted,* That all laws in conflict with any of the provisions of this Act are hereby repealed, and that this Act take effect from and after its passage.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 389.

SENATE BILL No. 470.

AN ACT to be entitled "An Act to create a special school district in Warren County, Tennessee, define the boundaries, and provide for the election of school officers for the same."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special and independent School District be established out of the Third Civil District of Grundy County, Tennessee, and the Eighth Civil District of Warren County, Tennessee, to be known as Special School District No. ——, and the same is hereby created with boundaries as follows:

Beginning at a cave on J. P. Hughs' farm in Dry Cave, running south to and including Earle's farm; thence southeast on side of mountain, including J. P. Hughs' mountain farm and Harris Fult's mountain farm; thence southeast with and including J. G. Mansfield's mountain farm; thence east with and including Jane Campbell's farm, J. P. Hughs' and D. Campbell's farm; and thence northeast and including the farm of John and D. Fults; thence north with and including the Mosser farm; thence north with and including R. Etter's Round Cave farm; thence north with and including Frank Stott's mountain farm; thence northwest with and including the Patsy Brown farm and Henry Brown farm; thence south with and including J. P. Hughs' distillery farm and Jones' farm; thence to the beginning.

SEC. 2. *Be it further enacted,* That the said School District is to be known as the Chestnut Grove School District No. ——, and shall have all the rights and privileges and emoluments as other School Districts of said counties, and shall be controlled by the Directors appointed by the County Superintendent, and who shall hold their office until next regular election for School Directors, when they shall be elected by the qualified voters of the said School District as the other School Directors are elected, and for the same time.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 390.

SENATE BILL No. 330.

AN ACT to change the line between Moore and Franklin Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Moore and Franklin Counties be, and the same is hereby, so changed as to include all the lands of A. J. Womack in Moore County, and said lands are hereby detached from Franklin County and attached to Moore County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 391.

SENATE BILL No. 338.

AN ACT to permit the straightening of the south fork of the Forked Deer River, and the removing of obstructions from the channel of the same, and for the improvement of the bottom lands along said river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for persons owning lands in the bottom of the South Fork of the Forked Deer River, or interested in such lands, to dig ditches or canals along and in said river bottom for the purpose of carrying off the waters of said stream more rapidly; and to remove obstructions from the natural channel of said river.

Such ditches may be cut across the bends of said river or located wherever they may be most advantageous to effect the purpose of carrying off the water of said stream rapidly, and draining the bottom lands along and adjacent to said stream.

SEC. 2. *Be it further enacted,* That nothing in any Act declaring said river navigable shall prevent the digging of ditches, etc., as provided for in the first section of this Act, being done, it being the intention of this Act to permit such work and improvement to be done, looking to the betterment of the bottom lands along and adjacent to said stream, notwithstanding said river may be navigable, or heretofore declared navigable; *Provided, however,* that this Act shall not apply to that part of said stream below the point where it is crossed by the Yellow Bluff Bridge and levee in Dyer County, but shall apply only to that part of said river which is above said point of crossing of said bridge and levee.

Does not apply below Yellow Bluff Bridge.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 392.

SENATE BILL No. 493.

AN ACT to require all life insurance companies, other than Fraternal Beneficiary Associations, to print or stamp in conspicuous type on each policy of insurance, sold to citizens of this State, words indicating the kind or character of such policy, the same to be approved by the Insurance Commissioner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all life insurance companies other than fraternal beneficiary associations, authorized to do the business of life insurance in the State of Tennessee be, and the same are hereby, required to print or stamp in conspicuous type on the face or first page of each and every policy, sold to citizens of this State, words indicating correctly and fully the kind and character of the policy. The same words shall also be printed or stamped on the back or title page of every such policy so that they may be easily seen and read when the policy is folded.

SEC. 2. *Be it further enacted,* That every such life insurance company shall submit to the Insurance Commissioner for his approval the words required in Section 1 of this Act, to be printed on each policy, together with sample copy of every kind or class of policies offered for sale in this State, and every life insurance company shall print on each of its policies sold to citizens of this State such words as the Insurance Commissioner shall approve.

SEC. 3. *Be it further enacted,* That the license of any insurance company doing business in this State may be revoked by the Insurance Commissioner for violating any of the provisions of this Act.

SEC. 4. *Be it further enacted,* That this Act shall take effect from and after July 1, 1905, the public welfare requiring it.

Passed April 12, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 393.

SENATE BILL No. 475.

AN ACT to amend an Act entitled "A Bill to settle the amount of the public debt of the State, fix the rate of interest thereon, provide for the funding thereof, and the compensation of the officers of the State therefor," being Chapter 84, of the Acts of 1883.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all bonds and scrip of the State of Tennessee issued prior to the Funding Act of March 20, 1883, and not presented for funding as provided in said Act on or before January 1, 1907, be, and the same are, forever barred; *Provided, however,* that the bonds held by the United States Government are excepted from the provisions of this Act, and shall remain subject to the provisions of said Act now amended and all amendments thereto now in force.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 394.

SENATE BILL No. 451.

AN ACT to fix the compensation of County Superintendent of Public Instruction in counties having a population of over four thousand and under five thousand, according to Federal Census of 1900.

This Act applies to Lewis County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That County Superintendent of Public Instruction be paid the sum of two hundred and twenty-five dollars per year, payable quarterly, in all counties in this State having a population of more than four thousand and under five thousand inhabitants, according to the Federal Census of 1900.

SEC. 2. *Be it further enacted,* That this Act take effect from and after the first day of April, 1905, the public welfare requiring it.

Passed April 12, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 395.

SENATE BILL No. 578.

AN ACT to amend an Act entitled "An Act to incorporate the Town of Tullahoma, in Coffee County, Tennessee, and to provide a charter and mode of government for said municipality, and to prescribe punishment for violation of certain charter provisions," passed March 19, 1903, and approved by the Governor April 1, 1903, so as to authorize the qualified voters of said town of Tullahoma to elect the Recorder and Town Marshal of said town, and to take from the Mayor and Aldermen the right and privilege of choosing these officers, and to provide the manner in which said officers shall be elected.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 553 of the Acts of 1903, passed by the General Assembly of the State of Tennessee on March 19, 1903, and approved by the Governor on April 1, 1903, entitled "An Act to incorporate the Town of Tullahoma, in Coffee County, Tennessee, and to provide the charter and mode of government for said municipality, and to prescribe punishment for violations of certain charter provisions," be so amended as to strike out all that part of said Act which provides for the election of the Recorder and Town Constable of said town by the Mayor and Aldermen, and inserting in lieu thereof the following words:

"That the Recorder and Town Constable of the Town of Tullahoma, Tennessee, shall be elected on the first Thursday in February, 1906; thereafter annually on the first Thursday in February, in the same election to which the Mayor and Aldermen are chosen, and by the same voters who are entitled to vote for Mayor and Aldermen."

SEC. 2. *Be it further enacted,* That Section 16 of said Act be so amended as to read as follows:

"That the Town Constable of said Town of Tullahoma shall, after his election to office, in all respects be subject to the by-laws, orders, rules, and regulations of the Mayor and Aldermen of said town; and for any violations, neglect, or disregard of said by-laws, orders, and rules, he may, in the discretion of said Mayor and Aldermen, be removed from office, being at all times subject to the will

and pleasure of said Board of Mayor and Aldermen, and should a vacancy occur in said Town Constable's office by such removal, or any other cause, the said Mayor and Aldermen shall appoint another individual qualified to fill said office, who shall serve until the election of his successors, who shall be elected at a special election by the voters of said town, qualified and hereinbefore provided, which election shall be held within forty days after such vacancy occurs, unless the next regular election will be held within sixty days from said vacancy."

SEC. 3. *Be it further enacted,* That such parts of Section 9 and Sub-section 8 of Section 10, and any other part of said Act in conflict with this Act, be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 396.

HOUSE BILL No. 995.

AN ACT to authorize the County Court of Henry County to purchase grounds and erect thereon a Public County High School Building within said county, and to provide for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Henry County shall have power, and is hereby authorized, to purchase grounds and erect thereon a suitable building or buildings for a public high school at some suitable place at or near the county seat; *Provided,* an expenditure for said purpose shall not exceed forty thousand dollars.

SEC. 2. *Be it further enacted,* That said County Court shall also have power, and is hereby authorized, to pro-

vide for the payment for said school grounds and buildings by the issuance of its time interest-bearing warrants, the rate of interest not to exceed six per cent per annum, and payable at such time or times as said County Court, in its judgment, may deem proper.

SEC. 3. *Be it further enacted,* That said court shall have power to levy special taxes in addition to other taxes, not to exceed twenty cents on the one hundred dollars for any one year on all taxable property, to be levied and collected as other taxes, to meet the principal and interest of said warrants as they severally fall due.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 397.

HOUSE BILL No. 660.

AN ACT to create a Board of Jury Commissioners for counties in this State having a population of twenty-two thousand seven hundred and thirty-five and less than twenty-two thousand eight hundred, by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census, and for the selection of juries; to prescribe the duties of the members of said Board and of the Judges, and punish violations of this Act; to provide for the jury lists and jury boxes to be kept in each county affected by this Act, and to repeal all laws in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a Board of Jury Commissioners for each county in this State having a population of 22,735 and less than 22,800 inhabitants by the Federal Census of 1900, or that may have that number of inhabitants by any subsequent Federal Census,

This Act applies to Roane County.

to be appointed by the Circuit Judge who holds court in said county. Said Board shall consist of three discreet persons, who are householders and freeholders of the county, and who are not practicing attorneys at law of State or county officers, and who have no suit pending in said court at the time of their or his appointment, and not more than two of whom shall belong to the same political party, each of whom shall be appointed for a term of six years, at the next term of said court after the passage of this Act. All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made. In the event that at any time when, by the provisions of this Act, it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof, or by the certificate of a reputable physician, that such member is, by temporary sickness of physical disability, or for some other good and sufficient reason unable to attend and discharge such duty or duties, then said affidavit or certificate shall be filed in the office of the Circuit Court Clerk and the two remaining members shall constitute the Board, and discharge such duties.

SEC. 2. *Be it further enacted,* That the Jury Commissioners, before entering on the discharge of their duties, shall take and subscribe before an officer authorized to administer oaths, the following oath, viz.:

Oath of Commissioners.

"I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the County of ———— (filling in name), to the best of my knowledge and ability; that I will not place the name of any person on said jury list or in the jury box whom I believe to be corrupt or unfit, or who has, to my knowledge, solicited, or had others to solicit that his name be placed on the jury list or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duties, unless called upon to give evidence thereof in some court of justice, or other legal tribunal of this State. So help me God!"

Said oath shall be spread upon the minutes of the Circuit Court, and the original preserved as a part of the records of said Commissioners.

Commissioners to meet and organize.

SEC. 3. *Be it further enacted,* That immediately after their appointment and qualification, said Jury Commissioners shall meet and organize by the election of one of their members as Chairman. The Clerk of the Circuit Court shall be the Clerk of the Board of Jury Commissioners, and shall perform all the clerical duties required by law. Before entering upon the performance of his duties as Clerk of said Board, he shall take and subscribe to an oath to faithfully discharge his duties, as required by law, and that he will never divulge any of the proceedings and deliberations of the Jury Commissioners, unless compelled to testify thereto in some court in this State. This oath shall be spread upon the minutes of the court, and the original preserved as a part of the record of the Commissioners.

Selection of jury lists.

SEC. 4. *Be it further enacted,* That it shall be the duty of the said Jury Commissioners to select from the tax books of the county, and other sources, names of upright and intelligent men known for their integrity, fair character, and sound judgment, from each and every district in the county and in proportion to the population of such districts, as near as may be, and possessing the qualifications now prescribed by law, except that served on a regular panel within two years shall not disqualify a person, a list of names numbering not less than one-fifth the whole number of votes cast in the county for Presidential elections at the Presidential election next preceding the making of said list; *Provided,* said list shall not for any one county contain more than fifteen hundred names nor less than two hundred and fifty names. Said list shall constitute the jury list for two years from the making thereof, and shall not during said years be added to or taken from, except as hereinafter provided. The Circuit Court Clerk as Clerk of the Board, shall purchase for the Board a suitable and well-bound book, in which to record said list. At the top of each page of said book shall be written or printed the words, "Jury list for ——— County" (filling in the name of the county). Said book shall be so ruled as to leave a space at the left-hand side of each page for the names, and at the right-hand side for such entries as are hereinafter provided for. Preceding the list of names in said book shall be written these words: "Jury list selected by the Board of Jury Commissioners for ——— County,

the ——day of ————" (filling in the name of county and date). Immediately following this shall be recorded the list of juries selected, placing one name in each line, arranging the names in alphabetical order, and numbering them consecutively, beginning with No. 1. After each name shall be placed in parenthesis the initials of the Commissioners proposing such name, but no name shall be placed on such list except by a majority vote of the Board of Commissioners. At the end of the list shall be written and signed by the Commissioners, the following: "We certify that the foregoing is the jury list selected by us the —— day of ————" (filling in the date). The Commissioners shall report the list to the next term of the Circuit Court, as follows:

To the Honorable Circuit Court of ———— County (filling in the name of the county):

Report of Commissioners of list.

We, the Jury Commissioners for said county, respectfully submit the following as the jury list selected by us for the next two years, as shown by the jury book herewith, viz.: (here shall follow a complete copy of the list). Each of the names on said list shall be written on a slip or scroll of paper, uniform in size, and placed in a box, to be known as the jury box, and so labeled. Said box shall be kept securely locked and under seal, and it shall not be unlocked or the seal broken except by the order of and in the presence of the Board, and then only for the purpose of drawing therefrom names of jurors, or making a new list, as herein provided, or in open court, by order of the Circuit or Criminal Court, for good and sufficient cause. Said jury book shall be kept in secret by the Clerk, under lock and key, and no one shall be allowed to inspect the same except the Clerk, the presiding Judge, and Jury Commissioners. It shall be the duty of the Clerk of the Circuit Court to record the jury list in said jury book, and to write the names or numbers on said slips or scrolls. For these services he shall be entitled to a fee of five cents for each name on said list, to be paid by the county on the certificate of the Circuit Judge that the services have been rendered.

Commissioners to draw juries before each term of court.

SEC. 5. *Be it further enacted*, That not less than ten days nor more than fifteen days before each regular or special term of the Circuit Court, or Criminal Court,

said Board shall unlock the jury box and break the seal thereof, and after well shaking the same, cause to be drawn therefrom, in the presence of the Board, by a child under ten years of age, a number of names equal to the number of jurors, who, under existing laws, are selected by the County Court, and the Judge of the Circuit or Criminal Court, as the number designated by order of the court, as hereinafter provided, to constitute the regular panel of grand and petit jurors for such term of court; and *Provided,* that when the Circuit Judge may deem it expedient to have at any particular term an additional panel, he may notify the Commissioner in writing before the time for drawing the panel, as herein provided, and on such notice being given, the said Commissioner will at the time draw an additional panel composed of fourteen names, who shall be summoned along with the entire panel. In the event a name or names of a person or persons, known by the Commissioners to have died or removed from the county, or to be mentally or physically disabled, shall be drawn, such name or names shall be put aside and another name or names drawn in its or their stead. When in this way the required number of names have been drawn, the slips or scrolls on which they have been written shall be placed in a sealed envelope and safely kept by the Chairman of the Board, and by him delivered in open court, to the Judge of the court, on the first day of the term. In the same manner, all names which may have been drawn and put aside, as above provided, shall be kept and delivered in open court. A report shall also be prepared by the Clerk of the Board, substantially as follows:

Report of panel drawn.

"*To the Honorable* ———— *Court,* ———— *County* (filling in the name of court, whether Circuit or Criminal, and also the name of the county):

"We, the Jury Commissioners for said county, respectfully report the following as the regular panel of grand and petit jurors, which have been drawn according to law, for the ———— term of said court, viz.: (filling in the blank before the word 'term,' and then copying the names drawn from the jury box. If any names have been drawn and put aside, as above provided, there shall be added to the report substantially the following):

"In addition to the above, there was drawn from the jury box the following names of persons known to the

Board to have died or removed from the county, or become mentally or physically disabled (here copying such names)."

If, as heretofore provided, any member of the Board cannot be present at said drawing, this fact shall be stated in the report, which shall be signed by the members actually present at the drawing. This report shall be delivered to the Clerk of the Circuit or Criminal Court, according to the court for which said panel has been drawn, and by him filed in his office, and the date of such filing endorsed thereon. Thereafter and at least five days before the next regular or special term of such court, the Clerk of the court shall issue to the Sheriff a writ of *venire facias,* commanding him to summon the persons whose names are set out in said report as the jurors for said term of court, and it shall be the duty of the Sheriff to serve same as now provided. At such regular or special term of the court, the Judge thereof shall first compare the list contained in the report filed with the Clerk with the names on the slips or scrolls, delivered in open court, by the Chairman of the Board, and if they correspond, they shall constitute the panel of grand and petit jurors for that term of the court, and said report shall be spread upon the minutes of the court. From this panel the grand and petit jurors shall be made up, as now provided by law, examining each proposed juror to ascertain whether he is qualified. In the event that, by reason of the disqualification of proposed jurors, or other cause, the required number of jurors cannot be obtained from said panel, the Clerk of the Circuit Court shall produce in open court the jury box, and said box shall be opened, and there shall be drawn therefrom, in the manner provided for the original drawing, except that it shall be done in open court instead of in the presence of the Board, the number of the names deemed by the Judge sufficient to complete the juries. This process shall, if necessary, be continued until the grand and petit juries are completed; *Provided,* it shall be the duty of the Judge of each Circuit and Criminal Court to make a rule or order of the court, entered on the minutes, designating how many jurors shall be in attendance to supply the places of such jurors as shall be disqualified in particular cases, and further directing how

Clerk of court to issue summons to Sheriff.

Court to designate number to be drawn.

many names shall be drawn by the Board for each term, including such number as he deems necessary to insure the prompt impaneling of the juries.

SEC. 6. *Be it further enacted,* That a list shall be kept by the Clerk of the court of all persons whose names are drawn from the jury box, but who for any reason other than that they are not qualified, do not serve as regular jurors; and when the juries are made up, an entry shall be spread upon the minutes showing a list of such persons and their names shall, in open court, be put back in the jury box, the court ordering the box to be opened for that purpose. A list of those constituting the regular grand and petit jurors shall also be spread on the minutes, and it shall be the duty of the Clerk of the Circuit Court to enter in the space following the name of each such juror, on the jury list, the following words, "Regular jury or juries," and also the date of such service on the jury. In counties where the Criminal and Circuit Courts are separated, the Clerk of the Criminal Court shall, during each term of this court, furnish a list of the regular jurors serving to the Clerk of the Circuit Court, and from this list the latter shall make the entries on the jury list required by this section.

Court may order other names drawn

SEC. 7. *Be it further enacted,* That whenever the Judge is satisfied that in any case a jury cannot be obtained from the regular panel, he may, but not earlier than three days before the case is assigned for hearing, cause the jury box to be brought into open court, and such number of names as he deems sufficient to obtain such jury to be drawn therefrom, and the Sheriff shall forthwith summon the persons whose names are so drawn. From the panel so drawn and summoned, and the regular panel, the panel shall be made up, if practicable. If not, another panel shall likewise be drawn and summoned instanter, and so on until the jury is completed or the jury box exhausted. If the jury box is exhausted before the jury is completed, the Sheriff shall summon such other men as may be designated by the presiding Judge until the jury is complete; *Provided,* that in case of emergency, the presiding Judge may, in his discretion, where the regular panel has been exhausted before the jury is completed, furnish the Sheriff with additional names, who shall forthwith be summoned by the Sheriff, and so on until the jury is completed. The

Judge shall not place on the list the name of any person who seeks, either directly or indirectly through another, to be summoned as a juror, and such solicitations shall operate to disqualify said person for jury service. It shall be a misdemeanor, punishable by fine of not less than $25.00 nor more than $50.00, for any person to request or to have another to request, to be placed upon said jury list. The names drawn from the jury box, whether such persons serve on the jury or not, in the same manner as hereinbefore provided, with respect to names of those drawn but not serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned under this section that he has served on a regular jury within two years, nor shall service on a jury under this section disqualify or excuse him from service on the regular juries if his name is regularly drawn from the box thereafter. The Clerk of the court shall keep a list of all persons serving on juries as provided in this section, and at the close of each term shall furnish the same to the Clerk of the Board, who shall enter opposite each such name the words, "Served on special jury," together with the date of such service.

Court may excuse parties.

SEC. 8. *Be it further enacted*, That the court shall not have the right to excuse any person summoned as a juror who is qualified for service except it be made to appear by affidavit in writing, which shall be preserved as a record of court, and in which it shall appear to the satisfaction of the court, that the state of his own health or that of his family requires his absence, or that some pressing or urgent business engagement, the neglect of which would cause irreparable loss, or the public service will be materially injured by his attendance, and such details shall be given as will clearly show the reason therefor to the satisfaction of the court. If excused, it shall be only for such time as the cause for excuse exists. If, by reason of excusing of jurors under this section it becomes necessary to have additional jurors during the term, they shall be drawn and summoned, the drawing to be done in open court, as provided in Section 5 of this Act. Nothing in this Act shall be construed as prohibiting a Judge from discharging a juror for good cause to him appearing.

SEC. 9. *Be it further enacted*, That before the Clerk delivers to the Sheriff or his deputies the writ for the

regular panel, or any writ for the names of the jurors, otherwise drawn or prepared by the presiding Judge, he shall administer an oath to said Sheriff or deputies, to keep said names secret, and instruct them to caution such jurors as summoned, not to divulge the fact that they have been summoned as jurors.

When lists are to be prepared.

SEC. 10. *Be it further enacted,* That the jury list herein provided for shall be prepared as soon as practicable after the passage of this Act. On the first Monday in June, 1905, or as soon thereafter as practicable, and biennially thereafter, the Board shall make out a new jury list, and place the names in the jury box, the names then remaining in the jury box being first removed; *Provided,* that if within two years the number of names remaining in the jury box shall have been reduced until they are less than one-third of the number of names on the jury list, then the Judge of the Circuit or Criminal Court shall, by an order made either at chambers or in open court, require the Board to renew the list and box as though the two years had expired.

SEC. 11. *Be it further enacted,* That when a new jury list is to be made, the Board shall, if practicable, not put thereon the names of those on the list for the preceding two years, who have actually served during that time as regular jurors.

Court may investigate jury box.

SEC. 12. *Be it further enacted,* That if for any reason the court should at any time discover that the jury box had not been filled or renewed, or that the jury list has not been prepared or renewed, as required by law, or the panel drawn, or additional names drawn therefrom, as required by law, or the jury box has been tampered with, the Circuit or Criminal Judge may have the right to investigate said jury box, and also the jury list, and see that this Act is duly enforced, and should it be discovered that any irregularities or frauds exist, correct same. If for any reason a legal panel is not furnished a Circuit or Criminal Court at any regular or special term, as provided by this Act, then the Judge of said court shall have the right to select a panel and such additional jurors as may be needed by this court during said term of court.

Lists to be kept secret.

SEC. 13. *Be it further enacted,* That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the court, his deputy, or the Sheriff, or any of his deputies, to

divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names constitute the panel or any part of it, for the court, or any name or names drawn from the jury box for service in any case pending in court, or to fail to perform any duty imposed by this Act, and upon conviction thereof, they shall pay a fine of not less than forty dollars, and be imprisoned in the county jail not less than thirty days, one or both, in the discretion of the court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years. It shall also be a contempt of court, punishable by the Circuit Court upon its own motion, or upon the petition of the District Attorney, for any Jury Commissioner, Circuit Court Clerk, or other person, to open any jury box except as herein provided, or to destroy, deface, or remove without authority, such box, or to change, deface, or remove without authority any jury list, or to assist in, or connive at any such acts, or for any custodian of a jury box or list to knowingly permit any such acts to be done.

Court may remove Commissioners.

SEC. 14. *Be it further enacted,* That the Judge or Judges having the right to appoint Jury Commissioners have the right and authority to remove any or all of said Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or for any other good and sufficient reason, upon giving five days' notice to said Commissioner or Commissioners of the time and place of taking action thereon and the grounds therefor.

SEC. 15. *Be it further enacted,* That said Jury Commissioners shall receive two dollars each for every day's service, while actually engaged in making up the jury list, to be paid from the county treasury.

SEC. 16. *Be it further enacted,* That the book for recording the jury list, and also the jury box, shall be purchased by the Circuit Court Clerk, and paid for by the county, and the Circuit Court Clerk shall be the custodian of said book and box, which book and box shall not be opened for inspection, except to the Commissioners themselves, and the courts heretofore referred to.

SEC. 17. *Be it further enacted,* That in the absence of fraud, no irregularity with respect to the provisions of this Act shall affect the validity of any action of grand

jury, if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury unless such irregularity has been specially pointed out and exception taken thereto before the jury is sworn.

SEC. 18. *Be it further enacted,* That the provisions of this Act shall apply to all grand and petit juries in all Circuit and Criminal Courts of this State, of the population as herein provided.

SEC. 19. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 20. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 398.

HOUSE BILL No. 579.

AN ACT to authorize and empower County Courts to supply the tax books belonging in the office of the County Trustee, when the same have been permanently lost or destroyed, and to provide the mode of procedure in such cases, and to provide for the collection of State and county revenue shown upon said lost books to be due.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the County Trustee when the tax books for the current year have been destroyed, so he cannot receive and receipt for taxes, to make the fact known immediately under oath by petition to and filed with the County Judge or Chairman, which petition shall also state the manner in which said tax books became lost or destroyed, and shall also state whether the same can be supplied from the assessment rolls or other public records on file in the County Clerk's

office or elsewhere, and shall pray that the County Court take the necessary and lawful steps to supply the same. In case the assessment rolls or books have likewise been destroyed, such supplied tax book or books shall for all intents and purposes constitute the original assessment for that year, and may be certified as such in all controversies thereunder and concerning the same.

SEC. 2. *Be it further enacted*, That the County Courts are hereby invested with power, authority, and jurisdiction to supply the tax book or books for the office of the County Trustee, when the fact of loss of same is made known as above stated, and said court shall proceed to supply the same in the manner hereafter stated.

County Judge or Chairman to investigate loss of books.

SEC. 3. *Be it further enacted*, That it shall be the duty of the County Judge or Chairman, acting for the said County Court upon the filing of the petition with him, as provided in the first section of this Act, to examine said Trustee and such other persons as he may deem proper and necessary touching the loss and destruction of said tax books, and to adjudge whether the same have been lost or destroyed. If the said Judge or Chairman shall determine that the same have been lost or destroyed, he shall then order and adjudge that the same be supplied, which action shall be entered upon the minutes of the court. The County Court shall be open at all times for the purpose of receiving said petition and for the purpose of passing upon the same and making the orders above provided for. It shall be the duty of the Quarterly Court at its first meeting coming after the order of the County Judge or Chairman, directing said lost record to be supplied, if a regular session thereof can be held not more than thirty days from the date thereof, and if not, an extra session of said Quarterly Court shall be called to meet not more than thirty days from the date thereof to elect three suitable and competent persons as Commissioners, and who shall be selected on account of their knowledge of the taxable property of the county and their fitness for the particular duties imposed upon them, and said Commissioners shall possess all the qualifications now required by law of the members of the Board of Equalization, to whom shall be referred the matter of hearing proof and reporting a supplied copy of said lost book or books.

County Court to select Commissioners to supply books.

SEC. 4. *Be it further enacted,* That said Commissioners shall be at once notified of their election by the County Clerk, and if for any reason any one or more of them cannot serve, or will not serve, others shall at once be elected in their place. Said Commissioners shall take an oath to honestly and faithfully discharge their duties. They shall meet and organize by the selection of one of their number as Chairman, and they shall at once cause to be published in some newspaper in the county for at least three weeks, a notice addressed to the taxpayers of the county, which said notice shall be as follows:

Notice to be given by Commissioners.

To the Taxpayers of ———— *County*:

Notice is hereby given that the County Court for said county has adjudged that the tax books containing the assessment for the year ——— have been destroyed, and that the same have been ordered to be supplied. The undersigned have been appointed as Commissioners, to whom is referred the matter of supplying the same. We will meet on the —— day of ————, at the office of the County Clerk, and will continue in daily session for twenty days, if necessary, during which time any taxpayer may appear and show what property he was assessed with and its valuation for said year, and failing to appear we will proceed to fix the same from such other evidence as we may be able to obtain.

SEC. 5. *Be it further enacted,* That said Commissioners shall meet at the time and place stated in the notice, which time shall not be later than thirty days thereafter, and shall proceed to hear proof and make up their said report, supplying said assessment. They shall have the power to send for witnesses and to enforce their attendance before them to give evidence upon the subject of their inquiry, and they shall make up their report from the best evidence obtainable, and when they can procure no evidence as to the valuation of any property under the destroyed assessment, the valuation that should be placed upon it shall be presumptive evidence as to its valuation under the destroyed assessment. The Commissioners shall file their report with the County Judge or Chairman as early as practicable, but not before twenty days and not later than thirty days after the time fixed for the beginning said work.

County Clerk to act Secretary to Board.

SEC. 6. *Be it further enacted,* That the County Clerk shall act as Secretary for said Commissioners, and they shall have the right to employ such other clerical assistance as may be necessary to complete the work within the time prescribed.

Taxpayers may except to report.

SEC. 7. *Be it further enacted,* That five days shall be given after said report is filed within which any taxpayer may file exceptions to said report, and after the time for filing said exceptions shall have expired, it shall be the duty of the Judge or Chairman to take up said report for hearing, with any exceptions thereto, and shall confirm or modify the same as the facts may require. The action of the Judge or Chairman on said report and exceptions shall be final and binding and his judgment shall be entered in the minutes of the court. A copy of this report as confirmed shall be certified by the Clerk to the Trustee, and shall have all the force and effect and shall in all respects be taken and treated as the original for that year, but the said supplied assessment shall be good only for the year for which it was supplied, and the County Clerk shall certify the aggregates thereof to the County Judge or Chairman and the Comptroller, and the same shall be the basis of account and settlement between the County Trustee and said Judge or Chairman and the Comptroller, in lieu of the assessment destroyed. Any taxpayer who paid his taxes before the assessment was destroyed shall not be required to pay any taxes on the same property on the supplied assessment, but on production of his receipt the Trustee shall mark his taxes paid on the supplied assessment as to said property, and the Trustee's accounts shall, if necessary, be adjusted to suit the facts if there should be any difference between the two assessments in such cases, but the right and duty of the Trustee to pick up and assess property that has escaped assessment shall not in any manner be impaired by this Act.

It shall be the duty of the Tax Assessor or Assessors of the county to make an assessment of all the taxable property for the year succeeding the year for which the assessment is supplied, whether they are required by the General Assembly laws to make an assessment for that year or not.

As to interest and penalties.

SEC. 8. *Be it further enacted,* That in the event the tax books shall be destroyed prior to the time at which interest on penalties attach by existing laws, then no in-

terest or penalty shall attach to the supplied assessment until three months have elapsed after the same have been supplied, and in no event before the same would attach under existing laws; no sale of real estate to enforce the collection of taxes on the supplied assessment shall be made till the succeeding year, and the same shall be had along with the sale for that year as provided by law.

SEC. 9. *Be it further enacted,* That the Commissioners, their Secretary, and the other clerical helpers shall have reasonable compensation for their services, to be fixed by the County Court and paid from the county funds.

SEC. 10. *Be it further enacted,* That this Act shall apply only to counties having a population of not less than seven thousand eight hundred and fifty and not more than eight thousand four hundred by the Federal Census of 1900.

SEC. 11. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 399.

HOUSE BILL No. 713.

AN ACT to change the lines of and redistrict certain Civil Districts in Henderson County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the lines of the Fourth Civil District of Henderson County be, and the same are hereby, changed, and that there is detached from the Third and Sixth Civil Districts of said county and attached to the Fourth Civil District that part of said Third and Sixth Civil Districts within the following boundaries: Beginning at the corner of the Fourth Civil District on the Decatur and Henderson County lines, near Scott's Hill, runs north with the Decatur County line to James

Jackson's farm and including the same; thence with Beacon and Scott's Hill Road to the Shady Hill and Decaturville Road, near Flat Creek; thence west with Shady Hill and Decaturville Road to the Long and Scott's Hill Road, including the lands of J. O. Mitchell; thence south with said road, including the entire farm of Newton Holmes; thence west through the lane between J. M. Barthelemew and W. W. Buck's lands, including the lands of W. W. Buck, to Cane Creek; thence southwest with the lines of the lands and including the lands of Dick Rushing, Will Cresser, Leonard White, Weed White, W. L. Laster, and Tom McCollum; thence in a northwest direction with a country road to a point on the Shady Hill and Reagan Road, near the home of I. M. Buck, and including the lands of the said I. M. Buck; thence west, including the lands of Milton Buck, dec'd, to the Lexington and Saltillo Road; thence with lines of and including the lands of J. F. M. Neisler, D. F. Neisler; thence south with the lines of and including the lands of J. R. Dickey, W. C. Crissom, Mrs. Stinson, Frank Wilkinson, and Jim Wilkinson, to the Center Point and Lexington Road; thence with said road to the line of the Fourth District.

SEC. 2. *Be it further enacted,* That there be, and there is hereby, detached from the Second Civil District and attached to the First Civil District of Henderson County all that part of the Second Civil District lying north of a line running with the Lexington and Jackson Stage Road from the point where said road crosses the boundary line of the Second and Fifth Civil Districts; runs thence west with said Lexington and Jackson Road to a point where the Spring Creek Road intersects the same; thence with said Spring Creek Road through Juno———, to the line of the First Civil District.

SEC. 3. *Be it further enacted,* That all laws and parts of laws which are in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 400.

House Bill No. 590.

BILL entitled "An Act to regulate the elective franchise and to provide that no registration of voters shall be had in counties having a population of not less than eighteen thousand and not exceeding eighteen thousand five hundred, as shown from the Federal Census of 1900, or that may hereafter have such population under any subsequent Federal Census; and providing that in national, State, county, civil district, and municipal elections held in said counties, or in any civil district or incorporated town in said counties, registration of a voter shall not be a prerequisite to his right to exercise the elective franchise; and to provide for the appointment of registrars of election for such voting precincts, and to prescribe the duties of said registrars."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no registration of voters shall be had in counties coming under the provisions of this Act, and the registration of a voter shall not be a prerequisite to his right to vote in national, State, county, civil district, municipal, or any other election held in said counties or any civil district or incorporated town therein.

This act applies to Henderson County.

Sec. 2. *Be it further enacted,* That the Election Commissioners of the county shall appoint two Registrars of Election for each voting precinct, or place where the election is held, and said Registrars shall attend the election at the voting precinct or voting place where the election is held and for which they were appointed, and they shall possess like qualifications and perform like duties in like manner, as now possessed and required of Registrars of Election under the new existing laws, except as changed and provided for in this Act; and all vacancies shall be filled as now under existing laws. Before said Registrars enter upon their duties, the officer or person holding the election, or some Justice of the Peace, shall administer to them the following oath:

Registrars to be appointed.

"You do solemnly swear that as a Registrar of this election you will faithfully, fairly, and impartially, in all respects, perform and discharge all the duties imposed by law upon you as a Registrar of this election, so help you God."

Duty of voters and registrars

SEC. 3. *Be it further enacted,* That the voter, after being furnished the official ballot by the Registrar as now provided by law, shall, in like manner as required now by existing law, present said ballot to the Assistant Registrar, but the voter shall not present any registration certificate. The Assistant Registrar shall then write his, the Assistant Registrar's, name on the stub of said official ballot, and so write his name on said stub where he has heretofore been required to number the same, and shall so write his name on said stub as that when said ballot is properly folded as required by law by the voter, the name of the Assistant Registrar shall be plainly visible to the officers of the election, and if the voter is qualified and permitted to vote, the officer of the election shall tear off and destroy said stub at once, and no registration certificate and no numbering the ballot shall be necessary to the right to vote.

Henderson County.

SEC. 4. *Be it further enacted,* That the provisions of this Act shall apply alone to all national, State, county, civil district, and municipal elections held in counties in this State having, according to the Federal Census of 1900, or which may hereafter have by any subsequent Federal Census, a population of not less than eighteen thousand and not more than eighteen thousand five hundred, and in all elections in Civil Districts and incorporated towns in said counties; *Provided,* that the last Federal Census shall control in every case.

Different Acts enumerated.

SEC. 5. *Be it further enacted,* That the several Acts passed by the General Assembly of the State of Tennessee—to-wit: One being an Act entitled "An Act to provide more stringent regulations for securing the purity of elections in this State, and applicable to counties having a population of seventy thousand inhabitants and over, computed by the Federal Census of 1880, or which may hereafter have that number or over that number of inhabitants, computed by any subsequent Federal Census, and to cities having a population of nine thousand inhabitants or over, computed by the Federal Census of 1880, or which may hereafter have that or over that number of inhabitants, computed by any subsequent Federal Census," passed March 11, 1890; approved by the Governor March 19, 1890. Another being an Act entitled. "An Act to amend Section 2 of an Act passed at the first Extra Session of the Forty-sixth General Assembly

of the State of Tennessee on the eleventh day of March, 1890, and approved March 13, 1890, entitled 'An Act to provide more stringent regulations for securing the purity of elections in this State, and applicable to counties having a population of seventy thousand inhabitants and over, computed by the Federal Census of 1880, or which may hereafter have that number or over that number of inhabitants, computed by any subsequent Federal Census, and to cities having a population of nine thousand inhabitants or over, computed by the Federal Census of 1880, or which may hereafter have that or over that number of inhabitants, computed by any subsequent Federal Census,' " passed March 28, 1891, and approved by the Governor March 30, 1891. Another Act passed March 11, 1890, and approved by the Governor March 13, 1890, being entitled "An Act to provide for the registration of voters in this State in counties having a population of seventy thousand inhabitants or over that number, computed by the Federal Census of 1880, or which may hereafter have that number or over, computed by any subsequent Federal Census, and to towns, cities, and Civil Districts having a population of two thousand five hundred inhabitants or over, computed by the Federal Census of 1880, or which may hereafter have that number or over that number by any subsequent Federal Census." Another Act passed March 28, 1891, and approved by the Governor March 30, 1891, being entitled "An Act to amend an Act passed March 11, 1890, being Chapter 25 of the First Extra Session of 1890, entitled 'An Act to provide for the registration of voters in this State in counties having a population of seventy thousand inhabitants or over that number, computed by the Federal Census of 1880, or which may hereafter have that number or over, computed by any subsequent Federal Census, and to towns, cities, and Civil Districts having a population of two thousand five hundred inhabitants or over, computed by the Federal Census of 1880, or which may hereafter have that number by any subsequent Federal Census, so as to cause the Act to cover and apply to all counties in Tennessee having, by the Federal Census of 1890, or that may at any time thereafter have a population of fifty thousand or over, and to confer upon the Commissioners of Registration the authority and make it their duty to appoint in their respective counties, cities, and towns and voting precints one of the Judges and one of the Clerks of all elections held under the provisions of

Repeal of different Acts enumerated.

this Act and to provide that the County Courts, Sheriffs, Mayors, and Boards of Mayor and Aldermen shall appoint Judges for two political parties.'" Another Act passed September 15, 1891, and approved by the Governor September 18, 1891, entitled "A Bill to be entitled an Act to amend Chapter 25 of the Acts of the First Extra Session of the Forty-sixth General Assembly of the State of Tennessee, passed March 11, 1890, and approved March 13, 1890, entitled 'An Act to provide for the registration of voters in this State in counties having a population of seventy thousand inhabitants or over that number, computed by the Federal Census of 1880, or which may hereafter have that number or over, computed by any subsequent Federal Census, and to towns, cities, and Civil Districts having a population of two thousand five hundred inhabitants or over, computed by the Federal Census of 1880, or which may hereafter have that number or over that number by any subsequent Federal Census,' and to extend the provisions of said Act and to repeal Chapter 223, Acts of 1891, passed March 28, 1891, and approved March 30, 1891." One other Act passed April 17, 1901, and approved by the Governor April 18, 1901, entitled "A Bill to be entitled 'An Act to subject certain wards and Civil Districts in certain county towns and incorporated towns to the provisions of the registration and election laws," be, and each of said several Acts are hereby, repealed in so far, and only in so far, as they and each of them conflict with the provisions of this Act, and said several Acts are in no wise abridged, amended, or enlarged, except and alone in so far as they conflict with the provisions of this Act, and this Act is intended and applies alone to counties having a population of not less than eighteen thousand and not exceeding eighteen thousand five hundred, as shown from the Federal Census of 1900, or that may hereafter have that number, as shown by any subsequent Federal Census.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 401.

House Bill No. 629.

AN ACT to incorporate the Town of Trimble, in the County of Dyer, and to define its rights and powers; provide for the election of officers, prescribe their duties and powers.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Trimble, Tennessee, in the County of Dyer, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name and style of "The Town of Trimble," and by this corporate name and style said town may sue and be sued, and shall have the right of perpetual succession.

Sec. 2. *Be it further enacted,* That the said Town of Trimble hereby incorporated shall be further empowered in its corporate capacity to contract and be contracted with, grant, receive, purchase, and hold real, mixed, and personal property, and dispose of the same for the benefit of said town within the corporation, and have and use a common seal; and make, purchase, or otherwise acquire and hold property, real and personal, beyond or within the limits of the corporation, to be used for the burial of the dead, for the erection, operation, and maintenance of waterworks, light and power plants, fire department, schoolhouses, library, pesthouses, hospitals, and other improvements for the welfare of the inhabitants of the said town.

Sec. 3. *Be it further enacted,* That the boundaries of the "Town of Trimble" hereby incorporated be as follows: Boundaries.

Beginning at a stake in the county line between Dyer and Obion County, said stake being 24 poles west of a stake in the center of the main track of the Illinois Central Railroad, where it crosses the said county line; running thence north 24 poles to a stake in the lands belonging to W. F. Pierce; thence east 177 poles to a stake on the line between W. D. Moore and Frank Wright; thence south 108 poles to a stake in the lands belonging to I. M. Tull; thence west 88 poles to a stake in the lands of M. R. Hendricks; thence south 77 poles to a stake in

the lands belonging to Mrs. Dora Parks; thence west 121 poles to a stake in the public road, just west of the Illinois Central Railroad; thence north with said public road 31 poles to a stake in Ollie Pierce's lane; thence west with said lane 10 poles to a stake; thence north by east 133 poles to the beginning.

SEC. 4. *Be it further enacted,* That the officers of the "Town of Trimble," to be elected by the qualified voters of said town, shall be a Mayor and seven Aldermen, who shall constitute the Town Council, each and all of whom shall be citizens and qualified voters within the corporate limits of said town, and shall hold office for one year and until their successors are elected and qualified.

SEC. 5. *Be it further enacted,* That the Mayor and Aldermen so elected shall meet and organize upon the first Monday in the next month after their election, or within ten days after the said first Monday, and shall, as soon as possible, elect a Recorder, Marshal, Treasurer, and such other officers as may be necessary to carry out the object of this charter, all of whom shall be citizens and voters in said town hereby incorporated.

First officers.

SEC. 6. *Be it further enacted,* That the first Town Council under this charter shall be the following named persons—to-wit: T. A. Pierce, Mayor; M. A. Gauldin, J. I. Tery, J. F. Thompson, R. G. Jones, J. H. Smith, S. F. Flemmings, and C. B. Boyett, Aldermen; and each shall hold their office and exercise all the power conferred and perform all the duties imposed by this Act until their successors have been duly elected and qualified.

Elections—how and when held.

SEC. 7. *Be it further enacted,* That on the first Thursday in September, 1905, and every year thereafter, the Town Marshal shall open the polls and hold an election in "The Town of Trimble" for the purpose of electing a Mayor and Seven Aldermen and one member of the School Board; but ten days previous to holding said election the Marshal shall notify the voters in said town of said election by a notice in some newspaper published in said town, if there be one; if not, then by printed hand bills posted on the front of the courthouse door and the postoffice in the Town of Trimble, of the time, place, and the purpose of the same, and to assist him in holding said election the Marshal shall appoint from the qualified voters of said town three Judges and two Clerks, who shall take an oath before any Justice of the Peace to impartially and faithfully perform the duties of the posi-

tions they respectively fill, and said election shall be held in all other respects in accordance with the election laws of its amendments, and the Acts of the Extra Session of Acts of the Extra Session of 1900, Chapter 24, and all of its amendments and the Acts of the Extra Session of 1890, Chapter 24, with all its amendments, the same being commonly known as "The Dortch Registration Laws," shall not apply to the same.

Legislative Council.

SEC. 8. *Be it further enacted,* That the said Mayor and said Aldermen, under the style of the Town Council, shall constitute the legislative body of said corporation; they shall meet once each month and oftener, if they deem it necessary; and shall have power to pass all ordinances and resolutions and to make all orders that are necessary to carry out the objects of this charter; and it shall not be necessary for an ordinance to pass more than one reading, but before an ordinance becomes effective, it shall, on or before the next meeting after its passage, be signed and approved by the Mayor, but the Mayor shall have veto power, and if he shall refuse to approve an ordinance, he shall return same to the Council at its next meeting, with his reasons stated in writing for his refusal, and said ordinance shall not become binding unless the Council, by the affirmative vote of five members, shall pass the same, notwithstanding the Mayor's veto, but if the Mayor does not veto the same, as provided, within ten days, it shall be valid and enforceable without his signature and approval.

Mayor and his duties.

SEC. 9. *Be it further enacted,* That the Mayor shall hold his office for one year or until his successor is elected and qualified. No person shall be elected Mayor who has not at the time of his election been a citizen of the State of Tennessee for two years and a *bona fide* citizen of the Town of Trimble for one year previous to his election, and shall at the time of his election be twenty-five years of age.

It shall be the duty of the Mayor to preside at all meetings of the Town Council, to vote in the election of all officers of the town, and in all cases where it is a tie vote; he shall have power to call special meetings of the Town Council when he deems such meetings necessary. He shall have power to fill all vacancies of any office, except that of Aldermen, until the same be filled by the Town Council. He shall see that all ordinances and resolutions of the Town Council are fully enforced,

observed, and respected, and in case of an emergency he shall have the power to call to the aid of the regular police force of the corporation as many special police as he may deem proper to effect this end, and the Town Council may, by ordinance, prescribe penalties for a failure to obey such a call.

SEC. 10. *Be it further enacted,* That in case of the absence, sickness, or other disability of the Mayor, the Recorder shall be, for the time being, Mayor *pro tempore,* and shall have the same power and perform such duties as are given to the Mayor by this charter.

SEC. 11. *Be it further enacted,* That the Mayor shall be the Chief Executive officer of the town, and as such shall be an *ex officio* Chief of Police and Chairman of all standing committees. And all suits and actions brought against the Town of Trimble, process shall be served upon the Mayor, or, in his absence, on the acting Mayor, and he shall immediately notify the City Attorney of such suit or suits and the nature of the same.

Officers to be elected by Council.

SEC. 12. *Be it further enacted,* That the Town Council shall, at its first meeting in every year or as soon thereafter as possible, elect from the *bona fide* citizens of the Town of Trimble a Recorder, Treasurer, Marshal, and such other officers as they may deem necessary, who shall hold their office for one year, or until their successors are elected and qualified, and each and every officer so elected shall, before entering upon the discharge of his office, take an oath before the Mayor to faithfully and honestly discharge the duties of his office to the best of his skill and ability. The Recorder shall try all cases for the violation of any and all the ordinances of the corporation and all offenses against the peace and dignity of the town, and he is hereby vested with all the powers of a Justice of the Peace in Dyer County in the trial of criminal cases; *Provided,* that in the absence of the Recorder, or for any reason he is incompetent to try a case, the same power and duties are hereby conferred upon the Mayor, who shall try said case in the room and stead of the Recorder. In case a party accused makes oath that justice in his opinion will not be meted out to him and his affidavit is supported by two disinterested parties, a change of venue may be had from the Recorder to the Mayor, who is hereby empowered to try and decide said case under the ordinances of the town. In case an appeal is taken from a fine imposed by the Recorder or Mayor,

the party appealing shall be required to enter into bond securing the fine and costs to said corporation, conditioned to successfully prosecute said appeal in the Appellant Courts, and in no case shall a party fined have the right to appeal on the pauper oath. The Recorder shall keep an accurate and correct minute of all proceedings of the Town Council, issue privilege license, and collect taxes on same; he shall collect all *ad valorem* and special taxes levied by the Town Council; he shall keep a proper ledger account of the same; he shall make out the town tax book and turn the same over to the Town Marshal for collection, taking his receipt therefor. He shall have charge of all the records and property of said corporation, and shall take special care of the same. He shall perform such other duties that the Town Council may by ordinance impose upon him not in conflict with the provisions of this charter or the statute laws of this State. He may be required by the Town Council to act as Treasurer. He shall receive such compensation over and above his regular fees for issuing license and trying criminal offenses as the Town Council may fix. He shall receive the same fees for issuing privilege license that is allowed to County Court Clerks for the same service, and shall be entitled to the same fees in the trial of criminal cases that are now allowed by law to Justices of the Peace in such trials.

Treasurer.

SEC. 13. *Be it further enacted,* That the Treasurer shall be elected from the *bona fide* citizens of the town for one year by the Town Council, and shall hold his office until his successor is elected and qualified. The Treasurer shall receive from the Town Marshal and Recorder all moneys that may come into their hands and receipt them or either of them for the same. He shall keep a proper account of all funds of whatever nature that may come into his hands, and for such purpose he shall keep such book or books as the Town Council may direct.

Duties.

He shall make out and present quarterly or oftener, if the Town Council demands it, a full and explicit report of all moneys and the disbursement of the same that have come into his hands, which report shall, after it is approved by the Mayor, be publishd in some newspaper in Trimble or by printed statements upon hand bills, which shall be left in the office of the Recorder, where they can be distributed to the taxpayers and in-

habitants of the town, but if said report is published in a newspaper, the Town Council shall not have the right to pay more than twenty-five cents per inch for the publishing of said report. He shall perform such other duties pertaining to his office as the Town Council may provide.

Town Marshal. SEC. 14. *Be it further enacted,* That the Marshal of the town shall be elected by the Town Council at its first meeting after its election, or as soon thereafter as possible, and shall hold his office for one year or until his successor is elected and qualified. He shall, at the time of his election, be a citizen of the Town of Trimble, Tennessee. He shall thoroughly acquaint himself with the by-laws and ordinances of the town. He shall rigidly enforce the same, for which purpose full police power is hereby given him, which he may promptly exercise without warrant in hand; and when necessary he shall have the right and power to call to his assistance any member of the male citizens he may deem necessary to assist him in making arrests, and the Town Council may by ordinance impose a penalty upon any one refusing to obey such a call.

Duties. He shall collect all taxes, except privilege taxes, and the *ad valorem* tax on merchants and others subject to *ad valorem* tax by the laws of the State of Tennessee, and shall perform such other duties that may be imposed upon him by the Town Council.

He shall have charge of the city jail and the town prison, and shall be entitled to not exceeding forty cents per day, as the Town Council may determine, for boarding the same. When a prisoner is committed to him he shall take charge of him and keep him safely until tried, and if fined, and the judgment shall so direct, shall work said prisoner upon the streets of the town or otherwise work him.

Powers of Council. SEC. 15. *Be it further enacted,* That the Town Council shall have the power by ordinance or resolution within the corporate limits of said town:

1. To levy and collect taxes upon all real, personal, and mixed property, polls and privileges, taxable by the laws of the State of Tennessee.

2. To appropriate money and to provide for the payment of the debts and liabilities of the town.

3. To license, tax, and regulate everything, person, business, and corporation licensed, taxed, and regulated by the laws of the State of Tennessee.

4. To open, establish, extend, widen, alter, abolish, and discontinue any street or alley, and to grade, pave, and otherwise improve the same; and to establish, maintain, and keep in repair crossings, bridges, culverts, sewers, gutters, or to alter, change, abolish, and discontinue the use of the same.

5. To regulate and provide for the construction or repairing of sidewalks and foot pavements, and to compel the owners of property upon any street, avenue, or alley within the corporate limits to grade and to pave the sidewalks and pavements to the whole extent of, and along the front or side, or front and side, of their property, the same to be in accordance with and pursuant to the provisions of the ordinance or resolution directing the said sidewalks or streets to be repaired, and if the owner of any lot or property shall fail to comply with the provision of said ordinance or resolution within a prescribed time stated in said ordinance, the Town Council may contract for the construction and repairing of such sidewalks or pavements, and pay for the same, and the amount so paid shall be a lien upon said lot or property to be enforced by a sale of the property by a proceeding in the County Court of Dyer or by a bill in Chancery Court, as vendor liens are enforced under the laws of the State.

6. To make regulations to prevent the introduction and spread of contagious diseases within the town, and to make quarantine laws for this purpose, and to enforce the obeyance of the same within one mile of the corporate limits, and to construct hospitals and pesthouses and confine parties infected with contagious diseases within the same.

7. To make all necessary regulations and laws to secure the health, safety, peace, and comfort of the inhabitants of the town.

8. To provide for the lighting of the streets and public buildings.

9. To establish a market house and markets, and to regulate the same.

10. To provide for the erection of all buildings that are now necessary or that may become necessary for the use of the town.

11. To regulate, prohibit, or suppress all disorderly houses, bawdy houses, or houses of ill fame.

12. To provide for the prevention and extinguishment of fire; organize, establish, regulate, and control fire com- Fires.

panies, to regulate, restrain, and prohibit the erection of any wooden building or buildings in any part of the town; to prevent and cause the removal of any manufactures regarded as dangerous in causing fires and explosions.

Explosives.

13. To regulate the storage of gunpowder and all other combustibles or explosives, and the use of lights and stovepipes in all stables and shops and other public places, and to provide for the cleaning, sweeping, and burning of chimneys and flues.

14. To establish standard weights and measures to be used in the town in all cases not otherwise provided for by law.

15. To provide for the inspection of lumber and other building material.

16. To provide for the weighing, measuring, and inspection of everything sold, handled, or exchanged inside the corporate limits not already provided for by law.

17. To regulate the police of the town, to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the recovery of the same.

18. To provide for the arrest and confinement, until tried, of all disorderly, riotous, or drunken persons by day or by night.

19. To arrest and fine all persons who lounge around the streets and alleys without any visible means of support.

20. To fine any person guilty of discharging firearms, firecrackers, or any other explosives within the corporate limits, and to regulate and prohibit the sale of firecrackers, Roman candles, skyrockets, or any other explosives of like character within the corporate of said town.

Power to Commitment of offenders.

21. To commit any person or persons who fail or refuse to pay or secure any fine or cost upon him for violation of any ordinance of the town to the jail or workhouse of the Town of Trimble until said cost and fine is paid or secured. Any person so committed shall be required to work for the town at such labor as his or her strength will permit, within or without said jail or workhouse, not exceeding ten hours each day; and for such work the person so worked shall be allowed, exclusive of board, a credit upon such fine and cost not less than forty cents per day, until the whole of said fine and cost is paid, when they shall be discharged.

22. To remove and prevent all filth in the town and all encroachments into and obstructions upon all streets, lanes, alleys, sidewalks, and pavements, and to provide for the cleaning of the same.

23. To regulate and prohibit the public from going upon or trespassing upon the railroad yards or right of way within the town.

24. To regulate and prevent the running at large of hogs and other animals within the town, and to provide a city pound in which to impound such animals, and in default of redemption to sell or dispose the same.

25. To regulate and prevent the keeping or building of slaughter pens, stock pens, and hog pens within the corporate limits of said town.

26. To license, tax, and regulate drays, hacks, wagons, and omnibuses.

27. To restrain and prohibit gaming houses and saloons, and should saloons or tippling houses be allowed at any time by law within the corporate limits, to regulate and restrain the same.

28. To erect waterworks and electric light plants, and to lay pipes and locate pumps upon the streets and alleys of the town, and to abolish, close, and fill up tanks, wells, cisterns, and sinks. Water and lights.

29. To purchase the cemetery near town and land adjoining same, and to make all necessary regulations to keep up the same.

30. To establish a system of free schools, and maintain them by taxation, and for this purpose the Town Council shall have the power to levy a special tax designated as the "School Fund Tax," which shall be used exclusively for the purposes for which it is levied. Said tax shall not exceed fifty cents on each one hundred dollars' worth of taxable property within the corporate limits. Said school, when established, shall be under the control of a School Board composed of three male citizens of the town, who shall be elected by the people at each regular election of the Mayor and Aldermen after said school is established. When said school is established, the first School Board may be elected by the Town Council, who shall hold their office until their successors are elected and qualified. The first School Board elected by the Town Council shall be elected so that one shall hold his office until his successor is elected at the next regular election; the second one shall be elected until the second regular election; the third Public schools.

one shall hold his office until the third regular election, so that every year thereafter one member of the Board shall be elected at each regular election, who shall hold his office for three years until his successor is elected and qualified.

Said Board shall, within ten days after their election, meet and organize by electing one of their number Chairman and one Secretary, to serve for one year or until their successors are elected and qualified. Said Board shall have power to employ teachers and operate said school in said town.

They shall draw all warrants upon the Treasurer, which shall be honored by him when such warrant is approved by the Mayor. Before entering upon the discharge of their duties they shall take an oath to faithfully and impartially discharge the duties of their office.

31. To determine what are nuisances and restrain and prohibit and abate the same.

32. To do and perform all acts that municipal corporations have the right and power to do, either by the statute laws of the State of Tennessee or the common law of the land.

SEC. 16. *Be it further enacted,* That all property, real and personal, subject to State and county taxes, and all persons liable for poll tax when the same shall have become duly assessed for taxation as now, or may hereafter be, provided by law under the general laws of the State, shall be the basis upon which property shall be taxed, and the taxes collected by the Town of Trimble for municipal purposes as hereinafter provided.

Assessment of property.

SEC. 17. *Be it further enacted,* That as soon as practicable in each year after the assessment books for the State and county are completed (which shall be after the Equalization Board provided for by the State law shall have finished the equalization of taxes in Dyer County), it shall be the duty of the Recorder to prepare, or cause to be prepared, from the said assessment books of Dyer County a tax book as required by the laws of the State, to be made out by the County Trustee, embracing, however, only such property and persons as are liable for taxes within the corporate limits of the Town of Trimble. Such tax books, when certified to be thorough, correct, and complete by the Recorder, shall be the assessment value for taxes in said town for all municipal purposes; *Provided,* that there may be an assessment by the Marshal

at any time of any property or person subject to taxation found to have been omitted.

SEC. 18. *Be it further enacted,* That it shall be the duty of the Recorder in each year, as soon as such assessment roll for the town is complete, to submit to the Town Council a certified statement of the total amount of the assessment of the taxable property for the year within the town limits, including the assessments of all railroad, telegraph, and telephone property, together with a certified statement of the revenue derived by the town from privilege taxes, merchant *ad valorem taxes,* and fines from the preceding fiscal year.

Upon the presentation of such statement, the Town Council shall proceed, by ordinance, to make the proper levy to meet the expenses of the town for the current fiscal year, and all special assessments that are necessary to be made.

Recorder to make out books.

SEC. 19. *Be it further enacted,* That it shall be the duty of the Recorder immediately after the levy of the taxes by the Town Council to cause the said levy to be extended on the said books, prepared by him, in the same manner that extensions are made upon the tax books in the hands of the County Trustee.

Taxes—when due.

SEC. 20. *Be it further enacted,* That all taxes due the Town of Trimble, except privilege and merchants' *ad valorem* taxes, shall be due and payable on the first Monday in November in the year for which the taxes are assessed, and upon that date the tax book prepared by the Recorder shall be turned over to the Town Marshal, who shall proceed to collect them, and turn the same into the town treasury.

On the first Monday in June of each year, after the taxes are assessed, all taxes uncollected by the Marshal and unpaid at that time shall become delinquent taxes, and the Marshal shall turn the same over to the Town Recorder, certified to by him upon oath that the taxes so turned over are unpaid and delinquent.

When delinquent.

Said taxes shall then become delinquent, and shall have the same force and effect of a judgment of a court of record, and the Recorder shall have the power to issue distress warrants and alias and plures distress warrants in the name of the "Town of Trimble" to the Marshal, to enforce the collection of the taxes against the persons owing the same; and such distress warrant or warrants shall be executed by the Marshal of the Town of Trimble

by a levy upon and a sale of the goods and chattels of said delinquent taxpayers under the same provisions as prescribed by law for the issuance of distress warrants for the collection of State, county, and school taxes.

Lien in favor of city for taxes.

SEC. 21. *Be it further enacted,* That all municipal taxes on real estate in the Town of Trimble are hereby declared to be a lien on said property from and after the 10th day of January, of the year for which the same are assessed, superior to all other liens, except the lien of the State of Tennessee, and the County of Dyer, for taxes legally assessed thereon, with which it shall be a co-ordinate lien. No assessments shall be invalid because the size and dimensions of any tract, lot, or parcel of land has not been precisely named, or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of the person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objections or informality merely technical, but all such assessments shall be good and valid.

How enforced.

SEC. 22. *Be it further enacted,* That the lien for delinquent and unpaid taxes, as above provided, shall be enforced against the property and the owners thereof in the way and manner provided in Chapter 6 of the Acts of the Legislature of 1897, the same having been passed April 1, 1897, and approved April 29, 1897, entitled "An Act to enable incorporated towns and cities in Tennessee to sue in their corporate name in the Chancery Courts for municipal taxes, assessed on real value; to enforce the lien for same by sale of the land assessed, and in such suit to make or may make the owners of as many as twenty-five distinct parcels of land defendants."

SEC. 23. *Be it further enacted,* That no real property on which delinquent taxes are due shall be proceeded against as above provided until a distress warrant has been issued against the owner of said realty, and returned by the Marshal *nulla bona.*

Who may vote in city elections.

SEC. 24. *Be it further enacted,* That all male persons who are qualified to vote in the Town of Trimble in the State and county election shall be entitled to vote in all municipal elections in the Town of Trimble, Tennessee; *Provided,* they shall not be required to show any registration receipts; and *Provided further,* that all voters subject to poll tax under the law shall present to the judges

of said election a receipt showing that they have paid their municipal poll tax for the year previous to the one in which said election is held, or shall subscribe to an oath that said municipal poll tax has been paid.

SEC. 25. *Be it further enacted,* That all officers of this corporation, except the Mayor and seven Aldermen, shall, before entering upon the discharge of their duties, enter into bond under such penalties as the Town Council may prescribe.

SEC. 26. *Be it further enacted,* That from and after the passage of this Act the Town of Trimble shall have power to issue coupon bonds in the manner and under the restrictions hereinafter provided, not to exceed in the aggregate a sum which taken with all other debt or debts of the corporation then existing, and not provided for by a prior assessment of taxes, shall not exceed fifteen per centum of the assessed value of property subject to taxation by this corporation, as shown by the tax book prepared by the Recorder for the year previous to the one in which said election is being held; *Provided,* that the proceeds of said bonds shall be used exclusively for the purpose of their issuance. They shall have power to issue bonds for the purpose of constructing and building waterworks, sewers, light plants, and to improve streets, alleys, and avenues, and for the erection of a school building and supplying the same with fixtures, and for the purpose of erecting, constructing, and building any other buildings that may be necessary for the use of the town or for the purchase of any lot or parcel of ground to be used for corporation purposes.

May issue bonds for certain purposes

SEC. 27. *Be it further enacted,* That the bonds so issued shall be of such denomination, bear such interest not exceeding six per cent per annum, and be due at such time, not less than five nor more than thirty years from date, and shall be payable or redeemable at such times and places as the Town Council may determine.

SEC. 28. *Be it further enacted,* That the bonds thus provided for shall be in no case sold for less than par, and the coupons attached shall at maturity be receivable for taxes and dues to this corporation, except the sinking fund tax provided for by the following section and the school fund tax.

SEC. 29. *Be it further enacted,* That before any bonds are issued under the provisions of this Act the Town Council shall provide by ordinance a sinking fund for

the payment of the interest as it shall accrue, and for retiring the bonds by levying a special tax, to be designated "The Sinking Fund Tax," of not exceeding seventy-five cents on the hundred dollars. Said special tax is to run with the bonds, and to be collected annually and to be used exclusively for the purposes for which it is levied, and to be sufficient, with its accumulations, as near as may be estimated, to pay the interest and meet and retire the principal of said bonds by their maturity. The Town of Trimble shall elect three citizens of the town as Sinking Fund Commissioners, each of whom shall hold office during the pleasure of the Town Council, and said Commissioners shall take an oath to faithfully discharge their duties, and shall give bond in such amount and under such penalties and conditions and serve for such compensation as may be prescribed by ordinance: and it shall be their duty as Commissioners to receive the sinking fund tax when collected; to pay or provide for the payment of the interest on such bonds when and as if it shall accrue, and to invest the money received for the sinking fund from time to time in the purchase, redemption, or payment of said bonds at not exceeding par and accrued interest or in the purchase of other securities, to be approved by the Town Council; and all bonds by them at any time redeemed shall be canceled in the presence of the Town Council, by whom a record thereof shall be kept. Said Commission shall, on the first days of January and July of each year, make to the Town Council a detailed and itemized statement of the amount paid into the sinking fund and of all disbursements made therefrom under the provisions of this Act, and shall accompany said report with a certificate showing all the bonds and numbers thereof purchased, paid, redeemed, and canceled, and all necessary expenses to the redemption, cancellation, and preservation of said bonds and all necessary expenses for the purchase, preservation, and safe-keeping of other securities which may be purchased for said sinking fund, shall be paid out of said sinking fund.

Sinking fund tax.

Commissioners

Election to be held as to issuance of bonds.

SEC. 30. *Be it further enacted,* That said bonds shall not be issued unless authorized by a two-thirds majority vote cast by the qualified voters voting at an election to be held by order of the Town Council, any time and as many times as the Town Council may deem necessary.

SEC. 31. *Be it further enacted,* That an election held for the purpose of authorizing the issuance of bonds shall be held as other municipal elections are held in said Town of Trimble, by the Marshal, in the same way and manner that he holds other elections, and in the place of the names of candidates there shall be printed upon an equal number of ballots to be used in said election the words "Bonds" and "No bonds;" and those voting for the issuance of bonds shall vote the ballot that has the word "Bond" printed upon it, and those voting against the issuance of said bonds shall vote a ballot that has upon it the words "No bonds."

SEC. 32. *Be it further enacted,* That this Act is declared a public law and may be read in evidence in all the courts of law and equity in this State, and all ordinances, resolutions, and proceedings of the Town Council may be read as evidences in all courts of law and equity, after first being attested by the Recorder and the seal of the corporation affixed thereon.

SEC. 33. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 402.

HOUSE BILL No. 550.

AN ACT entitled "An Act to amend the charter of the City of Clarksville; to repeal so much of the following Acts as conflict with this Act: Chapter 146, Acts 1859-60, entitled 'An Act to incorporate the Town of Middleburg, and for other purposes;' Acts 1891, Chapter 104, entitled 'An Act to extend the corporate limits of the City of Clarksville, Tennessee, and to prescribe the conditions upon which the extension is made;' Acts 1875, Chapter 72, entitled 'An Act to change the time of election of the Board of Mayor and Aldermen of the Town of Clarksville, to make the term of their office two instead of one year, to change the time of induction into office, to amend the charter of said town, and to authorize the levying of one-fifth of one per cent for school purposes, and to further amend said charter so as to strike out all provisions thereof having reference to "negro traders," "negro yards," "free negroes," or "slaves;"' Acts 1883, Chapter 169, entitled 'An Act to amend an Act entitled "An Act to authorize the City of Clarksville to levy and collect additional taxes for school purposes;"' Acts 1895, Chapter 57, entitled 'An Act to amend an Act passed December 20, 1855, and to amend an Act passed March 19, 1860, and to authorize the City of Clarksville to increase the tax levy for city or general purposes, and to reduce the levy for railroad purposes, prescribe a penalty for non-payment of taxes, and to provide for the more efficient collection of delinquent taxes on real estate;' Acts 1897, Chapter 141, entitled 'An Act to amend the charter of the City of Clarksville, and providing that certain officers shall be elected biennially instead of annually;' Acts 1899, Chapter 219, entitled 'An Act authorizing the City of Clarksville to fix the number of voting precincts in said city for all city elections;' Acts 1899, Chapter 375, entitled 'An Act authorizing the City of Clarksville to fix the number of voting precincts in said city for all elections;' Acts 1903, Chapter 401, entitled 'An Act to amend the charter of the City of Clarksville relating to the election of Tax Assessor.' To repeal the following Acts: Acts 1903, Chapter 279, entitled 'An Act giving the City of Clarksville power to create a Board of Public Works, and to define its duties and powers;' Acts 1903, Chapter 426, entitled 'An Act to amend the charter of the City of Clarksville;' and to compile all the laws relating to the charter of said city into one Act, and repeal all laws in conflict with this Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That that section of the country in Montgomery County comprised within the following limits—to wit:

Boundaries.

Beginning on the north bank of Cumberland River, where the Paradise Hill Road (or street) intersects the

same; thence up said river south 17½ degrees west 124 poles to the north end of stone bridge north of the water-works and engine house; thence south 65¾ degrees east 65 poles to stone on west side of branch, locust and elm pointers on east side and Bois D'Arc on west; thence north 58 degrees east 55 poles to a large sycamore a little north and east of Manning's quarry, and near William Wayne's southeast corner; thence north 74¾ degrees east, crossing at the east end of a bridge a little northwest of the old lime kiln, in all 77 29-100 poles to a stone at the foot of a hill and east side of the branch, and marked with a X; thence north 31 1-4 degrees east 37 poles to a spring, now under the trestle of the Tennessee Central Railroad; thence north 47½ degrees east 789 feet to a stone in the prolongation of the center of Lime Street; thence north 85 degrees east 1,940 feet to a stone in a lot bought by Jack Crouch in the "New Town" addition to Clarksville; thence north 13½ degrees east 146½ poles to the center of the Nashville Pike, nearly opposite E. W. Barker's new house; thence north 32½ degrees east 112¾ poles to the center of street between Glenn's property and Brandon's thirty-acre tract, and continuing on in all 198¾ poles to cedars in northeast corner of Brandon's house yard; thence north 2½ degrees east 1,137 feet to the Russellville Turnpike; thence with said pike south 76½ degrees east to Red River, 505 feet; thence down Red River with low water mark, on the west side of same, to the lower Red River bridge at the Hopkinsville Pike; thence to the middle of said river; thence down said river to the middle of Cumberland River; thence up the middle of Cumberland River to a point opposite the beginning point; thence straight to the beginning; and the inhabitants thereof are hereby incorporated and constituted a body politic and corporate by the name and style of the City of Clarksville, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, sell, purchase, and hold property, real, personal, and mixed, and may have and use a corporate seal, changeable at the pleasure of the City Council; *Provided,* that the property and inhabitants of that part of the territory incorporated March 20, 1891, are not to pay any indebtedness of the city incurred prior to that time.

SEC. 2. *Be it further enacted,* That the corporation aforesaid shall have full power and authority by ordinance within the limits aforesaid:

Levy taxes.

1. To levy and collect taxes upon all property, privileges, and polls in said limits taxable by law for State purposes, the rate for general purposes to be the same as that fixed by the State.

2. To appropriate money and provide for the payment of the debts of the city, and to borrow money, not to exceed the sum of twenty-five thousand dollars of borrowed money at any one time, not including the present debt of the city, nor any bond or note or other security given or which may be given therefor, but said amount may be borrowed in addition to the present liability; and *Provided further,* that the Mayor and Aldermen shall issue no note or bond of the city for a longer period than five years, nor sell same for less than par.

3. To make regulations to prevent the introduction or spread of contagious or infectious diseases in the city; to make quarantine laws for that purpose, and to enforce the same to the distance of two miles from the city; to create a Board of Health and to establish, build, and regulate hospitals and pesthouses.

Support public schools.

4. To establish and support a system of free schools, and regulate same so as to secure the most efficient management, and to prevent sectarian or denominational influence, and for that purpose may levy and collect a tax not exceeding twenty cents on the hundred dollars of property, and one dollar on polls in addition to the ordinary revenue, to be collected as other revenue and appropriated in aid of the common schools of the city, or to such schools as the Mayor and Aldermen may establish, and to be paid to the order of the School Commissioners of said city by the Treasurer of said corporation.

5. To make and enforce regulations to secure the general health of the citizens, and to prevent and remove nuisances.

Water and lights.

6. To provide the city with water and light, by waterworks and light plants within or beyond the boundaries of the city, and for these purposes to borrow money as provided in Section 2, Sub-section 2, hereof.

Streets.

7. To open, alter, abolish, widen, extend, grade, establish, pave, define boundaries, close and clean, keep in repair and improve streets, alleys, and sidewalks, or have same done; and for these purposes the said city shall have the right to condemn property, the proceedings to be governed by Sections 1844–1867, inclusive of Shannon's Code of Tennessee.

8. To erect, establish, open, close, and remove bridges, sewers, gutters, hydrants and cisterns.

9. To establish, support, and regulate a police system, and to appoint special police when, in the opinion of the Mayor, it is necessary.

10. To erect market houses, establish markets, regulate, change, or abolish same.

11. To provide for enclosing, improving, and regulating the public grounds, belonging to the city, in or out of the corporate limits.

12. To improve and preserve the navigation of the Cumberland River within the limits of the city, which shall extend to the center of said river; to erect, repair, and regulate public wharves, docks, and landings, and to fix the rate of wharfage thereat, not extending to any now owned by private persons, unless the city becomes the owner; to regulate the stationary, anchorage, and moorings of vessels, water craft, and rafts at other places than wharves within the city.

Regulate disorderly houses and impose fines.

13. To regulate, fine and suppress all disorderly houses, assignation or bawdy houses, and gambling houses; to impose fines, forfeitures, and penalties for the breach of, or to enforce any ordinance, to provide for their recovery and appropriation; to provide for the arrest and confinement until trial of all persons violating any ordinance of the city; to prevent and punish by pecuniary penalties, fines or imprisonment all breaches of the peace, noises, disturbances, disorderly assemblies, or other misdemeanors in the city at any time; to erect, purchase, or rent and organize and regulate a workhouse in or near said city, and any person who shall fail, refuse, or neglect to pay or secure any fine or costs imposed upon him under any ordinance of the city, shall be committed to the said workhouse until such fine and costs be fully paid; every person so committed to the workhouse shall be required to work for the city within or without the workhouse not exceeding ten hours each day, and for such work shall be allowed fifty cents per day and board, until the whole fine and costs be paid; *Provided,* no person shall be required to work longer than one hundred days for any one offense; fines, forfeitures, and penalties for the breach of the ordinances of said city may be recovered before the Recorder, or any Justice of the Peace for Montgomery County, and said Recorder or Justice of the Peace shall have the power to issue process, either summons or capias

or subpoena, render judgment, issue executions, demand bail, fine for contempt, or commit to the workhouse as herein provided, and either party shall have the right to appeal to the Circuit Court upon giving bond with approved security in double the amount of the fine, forfeiture or penalty and costs, conditioned upon the payment of judgment and costs in the Circuit Court if cast in the suit; *Provided,* no bond shall be less than twenty-five dollars; ordinances of said city imposing fines, penalties and forfeitures shall be construed remedially, and all process issued by the Mayor, Recorder, Justice of the Peace or other officer of the corporation may be directed to the police, or any Constable of Montgomery County, who shall execute and return same as any other process, and may be amended from time to time to promote the attainment of justice.

Fires.

14. To provide for the prevention and extinguishment of fires, to establish and equip a fire department, and to restrain or prohibit the erection of wooden or combustible buildings in any part of the city; to regulate and prevent the carrying on of any business dangerous in causing or producing fires; to regulate the storage of all combustible, inflammable or explosive materials, and the use of lights or fire in the city, or the cleansing, burning and sweeping of chimneys or stovepipes, and to regulate or prevent the discharging, firing, shooting, or carrying of guns, pistols, and fireworks in the city.

15. To establish a standard of weights and measures, and to enforce the use of State and city weights and measures; to provide for the inspection and measure of lumber and other building materials; for the inspection and weighing and measuring of all kinds of wood, coal, and fuel, hay, corn, fodder, and all other kinds of grain and provender; for the inspection of all meats and breadstuffs, lard, vegetables, and provisions of all kinds.

16. To fix from time to time city wards, and the number and limits thereof, and the number and places of voting precincts in all city elections.

Prevent encroachments on streets.

17. To prevent and remove all encroachments into or upon any street, alley, or other property of the city; to remove all obstructions from the pavements, and to provide for the construction and repair of pavements and curbing, and for cleaning same, and all gutters and streets at the expense of the owners of the ground fronting thereto, and the expense of same shall con-

stitute a lien on the lot of said owner for eighteen months from the date of payment by said city, and said lien and debt may be enforced and recovered in the Chancery Court of Montgomery County, and said court is hereby given jurisdiction of such liens and debts, regardless of the amount involved; *Provided,* that suits now pending to enforce the collection of said debts may be prosecuted under the provisions of the present charter; to regulate and prevent the running at large and tying and fastening of cattle, hogs, horses, mules, stock, and animals of all kinds, and stationing, placing, or leaving of teams, wagons, or vehicles on the streets, or fast riding and driving on the streets.

18. The Board shall have the power to designate from time to time a depository in which all city funds shall be kept, and it shall be cause for removal from office for any city officer or Sinking Fund Commissioner to refuse to deposit the funds in his hands in the depository so designated.

Elections—when and how held.

SEC. 3. *Be it further enacted,* That the Election Commissioners for Montgomery County, or such other person or persons as may be authorized to hold State and county elections, shall hold an election at the voting places in said city, designated from time to time by the City Council, on the second Saturday after the first Monday in January, 1906, and on the same day every two years thereafter, for the purpose of electing a Mayor and one Alderman for each of the wards of said city, and said Mayor and Aldermen shall hold office for two years and until their successors are elected and qualified. All persons having a freehold in said city, and all persons who shall have resided in said city for six months next preceding the election, and who shall have paid all fines, forfeitures, and poll taxes due the city, and would be qualified to vote for members of the General Assembly, shall be entitled to vote in said election. No person shall be eligible as Mayor or Alderman unless he be a resident of said city. The person receiving the highest number of votes for Mayor, and the person receiving the highest number of votes for Alderman in each of the wards, respectively, shall be taken to be duly elected, subject to contest before the Board of Mayor and Aldermen. The Election Commissioners shall deliver certificates of election to each of the persons so receiving the highest number of votes, and the said certificates shall entitle the per-

Who eligible to hold office.

sons holding them to be inducted into office, pending a contest as aforesaid. The persons elected shall be installed into office on the first day of February, unless the same shall fall on Sunday, and then on the first day thereafter. In case of vacancy in any of said offices, the Board of Mayor and Aldermen, or the Aldermen, as the case may be, shall fill the vacancy or vacancies for the unexpired term. The persons elected shall, before assuming the duties of their respective offices, take an oath before the Mayor in office, or some Justice of the Peace of Montgomery County, to demean themselves in their official capacity faithfully, uprightly and honestly. In case of contest, the mode of procedure shall be determined by the Board of Mayor and Aldermen. In case there should be no election at the time specified, the authorities empowered to hold same shall call another election upon at least ten days' notice; *Provided,* the present Board of Mayor and Aldermen shall hold office until their successors are elected under this charter.

Oath of office.

Officers elected by Board of Mayor and Aldermen.

SEC. 4. *Be it further enacted,* That at the regular meeting in July, 1906, and every two years thereafter, the Board of Mayor and Aldermen of the city shall elect persons who are *bona fide* residents of said city to fill the following offices: Recorder, Treasurer, City Attorney, Engineer, Superintendent of Waterworks, Chief of Fire Department and all other officers of said department, Cemetery Keeper, Assessor, Chief and Lieutenant of Police, and policemen, and workhouse keeper. Persons receiving a majority of the votes of said Board of Mayor and Aldermen shall be elected and shall hold office for two years and until their successors are elected and qualified. At the regular meeting, in July, 1905, and every two years thereafter, the Board of Mayor and Aldermen shall elect some person who is a *bona fide* resident of the city to hold the office of City Tax Collector. The person receiving the majority of votes of said Board shall be duly elected, and shall hold office for two years and until his successor is elected and qualified; *Provided,* if for any reason the Board fails to elect any of the officers above specified at the time therein stated, it may elect for the unexpired term at any regular meeting subsequent, and all the officers of the city shall hold office until their successors are elected under this charter.

Assessment of property for taxes—how and when made.

SEC. 5. *Be it further enacted,* That the Assessor elected by the Board of Mayor and Aldermen under the provisions of Section 4 hereof, shall annually, beginning on the 10th day of January of each year, take a list of all the taxable property, privileges and polls within the city limits, the said list to be completed in ninety days and returned to the Board of Mayor and Aldermen. The said Assessor in making assessments shall be governed by the State laws on that subject in force at the time the assessment is made. He is hereby empowered to administer oaths in making said assessments. The Board of Mayor and Aldermen may make any change they see fit to make in said lists, by changing the valuation of property, or adding property omitted, or privileges omitted. Upon the lists returned by the Assessor, with any changes that may be made, or an estimate thereof, the Board of Mayor and Aldermen shall assess and levy taxes for the current year. The Board of Mayor and Aldermen may also back-assess property for three years, by giving written notice to parties interested, or to the administrators or executors of deceased persons, said notice to be signed by the Mayor. The rate of taxation fixed by the Board shall be the same as that fixed by the General Assembly for State and county purposes, but this shall not include any special levy which is now or may hereafter be allowed the said city for special purposes. After the Board has made the assessment for the current year, the Recorder of the city shall record the lists in the books of the city, and shall deliver a copy of the lists of taxable property and polls, signed by the Mayor and himself, to the City Tax Collector, and take his receipt therefor. Taxes assessed on real estate shall be a lien on real estate for eighteen months. The said Board may, by ordinance, limit the time within which releases from taxation or reductions in assessments shall be allowed; *Provided,* exemptions allowed by law may be allowed at any time. The Board may, by ordinance, fix the time for the payment of taxes, from which time they shall bear interest, and may require privilege taxes to be paid in advance; they may, by ordinance, prescribe a penalty for the non-payment of taxes, which penalty shall be paid by each delinquent, and shall not exceed twenty-five cents for each taxpayer, or fifty cents where a levy is made, and four per centum commissions, and these penalties may be

kept by the city or allowed to the collector for his services in making the collections.

Tax collections —how enforced.

SEC. 6. *Be it further enacted,* That the list of taxable property and polls in the hands of the Tax Collector shall be held and deemed a writ of *fieri facias* against the personal effects of the persons therein named, and the said City Tax Collector shall have the same power and authority under said list to collect taxes that Constables now have under writs of *fieri facias* issued by Justices of the Peace. Whenever the City Tax Collector shall not find within the corporation personal property of value sufficient to satisfy the taxes of any person on the list, he shall advertise the real estate of said person to be found within the corporate limits, and sell same to the highest bidder for cash at the courthouse in Clarksville. Said real estate shall be advertised for at least twenty days in a newspaper published in Clarksville, and shall be sold not later than the first Monday in October each year succeeding the year in which the assessment is made. The proceeds of sale shall be applied: first, to the payment of the taxes, penalties, and costs, including the advertisement; balance, if any, paid to the owner. The city is authorized to bid at said sale and become the purchaser of any property sold. Any property sold may be redeemed at any time within two years from the date of sale by the payment of all taxes, costs and penalties, including those since sale, with legal interest from date of sale. The City Tax Collector shall issue a certificate to the purchaser, containing date of sale, name of purchaser, amount of purchase price, and a description of the property sold. At the expiration of two years the City Tax Collector shall cancel said certificate and execute and deliver a deed to the purchaser, upon payment by the purchaser of the legal fees therefor. Upon the application of the purchaser, or assigns, and thirty days' notice to the owner, if a resident, or publication for four weeks in a newspaper published in Clarksville, if a non-resident, the Circuit Court shall issue a writ of possession to the purchaser, or assigns. In case the property is bid in by the city, the city shall have a right to make sale of same; *Provided,* the purchase price shall not be less than the amount of accrued taxes, penalties and costs, and the purchaser at such private sale, or the city in case no private sale is made, shall have the right to apply for and obtain a writ of possession as above provided. Equitable as well as legal estates in land may

be sold to enforce the collection of taxes, and the purchasers thereof, under sales made as aforesaid, shall be substituted to all the rights of the former owner. The City Tax Collector shall have the right to add to the lists any taxable property or polls assessable for taxation, but which have been omitted from the lists; *Provided,* all proceedings now pending for the collection of delinquent taxes may be prosecuted under the provisions of the present charter, but all collections of delinquent taxes, including those for the year 1904, shall be prosecuted under the provisions of this Act.

Recorder to try offenders.

SEC. 7. *Be it further enacted,* That the Recorder of said city shall have concurrent jurisdiction with the Justices of the Peace for Montgomery County in all cases of a criminal nature arising within the limits of said city, subject to and regulated by the laws that govern proceedings before Justices of the Peace, and for this purpose may use the city jail or workhouse of said city, and may send the police officers into any part of Montgomery County to execute process in such cases, which said police officers are hereby authorized and empowered to execute and return, according to the laws governing Constables in like cases. The Recorder shall also collect all privilege taxes due the city, and for this purpose shall have the same right to issue distress warrants as collectors of privilege taxes for State and county purposes, which warrants shall be directed to the police officers of the city, who are authorized to execute and return same. The Recorder may also add to the list of privileges any that may have been omitted, or the exercising of which commenced after the list came into his hands. The Mayor and Recorder each shall have authority to administer oaths and affirmations, and to take depositions in the same way and for the same purposes, and for the same fees, and under the same laws, as Justices of the Peace.

Other duties.

Other powers of Board.

SEC. 8. *Be it further enacted,* That all officers of the city whose election is not herein provided for shall be elected by the Board of Mayor and Aldermen at such time and for such term as the Board may fix. The Board may at any time, for cause, remove the Mayor and Aldermen, or any officer of the city, and fill the vacancy for the unexpired term. The said Board shall have the power to fix the salaries and define the duties of the officers of the city, and may require all officers of the city to furnish

bond with good security in such sum as it may deem proper for the faithful discharge of their duties.

The Board may appoint a Mayor *pro tem.*, who shall act for the Mayor in his absence, and prescribe rules of order for its meetings.

SEC. 9. *Be it further enacted,* That the reports and acts and evidence of the City Engineer elected under this charter shall be equal in every respect to those of a County Surveyor within the corporate limits or about the property of the city beyond the corporate limits.

Former ordinances to remain in force.

SEC. 10. *Be it further enacted,* That all ordinances and resolutions heretofore passed, enacted, or ordained by the Board of Mayor and Aldermen of Clarksville, and in force at the passage of this Act, shall remain and be in full force and effect until altered, amended, or repealed by said Board, or until they expire by limitation, and all of the provisions of the present charter shall remain in force until repealed by this Act. No ordinance shall become a law of said city until it shall have passed two readings of the Board of Mayor and Aldermen on two separate days, and all ordinances passed by the Board shall be published in hand bills, or in a newspaper published in the city. A digest of all the laws and ordinances shall be prepared and published every three years by the Board.

SEC. 11. *Be it further enacted,* That the Board of Mayor and Aldermen are authorized and empowered to enforce all laws and ordinances now in force in said city not repugnant to this charter, and to pass all ordinances, and enforce the same, necessary to carry out the foregoing or ensuing powers and the objects of the corporation not contrary to the laws of the land.

SEC. 12. *Be it further enacted,* That this charter is declared to be a public law, and may be read as evidence in all the courts without proof or special pleading.

Certain former Acts repealed.

SEC. 13. *Be it further enacted,* That so much of the following Acts as conflict with this Act be, and the same are hereby, repealed: Chapter 146, Acts 1859-60, entitled "An Act to incorporate the Town of Middleburg, and for other purposes;" Chapter 104, Acts 1891, entitled "An Act to extend the corporate limits of the City of Clarksville, Tennessee, and to prescribe the conditions upon which the extension is made;" Chapter 72, Acts 1875, entitled "An Act to change the time of election of the Board of Mayor and Aldermen of the Town of Clarks-

ville, to make the term of their office two instead of one year, to change the time of induction into office, to amend the charter of said town, and to authorize the levying of one-fifth of one per cent for school purposes, and to further amend said charter so as to strike out all provisions thereof having reference to 'negro traders,' 'negro yards,' 'free negroes,' or 'slaves;'" Chapter 169, Acts 1883, entitled "An Act to amend an Act entitled 'An Act to authorize the City of Clarksville to levy and collect additional taxes for school purposes;'" Chapter 57, Acts 1895, entitled "An Act to amend an Act passed December 20, 1855, and to amend an Act passed March 19, 1860, and to authorize the City of Clarksville to increase the tax levy for city or general purposes, and to reduce the levy for railroad purposes, prescribe a penalty for non-payment of taxes, and to provide for the more efficient collection of delinquent taxes on real estate;" Chapter 141, Acts 1897, entitled "An Act to amend the charter of the City of Clarksville, and providing that certain officers shall be elected biannually instead of annually;" Chapter 219, Acts 1899, entitled "An Act authorizing the City of Clarksville to fix the number of voting precincts in said city for all city elections;" Chapter 375, Acts 1899, entitled "An Act authorizing the City of Clarksville to fix the number of voting precincts in said city for all elections;" Chapter 401, Acts 1903, entitled "An Act to amend the Charter of the City of Clarksville relating to the election of a Tax Assessor."

That the following Acts be, and the same are hereby, repealed: Chapter 279, Acts 1903, entitled "An Act giving the City of Clarksville power to create a Board of Public Works, and to define its duties and powers;" Chapter 426, Acts 1903, entitled "An Act to amend the charter of the City of Clarksville."

That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 403.

House Bill No. 687.

AN ACT to regulate the working of good roads, graveled or macadamized roads, and labor of hands, and collection of tax from said hands allotted to said good roads, graveled or macadamized roads, in counties having a population of not less than thirty-six thousand three hundred nor more than thirty-six thousand five hundred inhabitants, by the Federal Census of 1900, or by any subsequent Federal Census.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all male residents between the ages of twenty-one and forty-five years, who shall be subject to road duty in counties having a population of not less than thirty-six thousand three hundred nor more than thirty-six thousand five hundred, by the Federal Census of 1900, or any subsequent census, and which have a system of good roads, gravel or macadamized roads, and which male inhabitants shall be allotted to and be subject to road labor on said roads shall pay the road labor tax in cash, and shall not be permitted to work the same out.

Sec. 2. *Be it further enacted,* That said road labor tax shall be collected as is now or hereafter may be provided for by law, with same penalty and proceedings.

Sec. 3. *Be it further enacted,* That when said tax is collected the same shall be held by the Trustee as a special fund to be used in the repair and keeping up of said good roads, graveled or macadamized roads, and shall be paid out under the supervision and order of the County Judge or Chairman; the repairs to be made under the supervision and direction of the Civil Engineer or Superintendent of said roads.

Sec. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 404.

House Bill No. 806.

AN ACT to authorize the Board of Mayor and Aldermen of the City of Bristol to issue twelve thousand ($12,000) dollars of five-per-cent interest-bearing, coupon bonds, to purchase site, erect buildings, and for public school building purposes generally within said City of Bristol.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Board of Mayor and Aldermen of the City of Bristol, a municipal corporation located in Sullivan County, Tennessee, be, and it is hereby, authorized to issue twelve thousand ($12,000) dollars, or such part thereof as may be deemed necessary, of five-per-cent, interest-bearing, coupon bonds of said City of Bristol to be used in purchasing a site, erecting buildings, and for public school building purposes generally within said city.

Sec. 2. *Be it further enacted,* That the bonds hereby authorized shall bear interest at the rate of five per cent per annum, payable semi-annually, which several installments of interest shall be represented by coupons attached to said bonds; and said bonds shall mature and become payable at such time, from ten to forty years, after date as the Board of Mayor and Aldermen of the City of Bristol may, by ordinance, fix and determine.

Sec. 3. *Be it further enacted,* That the Board of Mayor and Aldermen of the City of Bristol shall have the right and power by ordinance to fix and determine the date upon which said bonds shall be issued, their denominations and numbers; the time, from ten to forty years, at which said bonds, or any number of them, shall mature; the numbers of the semi-annual interest coupons, their dates and time of payment; and the place and time of payment of both the interest coupons and the principal of said bonds.

Sec. 4. *Be it further enacted,* That said bonds and interest coupons shall bear the signature of the Mayor, attested by the signature of the Recorder of said city, or a facsimile of their signatures, and seal of said city shall be stamped upon each of said bonds.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 405.

HOUSE BILL No. 706.

A BILL to be entitled "An Act to create an independent school district out of parts of the Counties of Monroe and McMinn."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent school district is hereby created and established out of parts of the Counties of Monroe and McMinn, to be known as Chestnut Grove, and bounded as follows—to wit:

Boundaries.

Beginning at a point known as the Signal Point, on the line between the Second and Sixth Districts, Monroe County, Tennessee, running north with Harrison Ray's line to the Valley Road; thence west to James Kinser's line; thence north to north corner of Tom Brennan's farm; thence west to McMinn County line; thence south with said line to the Isbel farm; thence west to the Mt. Harmony and Sweetwater Road; thence south to John Glazer's line; thence west to the northwest corner; thence south to Frank Lee's line, near his house; thence west to his northwest corner; thence south to the southwest corner; thence east to the northwest corner of John Glazer's home tract; thence south to the southwest corner of Homer Thompson's land; thence east to the corner; thence north to W. F. Hudson's line; thence east to his southeast corner; thence west with the district line to the beginning.

County Superintendent to appoint Directors.

SEC. 2. *Be it further enacted,* That the County Superintendents of Public Instruction of McMinn and Monroe Counties shall appoint three School Directors for said

ndependent district, who shall serve until the next regular election when their successors shall be elected by the qualified voters of said district.

SEC. 3. *Be it further enacted,* That the Directors herein above provided for are empowered to collect from School Directors, out of territory this special district is created, all money due the school children belonging to the special School District herein established.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 406.

HOUSE BILL No. 658.

A BILL to be entitled "An Act to authorize the Town of Newport, Tennessee, to issue bonds to the amount of fifteen thousand dollars for the purpose of funding its floating indebtedness, building a city jail, constructing sewers and drains, improving and repairing streets and sidewalks, and to provide a sinking fund for the purpose of liquidating said bonds and the interest thereon."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this Act it shall be lawful for the Board of Mayor and Aldermen of the Town of Newport, Tennessee, to issue bonds in the manner and under the restrictions hereinafter set out not to exceed the sum of fifteen thousand ($15,000) dollars, payable principal and interest in any lawful currency of the United States. Amount.

SEC. 2. *Be it further enacted,* That the Board of Mayor and Aldermen of said town for the purpose of funding its floating indebtedness, erect a building to be used as a city jail and Recorder's office, constructing sewers and drains, and improving and repairing the streets and sidewalks of said town are hereby authorized and empowered to issue interest-bearing bonds, with coupons at- Purposes of bonds.

tached, of said town, signed by the Mayor and countersigned by the Recorder of said town, to the amount of fifteen ($15,000) dollars; *Provided,* that none of said bonds shall be issued until an election has been held in said town as hereinafter provided, to determine whether the legal voters of said town favor the issuance of said bonds for the purposes designated in this Act; and *Provided further,* that the amount to be expended for a city jail and lot on which same is erected, shall not exceed thirty-five hundred dollars for both.

SEC. 3. *Be it further enacted,* That any and all such bonds issued at any time under this Act shall be of such denominations and bear such rate of interest, not to exceed five per cent per annum, and be due in such time not to exceed twenty years from issuance, and payable at such time and place as the said Board of Mayor and Aldermen may determine.

Expenditure of proceeds.

SEC. 4. *Be it further enacted,* That said bonds or the proceeds thereof shall be used exclusively for the purpose of making the public improvements hereinbefore set forth within the corporate limits of the Town of Newport, and before said issue of bonds is made under this Act an itemized estimate showing in detail the proposed expenditures of the proceeds of said bonds, and showing the purpose of expenditure and place of expenditure within the town, and the amounts to be expended for such purposes, and in such places, shall be made by the Board of Mayor and Aldermen in the form of an ordinance spread on the records of that body, and said estimate, as so spread of record, shall be embodied in any notice of any election to be held hereunder to authorize the issuance of said bonds, and such election shall not be legal or said bonds valid if this provision is not complied with; *Provided,* that said bonds shall not be issued unless so ordered by a majority of the votes cast in an election to be held upon due notice (not less than thirty days) by order of the Board of Mayor and Aldermen at any time and as many times as said Board shall deem necessary.

SEC. 5. *Be it further enacted,* That said election shall be held according to the laws regulating such elections existing in the State of Tennessee, at the time same is held.

Elections—how held

SEC. 6. *Be it further enacted,* That the officers charged with the duty of the registration of votes in the general election and the management of general election

in the Town of Newport, Tennessee, are hereby charged with the duty of providing for the registration of voters and the conduct of any and all elections held under this Act; *Provided,* that all expenses of said registration and election shall be borne by the Town of Newport, Tennessee.

SEC. 7. *Be it further enacted,* That whenever an election shall be held under the provisions of this Act, the officers of election shall make return thereof in the manner and through the person or persons prescribed by law in general municipal elections, and the votes shall be canvassed and the result decided and announced in the manner now provided by law for the said general elections.

SEC. 8. *Be it further enacted,* That the Election Commissioners of Cocke County shall furnish, according to the laws now existing and regulating elections in this State, tickets to be used in said election, and upon said tickets shall be printed, first, "Bonds," and immediately below, "No Bonds," and persons voting for the issuance of bonds shall mark their tickets with a cross mark opposite the word "Bonds," and those voting against the issuance of bonds shall in like manner mark their tickets opposite the words, "No Bonds." Tickets—how furnished.

SEC. 9. *Be it further enacted,* That no commission shall be charged for selling said bonds, and none of said bonds shall be sold for less than par.

SEC. 10. *Be it further enacted,* That for the purpose of carrying out the purposes of this Act, G. W. Willis, G. F. Smith, and F. W. Parrott are hereby appointed and constitute the Commissioners to contract said public improvements and superintend the expenditure of said funds. Before entering upon their duties, they shall give bond in such sum as the Board of Mayor and Aldermen may require, and any vacancy upon said commission shall be filled by the Board of Mayor and Aldermen. All contracts let by said Commission shall be in writing, and all contractors shall be required to give bond in a sufficient amount conditioned upon the faithful performance of their contracts. Said Commission shall be authorized to employ such engineers and expert service as they may deem necessary. The proceeds of said bonds, when sold, shall be turned over to the Recorder of the town, and said funds shall remain in his hands for the purpose of carrying out the purposes of this Act, and shall be subject to the orders of the Commissioners herein named, whose orders shall constitute a good and sufficient voucher for the Re- Commissioners named to carry out purposes of this Act. Powers, duties and limitations of Commissioners.

corder in his settlements with the municipality. Said Commissioners shall not have any interest to any extent in any contract under which any of said improvements shall be made, and shall make reports as to the progress of their work from time to time, and whenever called upon by the Board of Mayor and Aldermen.

SEC. 11. *Be it further enacted,* That the Board of Mayor and Aldermen of the said Town of Newport shall, by ordinance, provide for the assessment and collection of such tax as not to exceed twenty-five cents on the one hundred ($100) dollars as may be necessary to pay off said bonds so issued, and the accrued interest thereon, and provide a sinking fund for that purpose, and provide and establish Sinking Fund Commissioners to manage and control said sinking fund.

SEC. 12. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 407.

HOUSE BILL NO. 709.

AN ACT to incorporate the Town of Adams.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the Town of Adams, in the County of Robertson, are hereby constituted a corporation and body politic, by the name and style of the "Mayor and Aldermen of the Town of Adams," and that by the same sue and be sued, plead and be impleaded, in all the courts of law and equity, and hold all actions whatsoever; may purchase, receive and hold property, real, personal, and mixed, within said town for corporation purposes, and may sell, lease, or dispose of

same for the benefit of said town; and may purchase, receive, and hold property, real, personal, and mixed, beyond the limits of said town, to be used for the burial of the dead, for the erection of waterworks, for the establishment of a hospital, poorhouse, workhouse of correction, and may sell, lease, or dispose of said property for the benefit of said town; and do all other acts touching the same as a natural person for the benefit of said town; and change the same at pleasure.

Boundaries.

SEC. 2. *Be it further enacted,* That the boundary of said town shall be as follows: Beginning at a point in the center of the main track of the L. & N. old Railroad in Dr. Bell's west boundary line; thence with said Bell's west boundary line south 3 degrees west 28 4-5 poles to a black gum in or near said Bell's line, said gum being marked with four chops on two sides; thence south 59½ degrees west, passing through the center of a large sink hole at 51 poles, continued on in all 110 poles to a point in Murphey's lot; thence west, crossing the road to Glenraven and the road to the Sory place, running in all 62 poles to a stone, Mrs. Mary E. Jetts' southwest corner, also Sory's corner; thence north with Mrs. Jetts' west boundary 14 poles to a stone, Mrs. Jetts' northwest corner and Mrs. Stranges' southwest corner; thence north 30 1-4 degrees west 30 4-5 poles to a point south of and near the Port Royal Road; thence north 14 degrees west, passing the center of the Port Royal Road at 1 pole, continued on, crossing the road leading to Woodruff's at 123 3-5 degrees, and the L. & N. Railroad new rights of way at 132¾ poles, continued on in all 186.4 poles to the whistle post for the Red River bridge as the trains go north; said post is located on north side of said railroad; thence north 74 degrees east 144 poles to a peach tree northeast of the chimney on east side of Mrs. Winter's residence; thence south 51¾ degrees east 110 poles to a large cherry tree (wild) in the east edge of the Sadlers and Adams Road (said line running through the center of a sink hole) in or near Dr. Bell's west boundary line; thence south 3 degrees west, crossing the Springfield and Adams Road at 81 3-5 degrees, continued on in all 111 poles to the beginning.

City elections—when held, and purpose.

SEC. 3. *Be it further enacted,* That there shall be elected on the first Saturday in May biennially, by the qualified voters residing in the bounds of said corporation for the term of one month next preceding the day of elec-

tion, a Mayor, five Aldermen, and a Town Constable, who shall hold their offices for two years and until their successors are elected and qualified.

First election.

SEC. 4. *Be it further enacted,* That the Election Commissioners of Robertson County shall hold the first election for the election for said Board of Mayor and Aldermen on the first Saturday in May, 1905, as the law directs, and in case of vacancy in the office of Mayor, Alderman, or Constable, by death, resignation, or removal, or otherwise, the remaining members of the Board, or a majority of them, may elect a person or persons to fill said vacancy or vacancies; that the Board of Mayor and Aldermen shall appoint a Recorder and Treasurer out of their body, who shall give bond and sufficient security for the faithful performance of the duties of their position, in such sums as the Board may prescribe, and who shall hold their offices during the term of said Board; *Provided,* that the said Board shall have power to remove either or both at any regular or called meeting when in its judgment it may be expedient, and their places shall be filled as aforesaid.

SEC. 5. *Be it further enacted,* That the Mayor, Aldermen, and Constable may be removed from office for any misdemeanor or malfeasance in office in the same way that other officers are under the laws, and shall be subject to indictment by the grand jury.

General powers of corporation.

SEC. 6. *Be it further enacted,* That the corporation aforesaid shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of said town; prevent and remove nuisances; ascertain, when necessary, the boundary and location of streets, lots, and alleys, establish new streets, lanes, and alleys; to restrain and prohibit gaming, and provide for licensing, taxing, regulating, and restraining public amusements or shows within the corporate limits of the town; to keep in repair the streets, alleys, lanes, and sidewalks; to pass all laws necessary to carry into effect the same; to restrain or prohibit the sale of intoxicating liquors, including beer, ale, and all malt liquors; to impose and appropriate fines, penalties, and forfeitures for the breach of by-laws and ordinances; to levy and collect taxes for the purpose of carrying the necessary measures and powers herein granted into operation for the benefit of said town; and pass all laws and ordinances necessary and proper to carry the intent and meaning

of this Act into effect; *Provided,* they are not incompatible with the Constitution and laws of the State and of the United States.

SEC. 7. *Be it further enacted,* That all fines, penalties, and forfeitures imposed by the by-laws and ordinances of said corporation shall be recovered as other moneys are under the laws of the State, by the Mayor and Aldermen of said corporation, and for the use of said town; that it shall be the duty of the Mayor to have all by-laws and ordinances of the corporation written out or printed and posted in a conspicuous place on the main streets of said town for the inspection and information of all persons; no ordinance or laws to take effect or be binding until ten days after such advertising; and it shall be the duty of the Mayor to have said by-laws or ordinances so posted replaced when destroyed or removed within ten days after the same shall be known.

Assessment of property for taxes.

SEC. 8. *Be it further enacted,* That the said Mayor and Board of Aldermen shall appoint out of their own body an Assessor to assess the value of all property, real and personal, upon which taxes are paid under the laws of the State, lying within said corporation, before any taxes are levied for corporation purposes; that when the taxes shall be imposed upon any property for corporation purposes, the Constable of said corporation shall collect said taxes and pay the same into the hands of the Treasurer, and said Constable shall have the power to collect the corporation taxes as the Trustee has for collecting State and county taxes; that said corporation shall have the power to levy a tax on privileges not to exceed that levied by the county on the same.

Oath of office.

SEC. 9. *Be it further enacted,* That said Mayor, Aldermen, and Constable, before entering on the duties of said offices, shall take an oath of office to faithfully discharge the duties of said office according to law; and that the Constable and Treasurer enter into bond and security for the faithful discharge of their duties, and paying over all money coming into their hands in accordance to the by-laws provided for; and said Mayor, Aldermen, Constable, and Treasurer going out of office shall pay over to their successors any and all moneys which may be in their hands, or in the hands of the Treasurer, and turn over all property and deliver up all books and papers in their hands, and those of their appointees, belonging to cor-

poration, the Mayor to have the jurisdiction of a Justice of the Peace to try causes brought before him, and to have the fees allowed by law to a Justice.

SEC. 10. *Be it further enacted,* That this law take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 408.

HOUSE BILL No. 724.

AN ACT to protect fish in Meigs County, and to prohibit placing of sawdust or substance injurious thereto in the streams of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful to place in any running stream of Meigs County, any sawdust, acid or other substance injurious to fish in said stream.

SEC. 2. *Be it further enacted,* That any person violating the above shall be guilty of a misdemeanor and punished as such.

SEC. 3. *Be it further enacted,* That this Act take effect on August 1, 1905, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 409.

HOUSE BILL No. 799.

AN ACT to create an independent School District in Bedford County, to be known as the Twelfth School District of said county, and to define the boundaries thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be, and is hereby, created an ndependent School District in Bedford County, to be known as the Twelfth School District of said county, and the boundaries of said School District shall be as follows:

Beginning at the northeast corner of the lands of Hiram A. Landers, and including said Landers' farm, and running thence in a northerly direction to Miles Damson's farm, and including said Damson's farm; thence in a northwestwardly direction to and including Walter Blankenship's farm; thence west to the Versails Pike; thence west across said pike and running with the Unionville Road to the northeast corner of what is known as the Henry Stern farm; thence in a southerly direction to and including Ewing Pressymius' farm; thence on southward with the west boundary line of W. R. Sims' farm to and including H. F. Moors' farm on the Unionville Turnpike; thence eastward, running with said pike to the Versails Pike; thence north with said pike to the northwest corner of Mrs. Mary Dozier's farm; thence east to the North Fork Creek, and thence in northeastwardly direction with said creek to B. F. Brulan's three-acre field, but does not include said three-acre field; thence north along the east boundary line of Stephen Landers' farm and including his farm to the beginning.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 410.

SENATE BILL No. 492.

AN ACT to prohibit traffic in non-transferable signature tickets issued by common carriers, and to require common carriers to redeem unused or partly used tickets, and to provide punishment for the violation of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person, other than the authorized agent of the common carrier issuing the same, to sell or otherwise deal in or offer to sell any railroad, railway, steamship, or steamboat passenger ticket which shows that it was issued and sold below the standard schedule rate under contract with the original purchaser entered upon such ticket and signed by the original purchaser, to the effect that such ticket is non-transferable and void in the hands of any person other than the original purchaser thereof; *Provided, however,* that nothing in this Act shall be construed as depriving the original purchaser of a transferable ticket of the right to sell same to a person who will in good faith personally use it in the prosecution of a journey.

Carrier to redeem unused tickets.

SEC. 2. *Be it further enacted,* That it shall be the duty of every common carrier that shall have sold any ticket or other evidence of the purchaser's right to travel on its line, or any line of which it forms a part, to, if the whole of such ticket be unused, redeem the same, paying the original purchaser thereof the actual amount for which said ticket was sold; or, if any part of such ticket be unused, to redeem such unused part, paying the original purchaser thereof at a rate which shall be equal to the difference between the price paid for the whole ticket and the price of a ticket between the points for which said ticket was actually used; *Provided,* such purchaser shall present such unused or partly used ticket for redemption within six (6) months after the date of its issuance, to the officer or agent who shall be authorized or designated by such common carrier to redeem unused or partly used tickets, and the said officer shall within fifteen (15) days after the receipt of such ticket redeem the same as hereinbefore provided for. Such redemption shall be made without

cost of exchange or other expense to the purchaser of the ticket.

SEC. 3. *Be it further enacted,* That any person or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by fine in the sum of not less than fifty ($50) dollars, nor more than one hundred ($100) dollars. Penal clause

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 411.

SENATE BILL NO. 273.

AN ACT to provide for a more efficient method of collecting taxes in fractional parts of new counties taken from old counties, and which old counties were owing an indebtedness prior to the separation of said fractional parts of said new counties, and for which said fractional parts of said new counties are still liable, by providing for the collection of such taxes by making the Trustee of said new counties the agent and collector of said old counties, and empowering and making it his duty to receive and receipt for said taxes levied and assessed by said old counties to pay said existing indebtedness created prior to said separation or the interest thereon.

WHEREAS, By Article 10, Section 4, of the Constitution of the State of Tennessee, it is provided that the fractions taken from old counties in the formation of new counties, or taken from one county and added to another, shall continue liable for their *pro rata* of all debts contracted by their respective counties prior to the separation, and to be entitled to their respective proportions of any stocks or credits belonging to such old counties; therefore, to the end that said old counties may more expeditiously collect

such taxes, and for the convenience of the citizens and taxpayers of said fractional parts of said old counties added to new counties, where such fractions are subject to such taxaion by law, that they may pay such taxes to the Trustee of the new county, where they now pay their State and county taxes.

Trustee of new county to collect taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Trustee and Tax Collector of the new county from which fractional parts of an old county was taken to form said new county, or where parts of one county is added to another, and which parts so taken off are liable for a *pro rata* part of an indebtedness created and owing by said old county prior to the separation, is hereby made the agent and collector for said old county to collect and receive and receipt for, and it shall be his duty to do so, any and all taxes levied and assessed by said old county, for the purpose of paying off said indebtedness or the interest thereon in the name of and as agent and Tax Collector for said old county owing said indebtedness prior to said separation and for which said fractional part of said new county is liable under the law, to the end that the citizens and taxpayers of said new counties may pay all of their taxes, including special taxes collected hereunder, to one collector, the Trustee of said new county to which territory so taken may have been added.

Tax books—how made and by whom

SEC. 2. *Be it further enacted,* That it shall be the duty of the County Court Clerk of the county from which said territory was taken and added to another county to make out a tax book or books under the laws as to such properties for the collection of special taxes as now or that may hereafter be provided from the assessment books in his hands or returned to him under the law governing the assessment of property for taxation in such territory, which book or books shall show the amount of taxes due each and every year respectively for which said book or books are made out, and to deliver said book or books to said Trustee or Tax Collector of said new county, whose duty it shall be to receive and receipt for same, and which shall be delivered to him at the same time that the tax books are delivered under the general assessment laws now in force and which may be hereinafter enacted governing State and county taxes, and said Trustee of new county shall immediately proceed with the collection of said special taxes

in the same manner and with the same authority that he does the State and county taxes under the general law governing the collection of same. As compensation for the collection of said special taxes in the fractional parts of old counties added to new counties, he shall receive four per cent. Before entering upon the collection of such taxes it shall be the duty of the County Trustee of said new county to make and enter into a good and solvent bond in a sum double the amount of such taxes to be collected for the collection of same, and for the faithful performance of his duties as such special collector, and for the accounting to the proper official of said old counties for the taxes collected by him hereunder on or before the 1st day of June of each and every year, beginning with the 1st of June, 1906.

Compensation of Trustee.

The tax book or books to be delivered to the said Trustee hereunder shall conform to the provisions of the general assessment law, in setting out the names of the owners of the property, the amount assessed for and the amount of taxes due and for what purpose, all of which shall be set out under appropriate heads with a description of the property, number of acres, and valuation as taken from the assessment lists or books.

SEC. 3. *Be it further enacted,* That the general assessment laws governing the collection of taxes and the provisions for their enforcement shall apply to the taxes to be collected hereunder in all things except as herein set out and not in conflict with the provisions of this Act. The said taxes shall be and become delinquent at the same time as provided in the general assessment law for State, county, and special taxes, and shall bear the same interest and be liable for the same penalties, and are to be enforced after they become delinquent by said Trustee in said new county in the same manner, and he is hereby given the same power and authority as is now conferred by law upon him for the enforcement and collection of the State and county taxes in his county, and to that end the tax book or books furnished him as herein provided, or lists which he is hereby empowered to furnish and deliver to his deputies or to Constables of the various districts in said new county formerly composing a part of said old county owing said indebtedness for which said taxes were assessed, shall have the force and effect of a judgment of a Court of Record, and a distress warrant and execution from a Court of Record authorizing him to make distraint and

General assessment laws govern, except as modified by this Act.

sale of any personal property liable therefor under the general tax laws, and property so levied upon shall be sold in the same manner as is provided for sales of like kind for State and county taxes proper under distress and execution for taxes.

Delinquent taxes to be certified to old county.

That all taxes remaining unpaid on the tax books of said fractional part of such new county on the 1st Monday in June of 1906, and every year thereafter, shall be certified back to the Chairman of the County Court of said old county by the Trustee of said new county, who shall give him credit for such taxes as remain unpaid, and at which time he shall also pay to the Trustee of old county all money collected hereunder, and the tax books shall then be delivered to the Trustee of said old county, who shall proceed to collect same or to sell said property for the amount of taxes, interest and penalties and costs as now provided by the general assessment law, or as may hereafter be provided by law for sale of property for State and county taxes; *Provided,* that the amount collected under this Act shall be applied to the payment of the *pro rata* part of said debt and interest after this date owing by said new county, and when the amount thus paid shall equal the *pro rata* due by them and accruing interest, the said new county is released from all further liability on account of said debt.

Application of Act.

SEC. 4. *Be it further enacted,* That the provisions of this Act shall apply only to a fractional part of a new county taken from an old county, and which old county owes a railroad debt created prior to the separation of said fraction from said old county, and to the collection of taxes imposed for the collection of such debt or the interest thereon.

Penal clause.

SEC. 5. *Be it further enacted,* That a failure on the part of the Trustee of such new county to execute a bond for the collection of said tax and a faithful performance of his duties as such collector shall subject said Trustee to all the pains, penalties, and forfeitures now provided by law or that may hereafter be provided by law applying to the collection of and accounting for State and county revenue by County Trustee, and Tax Collectors.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it,

and that all laws and parts of laws inconsistent with this Act be, and the same are hereby, repealed.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 412.

SENATE BILL No. 494.

AN ACT entitled "An Act to incorporate Mont Vale Academy, at Celina, Tennessee."

WHEREAS, Sundry citizens of Celina, Tennessee, have purchased beautiful school grounds, situated in said town, and erected thereon large and commodious school buildings for the purpose of establishing and conducting therein a first-class training school for males and females, to be known as Mont Vale Academy, to be under the government and control of the Trustees of said school, hereinafter to be mentioned, subject to such rules and restrictions as are hereinafter set forth, and the regulations that may be set forth in the by-laws by the Trustees for the government of said institution; and whereas, security of society, the supremacy of the laws, the preservation of our civil and religious liberties, the perpetuation of our institutions, and those of our country, and the preservation of the manhood and womanhood that are to succeed the present generation, are materially dependent upon the intelligence and virtue of the people, and realizing the fact that it is greatly to the interest of the State of Tennessee and to the citizens of this community to encourage the erection of training schools for the diffusion of knowledge and education; therefore,

Charters of incorporations are now granted by office of Secretary of State. See ch. 142, Acts 1875; also Constitution, Art. xi, Sec. 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That W. L. Brown, W. N. Gray, W. C. Lowery, E. Kirkpatrick, S. B. Anderson, Codell

Hull, and W. B. Boyd and their successors in office be, and they are hereby, created a body politic, incorporate, under the name and style of the Trustees of Mont Vale Academy, with all the rights, powers, and privileges necessary to the establishment of a first-class training school, and in their corporate name may lease, purchase, sell and otherwise dispose of the real estate to any amount that may be necessary to sustain said academy and give interest and prosperity to the cause of education; may sue and be sued, plead and be impleaded, answer and be answered, in any of the courts of equity or law in this State; and, generally, to any and all things imposed upon them by the provisions of this Act; and should have succession for ninety-nine years from the date of the passage of this Act.

SEC. 2. *Be it further enacted,* That the said Trustees may elect such officers of their body as they think proper and most convenient to themselves; establish by-laws, rules and regulations for conducting their business, and a systematic government of said Mont Vale Academy, not inconsistent with the Constitution and laws of the State of Tennessee and the United States.

SEC. 3. *Be it further enacted,* That in the event a vacancy occurs either from death, removal, or resignation, then said vacancy shall be supplied by a vote of a majority of said Trustees, and in the event said Trustees should be of the opinion at any time that they are numerically too small, a majority of them may add to their number any names that they may agree upon, who shall be recognized as Trustees of said academy, said number not to exceed eleven. A majority of said Trustees shall constitute a quorum to do business, and their acts shall be valid in law and equity, binding as though all were present.

SEC. 4. *Be it further enacted,* That the Board of Trustees of said academy may establish a Normal Department, which department shall be subject to such rules and entitled to such privileges as other Normal Schools of the State of Tennessee.

SEC. 5. *Be it further enacted,* That the Board of Trustees shall elect a President annually from their number, and shall make their own by-laws, and may also appoint such person or persons as they may deem proper, to perform the duties of Secretary, Treasurer, of the Board. They shall have power to appoint professors, teachers, and officers as they, from time to time, see fit, and to remove the same when in their opinion, a majority of them, deem

it to the interest of the success of said institution; to fix the rate of tuition, to confer in conjunction with the faculty such literary degrees and diplomas as are usual in such institutions; and to have and to exercise all other powers and privileges incident to corporations of this description.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 413.

SENATE BILL No. 571.

AN ACT to incorporate the Town of Thomastown, in the Sixth Civil District of Shelby County, Tennessee, and to provide for the government of same and for the election of officers and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the Town of Thomastown, in the County of Shelby and State of Tennessee be, and they are hereby, constituted a body politic and corporate under the name and style of the Town of Thomastown, and under that name they may have perpetual succession, may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed, and personal property, and may have and use a corporate seal, and may alter the same at pleasure.

SEC. 2. *Be it further enacted,* That the Town of Thomastown, located in the Sixth Civil District of Shelby County, Tennessee, be, and the same hereby is, bounded as follows: Boundaries.

Beginning at Harrison's Creek, at a point five hundred yards west of the center of the old Raleigh Road; thence northeast with the meanderings of said creek to the center

of the old Raleigh Road; thence southwestwardly with the meanderings of said creek to a point eight hundred yards east of the center of the old Raleigh Road; thence southwestwardly and parallel with the center of the old Raleigh Road to Farmville Avenue; thence eastwardly with Farmville Avenue to a point three hundred feet east of Cross Avenue; thence southwardly and parallel with Cross Avenue to the Macon Road; thence northwestwardly with the Macon Road to the center of the old Raleigh Road; thence south fifty-two and one-half degrees west with the center of Raleigh Road to center of Abercombrie Avenue; thence north along the east side of Abercombrie Avenue two thousand feet; thence northwestwardly to a point in Cotton Creek, twelve hundred feet from center of Raleigh Road; thence northwardly with Cotton Creek, northeastwardly and parallel with the Raleigh Road two thousand four hundred feet to a point five hundred yards from center of Raleigh Road; thence northeastwardly to the point of beginning.

Officers.

SEC. 3. *Be it further enacted,* That the officers of the Town of Thomastown to be chosen by the qualified voters thereof shall be a Mayor and five (5) Aldermen, who shall constitute the Town Council, known as the Board of Mayor and Aldermen, a majority of whom shall constitute a quorum for the transaction of business. No person shall be eligible to the office of Mayor or Aldermen unless he is at least thirty years old, and a qualified voter under the laws of the State of Tennessee, and has been a *bona fide* resident of the corporation for at least sixty (60) days before an election. Said Mayor and Aldermen shall be chosen by the qualified voters of the Town of Thomastown every two years, and shall hold their offices until their successors shall be elected and qualified.

Powers of Mayor.

SEC. 4. *Be it further enacted,* That the Mayor of the Town of Thomastown shall have the same powers and authority that are vested in a Justice of the Peace. It shall be his duty to see that the laws of the State and the ordinances of the town are enforced within the city limits against all violation thereof. It shall be his duty to preside at all meetings of the Board of Mayor and Aldermen, and in case of a tie vote before said Board, he shall vote, but not otherwise. If the Mayor should be absent from the city for any reason, he may appoint any one of the Aldermen to act as Mayor in his absence.

SEC. 5. (*a*) *Be it further enacted,* That the Board of Mayor and Aldermen shall have the power to make all needed regulations, by ordinance, to secure the general health of the inhabitants of the town, to pass all laws and ordinances not in conflict with the State laws; to prevent and remove nuisances, and shall have the power to open, light, sprinkle, alter, abolish, widen, extend, establish, grade, pave, gravel, and otherwise improve, clear, and keep in repair the streets, alleys, sidewalks, and other grounds, or to have the same done, and to establish, keep in repair bridges, culverts, sewers, drains, and gutters, and by proper proceedings to condemn property for streets or other purposes.

General powers of Board of Mayor and Aldermen.

(*b*) *Be it further enacted,* That the Board of Mayor and Aldermen shall have the power to pass all necessary ordinances for the preservation of the peace of the community to impose fines, forfeitures, and term of imprisonment for breach of any ordinance of the town. No penalty shall exceed fifty ($50) dollars, and no term of imprisonment shall exceed sixty days for the violation of any ordinance.

(*c*) *Be it further enacted,* That the Town of Thomastown is hereby authorized to acquire and hold real and personal property, to enclose and improve same when necessary for the public use of the inhabitants thereof, both within and beyond the limits of the town; to regulate all public grounds belonging to the town, either in or out of the corporation limits, and to provide for the erection and repairing of all buildings necessary for the use of the town, and when any of said property is no longer required for use by the public, then said Town of Thomastown shall have the power to sell and convey the same to any purchaser thereof in any manner provided by the ordinances of the town. The Board of Mayor and Aldermen of said town shall, by ordinance, make all needful rules and regulations for the use of said property.

Corporation property.

(*d*) *Be it further enacted,* That the Board of Mayor and Aldermen are hereby given the power to levy taxes for all corporate purposes, upon all taxable property, real, personal, and mixed, and privileges within the limits of said town.

Levy taxes.

(*e*) *Be it further enacted,* That the Board of Mayor and Aldermen shall have the power to license, tax, and regulate everything licensed, taxed, and regulated by the

State and county, except saloons. They shall not have the power to license the sale of liquors or beverages in any way.

(*f*) *Be it further enacted,* That the Mayor shall have full power and authority to bind over to the State or commit to the workhouse any person convicted of violating the criminal laws of the State, or to confine in the town prison any person convicted of violating the criminal laws of the State, or to confine in the town prison any person violating the ordinances of the town.

Workhouse.

(*g*) *Be it further enacted,* That the Board of Mayor and Aldermen are hereby authorized and empowered to erect and organize a workhouse in or near said town, and any person who shall fail or refuse to pay any fine or costs imposed for the violation of any ordinance of said town shall be committed to the workhouse until such fine or costs are paid.

Old indebtedness assumed.

(*h*) *Be it further enacted,* That all outstanding obligations, claims, and indebtedness against the old corporation of the Town of Thomastown shall be as binding and of the same force and effect against the corporation formed under this Act of incorporation as they were against the old corporation, and the holders of such obligations, claims, or evidences of indebtedness against the old corporation shall be entitled to and have the same rights and remedies against the new corporation formed under the Act as they were entitled to and had against the old corporation.

Old officers hold over.

SEC. 6. *Be it further enacted,* That the Board of Mayor and Aldermen of the Town of Thomastown, who had been elected under the old corporation and were in office at the time of the repeal of the charter of said town, shall be and continue in office until the next regular election for Mayor and Aldermen of said town.

First election.

SEC. 7. *Be it further enacted,* That on the first Tuesday after the first Monday in April, 1906, an election shall be held in the Town of Thomastown for the election of a Mayor and five Aldermen; said officers shall hold their office for a term of two years and until their successors are elected and qualified; and that on the first Tuesday after the first Monday of April of every second year thereafter such an election shall be held for the election of Mayor and Aldermen.

Who may hold office.

SEC. 8. *Be it further enacted,* That every officer of the town, whether elected by the qualified voters or by the

Board of Mayor and Aldermen, shall be a resident of the State of Tennessee and of the Town of Thomastown three months immediately preceding his election, and shall continue to reside therein during their term of office.

Who may vote.

SEC. 9. *Be it further enacted,* That all persons who are qualified to vote for members of the General Assembly of the State of Tennessee, and who have been actual *bona fide* residents and citizens of the Town of Thomastown for sixty days prior to the election, shall be entitled to vote in all municipal elections.

Vacancies—how filled.

SEC. 10. *Be it further enacted,* That if there should be a vacancy in the office of Mayor or Aldermen a majority of the Board of the Mayor and Aldermen may supply the same by the election of some qualified elector residing within the corporation limits.

SEC. 11. *Be it further enacted,* That it shall be the duty of the Mayor and Aldermen, as soon after their organization as practicable, to elect a Treasurer and such officers and committees as they shall deem proper for the purpose of carrying on the business of said corporation.

SEC. 12. *Be it further enacted,* That the Board of Mayor and Aldermen may elect a City Marshal for such terms of office and under such rules and regulations as may be prescribed by the Board, and he is hereby vested with authority to execute all necessary powers, and make arrests for violation of all State laws or municipal laws within the corporate limits, and authority is hereby vested in him to go anywhere in the State to make such arrests.

Oath of office.

SEC. 13. *Be it further enacted,* That the Mayor and Aldermen and other officials of the Town of Thomastown shall, before entering upon the duties of their respective offices, take an oath before some one authorized to administer oaths in this State, to faithfully, uprightly, and honestly demean themselves as such officers of said corporation during their continuance in office.

SEC. 14. *Be it further enacted,* That all officials elected by the Board of Mayor and Aldermen shall have their compensation fixed by said Board.

SEC. 15. *Be it further enacted,* That the Board of Mayor and Aldermen may require a bond or bonds of any officers elected by said Board, and fix the amount and terms thereof.

SEC. 16. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 414.

HOUSE BILL No. 367.

AN ACT to amend Chapter 78, of the Acts of 1897, so as to give employes and day laborers of individuals engaged in mercantile lines of business a first lien upon the merchandise for their services.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 78, of the Acts of 1897, be amended by inserting after the word "firm" in line five of Section 1 of said Act, the following: "or of any individual engaged in mercantile lines of business," and to amend by inserting after the word "business," in line six of said section, "or any individual mercantile business," and to amend by inserting after the word "property," in line seven of said section, the words "or individual property," and to amend by inserting after the word "partnership," in line ten of said section, the words "or individuals."

SEC. 2. *Be it further enacted,* That this Act take effect at and from its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 415.

SENATE BILL No. 573.

AN ACT to amend the Acts of 1905, passed February 4, 1905, and approved February 4, 1905, and entitled "An Act to incorporate the Town of Watertown, Wilson County, Tennessee, and appoint the first Board of Mayor and Aldermen thereof."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 4, of the Acts of February, 1905, be, and the same is hereby, amended so as to provide for the election of Board of Mayor and Aldermen every two years instead of one.

SEC. 2. *Be it further enacted,* That Section 14 be so amended as to provide for the election of a Board of Mayor and Aldermen on the third Saturday of December, 1906, and the same day every two years thereafter, and said Board shall serve for two years, and until their successor shall have been duly elected and qualified.

SEC. 3. *Be it further enacted,* That Section 17 be amended to read as follows: "That the Board of Mayor and Aldermen of the City of Watertown shall have no power or authority to incur any indebtedness in excess of the revenue derived from the taxes from all sources for the current year." Limit to indebtedness.

SEC. 4. *Be it further enacted,* That the Board of Mayor and Aldermen shall have full power and authority within the town:

1. To levy and collect taxes for school and corporation purposes on all property taxable by law for State purposes, and that the same shall be assessable, due and collectible from and after the passage of this Act. Levy taxes.

2. That the Recorder shall have the right to charge the defendant in all cases with fines, and all costs, including officers' costs and attorneys' fees.

3. To compel by ordinance the owner of property on any street, alley or avenue within the corporation to grade, construct, pave, and repair the sidewalks and foot pavements, the whole extent of the front along the same, the same to be done according to the grade furnished by the municipal engineer or street overseer, and if the owner of the ground shall fail to comply with the provisions of Sidewalks to be built—how.

said law or ordinances as may be duly enacted by the Board of Mayor and Aldermen, for grading, constructing, paving, and repairing of the sidewalks and foot pavements, within such time and in such manner as may be prescribed thereby, then the Board of Mayor and Aldermen may contract with some suitable person, on the best terms that may be made, for the grading, constructing, paving, and repairing such sidewalks and foot pavements, and pay for the same, and the amount so paid and expended shall be a lien on said lot or lots, and shall constitute a charge against the owner of the ground on which said work shall be done, and may be enforced by attachment in law or equity, or shall be recovered by suit in the name and for the use of the Board of Mayor and Aldermen, before any court of competent jurisdiction, and the said Board of Mayor and Aldermen or municipality shall not be liable for any damage to the owner of any lot or parcel of land for the removal of any fence, or other obstruction, nor for the land unless the same exceeds seven feet in width; *Provided, however,* that such land taken or used shall be for the use and benefit of said municipality or corporation of Watertown.

SEC. 5. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 416.

SENATE BILL No. 655.

AN ACT to amend Section 6, of the Charter of Lewisburg, Tennessee, the same being Chapter 313, of the Acts of 1901, to provide for the election of the Recorder and Captain of Police, by the Board of Mayor and Aldermen, instead of by the qualified voters.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of Lewisburg, Tennessee, the same being Chapter 313, of the Acts of 1901, be hereby amended as to eliminate from Section 6, of said charter, the provision for the election of "a Recorder and a Captain of Police" by the qualified voters, and to further amend said Section 6, of said charter, by adding thereto the following—to wit: "And the said Board of Mayor and Aldermen shall elect a Recorder and a Captain of Police, as soon after their organization as practicable, who shall hold their offices as provided in this charter, and they, respectively, shall have all the powers and discharge all the duties devolving upon them under this charter, and that may be required of them by ordinance."

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after the first Tuesday in January, 1906, the second day of said month, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 417.

SENATE BILL No. 476.

AN ACT to amend Sections 20, 22, 26 and 27, of Chapter 307, Acts of Tennessee 1903, so as to allow the City of Cleveland to contract an indebtedness for railroad or electric railroad purposes, and to provide for the assessment and collection of taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 20 of Chapter 307 of the published Acts of Tennessee of 1903 be, and the same is hereby, so amended as to read as follows:

Amount of bonds, and purposes.

"That the Board of Mayor and Aldermen are hereby authorized to contract any indebtedness on the behalf of the city and upon the credit thereof by borrowing money to the amount of $50,000 and issuing bonds on the city for the purpose of taking stock in any new railroad or electric railroad whose line shall run into or through the corporate limits of said city, connecting said city with the Louisville and Nashville Railway Company's main line, extending from Knoxville, Tennessee, to Atlanta, Georgia; *Provided always,* that no loan be issued for any purpose except by ordinance, which shall be unrepealable until the indebtedness therein provided for and the bonds issued in pursuance thereof shall have been fully paid, and said ordinance shall specify the purpose to which funds received for the bonds to be issued are to be applied, and shall also provide for the levy upon the taxable property of the city sufficient to pay the annual interest thereon and extinguish the principal of said debt and bonds within the time limited for the same, which shall not be less than five nor more than thirty years, and the rate of interest on said bond shall not exceed six per cent per annum; and *Provided further,* that said taxes, when collected, shall only be applied to the purpose in said ordinance specified until the indebtedness and bonds shall have been paid and discharged. But no such debt shall be created nor bonds issued unless the question of incurring the same and issuing bonds therefor shall be submitted to a vote of the qualified electors and legal voters of said city, and that three-fourths of the legal voters voting at said elec-

Election to be first held.

tion vote for the issuance of the bonds and creating the indebtedness."

SEC. 2. *Be it further enacted,* That Section 22 of said Acts of 1903, Chapter 307, on page 897 of said published Acts, be, and the same is hereby, so amended as to read as follows:

"That the Board of Mayor and Aldermen shall have power and authority to levy taxes for town and school purposes upon all taxable property, real, personal, and mixed, within the city limits of the town, but the rate of taxation in said city for all purposes exclusive of any tax levied under Section 20 of said Act as amended by Section 1 of this Act, shall not exceed seventy-five cents on the one hundred dollars." Tax rate for school purposes.

SEC. 3. *Be it further enacted,* That Section 26 of said Chapter 307, page 898 of the published Acts of 1903, be, and the same is hereby, so amended to read as follows:

"That the Board of Mayor and Aldermen may levy a tax not exceeding fifteen cents on the hundred dollars upon all property subject to State taxation, and a street tax on all male persons between the ages of eighteen and forty-five years of age within the corporate limits of said city for streets, alleys, and sidewalks, not exceeding two dollars, and a tax not exceeding twenty-five cents on the hundred dollars upon all property subject to State taxation, and the poll tax not exceeding the State or county poll tax on all male persons between the ages of twenty-one and forty-five years of age within said corporate limits, exclusively for the common school purposes; *Provided, however,* that the rate of taxation in said city for all purposes, exclusive of any tax levied for any railroad purposes in accordance with Section 20 of said Act as amended by Section 1 of this Act, shall not exceed seventy-five cents on the hundred dollars, as hereinbefore stipulated." Same.

SEC. 4. *Be it further enacted,* That Section 27 of Chapter 307, page 898 of the published Acts of 1903 aforesaid, be, and the same is hereby, so amended as to read as follows:

"That the Board of Mayor and Aldermen shall have power and authority to levy and collect taxes in accordance with the provisions of said Act, Chapter 307, as amended by this Act upon all property and privileges within its limits, which are, or shall be, taxable by the laws of the State."

SEC. 5. *Be it further enacted,* That all Acts or parts of Acts or laws contrary to or inconsistent with the provisions of this Act may be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 418.

SENATE BILL No. 654.

AN ACT to amend an Act passed April 15, 1901, and approved April 20, 1901, same being Chapter 313, of the Acts of 1901, to incorporate the Town of Lewisburg.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 2 of the Acts of 1901, the same being an Act to incorporate the Town of Lewisburg, be amended by adding at the end of said Section 2 the following: "*Provided,* that the house and lot of Joe Ewing, Mrs. W. T. Jones, and Scot McCleary are not included in the bounds of said corporation."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 419.

SENATE BILL No. 590.

A BILL to be entitled "An Act to authorize the City of Henderson, Tennessee, to issue fifteen thousand dollars ($15,000) of negotiable, interest-bearing, coupon bonds for the purpose of buying and improving, or erecting a waterworks plant system."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the City of Henderson, Tennessee, be, and it is hereby, authorized to issue negotiable coupon bonds signed by its Mayor and countersigned by its Recorder in an amount not exceeding fifteen thousand dollars, the same or the proceeds of the sale thereof to be used for the purpose of buying and improving or erecting a waterworks plant or system and furnish water to the inhabitants thereof. The said bonds shall draw interest at a rate not exceeding six per centum per annum, payable annually, and the principal and interest shall be payable in lawful money of the United States of America. The said bonds are to be issued in denominations of one hundred dollars each, but no single bond is to be issued for a sum exceeding five hundred dollars, and they shall be due and payable twenty years from the date of the issuance of the same, but the City of Henderson shall have the right, and the authority is hereby given it, to call in and redeem any and all of said bonds before the maturity of the same at its pleasure.

Amount and interest.

SEC. 2. *Be it further enacted,* That before the issuance of said bonds, and as a condition precedent to their issuance, an election shall be held of the qualified voters of said city, and the majority of the voters voting therein shall vote in favor of the issuance of the same. In said election those favoring the issuance of said bonds shall vote "For bonds," and those opposing the issuance of the same shall vote "No bonds." Said election shall be held as required by law.

Election to be first held.

SEC. 3. *Be it further enacted,* That in order to pay the interest on said bonds and to create a sinking fund, with which to liquidate them, the City of Henderson is hereby given the power and authority to levy and collect

each year a special tax on property and privileges subject to taxation by said corporation, which special tax shall not exceed fifty cents on each hundred dollars worth of taxable property, and one-half of the tax on privileges levied for general corporation purposes.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 420.

SENATE BILL No. 620.

AN ACT to change the line between the Twelfth and Seventeenth Civil Districts of Greene County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Twelfth and Seventeenth Civil Districts of Greene County, Tennessee, be changed so as to include the farms of the following persons: Susan Carter, Sadie Simpson, Peter Simpson, John W. Soloman, E. S. Jones, W. W. Castell, John R. Carter, Joseph Foster, and the heirs of G. L. Lody, dec'd, in the Seventeenth Civil District of Greene County, Tennessee.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 421.

SENATE BILL No. 595.

AN ACT entitled "An Act to authorize and empower the County Courts in quarterly session in counties of not less than five thousand seven hundred and six population nor more than five thousand seven hundred and fifty, according to the Federal Census of 1900, or any subsequent Federal Census, to create and establish school districts in said counties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Courts in quarterly session in counties of not less than five thousand seven hundred and six population, nor more than five thousand seven hundred and fifty, according to the Federal Census of 1900 or any subsequent Federal Census, be, and the same are hereby, authorized and empowered to create and establish School Districts in said counties; *Provided,* that the number of School Districts shall not exceed the number of Civil Districts by more than twenty-five per cent of the number of Civil Districts in said counties.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 422.

SENATE BILL No. 523.

AN ACT to prohibit any person from buying for another any intoxicating liquor within four miles of any schoolhouse in Tennessee, public or private, where a school is kept, whether the school be in session or not.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall be unlawful for any person to buy for another any intoxicating liquor from any person within four miles of any schoolhouse, public or private, in Tennessee, where a school is kept, whether the school be then in session or not, and that any one violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine, for each offense, of not less than ten dollars nor more than one hundred dollars, and imprisonment for a period of not less than thirty days nor more than six months, at the discretion of the court.

SEC. 2. *Be it further enacted,* That in the prosecution for the violation of the provisions of this Act, it shall not be necessary to allege in the indictment or presentment or to prove the name or person from whom the intoxicating liquors were bought.

SEC. 3. *Be it further enacted,* That this Act shall not apply to the buying of such liquors within the limits of any incorporated town, in which it is legal under the laws of the State, to retail intoxicating liquors, and the person from whom such liquors were bought is a duly licensed retailer of intoxicating liquors in such town under the State laws.

SEC. 4. *Be it further enacted,* That the Grand Jury shall have inquisitorial powers over all offenses under this Act, and upon probable cause shall make presentment without a prosecutor, and that the Circuit and Criminal Judges shall give this Act specially in charge to the Grand Jury.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 423.

SENATE BILL No. 514.

A BILL to be entitled "An Act to prohibit and regulate hunting and fishing in Coffee County by non-residents."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be a misdemeanor, punishable upon conviction, by a fine of not less than five dollars nor more than twenty-five dollars, in the discretion of the court having proper jurisdiction, for any person a non-resident of Coffee County to hunt, take, or kill game or catch fish in said county without the written permission of the land owner or the person having control of the same.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 424.

SENATE BILL No. 387.

AN ACT to authorize and empower County Courts to supply the tax books belonging in the office of the County Trustee where the same have been permanently lost or destroyed, and to provide the mode of procedure in such cases, and to provide for the collection of State and county revenue shown upon said lost books to be due.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the County Trustee when the tax books for the current year have been destroyed so he cannot receive and receipt for taxes, to make the fact known immediately under oath by petition to and filed with the County Judge or Chairman, which petition shall also state the manner in which said tax books became lost or destroyed, and shall also state whether the same can be supplied from the assessment rolls or other public records on file in the County Clerk's office, or elsewhere, and shall pray that the County Court take the necessary and lawful steps to supply the same. In case the assessment rolls or books have likewise been destroyed, such supplied tax book or books shall for all intents and purposes constitute the original assessment for that year and may be certified as such in all controversies thereunder and concerning the same.

County Trustee to advise court of loss.

SEC. 2. *Be it further enacted,* That the County Courts are hereby invested with power and authority and jurisdiction to supply the tax book or books for the office of the County Trustee when the fact of loss of same is made known as above stated, and said court shall proceed to supply the same in the manner hereinafter stated.

SEC. 3. *Be it further enacted,* That it shall be the duty of the County Judge or Chairman, acting for the said County Court, upon the filing of the petition with him as provided in the first section of this Act, to examine said Trustee and such other persons as he may deem proper and necessary, touching the loss and destruction of said tax books, and to adjudge whether the same have been lost or destroyed. If the said Judge or Chairman shall determine that the same have been lost or destroyed,

County Judge to investigate.

he shall then order and adjudge that the same be supplied, which action shall be entered upon the minutes of the court. The County Courts shall be open at all times for the purpose of receiving said petition and for the purpose of passing upon the same and making the orders above provided for. It shall be the duty of the Quarterly Court, at its first meeting coming after the order of the County Judge or Chairman directing said lost record to be supplied, if a regular session thereof can be held not more than thirty days from the date thereof, and, if not, an extra session of said Quarterly Court shall be called to meet not more than thirty days from the date thereof to elect three suitable and competent persons as Commissioners, and who shall be selected on account of their knowledge of the taxable property of the county and their fitness for the particular duties imposed upon them, and said Commissioners shall possess all the qualifications now required by law of the members of the Board of Equalization, to whom shall be referred the matter of hearing proof and reporting a supplied copy of said lost book or books.

Court to appoint Commissioners.

SEC. 4. *Be it further enacted,* That said Commissioners shall be at once notified of their election by the County Clerk, and if for any reason any one or more of them cannot serve, or will not serve, others shall at once be elected in their place. Said Commissioners shall take an oath to honestly and faithfully discharge their duties. They shall meet and organize by the selection of one of their number as Chairman, and they shall at once cause to be published in some newspaper published in the county for at least three weeks a notice addressed to the taxpayers of the county, which said notice shall be as follows:

To the Taxpayers of ———— County:

Notice is hereby given that the County Court for said county has adjudged that the tax books containing the assessment for the year ——— have been destroyed, and that the same have been ordered to be supplied. The undersigned have been appointed as Commissioners, to whom is referred the matter of supplying the same. We will meet on the —— day of ——— at the office of the County Clerk, and will continue in daily session for twenty days, if necessary, during which time any taxpayer may appear and show what property he was assessed with and its valuation for said year, and failing to appear we

Commissioners to give notice of appointment to public.

will proceed to fix the same from such other evidence as we may be able to obtain.

Commissioners to meet within 30 days.

SEC. 5. *Be it further enacted,* That said Commissioners shall meet at the time and place stated in the notice, which time shall not be later than thirty days thereafter, and shall proceed to hear proof and make up their said report supplying said assessment. They shall have the power to send for witnesses and to enforce their attendance before them to give evidence upon the subject of their inquiry, and they shall make their report from the best evidence obtainable, and when they can procure no evidence as to the valuation of any property under the destroyed assessment, the valuation that should be placed upon it shall be presumptive evidence as to its valuation under the destroyed assessment. The Commissioners shall file their report with the County Judge or Chairman as early as practicable, but not before twenty days and not later than thirty days after the time fixed for beginning said work.

SEC. 6. *Be it further enacted,* That the County Clerk shall act as Secretary for said Commissioners, and they shall have the right to employ such other clerical assistance as may be necessary to complete the work with the time prescribed.

Taxpayers may except—when.

SEC. 7. *Be it further enacted,* That five days shall be given after said report is filed within which any taxpayer may file exceptions to said report, and after the time for filing said exceptions shall have expired, it shall be the duty of the Judge or Chairman to take up said report for hearing with any exceptions thereto, and shall confirm or modify the same as the facts may require. The action of the Judge or Chairman on said report and exceptions shall be final and binding, and his judgment shall be entered in the minutes of the court. A copy of said report as confirmed shall be certified by the Clerk to the Trustee, and shall have all the force and effect and shall in all respects be taken and treated as the original for that year, but the said supplied assessment shall be good only for the year for which it was supplied, and the County Clerk shall certify the aggregate thereof to the County Judge or Chairman and the Comptroller, and the same shall be the basis of account and settlement between the County Trustee and said Judge or Chairman and the Comptroller in lieu of the assessment destroyed. Any taxpayer who paid his taxes before the assessment was

destroyed shall not be required to pay any taxes on the same property on the supplied assessment, but on production of his receipt the Trustee shall mark his taxes paid on the supplied assessment as to said property, and the Trustee's accounts shall, if necessary, be adjusted to suit the facts, if there should be any difference between the two assessments in such cases, but the right and duty of the Trustee to pick up and assess property that has escaped assessment shall not in any manner be impaired by this Act. It shall be the duty of the Tax Assessor or Assessors of the county to make an assessment of all the taxable property for the year succeeding the year for which the assessment is supplied, whether they are required by the general assessment laws to make an assessment for that year or not.

As to penalties and interest.

SEC. 8. *Be it further enacted,* That in the event the tax books shall be destroyed prior to the time at which interest and penalties attach by existing laws, then no interest or penalty shall attach to the supplied assessment until three months have elapsed after the same have been supplied; and, in no event, before the same would attach under existing laws. No sale of real estate to enforce the collection of taxes on the supplied assessment shall be made till the succeeding year, and the same shall be had along with the sale for that year as provided by law.

SEC. 9. *Be it further enacted,* That the Commissioners, their Secretary, and other clerical helpers, shall have reasonable compensation for their services to be fixed by the County Court and paid from the county funds.

SEC. 10. *Be it further enacted,* That this Act shall apply only to counties having a population of not less than seven thousand eight hundred and fifty and not more than eight thousand four hundred, by the Federal Census of 1900.

SEC. 11. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 425.

SENATE BILL No. 297.

A BILL to be entitled "An Act to amend an Act passed March 19, 1903, approved March 27, 1903, being an Act to incorporate the Town of Big Sandy, in the County of Benton, and to provide for the election of officers, prescribe their duties, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 6 of said Act, in line eight of said section, be so changed from Wednesday, March 25, and the last Wednesday in March, the 25th, so as to be Wednesday, March 22d, and the last Wednesday in March every two years thereafter.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 426.

SENATE BILL No. 598.

AN ACT to amend the charter of the City of Chattanooga, Tennessee, and all Acts amendatory thereof, and particularly Section 70, of Chapter 432, of the Acts of 1901, so as to fix the salary of the Auditor of said city at one thousand five hundred dollars.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the City of Chattanooga, Tennessee, with all Acts heretofore passed amendatory thereof, and particularly Section 70, of Chapter 432, of the Acts of 1901, be, and the same is hereby,

amended so as to provide that the Auditor of said city shall hereafter receive a salary of fifteen hundred dollars per annum, payable monthly out of the city treasury as other salaries are paid.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 427.

SENATE BILL No. 428.

AN ACT to amend Chapter 248, of the Acts of 1903, passed March 19, 1903, and approved April 15, 1903, entitled "An Act to expedite litigation in Chancery Courts," etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1, of Chapter 248, of the Acts of 1903, passed March 19, and approved April 15, 1903, be, and it is hereby, amended so as to add, after the words "in their respective divisions," at the end of the sixth line, and make the balance of the first sentence of said section read as follows: "Also (except in divorce cases) to hear and determine by final decree, any such cause, when the parties, or their solicitors, consent to such hearing;" and by adding just before the words "if the parties do not consent," in the eighth line of said section, the following words: "And for any action desired (except to confirm sales where ten days' notice is required, and except where the cause is to be tried, in which event the consent herein mentioned shall be necessary)." *Provided,* the further vacation powers conferred on the Chancellor under the last clause of this section shall not be exercised

outside the county in which the suit is pending, unless by consent of the parties.

SEC. 2. *Be it further enacted,* That Section 1, of said Act, be, and it is hereby, amended by adding at the end of said section, the following: "And when cases shall be tried in term time, and the Chancellor deems it necessary to have time beyond the term for investigation and to be enabled to consult authorities, he may enter an order showing the case held under advisement, and may send the order or decree to be entered therein under the term and provisions of this Act; *Provided,* that in no case shall such order or decree be withheld more than thirty days, unless by consent of counsel."

"And Chancellors shall have the discretion to leave their records unadjourned until court in course, in which event any order, or decree that might be made and entered hereunder at chambers, may be made and entered on the minutes as in term time, and shall be in like manner effective; *Provided,* notice thereof shall have been given, or consent had, as required by this Act, for the like order or decree had the same been made and entered hereunder at chambers when the record was closed, and such order or decree so entered as in term time, shall be in like manner signed and transmitted to and preserved by the Clerk and Master after entry by him on the minutes, and shall be compared and approved by the Chancellor as soon thereafter as convenient, but in any event not later than his next regular term of the court."

"And any lack of notice or mere irregularity or failure to comply with the provisions of this Act shall be cured unless objection shall be made and proper steps to take advantage of same shall be taken before or during the next regular or special term of said court succeeding the entry of such order or decree on the minutes by the Clerk and Master."

SEC. 3. *Be it further enacted,* That Section 4, of the said Act, be, and it is hereby, amended so as to add and insert after the words "the time," in the seventh line of said section, the following words: "Or within twenty days after."

SEC. 4. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 428.

SENATE BILL No. 639.

AN ACT to authorize the County of Lawrence, through its County Court, to issue and sell coupon, interest-bearing bonds of Lawrence County not to exceed the sum of twenty-five thousand dollars, for the purpose of erecting a courthouse for Lawrence County, at Lawrenceburg, Tennessee, and to provide for the payment of said bonds.

$25,000.00 bonds for courthouse

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Lawrence County, in quarterly session, is hereby authorized and empowered to issue and provide for the sale of interest-bearing, coupon bonds of Lawrence County to any amount, but not to exceed the sum of twenty-five thousand dollars, for the purpose of raising funds for the erection of a courthouse for Lawrence County, at Lawrenceburg, Tennessee, each of said bonds to be known and designated on its face as "Courthouse Bond of Lawrence County, Tennessee," and said bonds shall be of such denomination or denominations as the County Court may authorize; *Provided,* that no bond shall be of less denomination than one hundred dollars nor greater than one thousand dollars; and said bonds shall bear such rate of interest as the County Court may prescribe, but not to exceed six per cent per annum, which is to be paid annually at such time and place as the County Court may prescribe.

Time to run, redemption, etc.

SEC. 2. *Be it further enacted,* That said bonds shall not run for a longer period than ten years from the date of their issuance, and that the same or any part of same shall be redeemable at the pleasure of the county at any

time within said ten years upon notice, calling for the presentation for payment of such bonds as it may be desired to redeem, being given by publication in some newspaper pubished in Lawrenceburg, Tennessee, for two consecutive weeks, the last publication being at least thirty days before the date of redemption, and thirty days' notice in writing by mail or otherwise shall be given by the County Judge to the holder or holders of such bonds as may be called for redemption; *Provided,* the holder of such bond and his postoffice address shall be known to the County Judge, and after the date said bonds are called for redemption as fixed by said notices above provided, the bonds so called for redemption shall bear no interest, unless they should not be paid when properly presented, according to the call for same for redemption; all bonds shall be called for redemption consecutively as numbered.

May issue in annual installments.

SEC. 3. *Be it further enacted,* That if the County Court, in its quarterly sessions, should think best and so decide to issue said bonds payable in annual installments rather than to issue the same all maturing at the same time and subject to redemption at the pleasure of the county, as provided in the second section of this Act, then in that event the County Court may issue said bonds payable in annual installments, and shall fix the amount of each installment, and the time of the maturity thereof, designating on the face of each bond the date of the maturity thereof; *Provided,* the court shall not make the installment maturing in any one year greater than the sum of five thousand dollars; and *Provided further,* that no installment of said bonds and no bond of any installment shall run for a longer time than ten years from the issuance thereof, but all bonds issued under the provisions of this Act shall bear the same date of issuance, whether actually sold and delivered on the date of issuance or not.

How signed.

SEC. 4. *Be it further enacted,* That said bonds shall be signed by the County Judge of Lawrence County, and countersigned by the Clerk of the County Court with his official seal affixed to the same, and shall be numbered consecutively in the order of their issuance, beginning with No. 1.

Interest coupons.

SEC. 5. *Be it further enacted,* That each of said bonds that may be issued under the provisions of this Act shall have attached thereto coupons which shall show respectively the amount of each year's interest on said bond for the years said bonds shall run, and when said interest

is due and payable; said coupons shall be signed in the same manner that the bonds are signed, except the official seal of the Clerk of the Court shall not be affixed to the same; and said coupons shall be numbered on their face to correspond with the number of the bond to which they are attached.

Interest and sinking fund tax.

SEC. 6. *Be it further enacted,* That the County Court shall levy annually a tax upon all taxable property and privileges within said county for the purpose of paying the interest and principal of said bonds as they mature, or as the county may elect to redeem said bonds or any part of same. Said tax to be known as Courthouse Tax, and to be collected by the County Trustee, as other taxes of the county are collected.

Bonds—how sold, record kept, etc.

SEC. 7. *Be it further enacted,* That the County Court shall provide for the manner of the sale of said bonds, and the proceeds of sale shall be turned over to the County Trustee to be held by him to meet the payment of such warrants as may be drawn by the county for the expenses of building the courthouse, and the County Court may require the Trustee to execute a special bond to cover the fund if they deem it advisable. The County Judge shall keep a record of the issuance and payment of said bonds and of the payment of interest thereon, as well as of the proceeds of sale thereof; and he shall make settlement with the County Trustee for the funds arising from the sale of said bonds, and from taxes collected to meet the interest and principal of same, the same as he makes settlements of other funds going into the hands of the Trustee; *Provided,* the Trustee shall pay out of the courthouse funds in his hands all bonds and coupons for interest thereon when same are properly presented to him for payment, and said bonds and said coupons when so paid shall be vouchers in his favor upon his settlements with the county.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 429.

SENATE BILL No. 570.

AN ACT to repeal the charter of the Town of Thomastown, in Shelby County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter incorporating the Town of Thomastown, in Shelby County, Tennessee, said town having been incorporated under the general laws of the State, made and provided for the incorporation of towns, and its said charter of incorporation having been granted by the Secretary of State on the fourteenth day of June, 1892, and being registered in incorporation record book five (5) on page five hundred and sixty-three (563), in the office of the Register of Shelby County, Tennessee, be, and the same is hereby, repealed and the said charter of said corporation is hereby abolished.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 430.

SENATE BILL No. 439.

AN ACT authorizing McMinn County, Tennessee, upon an affirmative vote of the people, to locate, improve, and build certain public roads in said county, to appoint Commissioners and fix their duties, and issue and sell bonds for the purpose of this Act, and to provide for their payment.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of McMinn County, at any regular or special quarterly session, be, and is hereby, authorized and empowered to submit to the qualified voters of said county, at a time to be fixed by said court, the question of issuing and selling bonds to the amount of not exceeding, first, $200,000; second, not exceeding $80,000, for the purpose of locating, building, or improving certain public roads of said county, and expenses incident thereto. That at such election the qualified voters shall be the same as general elections, and the election shall be held in the same manner. The notice for such election shall be published in two newspapers in the county, if two such papers shall be published in the county at that time, at least twenty days before the day of such election; if there should be no newspaper published in the county, notice shall be given by written or printed posters at public places throughout the county. At such election there shall be two ballot boxes, the first of which shall be used to determine the will of the people as to issuing $200,000 in bonds, and those in favor of issuing $200,000 in bonds shall have printed or written on their ballots, "For $200,000 road bonds," and those opposed to issuing such bonds shall have written or printed on their ballots, "Against $200,000 road bonds." In case a majority of qualified voters voting at such election shall vote in favor of the issuing of $200,000 in bonds, then said County Court shall issue and sell same and in the manner and for the purposes set forth in House Bill No. 746, of the Acts of the General Assembly of the State of Tennessee, for the year 1903. The second ballot box shall be used to determine the will of the people as to issuing $80,000 bonds in

Amount of bonds.

Election.

Ballots.

case the majority of the voters are against issuing $200,000 in bonds, and those in favor of issuing $80,000 bonds shall have written or printed on their ballots, "For $80,000 road bonds," and those opposed to issuing such bonds shall have written or printed on their ballots, "Against $80,000 road bonds." In case a majority of the qualified voters voting at such election shall vote in favor of issuing $80,000 bonds, the election for $200,000 having failed, then said County Court shall issue and sell the same, and in the manner set forth in this Act.

How signed.

SEC. 2. *Be it further enacted,* That all bonds issued under the provisions of this Act shall be signed by the County Judge or Chairman and by the Clerk of the County Court of said county, and shall bear the county seal. The denomination of said bonds shall be not less than $100 nor more than $1,000. They shall bear interest at the rate not to exceed five per cent per annum, payable annually; shall be consecutively numbered, beginning with number one; shall have interest coupons attached, numbered as the bonds, maturing at proper date to meet the interest, which coupons shall have lithographed upon them the signature of the County Judge or Chairman and the Clerk of the County Court, and such bonds, principal and interest, shall be paid in lawful money of the United States. The said bonds shall mature in forty years from their date, and shall

Time to run.

all, or any number of them, be redeemable at the option of the county on any of the dates on which interest matures after ten years from their date. But to entitle the county to redeem before maturity, as above provided, the Judge or Chairman of the County Court shall, within sixty days immediately preceding the date of the proposed redemption, publish a notice in a newspaper, published in the county, if any, giving the number of bonds proposed to be redeemed and place of the redemption and names of owners of bonds if known. If no newspaper shall be published in the county, he shall post such notice on the courthouse door for thirty days within the sixty days. When such

Redemption.

bonds are called for redemption those of the smallest number outstanding shall be the ones taken. Such notice shall also be given when all bonds are to be paid at their maturity. In either case, if said bonds are not presented for payment at the time and place specified in the notice, the interest thereon shall cease at that date. The Judge or Chairman of the County Court of said county shall keep

in his office a well-bound book, a record of the number and denomination of all the bonds issued under this Act, and all payments of interest and principal on each made, which shall be subject to public inspection. Not less than one page shall be given to each bond. He shall also keep a proper book in which all coupons, and lastly the bonds to which they belong, shall be firmly pasted, as they come in after payment and redemption and settlements with the Trustee.

Interest and sinking fund tax.

SEC. 3. *Be it further enacted,* That the County Court of said county shall include in its tax levies a sufficient amount to meet interest on said bonds, and provide a sinking fund for their payment, the said levies to be on all the taxable property in the county, including that within the corporate limits of any municipality in said county, and on privileges but not on polls. The County Court may apply a proper proportion of the regular road tax to this sinking fund or to the payment of interest.

Trustee to collect tax and keep separate

SEC. 4. *Be it further enacted,* That the County Trustee shall account for and collect all taxes on property herein authorized, and account for all taxes received from privileges, in the same manner as he is required to do as to other county taxes; shall keep a strict account separate from other funds, and shall settle with the Judge or Chairman as required in regard to other county funds, and he shall receive the same compensation as for collecting and accounting for other county taxes. The privilege tax shall be collected as other privileges are, and turned over to the Trustee aforesaid. The said Trustee shall make additional bonds, conditioned for the faithful collecting and accounting for this fund, to be approved in like manner with the other bonds required of him. He may loan at interest, with good security, said sinking fund.

Pike Commissioners to be appointed.

SEC. 5. *Be it further enacted,* That for the purpose of carrying out the provisions of this Act, and the will of the people voting for the bonds, the Judge or Chairman of the said County Court shall appoint, subject to the approval of the Quarterly Court of said county, five pike Commissioners, freeholders and citizens of McMinn County, Tennessee, practical business men and possessing the best knowledge of their business attainable. Before entering on the discharge of their duties they shall take and subscribe to an oath, which shall be filed in the office of the County Court Clerk, that they will faithfully and honestly dis-

charge the duties of their office to the best of their judgment, skill, and ability, and they will not be interested directly or indirectly in any contract for building said roads. They shall give such bond as may be required of them by said County Court conditioned to faithfully and honestly account for all money, bonds, or property over which they may have control under this Act. It shall be the duties of said Commissioners to sell said bonds, when issued, to the highest bidder, and the proceeds thereof are to be deposited in some responsible bank, that is a State depository, by the purchasers, subject only to the order of the County Court, or the checks of said Commissioners, countersigned and recorded by the County Court Clerk of said county, payable to the contractors, employees, or other creditors of this fund, and showing in their face for what services issued. Said bonds shall not be sold for less than par. They may all be sold at one time or part at one time and others at another time, or may all be sold at one time to be delivered and paid for at such times as the said Commissioners may designate. Said Commissioners shall have power to employ civil engineers and other expert service to survey the routes of the roads to be constructed, to make maps and profiles thereof, showing all grades, cuts, fills, culverts, bridges, the owners of the land, with an estimate of the probable cost, with a view to enable said Commissioners to locate the roads to the best interest of the county. They shall have the right to take, by gift or purchase, on behalf of said county, rights of way, stone, timber, or other thing of value for the construction of the roads contemplated by this Act. They shall also have the right to avail themselves of any help proffered by any "Good Roads Association," the State or the general government, either in the way of expert assistance or financial aid, and may conform their methods to the requirements of such "Good Roads Association," the State or the general government, even to the abandonment of parts of any of the roads named in this Act, and the building of others; *Provided,* the benefits to be gained to the county would justify them in doing so. They shall also make, or have made, plans and specifications for the work to be done in the construction of such roads, to be the basis of contracts. They shall also have the right to reject and refuse to build any road on account of the expense of construction or of procuring rights of way. Said Commissioners and surveying force shall have the right to enter and survey on any land in the coun-

Duties of Commissioners.

As to right of way.

Plans and specifications.

ty, the county thereby being subject to none but actual damages. Said Commissioners shall have the right, as is now given ordinary Road Commissioners, to open or change the location of roads or parts of roads, condemn private property, and assess damage for any change they may decide to be necessary in the location of said roads. When the survey, maps, profiles, plans, specifications, and estimates have been made as to any road, and the Commissioners have determined to build it, they shall advertise for sealed bids on the work as a whole, or in sections, for the grading, including the bridges and culverts, or for these separately, and shall give the contracts to the lowest responsible bidder. They shall have the right to reject all bids and readvertise, or may buy stock, tools, machinery, etc., and have the work done under proper supervision by day's labor. They shall make all contracts for service, material, rights of way, etc., in writing. Those for rights of way shall be kept in the record book provided for in Section 6 of this Act. They shall require good bonds from contractors conditioned to comply with the contract. They may employ engineers to superintend the work. All work shall be done according to specifications in contract, and when so done shall be approved by the Commissioners and paid for, except that ten per cent of all estimates shall be withheld till the whole road, or that part of it under contract, shall be finished, and then all be paid for. Estimates and payments shall be made monthly on all contracts. Day's labor shall be paid for at stated times, fixed by the Commissioners.

Organization of Commissioners.

SEC. 6. *Be it further enacted,* That said Commissioners shall organize by electing a Chairman and a Secretary, and shall keep in a well-bound book a complete record of all their transactions, which book, on the completion of the work, shall be deposited in the office of the County Court Clerk and kept with other records of said county; they shall hold their offices till the completion of the work for which they were appointed, but for inefficiency or culpable misconduct may, after ten days' written notice by the Judge or Chairman of the County Court, be removed by a two-thirds vote of said County Court. They shall keep a strict account of time engaged, services rendered, and expenses incurred, and shall certify to the same, and shall receive besides their expenses such compensation as the County Court may fix and allow for their services. They shall report to each term of the Quarterly Court in

detail the progress of the work and expenditures, and make final report on completion of the work. Three Commissioners shall constitute a quorum, and they may fill vacancies.

Roads specified

SEC. 7. *Be it further enacted,* That the following shall be a list of the roads the building of which is provided for in this Act:

1. From Calhoun northwest down the river to or about the Meigs County line, about seven and one-half miles.

2. From Sanford northwest to or about the Meigs County line, about seven and one-half miles.

3. From Riceville northwest to or about the Meigs County line, about eight miles.

4. From Athens toward Decatur to or about the Meigs County line, about nine miles.

5. From Athens northwest to or about the Meigs County line, about eight miles.

6. From Niota northwest to or about the Meigs County line, about eight miles.

7. From Reagan toward Ten Mile to or about the Meigs County line, about nine miles.

8. From Reagan by or near Mt. Harmony, six miles.

9. From Niota to Tellico Junction, about seven and one-half miles.

10. From Athens towards Wetmore to or about the Polk County line, about thirteen miles.

11. From road Number Ten to Cambria, about two miles.

12. From road Number Ten to Grady, about two miles.

13. From road Number Ten down Chestua Valley by or near Long's Mill, about four miles.

14. From road Number Ten to Tellico Junction, about five and one-half miles.

15. From Tellico Junction to or near Mecca, about seven miles.

16. From Tellio Junction southward, about two miles.

17. From Riceville southeast, about six miles.

18. From Calhoun toward Chestua Mills to or about the Polk County line, about five and one-half miles.

19. From Cambria up Conasauga Valley, about two and one-half miles.

20. From Grady into Conasauga Valley, about three miles.

21. From Athens up Eastannallee Valley or towards Madisonville, about eight miles.

22. From Athens towards Sweetwater to or about the Monroe County line, about eleven miles.

23. From Athens to Calhoun, about fourteen miles.

24. Such other roads or parts of roads as said Commissioners deem necessary to make a complete system of the important roads of the county.

All the roads named above as starting from Athens shall start from the courthouse square or from one of the improved roads that does start from said square.

SEC. 8. *Be it further enacted,* That all the roads named above, except such as the Commissioners for good reasons, as provided for in this Act, decide not to build, shall have the best possible location, all things considered, so as to be of the most value to the traveling public; and they shall have the lightest practical grades; and they shall have width sufficient to amply accommodate the traffic over them; and their cross-sections shall be such as experience has shown to be the best, looking forward to their being macadamized or graveled in the future; their drainage shall have a special care. They shall be firmed by rolling wherever the Commissioners deem it necessary.

SEC. 9. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 431.

SENATE BILL No. 559.

AN ACT to amend the game law of the State of Tennessee, Chapter 169, of the Acts of 1903, so as to change the open season for certain species of game in Dyer County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sub-section 2, of Section 3, of Chapter 169, of the Acts of 1903, be, and the same is hereby, so amended so that hereafter it shall be unlawful to shoot turkey hens except from November 1 to February 1, and turkey gobblers from November 1 to May 1, and it shall be unlawful for any person to kill more than five turkeys in any one season, and it shall be unlawful for any one, even a licensed hunter, to kill turkeys for sale, or sell them, and it shall be unlawful for any merchant or other person to offer wild turkeys for sale.

SEC. 2. *Be it further enacted,* That Sub-section 7 of Section 3, of Chapter 169, of the Acts of 1903, be so amended that it shall be unlawful to shoot or kill or sell squirrels from January 1 to July 1.

SEC. 3. *Be it further enacted,* That it shall be a misdemeanor for non-residents of the State to kill or trap coons, minks, or otter at any season of the year.

SEC. 4. *Be it further enacted,* That for a violation of any of the provisions of this Act shall be a misdemeanor, and, upon conviction thereof, the person violating any of said provisions shall be fined not less than twenty-five nor more than fifty dollars, one-half of which shall be paid to the prosecutor.

SEC. 5. *Be it further enacted,* That the provisions of this Act shall be applicable to Dyer County alone.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in so far as they conflict with this Act are hereby repealed.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 432.

SENATE BILL No. 617.

AN ACT to create the office of County Judge for Gibson County, Tennessee, and to define the powers and prescribe the qualifications and duties of the County Judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the office of County Judge for Gibson County is hereby created, and that a person to fill said office shall be elected by the qualified voters of said county, in the same manner and at the same times now provided by law for the election of the Chancellors and Circuit Judges of the State; said person shall be a citizen of said county and shall have resided in said county for at least five years prior to the date of his election; he shall be at least thirty years of age; he shall be learned in the law, and a licensed lawyer of at least five years actual practice in this State, and shall be a man of good moral character.

SEC. 2. *Be it further enacted,* That upon the passage of this Act the Governor shall appoint a County Judge for Gibson County, who shall hold his office until the next general election held in said county, or until his successor is elected and qualified, and the person elected at said election shall hold his office until the next general election for Chancellors and Circuit Judges. First Judge to be appointed.

SEC. 3. *Be it further enacted,* That said County Judge shall be commissioned in the same manner as other Judges of the State, and before entering upon the duties of the office he shall take and subscribe to the same oath and be qualified in the same manner prescribed by law for Chancellors and Circuit Judges of this State.

SEC. 4. *Be it further enacted,* That the County Judge herein created shall have and exercise all the powers, jurisdiction, and authority which now belong to and are exercised by the Chairman of the County Court of said county, and he shall also have the same powers, jurisdiction, and authority now conferred by law upon County Judges, the office of Chairman of the County Court of Gibson County being hereby abolished. Powers and jurisdiction.

Power to grant fiats and appoint receivers.

SEC. 5. *Be it further enacted,* That the County Judge of Gibson County shall have and exercise the same power and authority now conferred by law upon the Chancellors and Circuit Judges of the State in granting all extraordinary writs, and he shall exercise this power and authority in the same manner as Chancellors and Circuit Judges; he shall also have power and authority to appoint receivers, and in so doing he will be governed by the same rules and regulations provided for Chancellors and Circuit Judges; and he shall have jurisdiction to hear and determine cases upon writs of *habeas corpus.*

SEC. 6. *Be it further enacted,* That all vacancies in the office of County Judge of Gibson County shall be filled in the same manner as vacancies in the offices of Chancellors and Circuit Judges; and when from sickness or other causes said County Judge is unable to hold his court or attend to the duties of his office, temporary appointment shall be made to fill his office in the same manner as now prescribed by law for Chancellors and Circuit Judges under similar contingencies.

Compensation.

SEC. 7. *Be it further enacted,* That the salary of the County Judge of Gibson County shall be one thousand ($1,000) dollars per annum, and the same shall be paid quarterly out of the general funds of the county.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 433.

SENATE BILL No. 500.

A BILL to be entitled An Act to incorporate the territory and inhabitants of the Twentieth School District of Hamilton County into a town under the name and style of Taxing District of St. Elmo, and to define its rights and powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory and the inhabitants thereof within the following described boundaries, being the boundaries of the Twentieth School District of Hamilton County, as at present constituted—to-wit:

Boundaries.

Beginning at a point where the Georgia State line crosses the eastern brow of Lookout Mountain; thence northwardly along said brow to the old Lookout Mountain (or Whiteside) Pike; thence down said pike to where it crosses the section line that forms the northern boundary of the Forest Hills Cemetery; thence eastwardly along said section line to the eastern boundary of the Forest Hills Cemetery; thence southwardly along said eastern boundary of Forest Hills Cemetery and crests of the hills and ridges to Chattanooga Creek; thence down said creek to where it crosses the Georgia State line; thence westwardly along the State line of Georgia to the beginning, are hereby erected into an incorporated town and constituted a body politic and corporate under the name and style of Taxing District of St. Elmo.

By said name they shall have perpetual succession; may sue and be sued; may contract and be contracted with; and may acquire and hold property—real, personal, and mixed—and dispose of the same for the benefit of said corporation.

Government vested in Commissioners.

SEC. 2. *Be it further enacted,* That the government of said Taxing District of St. Elmo be, and the same is hereby, vested in three Commissioners, to be elected or appointed as hereinafter directed, one of whom shall be elected Mayor by said Commissioners, whose duty it shall be to preside at all their meetings, if he shall be present.

Each of said Commissioners shall be a *bona fide* citizen, resident of and freeholder within the boundaries of said

corporation, and shall have been such for three months next preceding his election or appointment, as hereinafter provided. A majority of said Commissioners shall constitute a quorum for the transaction of business.

Treasurer.

Said Commissioners shall also elect one of their number Treasurer of said corporation, whose duty it shall be to receive all moneys belonging to said corporation arising from taxation, fines, or otherwise, and deposit the same in some responsible bank in the City of Chattanooga, Tennessee, and disburse the same upon vouchers, signed by at least two of said Commissioners. Before entering upon the discharge of his duties the Treasurer shall give bond, with good security, for the faithful performance thereof in an amount to be fixed by the Mayor by order made and entered by him in the Town Minutes, which amount shall be, as near as he can estimate, equal to the sum of money which will be in the hands of the Treasurer at any time during his term of office.

First Commissioners.

SEC. 3. *Be it further enacted,* That F. A. Seagle, Arch Faidley, and W. S. Griscom, who are *bona fide* citizens, residents of and freeholders of said town, are hereby appointed Commissioners of said town, who shall hold their office until the first Tuesday of April, 1906, and until their successors are elected and qualified, and in the event either of said Commissioners shall fail or refuse to qualify or his office become vacant, the other two Commissioners shall elect his successor to fill out the unexpired term. On

Elections.

the first Tuesday in April, 1906, and every two years thereafter, there shall be held an election in said town for the purpose of electing three Commissioners for the government of said town, who shall hold their office for two years, or until their successors are elected and qualified. In the event of any vacancy in the offices of said Commissioners, the two remaining members shall fill such vacancy until the next regular election. At any time any Commissioner shall cease to be a *bona fide* citizen, resident of and freeholder in said town, it shall be the duty of the other Commissioners to declare his office vacant and elect his successor. Said Commissioners shall serve without compensation; *Provided,* that nothing herein shall prevent the Treasurer from being paid the reasonable and actual expense of making bond as such.

Regular meeting.

Said Commissioners shall hold regular meetings for the transaction of general business on the third Tuesday of April, July, October, and January of each year, and may

hold special meetings at such times as the Mayor, or a majority of said Commissioners, may decide, notice of which shall be given to all the Commissioners if practical.

Said Commissioners and the other officers of said town, hereinafter provided for, shall, before entering upon the discharge of their duties, take and subscribe an oath to honestly and faithfully discharge their duties as such officers.

SEC. 4. *Be it further enacted,* That said corporation, by its said Commissioners, shall have power:

(1) To adopt, have, and use a common seal.

(2) To enact such laws and ordinances as may be necessary and proper to preserve the health, quiet, and good order of said town.

(3) To prevent and abate nuisances.

(4) To impose and collect fines and penalties for the violation of its ordinances.

(5) To elect and employ a Town Marshal to preserve the peace and enforce the ordinances and by-laws of said town, who shall be paid as may be fixed by ordinance of said town.

(6) To punish by fine or imprisonment, or both, all violators of its ordinances, and to elect a Recorder, being a citizen and resident of said town, before whom all offenders against the ordinances of the town shall be tried, and who shall collect and pay over to the Treasurer all fines assessed and collected by him. His compensation shall consist of fees collected by him, and which fees shall be fixed by the ordinances of said town.

(7) To provide for the organization and regulation of fire companies.

(8) To regulate gas, water, electric light, and street railway companies within said town.

(9) To establish and maintain a system of public schools the control and management of which shall be vested in a Board of three School Directors, who shall be elected at the same time the town Commissioners are elected, and who shall serve until their successors are elected and qualified; *Provided,* that the present School Directors of the Twentieth School District of Hamilton County—to-wit: Charles Watson, Jr., C. T. Martin, and Nelson Adams—are hereby appointed School Directors of said town, and shall hold office until the first Tuesday in April, 1906, and until their successors are elected and qualified.

(10) To acquire, hold, and improve real estate for corporation and school purposes; *Provided,* that all contracts for the erection of public buildings shall be let to the lowest responsible bidder, after having advertised for such bids for ten days in some newspaper published in the City of Chattanooga, Tennessee.

(11) To levy and collect taxes upon all property and privileges within the limits of said town which are or shall be taxable by the laws of the State; *Provided,* that no levy shall be made on real or personal property to exceed sixty cents on the one hundred dollars valuation of said property as assessed for State and county taxation, the county assessment to be taken as the basis of taxation; *Provided, further,* that at least seventy-five per cent of all taxes shall be set aside as a public school fund and used only for public school purposes.

(12) To enact all laws and ordinances necessary and proper to enforce the powers granted and not inconsistent with the Constitution and laws of the United States or the State of Tennessee.

SEC. 5. *Be it further enacted,* That the title to the school lot, schoolhouse, and other school property of the Twentieth District of Hamilton County is hereby vested in said Taxing District of St. Elmo, and said Taxing District shall be entitled to its *pro rata* of the State and county school fund under the general laws.

SEC. 6. *Be it further enacted,* That for the purpose of erecting and equipping a public schoolhouse or houses and improving its school grounds said corporation is hereby authorized and empowered to borrow a sum of money not exceeding ten thousand dollars, for which it may execute its note or notes and secure the same by mortgage or deed of trust upon any real estate held by it for school purposes and the buildings thereon. Said note or notes, and the mortgage or deed of trust securing the same, shall provide for the payment of the money so borrowed in not exceeding twelve years in equal annual installments with interest on said installments at a rate not exceeding six per cent per annum, and may contain such terms and conditions as said town Commissioners may deem best to accomplish the end in view not inconsistent with the general laws of the State or this Act. The money so borrowed shall be used for the purpose in this section stated, and for no other purpose.

SEC. 7. *Be it further enacted,* That nothing in this Act shall be construed to render said corporation liable in respect of the public roads and streets within said town, but said roads and streets shall be county roads and the general road laws applicable to the unincorporated portions of Hamilton County shall apply to and operate within the territory included within said town in all respects as if said town were not incorporated.

SEC. 8. *Be it further enacted,* That it shall be the duty of the Board of Election Commissioners of Hamilton County to open and hold an election at some convenient place in said town, after having given ten days' previous notice by written advertisement posted in at least three public places in said town, and also notice in some newspaper published in the City of Chattanooga, Tennessee, for the purpose of electing three Commissioners and three School Directors hereinbefore provided for. Said election shall be held on the first Tuesday of April every two years, the first to be held on the first Tuesday of April, 1906. At said election all *bona fide* male citizens above the age of twenty-one years, who shall have resided in said town for sixty days next preceding said election, and all male non-resident freeholders within said town above the age of twenty-one years, and who shall have been such freeholders for sixty days next preceding the election, shall be qualified voters in said town; *Provided,* they have complied with the general laws of the State in reference to the qualification of voters.

The three persons receiving the highest number of votes for town Commissioners and School Directors respectively at said election, shall be declared elected for the term hereinbefore provided, and receive a certificate of election from the officer or officers charged with the duty of holding said election.

SEC. 9. *Be it further enacted,* That the Town Marshal, in connection with such other duties as may be imposed upon him by ordinances of said town, shall be charged with the collection of such corporation taxes as may be imposed by said corporation, and shall give bond for the faithful performance of his duties in such sum as may be prescribed by ordinances of said town.

SEC. 10. *Be it further enacted,* That before this Act shall become effective the question of incorporation shall be submitted to a vote of the legally qualified resident voters of said territory at an election which the Election Com-

missioners of said county are hereby required to hold within said territory within sixty days after the passage of this Act.

If a majority so voting shall vote for incorporation then this Act shall become effective, but if less than a majority so voting shall vote in favor of incorporation then this Act shall not become effective.

SEC. 11. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 434.

HOUSE BILL No. 905.

AN ACT to authorize the City of Lawrenceburg, a municipal corporation created and organized under an Act of the General Assembly, being Chapter 457, of the Acts of 1901, passed April 12, 1901, and approved April 20, 1901, to construct and operate an electric light and power plant and waterworks, and to issue bonds to pay for same, and to provide for payment of said bonds and interest on same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the City of Lawrenceburg, in Lawrence County, Tennessee, a municipal corporation created and organized under Acts of the General Assembly, Chapter 457, Acts of 1901, passed April 12, 1901, and approved April 20, 1901, be, and the same is hereby, authorized and empowered to construct and operate a water power plant, electric light plant, and waterworks for the purpose of furnishing lights, power, and water for municipal purposes for the City of Lawrenceburg, and also for the purpose of furnishing lights, water, and electric power to private consumers within the corporate limits of said

city, and to private consumers without the limits of said city, but within one mile of the limits thereof; said lights, water, and power to be furnished to such private consumers at such prices as may be agreed upon by the city and said private consumers.

City may acquire sites.

SEC. 2. *Be it further enacted,* That the City of Lawrenceburg may acquire suitable sites within or without the city limits for the purpose of constructing suitable dam for water power purposes, and may erect a water power plant, and may convert this power into electricity and convey same to the city and private consumers, and may require suitable pumping station, and to construct a water system, and may convey its electrical power to said water station for the purpose of operating the pump, and may do all other things necessary for the purpose of erecting, operating, and maintaining a complete light, power, and water plant for the City of Lawrenceburg, to meet the public of the said city and also for the purpose of furnishing private consumers with power, light, and water within said city or within one mile of the limits thereof; it may take and appropriate such lands and grounds as may be necessary for the location of its plants and for the right of way for wire lines, water mains, and other devices that may be necessary in conveying its electric currents and water from the same to points of distribution.

May condemn property.

SEC. 3. *Be it further enacted,* That if it should become necessary to condemn any private property for the uses set out in Section 2 of this Act the City Council of Lawrenceburg shall first, by ordinance, determine the property necessary for such use and shall direct the Mayor of the city to proceed in the name of the City of Lawrenceburg to have said property or right of way appropriated, as provided for taking private property for works of internal improvements by Sections 1549 to 1571 of Milliken and Vertrees' compilation of the Statutes of Tennessee.

May issue bonds.

SEC. 4. *Be it further enacted,* That for the purpose of acquiring suitable property and installing said power, light, and waterworks plants the City of Lawrenceburg is hereby authorized to issue and sell negotiable, interest-bearing coupon bonds not to exceed in the aggregate the sum of twenty-five thousand ($25,000) dollars. Said bonds to bear not over six per cent interest per annum, the interest to be paid annually or semi-annually, and at such fixed time and place as the City Council may

by ordinance provide. Said bonds shall run for twenty (20) years, but same or any part of same shall be redeemable at any time after ten years at the option of the city. Said bonds denominated "power," "light," and "waterworks" bonds of the City of Lawrenceburg, and shall be in such form and of such denominations as the City Council shall provide, but no bond of a less denomination than $100 nor greater than $1,000 shall be issued. None of said bonds shall be sold by the city for less than their face value. The same shall be signed officially by the Mayor and city Secretary, and shall bear the corporate seal of the city.

Election to be first held.

SEC. 5. *Be it further enacted,* That no bonds shall be issued under the provisions of this Act until their issuance has been authorized by a five-eighths vote of the legal voters of the City of Lawrenceburg voting at an election to be held to determine the question. Said election to be authorized and day fixed by ordinance passed by City Council, which election shall be held under the same rules and regulations and by the same officers whose duties it would be to hold city elections for members of the City Council. Those voting in said election who are in favor of the issuance of bonds shall have written or printed on their ballots the words, "For Bonds," and those opposed, "Against Bonds." The officers holding said election shall make due certifications of the results thereof to the Mayor of the city, and if five-eighths of those voting in said election shall be in favor of the issuance of the bonds the same may be issued by the City Council. If at any election under the provisions of this Act the proposition to issue bonds be defeated, the proposition may be by ordinance, under the provisions of this Act, resubmitted to the voters of the city at any time after the expiration of twelve months from the date of the last election on the proposition.

Ballots.

Special water and light tax.

SEC. 6. *Be it further enacted,* That if bonds are issued under the provisions of this Act they shall be valid and binding debt of obligation against the City of Lawrenceburg, and the City Council is hereby authorized and empowered to levy and collect annually, beginning with the year following the issuance of said bonds and continuing while said bonds or any of them are outstanding, a special tax on all the taxable property situated in the corporate limits of the said City of Lawrenceburg, and taxable under the laws of the State of Tennessee for corporation purposes, and to levy and collect a special privilege or license

tax upon all pursuits, avocations, and businesses carried on within the corporate limits of said city required by the law of the State to pay privilege tax to the State, but the privilege tax herein authorized shall not exceed the rate or amount of privilege tax on such business for State purposes. Said tax shall be levied and collected for the purpose of meeting the interest on the bonds as the same becomes due, and shall be used exclusively for said purpose, except as hereinafter provided. The same shall be designated as water and light tax, and shall be kept separate from the other funds of the city, except as hereinafter provided.

Revenues from plant—how expended.

SEC. 7. *Be it further enacted,* That all revenues derived from the operation of said light, power, and water plants shall be kept under a separate account by the city and shall be applied first to the cost of operating and maintaining said plant and making such extensions of same as may be deemed necessary or advisable by the City Council, and any surplus from said revenues after meeting the above obligations shall be used for paying the interest on said bonds, and if such surplus should prove to be sufficient to meet the interest on said bonds no special taxes for interest as provided for in Section 6 of this Act shall be levied; *Provided,* that if the revenue derived from the operating of said plants should at any time be insufficient to meet the expense of operating and maintaining said plants the special tax authorized in Section 6 of this Act may be levied large enough to cover this deficiency, and after paying interest on bonds as provided for in Section 6 the surplus of said special tax may be applied to the cost of operating and maintaining said plants; and *Provided further,* that any of the funds of the city otherwise unappropriated may, if deemed advisable by the City Council, be applied to either of interest on the bonds or to cost of operating and maintaining said plants.

Sinking fund tax.

SEC. 8. *Be it further enacted,* That the City Council may, and the same is hereby empowered to, provide by ordinance for a sinking fund to pay said bonds at maturity, or at such time as they may be paid at the option of the city. A special tax may be levied for this purpose and to this may be added any surplus that may arise from the revenues derived from operating said plants after said revenues have met the expenses and interest charged against them in this Act. The City Council may properly safeguard this sinking fund and shall provide, by ordinance, creating same for its safe investment, and all income de-

rived from same together with accretions to same by taxes or otherwise shall be carefully preserved and held to meet the payment of said bonds aforesaid.

SEC. 9. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 435.

HOUSE BILL No. 1007.

AN ACT to amend An Act entitled "An Act to incorporate the Town of Cookeville, in Putnam County, Tennessee, and to provide for the government thereof; to establish a School District therein; to authorize said corporation to issue bonds for corporation purposes; to provide for the election of officers and prescribe their duties, and for other purposes;" it being Chapter 542, of the Acts of 1903, to amend Section 1 of Article 2 of said Act, so as to more perfectly define the boundaries of the corporation of the Town of Cookeville, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Article 2, Chapter 542, of the Acts of 1903, it being an Act to incorporate the Town of Cookeville, in Putnam County, Tennessee, be, and the same is, so amended as to strike out all of Section 1 of Article 2 and insert in lieu thereof as follows: "Beginning at or near John Caruthers' northeast corner, it being also William McCann's northwest corner on the south side of Cookeville and Monterey Road, and running thence north seventy-two poles to a point directly east of the Denton northeast corner; thence west, passing said Denton corner at thirty-five poles, also passing A. P. Barnes' corner at fifty poles, in all seventy-six poles, to the northwest corner of the Denton tract; thence north, crossing the Ferrell lane at seventy-nine poles, in all eighty poles, to R. Smith's south boundary line; thence east with the said

south boundary line —— poles to his southeast corner; thence north with his east boundary line fifteen poles to a stake; thence west —— poles to a stake and to a point opposite where said line crosses the said Ferrell lane; thence north one hundred and forty-five poles to the said R. Smith's north boundary line; thence west with said north boundary line fifty-eight poles to the east side of the Cookeville and Hillman Road; thence north with the east side of said road twenty poles to a stake; thence west, passing the northwest corner of the Lee tract (now owned by C. A. Reagan) at two poles, in all fifty-eight poles, to the west boundary line of the Slaughter tract (now owned by said Reagan); thence north with said west boundary line, crossing the Tennessee Central Railroad at fifty-seven poles, and passing J. Whitson's southeast corner fifty-nine poles, in all seventy-nine poles, to the center of the old Walton Road; thence west with the center of said road ten poles to a stake, the said J. Whitson's northwest corner; thence south with his line sixteen poles to a rock, the corner of said Whitson and E. D. Staley; thence west with the said Whitson's north boundary line seventy-three poles to a rock on the west side of the Cookeville Road leading by the "Burnt Stand;" thence south thirty-four degrees east with the west side of said road forty-four and one-half poles to a stake, where the branch crosses said road; thence south on the west side of said road forty-six poles to J. Whitson's northeast corner of the Freeze tract; thence west with the north boundary line of said tract fifty-five poles to the northwest corner of said tract; thence south thirty-two poles to a stake in the west boundary line of said Freeze tract; thence west, passing W. L. Stewart's northeast corner at seventy-three poles, and crossing Stewart Street at one hundred and eight poles, in all one hundred and thirty-three poles to a stake; thence south, crossing the public road and passing Bailey Jones' northwest corner at twenty-nine poles, in all one hundred and seventy-four poles to a stake on the north side of the Cookeville and Chestnut Mound Road; thence west with the north side of said road fourteen and one-half poles to a stake; thence south, crossing the Tennessee Central Railroad at twenty-six poles and passing C. J. Davis' northwest corner, and crossing the Cookeville and Buffalo Valley Road, at one hundred and fourteen poles, in all one hundred and forty-eight poles, to Bud Nuchols' north boundary line; thence east, passing W. L. Ray's corner at five

poles, in all seventy-five poles to the west side of the Cookeville and Smithville Road; thence south with the west side of said road twelve poles to a stake; thence east, crossing said road and running with R. O. Gentry's north boundary line thirty poles to his northeast corner, the same being twenty poles west of the street running on the west side of the cemetery; thence south with the said Gentry's east boundary line and J. F. Scott's west boundary line, crossing the road at eighty-three poles, in all ninety-nine poles to J. B. Barnes' northwest corner; thence east with his north boundary line eighty-three and one-half poles to the east side of the road intersecting the road passing J. B. Barnes'; thence north with the east side of said road ten poles to a stake in R. B. Capshaw's line; thence west on the north side of said road six poles to a stake; thence north on the east side of said road three poles to a stake; thence north on the east side of said road thirty-five poles to a stake in R. B. Capshaw's west boundary line; thence east, passing Holladay's southwest corner at thirty-one poles, in all fifty poles, to said Holladay's southeast corner in J. H. Dowell's west boundary line; thence north with his line twenty-seven and one-half poles to a stake, the same being within fourteen poles of Stephen's southwest corner; thence south 72 degrees east, running parallel with said Stephen's south boundary line forty-seven and one-half poles to the east side of the Cookeville and Bunker Hill Road; thence east fourteen poles to a stake; thence north nine degrees east twenty-four poles to Capshaw's south boundary, now occupied by J. H. Capshaw; thence east with the said Capshaw line, passed R. E. L. Profitt's southwest corner at thirteen and one-half poles, passing the south end of the alley west of the J. Whitson and I. Dyer addition at ninety-one poles, also passing the south end of Whitson Street at one hundred and eight poles, in all one hundred and twenty-three poles to a stake in R. B. Capshaw's west boundary line of the Wheeler tract, the same being in the east side of the alley on the east side of J. Whitson and I. Dyer addition; thence north 16 degrees west with the said Capshaw's line, eighty-two poles to the south side of the Cookeville and Sparta Road; thence south 83 degrees east on the south side of said road thirty poles to a stake; thence south 69 degrees east with Capshaw's line thirty poles to a stake in the southwest corner of the Douglass addition, also on the east side of Union Street at the south end of same; thence north, passing the

east end of Woodland Street at thirty-eight poles, in all, to a stake fifty feet east of the southeast corner of Lot No. 5, in Block No. 5, of the Douglass addition; thence east forty-two poles to the east boundary line of the Douglass land; thence north thirty-five poles to the beginning.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 436.

HOUSE BILL No. 953.

AN ACT to incorporate the Town of Allen's Creek, in the Counties of Wayne and Lewis, in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory in the Counties of Wayne and Lewis, in the State of Tennessee, bounded and described as follows—viz.:

Beginning at the corner of Wayne and Lewis Counties, on the north boundary line of Entry No. 45, in the name of A. G. McDougal, on a hillside just west of the iron ore washer in Perry Hollow; running thence west with the McDougal line and the county line eighty-four (84) poles to a point in the east boundary line of an entry in the name of David Voorhies, now Warner lands; thence with the Warner line south thirteen (13) poles to the southeast corner of said Warner lands; thence west ninety-five poles to another corner of said Warner lands; thence south thirteen and one-half (13½) poles to another corner of said Warner lands; thence west one hundred and twelve (112) poles to the southwest corner of said David Voor-

hies' entry; thence north with Voorhies' west boundary line fifty-two and one-half (52½) poles to a point in the road; thence west eighty-eight poles to a hickory on the south side of an old road; thence south five hundred and sixty (560) poles to a small Spanish oak; thence east three hundred and seventy-six (376) poles to a point in the west boundary line of Charles Brewer's land; thence north forty-one (41) poles; thence north seventy-six (76) degrees, east one hundred and forty-three (143) poles, to the northeast corner of Charles Brewer's land, on the county line between Wayne and Lewis Counties; thence with said county line north three (3) degrees west five hundred and eighteen (518) poles to a point; thence west with Haggard and Boyd's line ninety-five (95) poles to a point; thence south sixty-six poles to the point of beginning; be, and the same is hereby, constituted a municipal corporation under the name and style of "Allen's Creek," by which name said corporation shall be known.

SEC. 2. *Be it further enacted,* That the corporation hereby created shall have all the rights and powers, and be subject in all respects to the laws of this State relating to, authorizing the organization of, and applicable to municipal corporations under the general laws of this State. The intent of this Act being that the powers and liabilities of said corporation of "Allen's Creek," the number and style of its officers, the election of its officials, their duties and terms of office, and all the relations of said corporation, with its members, and with others, shall be the same as if said corporation had been organized under the provisions of the general laws of the State of Tennessee.

And all provisions of law now in force applicable to municipal corporations under the general laws of this State shall be applicable to the corporation hereby created.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE.
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 437.

HOUSE BILL No. 929.

AN ACT to authorize the City of Dayton to issue bonds for the purpose of constructing and furnishing school buildings, purchasing a site, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Board of Mayor and Aldermen of the City of Dayton be, and is hereby, authorized and empowered, in its corporate capacity, to issue its bonds, signed by the Mayor and countersigned by the Recorder of said municipal corporation under the corporate seal, to an amount not exceeding twelve thousand dollars ($12,000). Said bonds and interest shall be payable in lawful money of the United States; *Provided,* that before any bonds are issued under this Act the Mayor shall, after giving twenty days' notice, submit the question to the qualified voters of said city, and unless a majority of those voting shall vote for said bonds, same shall not be issued. The election herein provided for shall be held in the same manner and under the same restrictions as are required in elections for Aldermen of said city. Those favoring the issue of said bonds shall have written or printed on their ballots the words, "For Bonds;" those opposing the issue of said bonds shall have written or printed on their ballots the words "Against Bonds." Tickets for said election shall be 3 x 7 inches or within the variations allowed by the general election law of the State of Tennessee.

Denomination, time to run, series, etc.

SEC. 2. *Be it further enacted,* That the bonds herein authorized may be executed in denominations of $100 or multiples thereof, no single bond to exceed $500, and shall run for a term of twenty years from the date of issuance thereof, and shall bear a rate of interest not exceeding five per cent, payable semi-annually with semi-annual coupons attached, and shall in no case be sold for less than par, and that no commission shall be allowed for the sale of said bonds; *Provided further,* that the said city may at the option and by direction of the said Board of Mayor and Aldermen purchase, retire, and cancel any

bond outstanding at the market price; *Provided further,* that the series of bonds issued under this Act shall be known as the "Public School Bonds," of the City of Dayton, of 1905, and shall be used exclusively for the following purposes: For purchasing a site in the name of the City of Dayton, and constructing a school building or buildings thereon, and for the equipment of said building when so constructed or erected, with such furniture as may be necessary and as the amount of funds will allow, improving said grounds, etc. And *Provided further,* that the site for said building shall be located on the block fronting on the east side of Market Street and north side of Fox Street and south of Gardenhire's Spring Branch and west of Washington Street in said city.

Levy taxes to meet interest and sinking fund.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Board of Mayor and Aldermen of said City of Dayton, for the year of 1905, and for each succeeding year thereafter until said bonds are redeemed and cancelled, to make provision by tax levy for the interest to become due on said bonds and for sinking fund for their redemption, and said Board is hereby authorized to levy for these purposes a special tax of not exceeding twenty-five cents on the one hundred dollars of taxable property in said city in addition to the amount that can now be levied under the charter powers of said city. And in addition to the foregoing said Board is hereby further authorized to use for these purposes from the revenues of said city an amount not to exceed ten cents on the one hundred dollars as levied previous to the passage of this Act, and not exceeding twenty-five per cent of the revenues arising from privileges and *ad valorem* taxes.

Commission named.

SEC. 4. *Be it further enacted,* That a Commission is hereby created, consisting of H. C. Benson, I. J. Brewer, and R. M. Therman, who shall be known as "Road Commission;" said H. C. Benson to be chosen of said Commission and whose duty it shall be to sell the bonds herein provided for, purchase the site herein located, erect thereon the building or buildings, and make other necessary improvements; *Provided,* that the term of service, compensation, manner of making settlement of their accounts, etc., of said Commissioners, shall be fixed by the Board of Mayor and Aldermen, but in no case shall the settlement and accounting for the proceeds of said bonds be deferred longer than sixty days after the completion of the building or buildings and equipment thereof; *Provided further,*

that said Commission shall take an oath and give bond in such sum as the Board of Mayor and Aldermen may direct for the faithful discharge of their duties. All vacancies in said Commission, resulting from whatever cause, shall be filled by appointment of the Mayor with the approval of the Board of Aldermen.

SEC. 5. *Be it further enacted,* That the Board of Mayor and Aldermen of said City of Dayton shall make such arrangements for the proper handling and safe-keeping of the revenues arising from the interest and sinking fund provisions of this Act as in their wisdom they may deem necessary, and shall make such other provisions as may be necessary to aid the Bond Commissioners in the discharge of their duties under this Act; *Provided further,* that all compensation and expense of said Commission shall be paid out of the general funds of the city.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 438.

HOUSE BILL No. 949.

AN ACT to amend Chapter 105, of the Acts of the General Assembly of the State of Tennessee, passed April 2, 1897, and approved April 9, 1897, so as to include all towns having a population of 6,000 or more.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 105, of the Acts of 1897, passed April 2, 1897, and approved April 9, 1897, be amended by striking out from the fourth line of Section 1, of said Act, the figures "20,000" and by inserting in the place thereof the figures "6,000."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 439.

HOUSE BILL NO. 262.

AN ACT to protect landowners and game in Warren County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the game and song birds in Warren County are the property of the owners of the land on which they may be found.

SEC. 2. *Be it further enacted,* That it shall be unlawful for any person to hunt, shoot, trap, kill, or destroy any game of any kind or nature whatever, or any song birds, upon the tillable or enclosed lands of another, except by the consent of the owner of said land or his duly authorized agent; *Provided,* (1) that no person shall be arrested or punished for said offense except at the instance of the owner of the land, or, if the land be rented, at the instance of the owner or renter; *Provided further,* that all prosecutions for said offense shall be commenced within thirty days next following the commission of said offense.

SEC. 3. *Be it further enacted,* That any person convicted of said offense by a Justice of the Peace upon a warrant issued at the instance of the owner or renter, as specified in Section 2 of this Act, within the said thirty days after the commission of said offense, shall be fined not less than two ($2) nor more than twenty-five dollars ($25) and costs of prosecution, the fine to be made a part of the public school fund.

SEC. 4. *Be it further enacted,* That any defendant aggrieved by the decision of said Justice of the Peace shall

ıave an appeal to the next term of the Circuit Court of Warren County, upon his giving appearance bond in the ıum of two hundred dollars.

Open season.

Sec. 5. *Be it further enacted,* That the open season or time when game may be lawfully shot and killed by any me on his own land in said county, or upon the unenclosed, non-tillable lands of another, or upon the tillable or enclosed lands of another with his consent, shall be as follows: Rabbits, all seasons; ducks, geese, and other wild fowl—such as brant, swan, etc.—October 1 to April 15; turkeys, pheasants, quail, and partridges, from November 1 to March 1; deer, from November 1 to January 1; doves, August 1 to March 1. Any other game not herein specified, September 1 to March 1.

Sec. 6. *Be it further enacted,* That it shall be unlawful for any person at any time to kill any song birds in said county.

Sec. 7. *Be it further enacted,* That any person convicted of killing song birds at any time, or of hunting, shooting, or killing any game at any other time than that provided in Section 5, of this Act, upon a trial in the Circuit Court as in case of other misdemeanors, or upon submission before a Justice of the Peace of said county, shall be fined not less than five nor more than twenty-five dollars for each offense, the fine to become a part of the public school fund of said county.

Sec. 8. *Be it further enacted,* That it shall be lawful for any person to hunt, shoot, or kill any hawks, owl, crow, buzzard, blackbird, or sparrow, and squirrel, within said county, at any time, without permission of the person upon whose land said hawk, owl, crow, buzzard, blackbird, or sparrow is found; said birds being deemed injurious.

Sec. 9. *Be it further enacted,* That during the open season for hunting such game, it shall be lawful for any person to hunt wild fowl on the streams of said county, without permission from any one.

Sec. 10. *Be it further enacted,* That it shall be lawful for any person, during the open season for the hunting of such game, to trap for same upon his own land; and all persons under the age of twenty-one years may trap for any of such game upon the lands of their parents, during said open seasons, but such game shall not be trapped for market.

Minors may trap.

SEC. 11. *Be it further enacted,* That any person under twenty-one years of age may trap for game on the lands of another, with his consent.

SEC. 12. *Be it further enacted,* That no gun larger than eight-gauge, nor with barrel longer than thirty-six inches, shall be used.

SEC. 13. *Be it further enacted,* That for the commission of any offense hereinbefore specified, but for which no penalty has been hereinbefore specified, any said offender shall be fined, on trial in the Circuit Court as in case of other misdemeanors, or on submission in trial before a Justice of the Peace of said county, not less than one nor more than ten dollars, for each offense, the fine to be paid into the public school fund of said county.

SEC. 14. *Be it further enacted,* That nothing in this Act shall be construed to prohibit the chasing of foxes in said county.

SEC. 15. *Be it further enacted,* That all persons trespassing upon the lands of another shall be liable for the full amount of damages they may commit.

SEC. 16. *Be it further enacted,* That so much of Chapter 169, of the Acts of 1903, or Chapter 91, of the Acts of 1901, as may be in conflict with this Act, be, and the same are, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 440.

House Bill No. 980.

BILL to be entitled An Act to authorize the Board of Mayor and Aldermen of Bolivar to issue bonds for the purpose of erecting an electric light and waterworks system and plant.

Bonds.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Board of Mayor and Aldermen of the Town of Bolivar, a municipal corporation located in Hardeman County, Tennessee, be, and it is hereby, authorized to issue twenty thousand ($20,000) dollars of coupon bonds in the manner and under the restriction hereinafter provided, to be used for the purpose of building, maintaining, and operating an electric light and waterworks plant and system for said town.

How issued.

Sec. 2. *Be it further enacted,* That said bonds shall be issued on the order of the Mayor and Board of Aldermen of said town; shall be signed by the Mayor and countersigned by the Recorder; and that the bonds issued under this Act shall be of such denomination, bear such a rate of interest per annum not to exceed six (6) per cent, and mature at such time and places as the corporate authorities may determine. Said bonds and interest shall be payable in the lawful money of the United States.

Sec. 3. *Be it further enacted,* That none of the bonds provided for in this Act shall be sold for less than par, and the coupons payable semi-annually, when due, shall be receivable for all taxes and dues to the corporation, except the school tax and the tax to pay the bonds herein provided for and the interest on same, and the sinking fund of same.

Interest and sinking fund tax.

Sec. 4. *Be it further enacted,* That said Mayor and Aldermen shall each and every year levy a tax not to exceed fifty (50) cents on the one hundred ($100) dollars upon all taxable property and privileges of said town, to pay the interest on such bonds as may be issued hereunto, and to provide a sinking fund to pay or redeem said bonds at or before maturity. The sinking fund to be used exclusively for the purposes levied.

Disposition of bonds.

SEC. 5. *Be it further enacted,* That upon the issuance of the bonds under this Act the Treasurer of said town shall receipt for and receive them and proceed to dispose of them to the best interest of the town, under the direction of the Board of Mayor and Aldermen, and subject to their approval, and shall keep the funds arising therefrom as a separate and sacred fund to be used only for the purpose of buying sites and erecting and building and equipping an electric light and waterworks plant within said town for the purpose of lighting its streets, alleys, public buildings, and to sell lights, water, and power to individual firms and corporations; *Provided,* he shall enter into a special bond to be approved by the Mayor, in double the amount likely to come into his hands, of the funds collected under the provisions of this Act, for the faithful handling, safe-keeping, properly paying over, and accounting for such funds, with good and solvent surety, and payable to the Town of Bolivar.

Sinking fund may be invested.

SEC. 6. *Be it further enacted,* That it shall also be the duty of the Treasurer of said town to receive and hold the funds arising from the sinking fund tax as a separate fund for the payment of matured bonds, and to invest it from time to time in such securities as may be to the best interest of the town, under the direction and subject to the approval of the Board of Mayor and Aldermen of said town.

Custody and care of sinking fund.

SEC. 7. *Be it further enacted,* That the sinking fund tax shall be collected by the regular collecting officer of said town in the same way and on the same terms as other taxes are now collected, and he shall pay same over to the Treasurer of said town as other taxes are paid over by law; *Provided,* he shall first enter into a bond, with good and solvent security, in double the amount of such tax and condition for the faithful and proper paying over said tax to be approved by the Mayor and payable to the Town of Bolivar.

SEC. 8. *Be it further enacted,* That the coupons maturing for interest shall be paid by the Treasurer out of the general revenues of the town on presentation, and matured bonds shall be paid by him out of the sinking fund on presentation, and all such coupons and bonds so paid off shall be cancelled and destroyed in the presence of the Mayor and Board of Aldermen in open meeting, and the same recorded in full in the minutes of the Board. That the Recorder shall keep in a well-bound book a record of

all bonds issued under this Act, showing the date of issuance, number of bond, amount, time to run, when matured, number of coupons, and when they are payable.

SEC. 9. *Be it further enacted,* That the money arising from the sale of the bonds under this Act shall be paid out by the Treasurer of the town upon the order of the Mayor, countersigned by the Recorder.

SEC. 10. *Be it further enacted,* That before the Mayor and Aldermen shall issue any of the bonds contemplated by this Act they shall first order an election of the voters of said town, and describe rules and regulations therefor, and shall give notice of said election for at least twenty days, by printed or written hand bills publicly posted, providing for a ballot on the proposition, the amount of the bonds proposed to be issued, and if a majority of the qualified voters voting at such election are in favor of said proposition, then the Mayor and Aldermen shall issue the bonds provided for in this Act. And said election may be held at any time or as many times for said purpose as said Mayor and Board of Aldermen may determine. Election to be first held.

SEC. 11. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 441.

House Bill No. 792.

A BILL to be entitled An Act to amend Section 3, of Chapter 335, of the Acts of the General Assembly of 1903, entitled "An Act entitled An Act to create the office of Attorney General for Williamson County, and to provide compensation for the Attorney General of said county, and to provide for the election of said official," so as to increase the compensation of the Attorney General for Williamson County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 3, of Chapter 335, of the Acts of the General Assembly of 1903, entitled "An Act entitled 'An Act to create the office of Attorney General for Williamson County, and to provide compensation for the Attorney General of said county, and to provide for the election of said official,'" be amended by striking out the words and figures "five hundred ($500) dollars" in line three of said section, and inserting therefor the words and figures "eight hundred ($800) dollars."

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 442.

House Bill No. 549.

AN ACT to amend An Act entitled "An Act to amend An Act entitled 'An Act to amend an Act to authorize the appointment of inspectors of illuminating oils and fluids.'"

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 3, of Chapter 13, of the Acts of 1899, be, and the same is hereby, amended by striking out "8,000" in sixth line and inserting instead thereof "6,000," and by striking out "8,000" in the ninth line and inserting instead thereof "6,000."

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 14, 1905.

JOHN I. COX,
Governor.

CHAPTER 443.

House Bill No. 330.

AN ACT to repeal An Act entitled "An Act to authorize the municipal corporation of the Mayor and Aldermen of the Town of Morristown, Hamblen County, Tennessee, to issue and sell coupon bonds of said town in a sum not to exceed twenty-five thousand ($25,000) dollars, proceeds hereof to be applied to the floating indebtedness of said municipality."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 332, of the Acts of the General Assembly of the State of Tennessee, for the year 1903, entitled "An Act to authorize the municipal

corporation of the Mayor and Aldermen of the Town of Morristown, Hamblen County, Tennessee, to issue and sell coupon bonds of said town in a sum not to exceed twenty-five thousand ($25,000) dollars, proceeds hereof to be applied to the payment of the floating indebtedness of said municipality," be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 444.

HOUSE BILL No. 697.

A BILL to be entitled "An Act to amend the charter of the City of Chattanooga, Tennessee, and all Acts heretofore passed amendatory thereof, and especially an Act passed April 4, 1901, and approved April 7, 1901, the same being Chapter 432, of the Act passed by the General Assembly of Tennessee, 1901, amending the charter of the City of Chattanooga, so as to amend Section 82 of said Act, so as to provide that the salary of the City Attorney of the City of Chattanooga, Tennessee, shall be $2,000 per annum."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed April 4, 1901, and approved April 7, 1901, the same being Chapter 432, of the Acts of 1901, and entitled "An Act to amend the charter of Chattanooga, Tennessee, and all Acts heretofore passed amendatory thereof, and repeal all Acts and parts of Acts in conflict with the provisions of this Act," be, and the same is hereby, amended by amending Section 82, of Chapter 432, of the Act aforesaid, so as to provide that the last two lines of said Section 82 shall read: "the salary of the City Attorney shall be $2,000 per year."

SEC. 2. *Be it further enacted,* That all provisions of the charter of the City of Chattanooga and all Acts amend-

atory thereof and in conflict with the provisions of this Act be, and they are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 445.

House Bill No. 925.

AN ACT to authorize the County of Fentress to assess and collect taxes for the year 1905 upon the real estate therein situated.

Whereas, All the tax schedules, tax duplicates, and tax books showing the assessments of taxes in the County of Fentress for the year 1904 were destroyed by fire and no record remains thereof;

Whereas, No new real estate assessment is provided for by law until the year 1906, and innumerable difficulties have arisen in the collection of real estate taxes for said county owing to the many changes in ownership and value of real estate since the last assessment (1902) of which a record remains now; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the year 1905 the Tax Assessors of Fentress County shall, in addition to the authorized assessments of personal property, assess for taxation all the real estate in said county in the same manner and under the same restrictions and conditions as provided for by Chapter 258, of the Acts of the General Assembly of Tennessee for the year 1903, and shall receive the same compensation therefor.

Assessors to assess property for year 1905.

Sec. 2. *Be it further enacted,* That the County Court Clerk of Fentress County shall make up the Trustee's

book and tax duplicate for the year 1905 from the assessments so made.

SEC. 3. *Be it further enacted,* That the County of Fentress be, and is hereby, authorized to collect all taxes upon the assessments so made as herein provided, which collection shall be made in all other respects in the same manner as provided by said Chapter 258, of the Acts of 1903.

County Board of Equalizers to renew.

SEC. 4. *Be it further enacted,* That the County Board of Equalizers at their authorized meeting in June, 1905, shall equalize the assessments of real estate made as herein provided in the same manner and under the same restrictions and conditions as provided by Chapter 258, of the Acts of 1903, for the regular biennial assessments of real estate except in case of appeal from the said County Board the same shall be to the County Court of Fentress County instead of to the State Board of Equalizers, and the action of said County Court thereon shall be final.

SEC. 5. *Be it further enacted,* That the regular State taxes shall be paid to the State by the County of Fentress in accordance with the tax aggregate reported to the Comptroller for the year 1904.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX.
Governor.

CHAPTER 446.

HOUSE BILL No. 739.

AN ACT to create a separate and independent School District out of part of the Third Civil District of Hawkins County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the following territory now constituting a part of the Third Civil District of Hawkins County shall, after the passage of this Act, be and constitute a separate and independent School District—to wit:

Beginning at Little Creek, east of the residence of P. L. Pearson, and running thence so as to include the following farms—namely, P. L. Pearson, S. P. Looney, James Ward, L. S. Gillenwaters, J. D. Fleenor, Charley Creasy, Jacob Henard (adjoining Charley Creasy), Mrs. Nathan Klepper, Dr. C. A. Snapp, Mrs. Lou Charles, J. J. Emmert, Neal Gross, John Owens, Ned Pray, L. R. Baker, all the farm of C. M. Harlan north of Carter's Valley Road, Mrs. Mat Charles north of Carter's Valley Road, Buck Charles, Geo. Baker, Joe Stewart, Mrs. Alice Brice, John Gilliam and Mrs. T. N. Harmer, and all other farms within the territory described, whether specifically named or not. The said School District shall be known as the Alum Well School District.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE.
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 447.

House Bill No. 417.

AN ACT to amend an Act passed February 7, 1901, and approved March 11, 1901, entitled "An Act to authorize the Chairman of the County Court or County Judges of this State to pay traveling and other expenses of the Sheriff or other officer, to be designated by the County Judge, for the purpose of going after and bringing back absconding persons charged with any felonious crimes above the grade of petit larceny."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed February 7, 1901, and approved March 11, 1901, and entitled as stated in the caption hereof, be, and it is, amended by striking out of the first section thereof the words "his actual traveling and other necessary expenses in no event to exceed the sum of $75," and inserting in lieu thereof the words, "three cents per mile for each mile necessarily traveled in going and coming, and also his other actual and necessary expenses, the whole in no event to exceed the sum of $75; *Provided,* that the compensation hereby fixed shall apply only to mileage and expenses outside the State, and for the distance inside the State going and coming the same mileage shall be taxed in the bill of costs as is allowed for carrying prisoners arrested in this State."

Sec. 2. *Be it further enacted,* That said Act be, and it is, further amended by adding to the first section thereof the following: *"Provided,* that no designation by the Chairman of the County Court or County Judge shall be necessary to authorize the Sheriff to act and draw pay under this Act, and that the Chairman of the County Court or County Judge shall have no power to designate any other person."

Sec. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 448.

House Bill No. 442.

AN ACT to amend Chapter 410, of the Acts of the General Assembly of the State of Tennessee, passed April 1, 1903, and approved April 10, 1903, incorporating the Town of Dyersburg, Tennessee, so as to authorize the Board of Mayor and Aldermen to sprinkle the streets of said town and raise revenue for that purpose.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sub-sections 1 and 2, of Section 16, of said Act, be, and are hereby, amended by inserting the words "and for sprinkling purposes" immediately after the words "General Corporations" in both said sub-sections.

Sec. 2. *Be it further enacted,* That the sprinkling tax shall be a separate tax so kept and paid out by the custodian of the city funds, and to be such rate as may be necessary to keep the public square and streets thoroughly sprinkled.

Sec. 3. *Be it further enacted,* That in the levying of the sprinkling tax the Board of Mayor and Aldermen shall confine its operation to the property, merchants, and privileges around the square and along such streets as are sprinkled, so that those paying the tax shall get the benefit of the sprinkling.

Sec. 4. *Be it further enacted,* That the Board of Mayor and Aldermen shall have the power to extend the provisions herein to any part or section of the town that they may deem proper and expedient for the comfort, convenience, and health of the inhabitants.

Sec. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 449.

House Bill No. 744.

AN ACT entitled An Act to reincorporate the town of Bartlett, Shelby County, Tennessee, and fix the power of said corporation and the corporate limits thereof.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Bartlett, in the County of Shelby, Tennessee, be, and the same is hereby, reincorporated under the name of the Town of Bartlett, and the boundaries of said corporation and limits thereof shall be as follows—to wit:

Boundaries.

Beginning at the east end of a bridge placed over a spring branch, where the Memphis and Somerville public road crosses it, about one-half of a mile west of the point on said public road crossed by the track and roadbed of the Louisville & Nashville Railroad Company, and then extends from there south along the east bank of this said spring branch spanned by said bridge to what is known in the old or former charter of said town as Ferguson Avenue; thence west along the center of said avenue to the west bank to Hurricane Creek; thence north with the meanderings of the west bank of said creek to a point directly east and opposite a point in the north boundary line of said North Street, as laid off in the plot of the town under the former charter; thence west in a line parallel with said north boundary line of said North Street, and extending on beyond said North Street west to the east bank of said spring branch on the land of Dr. Blackwell; thence south with the meanderings of said spring branch to the beginning, the said point at the east end of said bridge spanning said branch at the crossing of said Memphis and Somerville Road.

Officers of the town.

Sec. 2. *Be it further enacted,* That said corporate town shall have as its officers a Mayor and six Aldermen, who shall constitute and be called the Board of Mayor and Aldermen, and these officers shall have all the powers and exercise all the duties usually conferred on like officers under the general laws of the State of Tennessee applica-

ble to municipal corporations. The seven members constituting the Board of Mayor and Aldermen shall have the power and right to elect other officers, such as Secretary, Town Marshal, or Treasurer, to perform such duties as are usual for such officers within the corporate powers of said municipality.

Subordinate officers.

SEC. 3. *Be it further enacted,* That there shall be elected by said Board all necessary officers to carry out and perform the duties of said municipal corporation in the same manner as corporations of like character under the general laws of the State.

Old officer hold over.

SEC. 4. *Be it further enacted,* That the present Mayor and six Aldermen and Justice of the Peace of said corporation now holding office under the charter of said town, in force before the abolition of said former charter by an Act of the present General Assembly of the State of Tennessee, shall be and remain the officers of this new corporation hereby created by this Act, and shall hold their offices until their term of office shall have expired, as provided by the old or former charter of said town, at which time there shall be an election held as provided for under the general laws of this State for the election of municipal officers.

General laws apply.

SEC. 5. *Be it further enacted,* That the general laws of the State of Tennessee made applicable to municipal corporations generally shall apply to this corporation, and the same powers, rights, and authority now given by the laws of the State of Tennessee to municipal corporations generally shall be made to apply by this Act to all the officers of this corporation hereby created.

SEC. 6. *Be it further enacted,* That all ordinances now in force under the old or former charter of said town shall be and remain in full force and effect under this new charter, and said corporation shall have the right to sue and may be sued by its corporate name of the Town of Bartlett, and shall also have the power and right under said charter through its constituted officers, the Board of Mayor and Aldermen, to pass and enforce ordinances of said town not in conflict with the Constitution and general laws of this State.

SEC. 7. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed; and

that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 450.

House Bill No. 1016.

AN ACT to establish, make known, and make certain the line between Van Buren and Warren Counties.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the unknown and the uncertain line between the counties of Van Buren and Warren Counties be fixed and established as follows: Beginning at the mouth of Rocky River, running thence southwardly up said Rocky River, with its various meanderings, to the mouth of Crain or Dry Hollow; thence up said Crain or Dry Hollow southwardly 1.25 miles to the mouth of the branch known as Jessie Martin's Spring Branch; thence south two degrees east 6.5 miles, crossing Dyers Gulf to head of said Dyers Gulf; thence south thirty-eight degrees east 6.125 miles to the corner of Sequatchie and Grundy Counties.

Sec. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 451.

House Bill No. 495.

AN ACT to amend Chapter 397, Acts 1903, so as to pay the County Judge of Lauderdale County a salary of $650 per annum instead of $500, which he now receives, and so that the Quarterly Court may, in their discretion, increase this amount to a sum not exceeding $800 per annum.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 397, Acts 1903, be, and the same is hereby, amended by striking out the words "five hundred dollars" in said line of Section 10 of said Act, and inserting therefor, "six hundred and fifty dollars;" *Provided, however,* that the Quarterly Court may, in their discretion, increase this amount to a sum not exceeding eight hundred dollars.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 452.

House Bill No. 874.

AN ACT to create and establish an independent School District in Sullivan County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be, and the same is hereby, created and established out of portions of the Thirteenth and Fifteenth Districts of Sullivan County, Tennessee, to be known as the Twenty-

third School District of said county, including the territory in the following boundary: Beginning at a gate on the south side of G. A. Tipton's farm; thence south with the lines of E. H. Bachman, Mrs. Nathan Baxter, Mrs. Emeline and John Wells, and Mrs. Evelyn Riggs; thence northwest with the west line of the farm of Mrs. Evelyn Riggs, J. H. Haws, Jessie Simpson, T. J. Duncan, Peter Duncan, Dr. R. R. Bailey, and J. N. Dolen to the top of Boyd Mountain, near the river road; thence northeast with the top of said mountain to the north line of the farm of Mrs. Nathan Easley; thence south with Easley's line to G. A. Bachman's line and the Roseberry Ridge; thence northeast with the lines of G. A. Bachman and John Bachman to W. H. Dixon's line; thence with the north side of W. H. Dixon's farm to the aforesaid John Bachman's line; thence northeast to J. F. Pearce's line; thence east with J. F. Pearce's line to R. P. Roller's line; thence southeast with the line of J. F. Pearce and J. C. Childress to William Miller's farm; thence south with William Miller's line to the Kingsport Road; thence with said road to George Slayhters; thence west with a road to the beginning, including what is known as the Hoss Creek Academy.

SEC. 2. *Be it further enacted,* That until the next regular election the County Superintendent of Public Instruction shall appoint three School Directors in and for this district, who shall perform the same duties as other School Directors, and at the next regular election School Directors shall be elected for this district in the same manner as other directors are elected.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 453.

House Bill No. 464.

A BILL to be entitled An Act to change the line between the Counties of Overton and Fentress.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Overton and Fentress be, and the same is hereby, so changed as to follow the boundary line of the farm of Sam Hall, including the whole of said farm in Overton County.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 454.

House Bill No. 896.

A BILL to amend Chapter 240, of the Acts of Tennessee of 1903, such being general school law.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sub-sections 1, 2, and 3 of Section 22, of Chapter 240 of the Acts of Tennessee of 1903, be, and are hereby, repealed, as far as said sections apply to fixing boundaries of School Districts, but no farther; *Provided,* the School Districts of the State established heretofore shall remain until altered as hereinafter provided.

This Act applies to — County.

SEC. 2. *Be it further enacted,* That the County Court of the various counties of the State shall be vested with the power and authority to alter and change the School Districts in their respective counties just as before the passage of said Act, Chapter 240 of Acts of 1903; *Provided,* that not more than six new districts can be formed by the County Court under the provisions of this Act.

SEC. 3. *Be it further enacted,* That this Act shall only apply to each county of the State having not less than twenty-three thousand seven hundred and fifty population, and not more than twenty-three thousand eight hundred population by the Census of 1900 or any subsequent Census.

SEC. 4. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 455.

HOUSE BILL No. 208.

A BILL for an Act to be entitled "An Act to create, establish, and maintain a department of the State of Tennessee to be known and styled 'Department of Game, Fish, and Forestry;' to provide for the appointment of a State Warden of Game, Fish, and Forestry, County Wardens, Special and Deputy Wardens."

Department of Game, Fish, and Forestry—State Warden.

SECTION 1. *Be it enacted by the General Assembly o the State of Tennessee,* That the Department of Game, Fish, and Forestry be, and the same is hereby, created as one of the departments of the State, and that the

Governor shall on the passage of this Act appoint and Commission a citizen of Tennessee as State Warden of game, fish, and forestry, and octennially thereafter, who shall serve without salary.

County and Special Wardens.

SEC. 2. *Be it further enacted,* That said State Warden of game, fish, and forestry shall be authorized and empowered to appoint and commission in each county of the State a citizen of said county as County Warden of game, fish, and forestry, and to further appoint special Wardens for the State at large as in his judgment the necessity for such appointment may arise.

Deputy Warden.

SEC. 3. *Be it further enacted,* That the County Wardens of game, fish, and forestry are authorized and empowered to appoint deputies in such number as in their judgment the requirements in their respective counties may demand.

Bonds and Oath of Office.

SEC. 4. *Be it further enacted,* That the State, County, Special Wardens shall each give bond in the sum of five hundred dollars, and the Deputy Wardens in the sum of two hundred and fifty dollars each, for the faithful performance of their respective duties, said bonds to be filed in the Department of Game, Fish, and Forestry. All Wardens shall, on appointment, take the oath prescribed for public officers.

Removal of Wardens.

SEC. 5. *Be it further enacted,* That the State Warden may appoint a Secretary to conduct the correspondence and detail work of his department, but the salary or compensation of said Secretary shall be paid by the State Warden. When any charge or charges are preferred against any County, Special, or Deputy Warden for malfeasance, misfeasance, or nonfeasance in office, or for any other reason which in the judgment of the State Warden is sufficient, he shall investigate the case and may

remove said Warden at pleasure and appoint, or cause to be appointed, another in his stead. Any Warden who shall act, or assume to act, after notice of such removal, shall forfeit his bond.

Duty to Enforce Game and Fish Laws.

SEC. 6. *Be it further enacted,* That all Wardens appointed under this Act are hereby constituted conservators of the peace, and it shall be their right, power, and duty to enforce all provisions of Chapter 169, Acts 1903, known as the "General Game Law;" Chapter 118, Acts 1903, known as "An Act to protect non-game birds;" Chapter 91, Acts 1901, known as the "Written Permission Law;" Chapter 121, Acts 1901, known as the law prohibiting the shipment of quail, and all other laws for the protection of the game, the birds, the fish, and the forests of the State as the same may now exist or hereafter be enacted. All fines, penalties, forfeitures, or licenses collected under any laws which said Wardens are authorized and called upon to enforce shall go to that Warden so acting or making or causing the arrest, or securing the conviction, as compensation for his services, and the State Warden shall make to each General Assembly a report of all receipts and disbursements and such other information and recommendations as in his judgment may be necessary and proper.

Duties and Powers.

SEC. 7. *Be it further enacted,* That all Wardens appointed under this Act shall each and every one have and exercise all the rights, powers, and authority of the Sheriffs of the respective counties, with respect, however, only to those laws which they are appointed to enforce and according to the terms of those laws as well as of this Act. They may serve process and have power to make arrests, without warrants, of offenders and take them before any Justice of the Peace or Criminal Court, there to be dealt with according to law, and as the nature of the case may demand.

Licenses.

SEC. 8. *Be it further enacted,* That all licenses shall be issued by the State Warden of game, fish, and forestry,

and shall be good only to the close of the calendar year in which they shall be issued, expiring on the thirty-first day of December next after their issuance, and shall under no circumstances be transferable.

Terminating Offices of Game Wardens.

SEC. 9. *Be it further enacted,* That all the powers and duties imposed upon Wardens under Chapter 169, Acts 1903, known as the "General Game Law," shall hereafter be exercised by the Wardens appointed under this Act, and all appointments made under the provisions of said Chapter 169, Acts 1903, shall on the passage of this Act cease and determine; *Provided,* the provisions of this Act shall not apply to the following counties: Houston, Robertson, Moore, Henderson, Franklin, Cannon, Decatur, Weakley, Dickson, Hickman, Bradley, Greene, McMinn, Hardeman, James, Gibson, Putnam, White, Overton, Giles, Macon, Trousdale, Sumner, Wilson, Chester, Coffee, Stewart, Smith, Rutherford, Humphreys, Perry, Bedford, Washington, Monroe, Carroll, Montgomery, Marshall, DeKalb; *Provided,* nothing in this Act shall be construed to repeal the special game law passed for Warren County at this session of the Legislature.

SEC. 10. *Be it further enacted,* That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX.
Governor.

CHAPTER 456.

House Bill No. 444.

AN ACT entitled "An Act to require all compress companies or firms or individuals compressing cotton" in counties of 140,000 or over, according to the Federal Census of 1900, or any subsequent Federal Census, for shipment to furnish ample facilities and labor for handling all cotton, to furnish yards, sheds, or storehouses for all cotton brought to them to be compressed, and to keep some one in charge of same who shall receive and receipt for all cotton within thirty minutes of its arrival, and to provide penalties for a failure to observe and perform the provisions of this Act.

This Act applies to Shelby County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all compress companies or firms or individuals in counties of more than one hundred and forty thousand population, according to the Federal Census, compressing for the public within the State of Tennessee, shall provide ample facilities and labor for handling all cotton sent to them for the purpose of being compressed for shipment.

Sec. 2. *Be it further enacted,* That every company, individual, or firm compressing cotton for shipment shall provide ample yards, sheds, or storehouses for the reception of all cotton brought to them to be compressed, and they shall, from 7 A.M. to 6 P.M. of every week day from October 1 to April 30, keep some one in charge of said yard, shed, or storehouse, who shall receive and receipt for each load of cotton within thirty minutes after the driver of the same has notified the person in charge of said shed or storehouse of the arrival of said load of cotton.

Sec. 3. *Be it further enacted,* That a failure on the part of the officers, owners, and persons operating a compress to observe and perform the conditions of Sections 1 and 2 of this Act shall render them liable to all firms or persons sending cotton to them to be compressed, and to all persons or partnerships hauling the same, for all damage suffered by reason of their failure to perform the provisions of this Act, and in addition to the recovery of damages in each case the court shall assess reasonable at-

orney's fees, and shall also give judgment for twenty-five lollars ($25) as punitive damages.

SEC. 4. *Be it further enacted,* That this law applies nly to counties of one hundred and forty thousand or ver, according to the Federal Census of 1900 or any ubsequent Federal Census; that this Act take effect from ts passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 457.

HOUSE BILL No. 1027.

AN ACT entitled An Act to amend House Bill 553, Acts of 1905, creating an Independent School District off of the Eleventh, Twelfth, and Seventeenth Districts of Putnam County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That House Bill No. 553, Acts of 1905, creating an independent School District in Putnam County off of the Eleventh, Twelfth, and Seventeenth Districts of the same, be so amended as to exclude the lands of L. F. Elrod, A. B. Thompson, and W. A. Holladay, of the Twelfth District; also the lands of J. H. Jared, liner Monroe Huddleston, John Boyd, James and R. B. McKinley, and Mary Bush, of the Eleventh District, and to include them in the districts from which they were taken respectively.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 458.

HOUSE BILL No. 1013.

AN ACT to amend an Act entitled "An Act to establish county workhouses, to provide for working misdemeanor and other convicts sentenced to such workhouse; to declare county jails workhouses in such counties as have no separate workhouses; to provide for Commissioners and a Superintendent and other subordinates for workhouses, and to define their powers and duties," same being Chapter 123, of the public Acts of 1891, by requiring that two (2) Justices of the Peace shall be elected members of said Workhouse Commissioners, and that they may receive compensation as other members of the Commission in counties of over 150,000 inhabitants.

This Act applies to Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That said Section 3 of the Act described in the caption to this Act be amended by providing that the Quarterly Court shall elect four competent persons, two of whom are to be Justices of the Peace for the county and members of the Quarterly Court, and who are to receive the same compensation as the other members of said Commission.

SEC. 2. *Be it further enacted,* That this Act apply to counties having over 150,000 inhabitants, according to the Federal Census of 1900 or any subsequent Federal Census.

SEC. 3. *Be it further enacted,* That this Act take effect from its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 459.

HOUSE BILL No. 480.

A BILL to be entitled An Act to amend Section 1 of an Act passed April 14, 1903, entitled "An Act to repeal all laws authorizing the grant of land in this State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of the Act of April 14, 1903, on page 1203 of the published Acts of said year, be so amended as to read as follows: "That all laws and parts of laws authorizing land grants be, and the same are hereby, repealed; *Provided,* that this Act shall not apply to land entries formulated and on file in the Registers' offices of the State prior to April 14, 1903, the date of said Act."

Provided, however, that all grants issued in pursuance of this Act shall be null and void if the said land or any part of it covered by said grant has been previously granted; *Provided,* that entries on which grants may be issued under this amendatory Act shall have been made within three years next before the passage of said Act of 1903.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY.
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 460.

SENATE BILL No. 288.

AN ACT to be entitled An Act to regulate the running of traction engines over the highways of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for traction engines, propelling, threshing, or other machines, or road machines used in the repair of highways over the highways of this State to be used at any hour of the day or night; *Provided,* they are so used under the regulations and restrictions prescribed in Chapter 159 of the printed and published Acts of 1889; *Provided, however,* that no traction engines shall be used for the purpose of drawing wagons, carts, and other vehicles for the purpose of carrying passengers, or for the transportation to market or other places of products of the soil, and articles manufactured of wood manufactures.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted,* That this Act take effect om and after its passage, the public welfare requiring it.

Passed April 6, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 461.

SENATE BILL No. 623.

AN ACT to create a Board of Jury Commissioners for counties in this State having a population by the Federal Census of 1900 of not less than 26,424, nor more than 26,430; and for the selection of juries; to prescribe the duties of the members of said Board, and of the Judges, and punish violations of this Act; to provide for jury lists and jury boxes to be kept in each county affected by this Act, and to repeal all laws in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a Board of Jury Commissioners for each county in this State having a population by the Federal Census of 1900 of not less than twenty-six thousand four hundred and twenty-four nor more than twenty-six thousand four hundred and thirty, to be appointed by the Circuit Judge, who holds court in said county, and in case there is more than one Circuit Judge, or a Judge holding the Criminal Court, or a Chancellor or other Judge, whose duty it shall be to hold the Circuit Court or Criminal Court, then by such Judges holding the Circuit or Criminal Courts, and if more than one Judge, by all jointly.

This Act applies to Williamson County.

Said Board shall consist of four persons who are householders and freeholders of the county, and who are not practicing attorneys at law, or State or county officers, and have no suit pending in said court at the time of their

Board of Commissioners and their terms.

or his appointment, each of whom shall be appointed for a term of four years. In the first appointment two shall be appointed for two years and two for four years, and their successors shall be appointed for four years. All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made.

In the event that at any time when, by the provisions of this Act, it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof, or by the certificate of a reputable physician, that such member is by temporary sickness or physical disability or for some other good and sufficient reason, unable to attend and discharge such duty or duties, or if such member refuses to act, then said affidavit or certificate shall be filed in the office of the Circuit Court Clerk, and the three remaining members shall constitute the Board and discharge such duties.

SEC. 2. *Be it further enacted*, That the Jury Commissioners, before entering on the discharge of their duties, shall take and subscribe before an officer authorized to administer oaths the following oath—viz.:

Oath of Commissioners.

"I, A—— B——, do solemnly swear (or affirm) that I shall faithfully and impartially discharge the duty of Jury Commissioner for the County of ———— (filling in name) to the best of my knowledge and ability; and will not place the name of any person on said jury list or in the jury box whom I believe to be corrupt or unfit, or who has to my knowledge solicited, or had others to solicit, that his name be placed on the jury list or in the jury box; that I will keep secret and violate the deliberations and counsel of the Jury Commissioners while in the discharge of their duties, unless called upon to give evidence thereof in some court of justice or other legal tribunal in this State, so help me God."

Said oath shall be spread upon the minutes of the Circuit Court and the original preserved as a part of the records of said Commissioners.

Organization of Commissioners.

SEC. 3. *Be it further enacted*, That immediately after their appointment and qualification said Jury Commissioners shall meet and organize by the election of one of their members as Chairman. The Clerk of the Circuit

urt shall be Clerk of the Board of Jury Commissioners, d shall perform all the clerical duties required by law. fore entering upon the performance of his duties as e Clerk of said Board he shall take and subscribe to oath to faithfully discharge his duties, as required by w, and that he will never divulge any of the proceedings nd deliberations of the Jury Commissioners, unless com-elled to testify in some court in this State. This oath hall be spread upon the minutes of the court and the riginal preserved as a part of the records of the Commis-ioners.

Jury lists—how and when prepared.

SEC. 4. *Be it further enacted,* That it shall be the luty of said Jury Commissioners biennially on the first Monday in July, or within thirty days thereafter, to elect from the tax books of the county and other resources names of upright and intelligent men known for their integrity, fair character, and sound judgment, from each and every district in the county, and in proportion to the population of such districts, as near as may be, and possessing the qualifications now prescribed by law, except that service on a regular panel within two years shall not disqualify a person, a list of names numbering not less than one-fifth of the whole number of votes cast in the county for Presidential Electors at the presidential election next preceding the making of said list; *Provided,* said list shall not for any one county contain more than four thousand names nor less than two hundred and fifty names. Said list shall constitute the petit jury list for two years from the making thereof, and shall not, during said years, be added to or taken from, except as hereinafter provided. The Circuit Court Clerk, as Clerk of the Board, shall purchase, at the public expense, for the Board a suitable and well-bound book in which to record said list, alphabetically arranged. Upon the back of this book shall be written or printed: "List of Petit Jurors for ———— County" (filling in the name of the county). Said book shall be so ruled as to leave space at the left-hand side of each page for the names and at the right-hand side for such entries as are hereinafter provided for. Preceding the list of names in said book shall be written these words: "Petit jury list selected by the Board of Jury Commissioners for ———— County, to ——— day of ————" (filling in the name of county and date). From this list the Board shall select a sufficient number, not exceeding two-fifths of the

Clerk of court to procure record book.

Caption of lists, arrangement, etc.

whole number of the most experienced, intelligent, and upright men, to serve as grand jurors, whose names shall be entered in a well-bound book, alphabetically arranged, upon the back of which shall be written or printed the words: "List of Grand Jurors for ———— County" (filling in the name of the county). Said book shall be ruled in the same manner as the book herein provided for, containing the petit jury list. Preceding the list of names in said book shall be written these words: "Grand jury list selected by the Board of Jury Commissioners for ———— County, ——— day of ————" (here filling in the name of county and date). Immediately following this shall be recorded the list of grand jurors selected, placing one name on each line, arranging the names in alphabetical order and numbering them consecutively, beginning with No. 1. After each name shall be placed in parenthesis the initials of the Commissioners proposing such name, but no name shall be placed on said list, except by a majority vote of the Commissioners. At the end of the list shall be written and signed by the Commissioners the following: "We certify that the foregoing is the grand jury list selected by us the ——— day of ————" (filling in the date).

A list of the petit jurors selected shall be recorded in the book herein provided for that purpose, placing one name on each line, arranging the names in alphabetical order and numbering them consecutively, beginning with No. 1. After each name shall be placed in parenthesis the initials of the Commissioners proposing such name, but no name shall be placed on said list except by a majority vote of the Board of Commissioners. At the end of the list shall be written and signed by the Commissioners the following: "We certify that the foregoing is the petit jury list selected by us the —— day of ————" (filling in the date.)

Report of Commissioners.

The Commissioners shall report the list thus made up to the next term or to the term of court then in session, should the court be in session at that time, as follows:

"To the Honorable Court of ———— County (filling in the name of the county).

"We, the Jury Commissioners for said county, respectfully submit the following as the grand and petit jury lists selected by us for the next two years, as shown by

ne jury books herewith—viz.:" (here shall follow a complete copy of the lists).

Provided, that in counties where there are more than ne Circuit Court the report of the Jury Commissioners hall be made to the First Circuit Court of the county. Each of the names on said petit jury list, together with he Civil District of the jurors' residence, shall be written n a slip or scroll of paper, placed in a box to be provided it the public expense, which box shall contain two apartnents marked Nos. 1 and 2, from which petit jurors shall e drawn as hereinafter provided, to be known as the petit jury box, and so labeled; and the Jury Commissionrs shall in like manner place the names on said list of grand jurors in a separate box similarly constructed, and labeled the "Grand Jury Box," from which the grand jurors shall be drawn, as hereinafter provided. When the list has been revised as herein provided, said boxes shall be securely locked and sealed, and the Jury Commissioners shall write their names across the seal, and they shall not be unlocked or the seals broken, except by the Circuit Judge or the Judge holding the Criminal Court, or the Chancellor or other Judge, whose duty it shall be to hold the Criminal or Circuit Court, and then only for the purpose of drawing therefrom names of jurors as herein provided, or in open court for good and sufficient cause. Said jury books shall be kept in secret by the Clerk under lock and key, and no one shall be allowed to inspect the same, except the Clerk, the Judges holding the Circuit or Criminal Courts, or the Chancery Court, in the county, and then only for the purposes herein provided. It shall be the duty of the Clerk of the Circuit Court to record the jury lists in said jury books, and to write the names or numbers on said slips or scrolls. For these he shall be entitled to a fee of five cents for each name on said list, to be paid by the county on the certificate of the Circuit Judge that the services have been rendered.

Grand Jury box.

Circuit Court Clerk to keep record.

Court to draw panel for succeeding term.

SEC. 5. *Be it further enacted,* That the Judges holding the Circuit and Criminal Courts, at the close of each term, and if more than one Circuit or Criminal Court in a county, then each Judge for the court held by him, shall unlock the petit jury box and break the seal thereof, and after having well shaken the same shall draw from apartment No. 1 a number of names equal to the number of jurors, who, under existing laws, are selected by the

County Court, and the Judge of the Circuit or Criminal Court, or the number designated by the order of court, as hereinafter provided, to constitute the regular panels of petit jurors for the next term of court, but in no case shall a panel be drawn to serve for a longer period than two weeks, and all of which names shall be deposited in apartment No. 2, and when all of the names shall have been drawn out of apartment No. 1, then the drawing shall commence from apartment No. 2, and the tickets be returned to No. 1, and so on alternately; and no name so deposited in the box shall, on any pretense whatever, be thrown out of it or destroyed, except when it is satisfactorily shown to the Judge that the juror is dead, removed out of the county, or otherwise disqualified by law. The Judge whose duty it shall be to hold the Criminal Court shall at the close of each regular term in a like manner break the seal and unlock the grand jury box and draw therefrom a number of names equal to the number of grand jurors, who, under existing laws, are selected by the County Court and the Judge of the Circuit or Criminal Court, or the number designated by the order of court, as hereinafter provided, to constitute the regular panel of grand jurors for the next term of said court. When a name has been drawn for the grand jury which shall have been drawn as a petit juror for the same term, such name shall be returned to the box and another drawn in its stead. The Judge drawing the grand or petit juries, as herein provided, shall lock and reseal the boxes and write his name across the seal. When in this way the required number of names have been drawn, a list shall be made and certified to by the Judge drawing the same, and this shall be placed in sealed envelopes, the grand and petit jurors to be placed in separate envelopes, and so marked and safely kept by the Clerk of the Circuit Court or the Judge drawing said names. Thereafter, and at least ten days before the next term of court, the Clerk of the Circuit Court shall issue and deliver to the Sheriff or his Deputy a precept containing the names of the persons drawn as grand or petit jurors, and upon receipt of the precept the Sheriff or his Deputy shall cause the persons whose names are therein written to be served personally, or by leaving the summons at their most notorious places of residence at least five days prior to the term of the court the jurors were drawn to attend, and shall make due return of how he has executed said

Panel to be kept by Clerk.

Sheriff to summons.

recept. A failure to make such return, or any effort or ttempt to induce any juror summoned not to attend as a uror, is declared a misdemeanor and punishable by a ine of not less than fifty dollars nor more than two hunred and fifty. This summons shall state the term and ength of time for which such juror is drawn to serve. f there be a separate Criminal Court for the county, hen the Clerk of the Circuit Court, fifteen days prior o the term of such Criminal Court, shall deliver to the Clerk of said court the envelopes containing the names f the grand and petit jurors drawn for that term, and he Clerk of such Criminal Court shall issue and deliver o the Sheriff or his Deputy the precept containing the ames of the persons drawn as grand and petit jurors, who shall summon them in the manner hereinbefore described for summoning jurors to attend the Circuit Court. At such regular or special term of the court the Judge hereof shall first compare the names on file with the Clerk with the list of the jurors served, and if they correspond they shall constitute the panel of the grand and petit jurors respectively for that term, and said list shall be spread upon the minutes of the court. From these panels the grand and petit jurors shall be made up, as now provided by law, examining each proposed juror to ascertain whether he is qualified. In the event that by reason of the disqualification of proposed jurors, or other cause, the required number of jurors cannot be obtained from said panels, the Clerk of the Circuit Court shall produce in open court the grand or petit jury boxes, as the necessities of the case may require, and the said box or boxes shall be opened in open court, and there shall be drawn therefrom in the manner provided for the original drawing, the number of names deemed by the Judge sufficient to complete the juries. This process shall, if necessary, be continued until the grand and petit juries are completed. All drawing by any Circuit Judge or Criminal Judge or Judge of a special court for grand or petit juries shall be in open court. At the close of each term such Judge shall designate upon the record the number of jurors required for the succeeding term, and shall add thereto at least one-sixth in number, which additional number shall be drawn by the Judge in like manner as the other jurors.

Drawings to be in open court.

SEC. 6. *Be it further enacted,* That a list shall be kept by the Clerk of the Court of all persons whose names

Clerk to replace certain names.

are drawn from the jury box, but who for any reason other than that they are not qualified do not serve as regular jurors, and when the juries are made up an entry shall be spread upon the minutes showing a list of such persons, and their names shall in open court be put back in the jury box, the court ordering the box to be opened for that purpose. A list of those constituting the regular grand and petit jurors shall also be spread on the minutes, and it shall be the duty of the Clerk of the Circuit Court to enter in the space following the name of every such juror on the jury list the following words, "Regular Jury," and also the date of such service on the jury. In counties where the Criminal and Circuit Courts are separate, the Clerk of the Criminal Court shall, during each term of his court, furnish a list of the regular jurors serving to the Clerk of the Circuit Court, and from this list the latter shall make the entries on the jury list required by this section. It is hereby made a misdemeanor for any juror lawfully summoned to fail to attend and serve, unless excused by the court for good and sufficient reason appearing to the court. The punishment for this offense shall be a fine of not less than twenty-five dollars nor more than fifty dollars.

Court may draw additional names—when

SEC. 7. *Be it further enacted,* That whenever the Judge is satisfied that in any case a jury cannot be obtained from the regular panel, he may, but not earlier than three days before the case is assigned for a hearing, cause the jury box to be brought into open court and cause to be drawn therefrom by a boy under ten years of age such number of names as he deems sufficient to obtain such jury, and the Sheriff shall forthwith summon the persons whose names are so drawn in the manner hereinbefore prescribed for summoning jurors to attend the Circuit Court and making his return thereof. From the panel so drawn and summoned and the regular panel, the panel shall be made up, if practicable. If not, another panel shall likewise be drawn and summoned instanter, and so on until the jury is completed.

Names to be returned to box.

The names drawn from the jury box under this section shall be carefully preserved and returned to the apartment of the jury box from which they were drawn, whether such persons serve on the jury or not, in the same manner as hereinbefore provided, with respect to names of those drawn, but not serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned

under this section that he has served on a regular jury within two years, nor shall service on a jury under this section disqualify or excuse him from service on the regular juries, if his name is regularly drawn from the box hereafter. The Clerk of the Court will keep a list of all persons serving on the juries as provided in this section, and at the close of each term shall furnish the same to the Circuit Court Clerk, who shall enter opposite each name the words, "Served on special jury," together with the date of such service.

Jurors excused —how.

SEC. 8. *Be it further enacted,* That the court shall not have the right to excuse any person summoned as a juror who is qualified for service, except it be made to appear by affidavit in writing, which will be preserved as a record of court, and in which it shall appear to the satisfaction of the court that the state of his own health or that of his family requires his absence, or that some pressing or urgent business engagement, the neglect of which would cause irreparable loss or the public service will be materially injured by his attendance, and such details shall be given as will clearly show the reason therefor to the satisfaction of the court. If excused, it shall be only for such a time as the cause for excuse exists.

If, by reason of excusing of jurors under this section, it becomes necessary to have additional jurors during the term, they shall be drawn and summoned, the drawing to be done in open court, as provided in Section 5 of this Act.

Nothing in this Act shall be construed as prohibiting a Judge from discharging a juror for good cause to him appearing.

Sheriff to take oath.

SEC. 9. *Be it further enacted,* That before the Clerk delivers to the Sheriff or his Deputies the precept for the regular panel, or panels or any precept for names of jurors otherwise drawn or prepared by the presiding Judge, he shall administer an oath to said Sheriff or his Deputies to keep said names secret and instruct them to caution such jurors as summoned not to divulge the fact that they have been summoned as jurors.

SEC. 10. *Be it further enacted,* That when a jury list is to be made, the Board shall, if practicable, not put thereon the names of those on the list for the preceding two years, who have actually served during that time as regular jurors.

Court may investigate jury box—when.

SEC. 11. *Be it further enacted,* That if for any reason the court shall at any time discover that the jury box has not been filled or renewed, or that the jury list had not been prepared or renewed, as required by law, or the panel drawn or additional names drawn therefrom as required by law, or the jury box has been tampered with, the Circuit or Criminal Judge may have the right to investigate said jury box, and also the jury list, and see that this Act is duly enforced, and should it be discovered that any irregularities or fraud exist, correct same. If for any reason the Judge of the Circuit or Criminal Court should fail to draw either grand or petit jurors for any regular or special term, as provided by this Act, the Board of Jury Commissioners shall, upon an order from the Judge of the Circuit or Criminal Court, draw the necessary panels.

The list of names so drawn shall be certified to by the Board and placed in a sealed envelope as provided by Section 5 of this Act; whereupon the Board shall relock the jury box or boxes, and seal the same and write their names across the seal.

Names not to be divulged.

SEC. 12. *Be it further enacted,* That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the Court, his Deputy, or the Sheriff or any of his Deputies to divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names constitute the panels, or any part of them, for the court, or any name or names drawn from the jury box, for service in any case pending in court, or to fail to perform any duty imposed by this Act, and upon conviction thereof they shall pay a fine of not less than forty dollars, and be imprisoned in the county jail not less than thirty days, one or both in the discretion of the court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years. It shall also be a contempt of court, punishable by the Circuit Court upon its own motion or upn the petition of the District Attorney, for any Jury Commissioner, Circuit Court Clerk, or other person to open any jury box except as herein provided, or to destroy, deface, or remove without authority such box, or to change, deface, or remove without authority any jury list, or to assist in or connive at any such acts, or for any custodian of a jury box or list to knowingly permit any such acts to be done.

Penalty.

Court may remove Commissioners.

SEC. 13. *Be it further enacted,* That the Judge or Judges having the right to appoint Jury Commissioners have the right and authority to remove any or all of said Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or for any other good and sufficient reason, upon giving five days' notice to said Commissioner or Commissioners of the time and place of taking action thereon and the grounds therefor.

Compensation.

SEC. 14. *Be it further enacted,* That the said Jury Commissioners shall receive two dollars each for every day's service when actually engaged in making up the jury list, to be paid from the county treasury.

Records to be paid for by county.

SEC. 15. *Be it further enacted,* That the books recording the jury lists, and also the jury boxes, shall be purchased by the Circuit Court Clerk and paid for by the county; and the Circuit Court Clerk shall be the custodian of said books and boxes, which books and boxes shall not be opened for inspection except to the Commissioners themselves and the courts heretofore referred to, and then only as herein provided.

SEC. 16. *Be it further enacted,* That in the absence of fraud no irregularity with respect to the provisions of this Act shall affect the validity of any action of a grand jury, if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury, unless such irregularity has been specially pointed out and exception taken thereto before the jury is sworn.

SEC. 17. *Be it further enacted,* That the provisions of this Act shall apply to all grand and petit juries in all Circuit and Criminal Courts in this State.

SEC. 18. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 19. *Be it further enacted,* That this Act take effect from and after May 1, 1905, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 462.

SENATE BILL No. 691.

AN ACT creating Civil District No. 7, in Henderson County, and providing for the election of the various district officers for same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there is hereby created an additional Civil District in Henderson County, Tennessee, to be known as Civil District No. 7, and the said district is made to include the territory within the boundaries as follows:

Beginning at a point on the Decatur County line, north of and on the line of James Jackson's lands, runs thence in a southwest direction with the Beacon and Scott's Hill Road to the Shady Hill Road at Flat Creek; runs thence west with the Shady Hill and Decaturville Road to the Middleburg and Scott's Hill Road to and including the farm of J. P. Mitchell; thence south with said road to and so as to include the farm of Newt Holmes; thence west through the lane between lands of J. M. Bartholomew and W. W. Buck so as to include the lands of N. W. Buck and with the line of same on to Cane Creek; thence southwest with and including the lands of Dick Rushing, Will Crosser, Leonard White, Wood White, W. L. Laster, and thence south to the old (Thirteenth) Civil District line at or near the home of Asa Jones; thence in a southwest direction with said old district line to the Saltillo and Lexington Road, at the Benson old mill place; thence (in) a south direction with what is known as the Stickey Ridge Road, passing the lands of J. T. Johnson, E. Frazier, Mrs. Story, and Polk Bridges, and on (in) a southern direction to the Hardin County line; thence in an eastern direction with said Hardin County line to the Decatur County line, and thence in a northern direction with the Decatur County line to the beginning at James Jackson's lands.

SEC. 2. *Be it further enacted,* That at the next regular county election for said county there shall be elected in and for said district two Justices of the Peace; a Constable, a

Tax Assessor, and other officers, such as are allowed by law to Civil Districts, and until said officers are elected and qualified the officials of the several districts having jurisdiction of the territory shall continue to exercise such jurisdiction.

SEC. 3. *Be it further enacted,* That in all other respects than as is especially otherwise provided herein, this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 463.

SENATE BILL No. 540.

AN ACT to amend Chapter 122, of the Acts of 1901, of the General Assembly of the State of Tennessee, entitled "An Act to apportion the several counties of this State into Senatorial and Representative Districts under the enumeration made under Senate Joint Resolution No. 35, and approved February 8, 1901, in pursuance of Article 11, Section 4, of the Constitution, so as to detach Hawkins County from the Second Senatorial District and attach the same to the Third Senatorial District, and detach Greene County from the First Senatorial District and attach the same to the Second Senatorial District, and so as to detach Hawkins County from the Second Representative or Floterial District and attach it to the Fifth Floterial District, and detach Greene County from the Third Floterial District and attach it to the Second Floterial District."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 122, of the Acts of 1901, of the General Assembly of the State of Tennessee, entitled "An Act to apportion the several counties of this State into Senatorial and Representative Districts, under the enumeration made under Senate Joint Resolution No. 35, and approved February 8, 1901, in pursuance of Arti-

cle 2, Section 4, of the Constitution," be, and the same is hereby, amended as follows:

That Section 1 of said Act be amended by detaching Hawkins County from the Second Senatorial District and attaching it to the Third Senatorial District, and by detaching Greene County from the First Senatorial District and attaching it to the Second Senatorial District, and make said section read so as to provide that the First Senatorial District shall be composed of the Counties of Johnson, Carter, Unicoi, and Washington; that the Second Senatorial District shall be composed of the Counties of Sullivan and Greene; and that the Third Senatorial District shall be composed of the Counties of Hancock, Hawkins, Grainger, Claiborne, Union, Campbell, and Scott.

That Section 7 of said Act be, and the same is hereby, so amended as to detach Hawkins County from the Second Floterial District and attach the same to the Fifth Representative District, and detach Greene County from the Third Representative or Floterial District and attach it to the Second, so that said section shall read as follows: "The Second District shall consist of the Counties of Sullivan and Greene; the Third District shall be composed of the Counties of Washington and Unicoi; and the Fifth District of the Counties of Hancock, Hawkins, and Grainger."

SEC. 2. *Be it further enacted,* That this Act take effect from and after the first day of November, 1906, in so far as it relates to the Representative or Floterial Districts, and that it take effect in so far as it relates to Senatorial Districts from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 464.

SENATE BILL No. 687.

AN ACT to change the time of holding the Circuit Court for the Counties of Perry and Decatur, in the Twelfth Judicial Circuit of the State of Tennessee, and to provide for all bonds and recognizances taken and process issued to be made returnable to the dates and times herein fixed for said counties, and to repeal all laws and parts of laws in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Circuit Court in the Twelfth Judicial Circuit in the Counties of Perry and Decatur be held at the following times—to wit:

Perry County, at Linden, on the second Mondays in April, August, and December of each year; and that the Circuit Court be held in Decatur County at Decaturville on the first Mondays in March, July, and November of each year.

SEC. 2. *Be it further enacted,* That all bonds heretofore taken and all recognizances heretofore taken in said courts of said counties as held under existing laws, and all process issued hereafter, shall be returnable to the first term of the courts to be held thereafter under the provisions of this Act, and the same shall be binding and valid in law, and that all bonds and recognizances hereafter taken shall be returnable to the first term of the courts to be held thereafter under the provisions of this Act.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 465.

SENATE BILL No. 684.

AN ACT to enable counties having a population of not less than 21,000 nor more than 22,500 inhabitants by the Federal Census of 1900, or that may have such population by any subsequent Federal Census, to give its (their) credit to or in aid of any railroad company incorporated under the general laws of the State of Tennessee to any amount not exceeding $50,000, in the mode prescribed therein, and to provide for the payment, liquidation, and discharge of the obligation so incurred.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any county having a population of not less than twenty-one thousand nor more than twenty-two thousand five hundred inhabitants by the Federal Census of 1900, or that may have a population of not less than twenty-one thousand nor more than twenty-two thousand five hundred inhabitants by any subsequent Federal Census, may give its credit to or in aid of any railroad company incorporated under the general laws of the State of Tennessee, to any amount not exceeding fifty thousand ($50,000) dollars, by complying with the requirements of this Act.

This Act applies to Sevier County.

SEC. 2. *Be it further enacted,* That no such county shall give its credit to or in aid of any railroad company, under this Act, unless its railroad shall run either through said county or to within one mile of the county seat of the county giving its credit to or in aid of such railroad company; *Provided,* that any such county within which such railroad or any of its branches may terminate may give its credit to or in aid of such railroad, under the provisions of this Act.

SEC. 3. *Be it further enacted,* That before any county shall give its credit to or in aid of any railroad company, under the provisions of this Act, the President or other authorized officer or agent of such railroad company shall submit to the Chairman or Judge of the County Court of the county an application in the name of the railroad company setting forth the proposed termini of its railroad, the desired amount of credit to be given to or in aid of such railroad company, the time within which

Application and plan to be submitted to the County Court.

its railroad will be constructed, and that such application is made under this Act, and the same shall be accompanied by a plan or maps certified to by the Chief Engineer of such railroad company, showing the general direction of its railroad in said county.

Special term of court may be called.

SEC. 4. *Be it further enacted,* That upon the presentation of the application, with the accompanying plan or maps, as provided in this Act, it is made the duty of such Chairman or Judge, as the case may be, of the County Court to give ten days' notice to each and every Justice of the Peace of his county to assemble at the courthouse of the county at the time specified in such notice, in order to take action on such application. And if at such special meeting of the County Court a majority of the Justices in commission shall be of the opinion that an election should be held in the county to determine whether or not the county should give its credit to or in aid of such railroad company applied for, the court shall so order.

Court to make record.

SEC. 5. *Be it further enacted,* That the County Court of such county shall spread upon its records the application and accompanying plans or maps or declaration, as the case may be, and the amount to be voted upon by the people, and shall have full power to order such election according to the laws regulating elections.

SEC. 6. *Be it further enacted,* That the election shall be advertised at least thirty days beforehand by notices posted at all the different places of voting, in such county, and by publication in a newspaper, if one is published in such county, at least once a week for four consecutive weeks, in addition to such posted notices, specifying the time said election is to be held, for what railroad, and the amount of credit proposed to be given to or in the aid of such railroad, together with the proposed location of said railroad, as shown by said application.

Election—how held.

SEC. 7. *Be it further enacted,* That the Sheriff or other officer or officers whose duty it is, or may be, to open and hold elections shall open and hold elections at every voting place established by law in such county, and his or their certificate of the result of such election to the County Court shall name in writing every established voting place at which an election was opened and held, and every voting place at which an election was not held, and if it shall be made to appear that the said election was not opened in every voting place, then said election

shall be declared null and void and of no effect, unless it shall be made to appear to the satisfaction of the County Court that said officer or officers, as the case may be, or his or their Deputies, as the case may be, were present at such voting places on the day and hour required by law, and did endeavor to procure judges, clerks, and other officers to hold said election, and that he or they were positively unable to do so, and that the election in said precinct could not be held for the want of judges, clerks, and other officers to hold the same.

Ballots.

SEC. 8. *Be it further enacted,* That at any election thus held there shall be plainly printed upon the ballots or tickets the words "For giving credit" and the words "Against giving credit," and the voters who favor giving the credit of the county to or in aid of such railroad company shall place opposite the words "For giving credit" (on either side thereof) a cross mark, thus X, and the voters who are opposed to giving the credit of the county to or in aid of such railroad company shall place opposite the words "Against giving credit" (on either side thereof) a cross mark, thus X.

Returns.

SEC. 9. *Be it further enacted,* That it shall be the duty of the County Court to convene on the call of the Chairman or Judge, as the case may be, for the purpose of acting on the returns of the Sheriff or other officer or officers authorized to hold such election, and if it shall be made to appear that the same was in all respects fair and that three-fourths of the votes cast at such election were in favor of the county giving its credit to or in aid of such railroad company, then it shall have full power and authority and shall proceed to make and execute all necessary orders, and take such action as may be required to make the giving of the county's credit to such railroad company effective according to the terms thereof and the provisions of this Act.

Other elections may be held.

SEC. 10. *Be it further enacted,* That should any county fail to vote the giving of its credit to or in aid of any railroad company, at any election held for that purpose, said county may at any time after sixty days order another election, under this Act, if desired, by complying with the requirements of this Act, as if no previous election had been held.

Obligation—when due and demandable.

SEC. 11. *Be it further enacted,* That the credit given to or in aid of any railroad company shall not become due and demandable unless said railroad company shall have

constructed and put in operation within the time fixed by the application, and substantially in the direction and on the line as shown by said plan or map, that portion of the railroad located within such county; *Provided,* that any county so giving its credit to or in aid of any railroad company, under the provisions of this Act, may, in addition to the restrictions imposed by this section, stipulate with such railroad company that the credit given by such county to or in aid of such railroad company shall not be due and demandable until the railroad company shall construct the road to such points or for such distance as may be agreed upon, but which stipulation, if any, shall be entered into and shall be spread upon the records of said court before any election is ordered.

Bonds to issue.

SEC. 12. *Be it further enacted,* That when such credit given to or in aid of any railroad company, by any county, under the provisions of this Act, shall become due and demandable as provided herein, the county giving its credit to or in aid of such railroad company shall make and execute its coupon bonds for the amount of the same, payable not more than twenty years after date, bearing interest at such a rate as may be agreed upon before an election is ordered, not exceeding six per cent, payable semi-annually, and deliver the same to the railroad company in whose favor such bonds shall be issued; *Provided,* that such county may pay cash, when such bonds are due and demandable, in lieu of the issuing of bonds, at the election of such county.

Interest and sinking fund tax.

SEC. 13. *Be it further enacted,* That when said railroad company shall have the right to demand said bonds, under the provisions of this Act, it is made the duty of the county to levy from time to time such taxes upon the taxable property, privileges, and persons liable by law to taxation, within the county, as will be sufficient and necessary to meet the maturing interest on the bonds of such county, and provide for the payment of the principal; *Provided,* that no such tax shall exceed twelve and one-half per cent of the amount necessary to liquidate the principal of such obligation, in any one year, which tax shall be levied and collected as any other county tax, and shall be paid into the treasury of the county as any other tax, and shall be disbursed for such purpose in the usual way.

SEC. 14. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 466.

SENATE BILL No. 442.

AN ACT to create a State Entomologist and Plant Pathologist; to provide quarantine rules and other rules and regulations regarding the sale, transportation, and delivery of trees, shrubs, vines, plants, or plant products so as to prevent the dissemination of injurious insect pests, also to amend said Acts so as to make it unlawful for any person, firm, or corporation to knowingly grow, sell, offer for sale, or give away, transport, keep, or permit to be kept any plants, trees, shrubs, vines, or any part of a plant infected with injurious insects, insect pests, and contagious plant diseases, and to otherwise provide for the duties and powers of said State Entomologist and Plant Pathologist, and to regulate the sale and transportation and inspection of trees, plants, roots, bulbs, plants, and plant products.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person, firm, or corporation knowingly to grow, sell, offer for sale, give away, transport, keep, or permit to be kept upon his or their premises any plants, trees, shrubs, vines, or any part of a plant infested with injurious insect pests and contagious plant diseases.

Commissioner of Agriculture to appoint.

SEC. 2. *Be it further enacted,* That within thirty days after the passage of this Act the Commissioner of Agriculture shall appoint a competent Entomologist and Plant Pathologist, subject to the approval of the Governor, and necessary assistants, who shall, under the authority of said Commissioner, be charged with the duty

of inspecting trees, vines, shrubs, plants, or any part thereof as prescribed in this Act.

SEC. 3. *Be it further enacted,* That the Commissioner of Agriculture and said State Entomologist and Plant Pathologist, who shall constitute and be designated as the "State Board of Entomology," shall have plenary power to enact such rules and regulations for the enforcement of the provisions of this Act as may be necessary to prevent, control, and eradicate the further introduction, increase, and dissemination of insect pests and fungus diseases, which otherwise would threaten the fruit and other agricultural interests of this State.

Duties of Entomologist.

SEC. 4. *Be it further enacted,* That it shall be the duty of the State Entomologist and Plant Pathologist, or his assistants, to inspect annually, or oftener, if necessary, all greenhouses and nursery stock grown within the bounds of the State prior to September 1st of each year, and he or they shall issue a certificate of freedom from insect pests and plant diseases to the owner or lessee of any greenhouse or nursery, or other persons who give away, sell, or transport nursery stock, found entitled to the same. All certificates of inspection shall be given not later than November 1st of each year, and shall become void after August 1st of the year following. A duplicate copy of each certificate shall be filed by the State Entomologist and Plant Pathologist with the Commissioner of Agriculture not later than thirty (30) days from the time of issue.

Visitations to be made.

SEC. 5. *Be it further enacted,* That it shall be lawful for the State Entomologist and Plant Pathologist, acting under the authority of the State Board of Entomology, or his assistants or authorized agents, to visit any section of the State and examine any or all fruit-bearing, ornamental, or shade trees, or any field truck crop or garden crops, or any plants or parts thereof, of any description whatsoever, and determine whether infectious diseases exist or not. If discovery is made of injurious insect pests or fungus diseases, a report in writing of such finding shall be made to the owner of the infested plantation, his agents or tenants, and a copy of such report shall be filed with the State Board of Entomology. If any objections are made against the findings of the State Entomologist and Plant Pathologist or any of his authorized assistants, such objections must be made in writing within ten (10) days of the finding, to the said Board, who

shall have power to summon witnesses and hear testimony on oath, and whose decision shall be final. Any person or persons who shall interfere with the duties of said Entomologist and said Board, as prescribed in this section, shall be considered guilty of a misdemeanor, and he or they shall be fined not less than twenty-five ($25) dollars nor more than fifty ($50) dollars for each offense.

As to treatment of infested stock.

SEC. 6. *Be it further enacted,* That upon discovery by the State Entomologist and Plant Pathologist of dangerous insect pests and fungus diseases, whether in greenhouses and nurseries or in private or public domain, the treatment prescribed by the State Entomologist and Plant Pathologist shall be executed at once (provided there is no appeal), and under his supervision. If the case in question is worthy of remedial treatment, the cost of the material and the labor shall be borne by the owner. In case infested stock is not worthy of remedial treatment, such infectious plants shall be placed under the jurisdiction of the Board of Control.

Nursery stock not to be shipped —when.

SEC. 7. *Be it further enacted,* That it shall be unlawful for any grower, nurseryman, florist, dealer, or corporation to ship, sell, or deliver within the State any trees or plants of whatever description without having been previously inspected by the State Entomologist and Plant Pathologist, or his authorized assistants, and a certificate of inspection, which is a facsimile signature of the original certificate, placed upon each bundle, package, bale, box, or car load of shipment.

Penalty.

Any violation of said certificate by changing, defacing, or placing it on uninspected or infested stock, or using the same after date of expiration or revocation, shall render the owner or shipper liable to a fine of not less than one hundred ($100) dollars nor more than one hundred and fifty ($150) dollars for each offense; *Provided,* that the provisions of this Act shall not apply to farmers or small growers who may sell plants, flowers, or shrubs in their own counties.

Nurserymen to register their names.

SEC. 8. *Be it further enacted,* That each and every individual, firm, or corporation residing in other States, Territories, Provinces, etc., dealing in or handling trees, plants, vines, shrubs, bulbs, roots, cuttings, etc., before shipping into the State, shall register his name, firm, or corporation, and file a copy of his or its certificate of inspection, furnished by the Entomologist, fruit inspector, or duly authorized Government official of his State, coun-

try, or province, with the Secretary of the State Board of Entomology. All packages, boxes, bales, car loads of plants, commonly known as greenhouse or nursery stock, imported into the State shall be plainly labeled on the outside with the names of the consignor and consignee, and a certificate showing that the said contents had been inspected by a reputable State or Government official. Upon the failure of any person or persons to subscribe to the declarations set forth in this section, said stock shall be confiscated under the order of the State Entomologist and Plant Pathologist.

As to quarantine regulations.

SEC. 9. *Be it further enacted,* That the Tennessee State Board of Entomology shall have the power to adopt such quarantine rules and other regulations, not inconsistent with the Constitution of the State and United States, as they may deem necessary to prevent the introduction of dangerously injurious fruit or crop pests, or diseases from without the State, and to govern common carriers in transporting shipments liable to harbor such pests or diseases to or from the State, and such regulations shall have the force of law.

Penalty.

SEC. 10. *Be it further enacted,* That any agent, common carrier, railroad, steamboat, or express company found delivering within the bounds of the State any plants, trees, shrubs, vines, cuttings, bulbs, roots, etc., under conditions otherwise than that provided in this Act, shall be found guilty of a misdemeanor and fined not less than twenty-five ($25) dollars nor more than fifty ($50) dollars for the first offense, and one hundred ($100) dollars for each offense thereafter.

SEC. 11. *Be it further enacted,* That all nursery stock sold, shipped, or delivered within this State or shipped into this State from other States shall be treated or fumigated as may be required by the regulations of the Tennessee State Board of Entomology hereinbefore provided for.

SEC. 12. *Be it further enacted,* That upon knowledge coming from any county within the State to the Board of Control that noxious insect pests or plant diseases exist in said county, or in close proximity in an adjoining county, the State Entomologist and Plant Pathologist shall be empowered by said Board to investigate as speedily as possible the supposed infectious district; and if, upon examination, dangerous insect pests or infectious plant diseases are disclosed, such infected premises shall

be treated in accordance with this Act, as prescribed in Sections 5 and 6.

Report of State Entomologist.

SEC. 13. *Be it further enacted,* That the State Entomologist and Plant Pathologist shall submit to the State Board of Entomology a monthly report of work done; he shall also submit an annual report on or before the first of February of each year to the Governor of the State, embracing a review of inspections and investigations made and the condition of the State relative to insect pests and plant diseases, which shall be published, as are other State reports, for general distribution.

Compensation.

SEC. 14. *Be it further enacted,* That the sum of two thousand ($2,000) dollars annually be, and is hereby, appropriated to the State Board of Entomology in order to carry out the provisions of this Act—namely, to employ a competent State Entomologist and Plant Pathologist; to procure the requisite facilities and equipment necessary for the proper discharge of duties herein incurred; to support a reasonable amount of investigation in addition to the inspection work of the State; and to publish the results of observations and investigations made in bulletin form, which may disseminate information that will prove useful to the agricultural and horticultural interests of the State.

Comptroller to draw warrant.

SEC. 15. *Be it further enacted,* That the Comptroller of the State be, and is hereby, authorized to issue his warrant upon the State Treasurer for the sum of two thousand ($2,000) dollars annually out of any funds not otherwise appropriated; that the said sum of money shall be made payable quarterly to the State Board of Entomology and only upon the presentation of the proper vouchers.

Rules may be adopted by State Board of Entomology.

SEC. 16. *Be it further enacted,* That the State Board of Entomology shall have power to adopt such rules and regulations governing insect and plant pests within the bounds of the State, as are not inconsistent with the Constitution of the State and the United States; that said Board shall, within sixty (60) days from the passage of this Act, draft and publish through the State press all rules and regulations necessary to carry into full and complete effect the embodiment of this Act, cautiously and wisely outlining the diseases and maladies caused by both insect and fungus, and explaining what constitutes infectious plant diseases in the eyes of the law.

SEC. 17. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it; and that all laws or parts of laws in conflict with this Act are hereby repealed.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 467.

SENATE BILL No. 592.

AN ACT entitled An Act to create and establish a School District No. —, in Dickson County, and define boundaries thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District No. ——, known as No. ——, be, and the same is hereby, established in Dickson County, Tennessee, and the boundaries thereof shall be as follows:

Beginning at the east boundary line of the Seventeenth School District in Dickson County, where said line crosses the Maysville Road, two and one-half miles east of Sylvia, in the south boundary line of the G. M. Wolf land, and in J. D. Sensing's west boundary line; thence east with the south boundary lines, and including the lands of G. M. Wolf, J. D. Sensing, A. W. Watson, W. F. Jones, F. W. Ferrell, Eliza Luke, James Beakly, A. L. Miller, R. Johnson, and William Roberts, to the Drake Hollow; thence east to L. D. Miller's south boundary line; thence with said line east to his southeast corner; thence north to the Eighth District line; thence northwest with said line to Barton's Creek, near the mouth of Drake Hollow; thence up said creek to the mouth of the William Harris

Branch; thence northwest and with the boundaries of the Eighth District line to the northwest corner of W. H. Pentecost's land; thence southwest including said Pentecost's land, also including and with the north boundary of the lands of Belle Elliot, J. M. Jackson, Mathis Bros., Gertrude Morris, Eliza Neblett, A. K. Berry, and A. J. Irwin, to the Seventeenth School District line or Sylvia School District; thence south with said Seventeenth School District line to the beginning, including within the said boundaries what are known as the Elliott and Marina Schools, in the Sixth District of Dickson County, Tennessee, be, and the same are hereby, incorporated into one School District, to be known as School District No. ——.

SEC. 2. *Be it further enacted,* That in the election of School Directors, apportionment of the school fund, and in all things, the officers elected or appointed shall be governed by the general laws of the State applying to elections and public schools.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 469.

SENATE BILL NO. 460.

AN ACT to incorporate the Town of Fowlkes, in the County of Dyer, and to define its rights and powers, provide for the election of officers, prescribe their duties and powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Fowlkes, Tennessee, in the County of Dyer, and the inhabitants thereof, are hereby constituted a body politic and corporate by the

name and style of "The Town of Fowlkes," and by this corporate name and style said town may sue and be sued, and shall have the right of perpetual succession.

SEC. 2. *Be it further enacted,* That the said Town of Fowlkes, hereby incorporated, shall be further empowered in its corporate capacity to contract and be contracted with, grant, receive, purchase, and hold real, mixed, and personal property, and dispose of the same for the benefit of said town within the corporation, and have and use a common seal, and make, purchase, or otherwise acquire and hold property, real and personal, beyond or within the limits of the corporation to be used for the burial of the dead, for the erection, operation, and maintenance of water-works, light and power plants, fire department, school-houses, library, pesthouses, hospitals, and other improvements for the welfare of the inhabitants of the said town.

Boundaries.

SEC. 3. *Be it further enacted,* That the boundaries of the "Town of Fowlkes," hereby incorporated, be as follows:

Beginning at a stake ten rods east of the northeast corner of the original plat of Fowlkes; thence south ninety rods and eight feet; thence west with the south boundary line of the original plat of Fowlkes one hundred and five rods and eleven feet to and including Walnut Street; thence north with Walnut Street ninety rods and eight feet; thence east with the north boundary line of the original plat of Fowlkes one hundred and five rods and eleven feet to the place of beginning.

Officers to be elected.

SEC. 4. *Be it further enacted,* That the officers of the "Town of Fowlkes," to be elected by the qualified voters of said town, shall be a Mayor and seven Aldermen, who shall constitute the Town Council, each and all of whom shall be citizens and qualified voters within the corporate limits of said town, and shall hold office for one year, and until their successors are elected and qualified.

Organization.

SEC. 5. *Be it further enacted,* That the Mayor and Aldermen so elected shall meet and organize upon the first Monday in the next month after their election, or within ten days after the said first Monday, and shall, as soon as possible, elect a Recorder, Marshal, Treasurer, and such other officers as may be necessary to carry out the objects of this charter, all of whom shall be citizens and voters in said town hereby incorporated.

First Council named.

SEC. 6. *Be it further enacted,* That the first Town Council under this charter shall be the following named

persons—to-wit: J. A. Moore, Mayor; T. J. Fitzhugh, W. R. King, W. E. King, George Vear, O. S. Huffman, and J. D. Richardson, Aldermen—and shall hold their office and exercise all of the power conferred and perform all the duties imposed by this Act until their successors have been duly elected and qualified.

City elections.

SEC. 7. *Be it further enacted,* That on the first Thursday in September, 1905, and every year thereafter, the Town Marshal shall open the polls and hold an election in the "Town of Fowlkes" for the purpose of electing a Mayor and seven Aldermen and one member of the School Board; but ten days previous to holding said election the Marshal shall notify the voters in said town of said election by a notice in some newspaper published in said town, if there be one, if not then by printed hand bills posted on the front of the courthouse door and the post-office in the Town of Fowlkes, of the time, place, and the purpose of the same, and to assist him in holding said election the Marshal shall appoint from the qualified voters of said town three Judges and two Clerks, who shall take an oath before any Justice of the Peace to impartially and faithfully perform the duties of the positions they respectively fill, and said election shall be held in all other respects in accordance with the election laws of the State of Tennessee, except the provisions of the Acts of the Extra Session of 1900, Chapter 24, and all of its amendments, and the Acts of the Extra Session of 1890, Chapter 24, with all of its amendments, the same being commonly known as "The Dortch Registration Laws," shall not apply to the same.

Council to be legislative authority.

SEC. 8. *Be it further enacted,* That the said Mayor and said Aldermen, under the style of the Town Council, shall constitute the legislative body of said corporation, they shall meet once each month, and oftener if they deem it necessary, and shall have power to pass all ordinances and resolutions and to make all orders that are necessary to carry out the objects of this charter; and it shall not be necessary for an ordinance to pass more than one reading, but before an ordinance becomes effective it shall, on or before the next meeting after its passage, be signed and approved by the Mayor, but the Mayor shall have veto power, and if he shall refuse to approve an ordinance he shall return the same to the Council at its next meeting, with his reasons stated in writing for his refusal, and said ordinance shall not become binding unless the Council, by

the affirmative vote of five members, shall pass the same notwithstanding the Mayor's veto, but if the Mayor does not veto the same as provided within ten days, it shall be valid and enforceable without his signature and approval.

Duties of Mayor.

SEC. 9. *Be it further enacted,* That the Mayor shall hold his office for one year, or until his successor is elected and qualified. No person shall be elected Mayor who has not at the time of his election been a citizen of the State of Tennessee for two years and a *bona fide* citizen of the Town of Fowlkes for one year previous to his election, and shall, at the time of his election, be twenty-five years of age.

It shall be the duty of the Mayor to preside at all meetings of the Town Council, to vote in the election of all officers of the town, and in all cases where it is a tie vote. He shall have power to call special meetings of the Town Council when he deems such meetings necessary. He shall have power to fill all vacancies of any office, except that of Alderman, until the same be filled by the Town Council. He shall see that all ordinances and resolutions of the Town Council are fully enforced, observed, and respected, and in case of an emergency he shall have the power to call to the aid of the regular police force of the corporation as many special police as he may deem proper to effect this end, and the Town Council may, by ordinance, prescribe penalties for a failure to obey such call.

SEC. 10. *Be it further enacted,* That in case of the absence, sickness, or other disability of the Mayor, the Recorder shall be, for the time being, Mayor *pro tempore,* and shall have the same power and perform such duties as are given to the Mayor by this charter.

SEC. 11. *Be it further enacted,* That the Mayor shall be the chief executive officer of the town, and as such shall be an *ex-officio* chief of police, and chairman of all standing committees. In all suits and action brought against the Town of Fowlkes, process shall be served upon the Mayor, or, in his absence, on the acting Mayor, and he shall immediately notify the City Attorney of such suit or suits and the nature of the same.

Recorder, Treasurer and Marshal.

SEC. 12. *Be it further enacted,* That the Town Council shall, at its first meeting in every year, or as soon thereafter as possible, elect from the *bona fide* citizens of the Town of Fowlkes, a Recorder, Treasurer, Marshal, and such other officers as they may deem necessary, who shall

hold their office for one year, or until their successors are elected and qualified, and each and every officer so elected shall, before entering upon the discharge of his office, take an oath before the Mayor, to faithfully and honestly discharge the duties of his office to the best of his skill and ability.

Powers of Recorder.

The Recorder shall try all cases for the violation of any and all the ordinances of the corporation and all offenses against the peace and dignity of the town, and he is hereby vested with all the powers of a Justice of the Peace in Dyer County in the trial of criminal cases; *Provided*, that in the absence of the Recorder, or for any reason he is incompetent to try a case, the same power and duties are hereby conferred upon the Mayor, who shall try said case in the room and stead of the Recorder.

Change of venue.

In case a party accused makes oath that justice, in his opinion, will not be meted out to him, and his affidavit is supported by two disinterested parties, a change of venue may be had from the Recorder to the Mayor, who is hereby empowered to try and decide said case under the ordinances of the town. In case an appeal is taken from a fine imposed by the Recorder or Mayor, the party appealing shall be required to enter into bond, securing the fine and costs to said corporation, conditioned to successfully prosecute said appeal in the appellant courts, and in no case shall a party fined have the right to appeal on the pauper oath.

Records to be kept by Recorder.

The Recorder shall keep an accurate and correct minute of all proceedings of the Town Council, issue privilege license, and collect taxes on same; he shall collect all *ad valorem* and special taxes levied by the Town Council. He shall keep a proper ledger account of the same, he shall make out the town tax book and turn the same over to the Town Marshal for collection, taking his receipt therefor. He shall have charge of all the records and property of said corporation, and shall take special care of the same.

He shall perform such other duties as the Town Council may, by ordinance, impose upon him not in conflict with the provisions of this charter or the statute laws of the State. He may be required by the Town Council to act as Treasurer, he shall receive such compensation over and above his regular fees for issuing license and trying criminal offenses as the Town Council may fix. He shall receive the same fees for issuing privilege license that is allowed to County Court Clerks for the same service, and

hall be entitled to the same fees in the trial of criminal ases that are now allowed by law to Justices of the Peace n such trials.

Duties of Treasurer.

SEC. 13. *Be it further enacted,* That the Treasurer hall be elected from the *bona fide* citizens of the town or one year by the Town Council, and shall hold his ffice until his successor is elected and qualified. The Treasurer shall receive from the Town Marshal and Recorder all moneys that may come into their hands and receipt them or either of them for the same. He shall keep a proper account of all funds of whatever nature that may come into his hands, and for such purpose he shall keep such book or books as the Town Council may direct.

He shall make out and present quarterly, or oftener if the Town Council demands it, a full and explicit report of all moneys and the disbursement of the same, that have come into his hands, which report shall, after it is approved by the Mayor, be published in some newspaper in Fowlkes, or by printed statements upon hand bills, which shall be left in the office of the Recorder, where they can be distributed to the taxpayers and inhabitants of the town, but if said report is published in a newspaper the Town Council shall not have the right to pay more than twenty-five cents per inch for the publishing of said report. He shall perform such other duties pertaining to his office as the Town Council may provide.

Duties of Marshal.

SEC. 14. *Be it further enacted,* That the Marshal of the town shall be elected by the Town Council at its first meeting after its election, or as soon thereafter as possible, and shall hold his office for one year or until his successor is elected and qualified. He shall at the time of his election be a citizen of the Town of Fowlkes, Tennessee. He shall thoroughly acquaint himself with the by-laws and ordinances of the town; he shall rigidly enforce the same, for which purpose full police power is hereby given him, which he may promptly exercise without warrant in hand; and when necessary he shall have the right and power to call to his assistance any member of the male citizens he may deem necessary to assist him in making arrests, and the Town Council may, by ordinance, impose a penalty upon any one refusing to obey such a call.

He shall collect all taxes, except privilege taxes and the *ad valorem* tax on merchants and others subject to *ad valorem* tax by the laws of the State of Tennessee, and

shall perform such other duties that may be imposed upon him by the Town Council.

He shall have charge of the city jail and the town prison, and shall be entitled to not exceeding forty cents per day, as the Town Council may determine, for boarding the same. When a prisoner is committed to him he shall take charge of him, and keep him safely until tried, and if fined and the judgment shall so direct, shall work said prisoner upon the streets of the town or otherwise work him.

Powers of Town Council

SEC. 15. *Be it further enacted,* That the Town Council shall have the power by ordinance or resolution within the corporate limits of said town:

1. To levy and collect taxes upon all real, personal, and mixed property, polls and privileges, taxable by the laws of the State of Tennessee.

2. To appropriate money and to provide for the payment of the debts and liabilities of the town.

3. To license, tax, and regulate everything, person, business, and corporation, licensed, taxed, and regulated by the laws of the State of Tennessee.

4. To open, establish, extend, widen, alter, abolish, and discontinue any street or alley, and to grade, pave, and otherwise improve the same, and to establish, maintain, and keep in repair crossings, bridges, culverts, sewers, gutters, or to alter, change, abolish, and discontinue the use of the same.

5. To regulate and provide for the construction or repairing of sidewalks and foot pavements, and to compel the owners of property upon any street, avenue, or alley within the corporate limits, to grade and to pave the sidewalks and pavements to the whole extent of, and along the front, or side, or front and side, of their property, the same to be in accordance with and pursuant to the provisions of the ordinance or resolution directing the said sidewalks or streets to be repaired, and if the owner of any lot or property shall fail to comply with the provisions of said ordinance or resolution within a prescribed time stated in said ordinance, the Town Council may contract for the construction and repairing of such sidewalks or pavements and pay for the same, and the amount so paid shall be a lien upon said lot or property to be enforced by a sale of the property by a proceeding in the County Court of Dyer, or by a bill in Chancery Court as vendor liens are enforced, under the laws of the State.

6. To make regulations to prevent the introduction and pread of contagious diseases within the town, and to nake quarantine laws for this purpose, and to enforce the beyance of the same within one mile of the corporate imits, and to construct hospitals and pesthouses and conine parties infected with contagious diseases, within the ame. Quarantine regulations.

7. To make all necessary regulations and laws to secure he health, safety, peace and comfort of the inhabitants of the town.

8. To provide for the lighting of the streets and public buildings.

9. To establish a market house and markets and to regulate the same.

10. To provide for the erection of all buildings that are now necessary or that may become necessary for the use of the town.

11. To regulate, prohibit, or suppress all disorderly houses, bawdy houses, or houses of ill fame.

12. To provide for the prevention and extinguishment of fire; organize, establish, regulate, and control fire companies; to regulate, restrain, and prohibit the erection of any wooden building or buildings in any part of the town; to prevent and cause the removal of any manufactures regarded as dangerous in causing fires and explosions.

13. To regulate the storage of gunpowder and all other combustibles or explosives, and the use of lights and stovepipes, in all stables and shops and other public places, and to provide for the cleaning, sweeping, and burning of chimneys and flues. Explosives.

14. To establish standard weights and measures to be used in the town in all cases not otherwise provided for by law.

15. To provide for the inspection of lumber and other building material.

16. To provide for the weighing, measuring, and inspection of everything sold, handled, or exchanged inside the corporate limits not already provided for by law.

17. To regulate the police of the town, to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the recovery of the same.

18. To provide for the arrest and confinement, until tried, of all disorderly, riotous, or drunken persons by day or by night.

19. To arrest and fine all persons who lounge around the streets and alleys without any visible means of support.

20. To fine any person guilty of discharging firearms, firecrackers, or any other explosives within the corporate limits, and to regulate and prohibit the sale of firecrackers, Roman candles, skyrockets, or any other explosives of like character within the corporate limits of said town.

21. To commit any person or persons who fail or refuse to pay or secure any fine or cost upon them for the violation of any ordinance of the town, to the jail or workhouse of the Town of Fowlkes, until said cost and fine is paid or secured. Any person so committed shall be required to work for the town at such labor as his or her strength will permit, within or without said jail or workhouse, not exceeding ten hours each day, and for such work the person so worked shall be allowed, exclusive of board, a credit upon such fine and cost not less than forty cents per day, until the whole of said fine and cost is paid, when they shall be discharged.

22. To remove and prevent all filth in the town, and all encroachments into and obstructions upon all streets, lanes, alleys, sidewalks, and pavements; and to provide for the cleaning of the same.

23. To regulate and prohibit the public from going upon or trespassing upon the railroad yards or right of way within the town.

24. To regulate and prevent the running at large of hogs and other animals within the town, and to provide a city pound in which to impound such animals, and in default of redemption, to sell or dispose of the same.

25. To regulate and prevent the keeping or building of slaughter pens, stock pens, and hog pens within the corporate limits of said town.

26. To license, tax and regulate drays, hacks, wagons, and omnibuses.

27. To restrain and prohibit gaming houses and saloons, and should saloons or tippling houses be allowed at any time by law within the corporate limits, to regulate and restrain the same.

28. To erect waterworks and electric light plants, and lay pipes and locate pumps upon the streets and alleys of the town, and to abolish, close, and fill up tanks, wells, cisterns, and sinks.

29. To purchase the cemetery near town and land adoining same, and to make all necessary regulations to eep up the same.

30. To establish a system of free schools and maintain hem by taxation, and for this purpose the Town Council hall have the power to levy a special tax, designated as he "School Fund Tax," which shall be used exclusively or the purposes for which it is levied. Public school system to be maintained—how.

Said tax shall not exceed fifty cents on each one hundred lollars' worth of taxable property within the corporate imits. Said school, when established, shall be under the ontrol of a School Board, composed of three male citizens of the town, who shall be elected by the people at each regular election of the Mayor and Aldermen, after said school is established. When said school is established, the first School Board may be elected by the Town Council, who shall hold their office until their successors are elected and qualified. The first School Board elected by the Town Council shall be elected so that one shall hold his office until his successor is elected at the next regular election, the second one shall be elected until the second regular election, and the third one shall hold his office until the third regular election, so that every year thereafter one member of the Board shall be elected at each regular election, who shall hold his office for three years until his successor is elected and qualified.

Said Board shall, within ten days after their election, meet and organize by electing one of their number Chairman, and one Secretary, to serve for one year or until their successors are elected and qualified. Said Board shall have power to employ teachers and operate said school in said town.

They shall draw all warrants upon the Treasurer, which shall be honored by him when such warrants are approved by the Mayor. Before entering upon the discharge of their duties they shall take an oath to faithfully and impartially discharge the duties of their office.

31. To determine what are nuisances, and restrain and abate the same.

32. To do and perform all acts that municipal corporations have the right and power to do, either by the statute laws of the State of Tennessee or the common law of the land.

SEC. 16. *Be it further enacted,* That all property, real and personal, subject to State and county taxes, and

all persons liable for poll tax when the same shall have become duly assessed for taxation as now, or may hereafter be provided by law under the general laws of the State, shall be the basis upon which property shall be taxed, and the taxes collected by the Town of Fowlkes for municipal purposes as hereinafter provided.

Recorder to prepare tax books for city—how.

SEC. 17. *Be it further enacted,* That as soon as practicable in each year after the assessment books for the State and county are completed (which shall be after the Equalization Board provided for by the State law shall have finished the equalization of taxes in Dyer County) it shall be the duty of the Recorder to prepare or cause to be prepared from the said assessment books of Dyer County, a tax book, as required by the laws of the State to be made out by the County Trustee, embracing, however, only such property and persons as are liable for taxes within the corporate limits of the Town of Fowlkes. Such tax book, when certified to be thorough, correct, and complete by the Recorder, shall be the assessment value for taxes in said town for all municipal purposes; *Provided,* that there may be an assessment by the Marshal at any time of any property or person subject to taxation found to have been omitted.

Report to Council.

SEC. 18. *Be it further enacted,* That it shall be the duty of the Recorder in each year, as soon as such assessment roll for the town is complete, to submit to the Town Council a certified statement of the total amount of the assessment of the taxable property for the year within the town limits, including the assessments of all railroad, telegraph, and telephone property, together with a certified statement of the revenue derived by the town from privilege taxes, merchant *ad valorem* taxes, and fines for the preceding fiscal year.

Upon the presentation of such statement, the Town Council shall proceed, by ordinance, to make the proper levy to meet the expenses of the town for the current fiscal year, and all special assessments that are necessary to be made.

SEC. 19. *Be it further enacted,* That it shall be the duty of the Recorder, immediately after the levy of the taxes by the Town Council, to cause the said levy to be extended on the said books, prepared by him, in the same manner that extensions are made upon the tax books in the hands of the County Trustee.

Marshal to collect.

SEC. 20. *Be it further enacted,* That all taxes due the Town of Fowlkes, except privilege and merchants *ad valorem* taxes, shall be due and payable on the first Monday in November, in the year for which the taxes are assessed, and upon that date the tax book prepared by the Recorder shall be turned over to the Town Marshal, who shall proceed to collect them, and turn the same into the town treasury.

Taxes delinquent—when.

On the first Monday in June of each year, after the taxes are assessed, all taxes uncollected by the Marshal, and unpaid at that time, shall become delinquent taxes, and the Marshal shall turn the same over to the Town Recorder, certified to by him upon oath, that the taxes so turned over are unpaid and delinquent.

Said taxes shall then become delinquent, and shall have the same force and effect of a judgment of a court of record, and the Recorder shall have the power to issue distress warrants and alias and plures distress warrants in the name of the Town of Fowlkes to the Marshal, to enforce the collection of the taxes against the person owing the same; and such distress warrant or warrants shall be executed by the Marshal of the Town of Fowlkes by a levy upon a sale of the goods and chattels of said delinquent taxpayers under the same provisions as prescribed by law for the issuance of distress warrants for the collection of State, county, and school taxes.

SEC. 21. *Be it further enacted,* That all municipal taxes on real estate in the Town of Fowlkes are hereby declared to be a lien on said property from and after the 10th day of January of the year for which the same are assessed, superior to all other liens, except the lien of the State of Tennessee, and the County of Dyer, for taxes ·ally assessed thereon, with which it shall be a co-ordinate lien. No assessments shall be invalid because the size and dimensions of any tract, lot, or parcel of land have not been precisely named, or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of the person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objections or informality merely technical, but all such assessments shall be good and valid.

Delinquent taxes—how enforced.

SEC. 22. *Be it further enacted,* That the lien for delinquent and unpaid taxes, as above provided, shall be en-

forced against the property and the owners thereof in the way and manner provided in Chapter 6, of the Acts of the Legislature of 1897, the same having been passed April 1, 1897, and approved April 29, 1897, entitled "An Act to enable incorporated towns and cities in Tennessee to sue in their corporate name in the Chancery Courts for municipal taxes, assessed on real value, to enforce the lien for some by sale of the land assessed, and in such suit to make, or may make, the owners of as many as twenty-five distinct parcels of land defendants."

SEC. 23. *Be it further enacted,* That no real property on which delinquent taxes are due, shall be proceeded against as above provided until a distress warrant has been issued against the owner of said realty, and returned by the Marshal *nulla bona.*

Who may vote.

SEC. 24. *Be it further enacted,* That all male persons who are qualified to vote in the Town of Fowlkes in State and county elections shall be entitled to vote in all municipal elections in the Town of Fowlkes, Tennessee; *Provided,* they shall not be required to show any registration receipts; and *Provided further,* that all voters subject to poll tax under the law shall present to the Judges of said election a receipt showing that they have paid their municipal poll tax for the year previous to the one in which said election is held, or shall subscribe to an oath that said municipal poll tax has been paid.

SEC. 25. *Be it further enacted,* That all officers of this corporation, except the Mayor and seven Aldermen, shall, before entering upon the discharge of their duties, enter into bond under such penalties as the Town Council may prescribe.

Bonds may be issued for waterworks and sewers, lights and streets.

SEC. 26. *Be it further enacted,* That from and after the passage of this Act, the Town of Fowlkes shall have power to issue coupon bonds in the manner and under the restrictions hereinafter provided not to exceed in the aggregate a sum which taken with all other debt or debts of the corporation then existing, and not provided for by a prior assessment of taxes, shall not exceed fifteen per centum of the assessed value of property subject to taxation by this corporation, as shown by the tax books prepared by the Recorder for the year previous to the one in which said election is being held; *Provided,* that the proceeds of said bonds shall be used exclusively for the purpose of their issuance. They shall have power to issue bonds for the pur-

pose of constructing and building waterworks, sewers, light plants, and to improve streets, alleys, and avenues; and for the erection of a school building, and supplying the same with fixtures; and for the purpose of erecting, constructing, and building any other buildings that may be necessary for the use of the town, or for the purchase of any lot or parcel of ground to be used for corporation purposes.

Denomination, etc.

SEC. 27. *Be it further enacted,* That the bonds so issued shall be of such denomination, bear such interest not exceeding six per cent per annum, and be due at such time, not less than five nor more than thirty years from date, and shall be payable or redeemable at such times and places as the Town Council may determine.

SEC. 28. *Be it further enacted,* That the bonds thus provided for shall be in no case sold for less than par, and the coupons attached shall at maturity be receivable for taxes and dues to this corporation, except the sinking fund tax, provided for by the following section, and the school fund tax.

Interest and sinking fund tax.

SEC. 29. *Be it further enacted,* That before any bonds are issued under the provisions of this Act, the Town Council shall provide, by ordinance, a sinking fund for the payment of the interest as it shall accrue, and for retiring the bonds, by levying a special tax, to be designated the sinking fund tax, of not exceeding seventy-five cents on the one hundred dollars. Said special tax is to run with the bonds, and to be collected annually, and to be used exclusively for the purposes for which it is levied, and to be sufficient, with its accumulations, as near as may be estimated, to pay the interest and meet and retire the principal of said bonds by their maturity. The Town of Fowlkes shall elect three citizens of the town as Sinking Fund Commissioners, each of whom shall hold office during the pleasure of the Town Council, and said Commissioners shall take an oath to faithfully discharge their duties, and shall give bond in such amount and under such penalties and conditions, and serve for such compensation as may be prescribed by ordinance, and it shall be their duty, as Commissioners, to receive the sinking fund tax when collected; to pay or provide for the payment of the interest on such bonds when and as if it shall accrue, and to invest the money received for the sinking fund from time to time in the purchase, redemption, or payment of said bonds

Commissioners and their duties.

at not exceeding par and accrued interest, or in the purchase of other securities, to be approved by the Town Council; and all bonds by them at any time redeemed, shall be cancelled in the presence of the Town Council, by whom a record thereof shall be kept. Said Commissioners shall, on the first days of January and July of each year, make to the Town Council a detailed and itemized statement of the amount paid into the sinking fund, and of all disbursements made therefrom under the provisions of this Act, and shall accompany said report with a certificate showing all the bonds and numbers thereof purchased, paid, redeemed and cancelled, and all necessary expenses to the redemption, cancellation, and preservation of said bonds, and all necessary expenses for the purchase, preservation, and safe-keeping of other securities which may be purchased for said sinking fund, shall be paid out of said sinking fund.

Election to be held before bonds are issued.

SEC. 30. *Be it further enacted,* That said bonds shall not be issued unless authorized by a two-thirds majority vote cast by the qualified voters, voting at an election to be held by order of the Town Council, any time, and as many times as the Town Council may deem necessary.

SEC. 31. *Be it further enacted,* That an election held for the purpose of authorizing the issuance of bonds shall be held as other municipal elections are held in said Town of Fowlkes, by the Marshal, in the same way and manner that he holds other elections, and in the place of the names of candidates, there shall be printed upon an equal number of ballots to be used in said election the word "Bonds" printed upon it, and those voting against the issuance of bonds shall vote the ballot that has the word "Bonds" printed upon it, and those voting against the issuance of said bonds shall vote a ballot that has upon it the words "No Bonds."

SEC. 32. *Be it further enacted,* That this Act is declared a public law, and may be read in evidence in all the courts of law and equity in this State, and all ordinances, resolutions, and proceedings of the Town Council may be read as evidence in all courts of law and equity, after first being attested by the Recorder and the seal of the corporation affixed thereto.

SEC. 33. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby, repealed; and that this Act

ake effect from and after its passage, the public welfare equiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 469.

SENATE BILL No. 621.

A BILL to be entitled An Act to authorize the Town of Greeneville to issue bonds for the purpose of street and schoolhouse improvement, and to discharge outstanding floating indebtedness, and to provide for the payment of such bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Greeneville be authorized and empowered to issue interest-bearing bonds for the sum of five thousand ($5,000) dollars for the purpose of improving streets and public school buildings, and for paying outstanding valid obligations against said town. Said bonds may issue to run ten years, but to be payable in five years, at the election of the town. Interest thereon will be payable annually.

SEC. 2. *Be it further enacted,* That before the bonds provided for in Section 1 of this Act shall issue, an election shall be held at the usual voting place within the corporate limits of said Town of Greeneville as other regular elections are held in and for said municipality on the 27th day of May, 1905, at which election those in favor of issuing them, aforesaid bonds, shall have written or printed on their ticket the words "For Bonds," those opposed to issuing bonds shall have written or printed on their ticket the words "Against Bonds," and if at such election the majority of the votes cast shall be "For Bonds" and then the Board of Mayor and Aldermen of said Town of Greeneville shall issue said bonds as provided for in

Election to be first held.

Section 1 of this Act, bearing a rate of interest not exceeding six per cent per annum, and shall not be floated for less than par of their face value.

SEC. 3. *Be it further enacted,* That the Board of Mayor and Aldermen of said town shall have the power, and it shall be their duty, to levy a tax sufficient to meet the annual interest on these bonds, and to create a sinking fund for their discharge. This tax may be levied in excess of the rate fixed in the legislative charter of the town as contained in the Public Acts of the General Assembly for 1903, Chapter 563.

Interest and sinking fund tax.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 470.

SENATE BILL No. 679.

AN ACT to create and regulate the office of County Judge for Wayne County, and to abolish the office of Chairman of the County Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected by the qualified voters of Wayne County a person learned in the law, to be styled a "County Judge" of Wayne County, and who shall be the County Judge of said county, and who shall be thirty years old, and who shall hold his office a term of eight years from the date of his commission; and said person to be a citizen of Wayne County, and a person of good moral character.

SEC. 2. *Be it further enacted,* That the first election for County Judge of Wayne County shall be held at the same place and at the same time and by the same officers

Election.

at other county elections are held, on the first Thursday August, 1906, and under the same rules and regulations at are prescribed by law for other county elections, and bsequent elections (except vacancies, which shall be led when they occur in the manner prescribed by law) ı the first Thursday in August every eight years there- :ter.

Jurisdiction, etc.

Sec. 3. *Be it further enacted,* That the County Judge : Wayne County shall have and exercise all the rights, owers, and jurisdiction that are conferred by existing ws upon the County Judges of this State, and shall com- ly with all the requirements of and perform all the duties nposed by law, creating and regulating the powers and uties of County Judges.

Special powers.

Sec. 4. *Be it further enacted,* That all the powers and uties now vested in and belonging to the Chairmen of the County Courts of this State be, and the same are hereby, onferred upon the County Judge of Wayne County, who s hereafter to be elected by the qualified voters of Wayne County, and the office of Chairman of Wayne County Court is hereby abolished from and after the first Monday n June, 1905.

Salary.

Sec. 5. *Be it further enacted,* That the County Judge of Wayne County shall receive a salary of four hundred dollars ($400) per annum, to be paid quarterly out of the revenues of the county.

Governor to appoint—when.

Sec. 6. *Be it further enacted,* That the present Chairman of the County Court of Wayne County continue to hold the County Court of said county until the first Monday in June, 1905, during which time it shall be the duty of the Governor to appoint a Judge under this Act, and duly commission him to fill out the time from the first Monday in June, 1905, until the regular election in August, 1906.

Sec. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 471.

SENATE BILL No. 674.

AN ACT to establish a School District in the County of Hickman, to be known as District No. 58.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an additional School District be established in Hickman County, with the following boundaries:

Beginning at the mouth of Mill Creek, in the Seventh Civil District of said county, running east with same to Graham Station, including Cloid Plunkett's residence; thence south through Nunnelly Ore Mines by old Warner Iron Company's washer to W. S. Nunnelly's line, so as to include Robert Beasley's residence and all of W. S. Nunnelly's lands, to Goodrich School line at Birds Creek, and continuing with same to the mouth thereof; thence with Piney River, down the same to Bob Bowen's line, including Webb's farm; thence northwest to head of Pretty Creek; thence in a northeasterly direction to the beginning at the mouth of Mill Creek.

SEC. 2. *Be it further enacted,* That the School District created by the first section of this Act, be known as District No. 58, in said county, and that it is to have all the emoluments, rights, privileges, and to be governed by the same laws and rules and officers that regulate and govern the other School Districts of the county; and that the County Superintendent of Public Schools in said county shall appoint three Directors in said district to serve until the next regular election, or until their successors are elected and qualified.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 472.

SENATE BILL No. 136.

AN ACT to amend Section 4350 of the Code so as to provide that when the term of court is for more than three days, but the business of the court has been completed within three days, and the court is about to adjourn, *pro confesso* can be taken in any case in which defense has not been made.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 4350, of the Code, be amended so that same will read as follows:

"Service of the original subpoena on the defendant five days before the return day shall bind him to appear within the first three days of the term, if the court hold so long; otherwise, on the first day of the term; *Provided, however,* if the term of court be for more than three days, and the business of the court has been finished within three days, and the court is about to adjourn, *pro confesso* may be taken in any case in which defense has not been made."

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 473.

SENATE BILL No. 665.

AN ACT to be entitled An Act to amend "An Act to invest the County of Madison with authority to levy annually a special tax of twelve cents on every one hundred dollars' worth of property in said county to pay the interest on the bond issue of said county, known as the 'Good Roads Bonds,' passed April 14, 1903, and approved April 15, 1903."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1, of the Acts of the General Assembly of the State of Tennessee, entitled "An Act to invest the County of Madison with authority to levy annually a special tax of twelve cents on every one hundred dollars' worth of property in said county, to pay the interest on the bond issue of said county, known as the 'Good Roads Bonds,' " be, and the same is hereby, amended by striking out the word "twelve," in line four of Section 1 of said Act, and insert in lieu therefor the word "twenty-four."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 474.

SENATE BILL No. 463.

AN ACT to authorize construction companies to contract for and receive stocks and bonds in payment for construction work done and materials furnished by them.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any construction company heretofore or hereafter organized under the laws of this State may contract for and receive from any railroad or other corporation for which it may do construction work or furnish materials, the capital stock or bonds of such corporation in payment for such work and materials, but any such stock so received shall be sold or disposed of by such construction company within three years from the date when so received.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 475.

SENATE BILL No. 610.

AN ACT to abolish certain Civil Districts of Bradley County, Tennessee; to redistrict the county; to regulate the manner of increasing or changing the districts of the county hereafter; to abolish the offices of Justices of the Peace and other district officers, except School Directors, in the abolished districts, and to provide that the School Districts of said county, as at present constituted and established, shall not be changed or affected by the provisions of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Second, Third, Fourth, Fifth, Sixth, Eighth, Tenth, Eleventh, Twelfth, and Thirteenth Civil Districts of Bradley County, Tennessee, as the same have heretofore and up to this time been constituted and exist, be, and the same are hereby, abolished.

SEC. 2. *Be it further enacted,* That the territory heretofore and up to this time embraced in the Second, Third, Fourth, Fifth, and Thirteenth Civil Districts of said county, and all of that territory hertofore and up to this time embraced in the Sixth Civil District of said county, and lying east of a line beginning on the west line of the county road or pike, known as the Spring Place Road or Pike, where said pike crosses the north line of the present Fifth Civil District of said county, and running thence in a northwesterly direction with the west line of said pike to the east line of the corporation of the City of Cleveland, Tennessee; thence in a northerly direction with the east line of said corporation, to the street or road known as the extension of George Street; thence east with the north line of George Street, to the public road, known as the Chatata Road or pike; thence in a northerly direction with the west line of said Chatata Pike across the Southern Railway Company's track and right of way, near the old plant of the Cleveland Fire Brick Company, and continuing thence along the west line of said road or pike, to where said road or pike crosses the track and

right of way of the Southern Railway Company, on the farm of F. A. Frazier; and thence with the east line of the right of way of the Southern Railway Company, in a northerly direction to the south line of the present Seventh Civil District of said county, be, and the same is hereby, attached to what has heretofore and up to this time been the First Civil District of said county, and that the said combined territory be hereafter known and denominated the First Civil District of said county; that all of that part of the territory heretofore and up to this time embraced in the Sixth Civil District of said county, and lying west of the line above described, shall hereafter constitute and be known and denominated the Fourth Civil District of said county; that the territory heretofore and up to this time embraced in the Tenth, Eleventh, and Twelfth Civil Districts of said county, be, and the same is hereby, attached to what was heretofore and up to this time been the Ninth Civil District of said county, and that the said combined territory be hereafter known and denominated the Second Civil District of said county; that the territory heretofore and up to this time embraced in the Eighth Civil District of said county be, and the same is hereby, attached to what has heretofore and up to this time been the Seventh Civil District of said county, and that the said combined territory be hereafter known and denominated the Third Civil District of said county.

SEC. 3. *Be it further enacted,* That the number and boundaries of said Civil District hereby created and established, shall not be increased or changed, unless authorized by an Act of the General Assembly of the State of Tennessee.

SEC. 4. *Be it further enacted,* That the officers of Justices of the Peace and all other district officers, except School Directors in the districts hereby abolished, shall cease to exist.

SEC. 5. *Be it further enacted,* That the School Districts of said county, as at present constituted and established, shall not be changed or affected by the provisions of this Act.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and

after the general election on the first Thursday of August of 1906, the public welfare requiring it.

Passed April 13, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 476.

SENATE BILL No. 560.

A BILL to be entitled "An Act authorizing the Board of Mayor and Aldermen of the Town of Henning, in the County of Lauderdale, and State of Tennessee, to issue bonds for the purpose of constructing and putting into operation a system of waterworks."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the Town of Henning, Tennessee, are hereby authorized and empowered to issue negotiable, interest-bearing bonds, with coupons attached, to the amount of thirty-five hundred ($3,500) dollars, or such part thereof as they shall find necessary, and to negotiate and sell the same for the purpose of raising money to purchase, erect, put down, and equip, a system of waterworks in the town of Henning, Tennessee, together with all appliances and machinery for operating the same.

How issued.

SEC. 2. *Be it further enacted,* That the said bonds and coupons attached shall be signed by the Mayor and Chairman of the Finance Committee of said Board of said town, the said bonds shall be issued in such denominations as the Mayor and Aldermen may desire and order, and shall mature in fifteen years from date of issuance, and one-third of the amount of said bonds, or any amount under one-third, issued under this Act, may be redeemed at the option of the said Board of Mayor and Aldermen at any

time after the expiration of one year from date of issue, and one-third or any amount under one-third of the amount of said bonds after five years from date of issue, and one-third of the amount, or any amount under one-third, after ten years from date of issue. The said bonds shall bear interest at the rate of six per cent per annum, payable annually at the office of the Treasurer of the said Town of Henning, Tennessee.

Election to be first held.

SEC. 3. *Be it further enacted,* That before said bonds shall be issued the Mayor and Aldermen shall cause an election to be held in said town, to submit the question to the voters of the town to ascertain whether or not they are in favor of issuing bonds, and at least twenty days' notice shall be given by printed posters of the time, place, and purpose of said election, and if a majority of the votes cast at the said election shall favor the issuing of said bonds, then the Mayor and Aldermen shall issue them as prescribed in above section. Those in favor of issuing said bonds shall have printed or written on their tickets "For Bonds," those opposed "Against Bonds."

Interest and sinking fund tax.

SEC. 4. *Be it further enacted,* That after the issuance of said bonds the Mayor and Aldermen of said town are hereby authorized and empowered to levy and collect annually a special tax, not exceeding thirty cents on the one hundred dollars on the assessed valuation of all taxable property, and also to levy and collect a tax on privileges within the corporate limits of said town, for the purpose of paying the interest on said bonds, and to create a fund with which to pay off and redeem the bonds herein authorized to be issued.

SEC. 5. *Be it further enacted,* That the above bond tax shall be collected and paid over to the Treasurer of said town as other taxes, and shall be paid out by said Treasurer when due interest coupons are presented to him for payment, or when ordered by the Board of Mayor and Aldermen to pay same on said bonds.

The said bonds and coupons when taken up by said Treasurer shall be his voucher to the Board of Mayor and Aldermen, and the same shall be canceled.

Mayor and Aldermen to designate officers and regulate management of plant.

SEC. 6. *Be it further enacted,* That the Mayor and Aldermen may elect officers for the operation of said plant or waterworks and fix their salaries and prescribe, by ordinance, the rate charged to consumers of water, and may make special contracts in special cases, and prescribe

at not exceeding par and accrued interest, or in the purchase of other securities, to be approved by the Town Council; and all bonds by them at any time redeemed, shall be cancelled in the presence of the Town Council, by whom a record thereof shall be kept. Said Commissioners shall, on the first days of January and July of each year, make to the Town Council a detailed and itemized statement of the amount paid into the sinking fund, and of all disbursements made therefrom under the provisions of this Act, and shall accompany said report with a certificate showing all the bonds and numbers thereof purchased, paid, redeemed and cancelled, and all necessary expenses to the redemption, cancellation, and preservation of said bonds, and all necessary expenses for the purchase, preservation, and safe-keeping of other securities which may be purchased for said sinking fund, shall be paid out of said sinking fund.

Election to be held before bonds are issued.

SEC. 30. *Be it further enacted,* That said bonds shall not be issued unless authorized by a two-thirds majority vote cast by the qualified voters, voting at an election to be held by order of the Town Council, any time, and as many times as the Town Council may deem necessary.

SEC. 31. *Be it further enacted,* That an election held for the purpose of authorizing the issuance of bonds shall be held as other municipal elections are held in said Town of Fowlkes, by the Marshal, in the same way and manner that he holds other elections, and in the place of the names of candidates, there shall be printed upon an equal number of ballots to be used in said election the word "Bonds" printed upon it, and those voting against the issuance of bonds shall vote the ballot that has the word "Bonds" printed upon it, and those voting against the issuance of said bonds shall vote a ballot that has upon it the words "No Bonds."

SEC. 32. *Be it further enacted,* That this Act is declared a public law, and may be read in evidence in all the courts of law and equity in this State, and all ordinances, resolutions, and proceedings of the Town Council may be read as evidence in all courts of law and equity, after first being attested by the Recorder and the seal of the corporation affixed thereto.

SEC. 33. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby, repealed; and that this Act

take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 469.

SENATE BILL No. 621.

A BILL to be entitled An Act to authorize the Town of Greeneville to issue bonds for the purpose of street and schoolhouse improvement, and to discharge outstanding floating indebtedness, and to provide for the payment of such bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Greeneville be authorized and empowered to issue interest-bearing bonds for the sum of five thousand ($5,000) dollars for the purpose of improving streets and public school buildings, and for paying outstanding valid obligations against said town. Said bonds may issue to run ten years, but to be payable in five years, at the election of the town. Interest thereon will be payable annually.

SEC. 2. *Be it further enacted,* That before the bonds provided for in Section 1 of this Act shall issue, an election shall be held at the usual voting place within the corporate limits of said Town of Greeneville as other regular elections are held in and for said municipality on the 27th day of May, 1905, at which election those in favor of issuing them, aforesaid bonds, shall have written or printed on their ticket the words "For Bonds," those opposed to issuing bonds shall have written or printed on their ticket the words "Against Bonds," and if at such election the majority of the votes cast shall be "For Bonds" and then the Board of Mayor and Aldermen of said Town of Greeneville shall issue said bonds as provided for in

Election to be first held.

Section 1 of this Act, bearing a rate of interest not exceeding six per cent per annum, and shall not be floated for less than par of their face value.

SEC. 3. *Be it further enacted,* That the Board of Mayor and Aldermen of said town shall have the power, and it shall be their duty, to levy a tax sufficient to meet the annual interest on these bonds, and to create a sinking fund for their discharge. This tax may be levied in excess of the rate fixed in the legislative charter of the town as contained in the Public Acts of the General Assembly for 1903, Chapter 563.

Interest and sinking fund tax.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 470.

SENATE BILL NO. 679.

AN ACT to create and regulate the office of County Judge for Wayne County, and to abolish the office of Chairman of the County Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected by the qualified voters of Wayne County a person learned in the law, to be styled a "County Judge" of Wayne County, and who shall be the County Judge of said county, and who shall be thirty years old, and who shall hold his office a term of eight years from the date of his commission; and said person to be a citizen of Wayne County, and a person of good moral character.

SEC. 2. *Be it further enacted,* That the first election for County Judge of Wayne County shall be held at the same place and at the same time and by the same officers

Election.

that other county elections are held, on the first Thursday in August, 1906, and under the same rules and regulations that are prescribed by law for other county elections, and subsequent elections (except vacancies, which shall be filled when they occur in the manner prescribed by law) on the first Thursday in August every eight years thereafter.

SEC. 3. *Be it further enacted,* That the County Judge of Wayne County shall have and exercise all the rights, powers, and jurisdiction that are conferred by existing laws upon the County Judges of this State, and shall comply with all the requirements of and perform all the duties imposed by law, creating and regulating the powers and duties of County Judges. Jurisdiction, etc.

SEC. 4. *Be it further enacted,* That all the powers and duties now vested in and belonging to the Chairmen of the County Courts of this State be, and the same are hereby, conferred upon the County Judge of Wayne County, who is hereafter to be elected by the qualified voters of Wayne County, and the office of Chairman of Wayne County Court is hereby abolished from and after the first Monday in June, 1905. Special powers.

SEC. 5. *Be it further enacted,* That the County Judge of Wayne County shall receive a salary of four hundred dollars ($400) per annum, to be paid quarterly out of the revenues of the county. Salary.

SEC. 6. *Be it further enacted,* That the present Chairman of the County Court of Wayne County continue to hold the County Court of said county until the first Monday in June, 1905, during which time it shall be the duty of the Governor to appoint a Judge under this Act, and duly commission him to fill out the time from the first Monday in June, 1905, until the regular election in August, 1906. Governor to appoint—when.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

As to damages to any landowner.

essary for the interest of the public to change or to locate any road in his district by giving the landowners affected by the proposed change, notice of the time and the beginning point where he will act as above provided, and report his action to the next term of the County Court, and with his report file all notices and the names of all landowners affected thereby. The County Court shall consider the whole matter, and if the change is to the interest of the public, shall so order and assess such damages to the landowner or owners as they may be entitled to and order same to be paid out of the county funds as heretofore provided. Any person interested in the matter may appeal to the next term of the Circuit Court; *Provided,* he perfects his appeal within ten days from the decision of the County Court by giving bonds as required by law; *Provided,* this Act shall not affect Chapter 572 of the Acts of 1903.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 479.

HOUSE BILL No. 892.

AN ACT to prevent any agreement any between fire insurance companies doing business in Tennessee to maintain rates to be charged for insurance on property located in this State, and to prescribe penalties for violations of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any two or more fire insurance companies doing business in Tennessee, or any two or more agents or representatives of fire insurance companies doing business in Tennessee, to enter into any contract, compact, or agreement looking to the maintaining of any specific rates to be charged for insurance on any property located in his State; *Provided,* that this Act shall not be so construed as to prohibit the formation of associations of fire insurance agents in any city, town, or county in this State for the purpose of minimizing expenses by the employment of joint inspectors or experts for preparing rating schedules and designating improvements, with a view to the reduction of the cost of insurance; *Provided,* that all rates which may be suggested through such associations shall be advisory only, and not binding on any member thereof; *Provided further,* that if any Board of Agents or agent or company attempt to impose any fine upon any agent or company who shall refuse to write at any rate other than that fixed by such Board, shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars.

Associations may not impose penalties.

SEC. 2. *Be it further enacted,* That it shall be unlawful for any one or more agents, or association of fire insurance agents in any city, town, or county of this State, to impose any penalty upon any agent because of any rate which may be charged for insurance by said agent or any member of said association.

Penal clause.

SEC. 3. *Be it further enacted,* That any fire insurance company doing business in Tennessee found guilty of a violation of Section 1 of this Act shall be subject to a penalty in a sum not less than one hundred ($100) dollars nor exceeding one thousand ($1,000) dollars, to be

recovered by action in the name of the State upon relation of the Insurance Commissioner, to be instituted by the Attorney General of the State, or any District Attorney General under his direction, in any Circuit or Chancery Court, and the amounts so recovered shall be paid into the State treasury, and in addition the company so offending shall be subject to the revocation of its license to do business in this State in the discretion of the Insurance Commissioner.

Violations by agents.

SEC. 4. *Be it further enacted,* That any agent or officer of any association of agents violating the provisions of Section 2 of this Act shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than one hundred ($100) dollars nor more than five hundred ($500) dollars.

Duty of Insurance Commissioner.

SEC. 5. *Be it further enacted,* That it shall be the duty of the Insurance Commissioner, upon complaint of any citizen of this State, or upon his own initiative, to make investigation as to violations of this Act, and if, upon investigation, he finds that there is sufficient justification for such proceedings, he shall lay the facts before the Attorney General of the State, and shall authorize the District Attorney General to enter his name as prosecutor in any criminal proceedings to be instituted for a violation of this Act; *Provided,* that this shall not be so construed as to prevent any citizen from acting as prosecutor in such cases.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 480.

HOUSE BILL No. 890.

AN ACT to provide for the organization, admission, and regulation of Fraternal Beneficiary Associations transacting the business of life insurance; and to repeal all laws in conflict with the provisions of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any corporation, society, order, or voluntary association without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system, with ritualistic form of work and representative form of government, and which shall make provisions for the payment of death benefits, and which may make provisions for the payment of disability benefits, or both, is hereby declared to be a fraternal beneficiary association.

Lodge system.

SEC. 2. *Be it further enacted,* That any association, having a supreme governing or legislative body and subordinate lodges or branches by whatever name known, into which members shall be elected, initiated, and admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required, by such association, to hold regular or stated meetings at least once in each month, shall be deemed to be operating under the lodge system.

Representative form of government.

SEC. 3. *Be it further enacted,* That any association shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected by the members through a delegate convention system, together with such other members as may be prescribed by its constitution and laws; *Provided,* that the elective representatives shall constitute a majority in number and have not less than a majority of the votes, nor less than the votes required to amend its constitution and laws;

and *Provided further,* that the meetings of the supreme or governing body and the election of officers, representatives, or delegates shall be held as often as once in four years. The members, officers, representatives, or delegates of a fraternal beneficiary society shall not vote by proxy.

SEC. 4. *Be it further enacted,* That except as herein provided, such association shall be governed by this Act, and shall be exempt from all provisions of the insurance laws of this State, not only in governmental relations with the State, but for every other purpose, and no law hereafter passed shall apply to them unless they be expressly designated therein.

Death benefits.

SEC. 5. *Be it further enacted,* That every association transacting business under this Act shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident, or old age, provided the period of life at which the payment of benefits of disability on account of old age shall commence shall not be under seventy years, except as otherwise provided in this Act. No association shall issue or offer or promise to issue any contract providing for the payment of any other benefit or any contract which does not provide for the regular payments or assessments during the entire existence of th contract.

SEC. 6. *Be it further enacted,* That the payment of death benefits shall be confined to the wife, husband, family, relatives by blood, marriage, or legal adoption, affianced husband or affianced wife, or to a person or persons dependent on the member, subject to the limitation and control of the association as to the designation of beneficiaries within said classes.

Age limits of membership.

SEC. 7. *Be it further enacted,* That no association shall admit to beneficial membership any person less than sixteen (16) nor more than sixty (60) years of age, nor any person who has not been examined by a legally qualified practicing physician, and whose examination has not been approved by the supervisiory medical authority of the association as provided by the laws of the association; *Provided,* that such examination shall not be required of associations paying death benefits not exceeding three hundred ($300) dollars.

Certificates of membership.

SEC. 8. *Be it further enacted,* That every certificate issued by the association shall specify the definite amount of benefit provided by the contract, and shall provide that

the certificate, the constitution and laws of the association, and the application for membership and medical examination signed by the applicant, shall constitute the contract between the association and the member, and copies of the same, certified by the Secretary of the association or corresponding officer, shall be received in evidence of the terms and conditions of the contract; and any changes, additions, or amendments to said charter or articles of association, constitution, or laws duly made or enacted subsequent to the issuance of the benefit certificate shall bind the member and his beneficiaries, and shall govern and control the contract in all respects the same as though such changes, additions, or amendments had been made prior to and were in force at the time of the application for membership; *Provided, however*, that the constitution and laws of any such association shall never be amended or in any way altered except by the supreme legislative or governing body in a regular or special meeting called for that purpose, and no amendment to the constitution and laws shall in any way affect the rights of any beneficiary whose claim accrued by death or otherwise prior to the passage of such amendment.

Reserve or emergency fund provided for.

SEC. 9. *Be it further enacted,* That any association may create, maintain, invest, disburse, and apply a reserve, emergency, surplus, or other fund in accordance with its constitution and laws for the purposes specified in Section 5 of this Act. Any such association so creating, maintaining, investing, disbursing, or applying any such reserve, emergency, or surplus fund, shall not be held to be organized or carried on for profit within the intent of the provisions of Section 1 of this Act. Such funds shall be held, invested, and disbursed for the use and benefit of the association, and no member or beneficiary shall have or acquire any individual rights therein, or be entitled to an apportionment or the surrender of any part thereof. The funds from which benefits shall be paid, and the funds from which the expenses of the association shall be defrayed, shall be derived from periodical or other payments by the members of the association and accretions of said funds; *Provided,* that regular periodical payments shall not be made oftener than once per month; and every such association shall provide in its constitution or laws that if such regular payments are insufficient to pay all matured death and disability claims in full, and to provide for the creation and maintenance of the funds required by its con-

stitution and laws, extra assessments or other payments may be levied upon the members to meet such deficiency.

Investment of funds—realty, etc.

SEC. 10. *Be it further enacted,* That any association may invest its funds in and hold real estate for lodge and office purposes, and any real estate acquired by foreclosure or received in satisfaction of loans, and may sell and convey the same. Any such association may also invest its funds in government, State, provincial, county, or municipal bonds, or bonds of any township, park, or School District having taxing powers; *Provided,* that such bonds shall be a direct obligation on all the taxable property within such municipality or district, and the net indebtedness of such municipality or district shall not exceed five (5) per centum of the value of all taxable property therein, according to the last valuation for taxation preceding the issuance of said bonds, or in first mortgages or first mortgage bonds upon improved real estate for not exceeding fifty (50) per centum of the actual cash value thereof at the time of making the loan; *Provided, however,* that every foreign association shall be empowered to invest its funds in such securities as may be permitted by the laws of the State, province, or county in which it is organized.

Purpose of payments to be designated.

SEC. 11. *Be it further enacted,* That every association shall make provision in its constitution and laws for payment by members of such an association, which provision shall state the purpose of the same, and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes, and no part of the reserve, emergency, or surplus funds or the net accretions of either or any of said funds shall be used for expenses.

Funds exempt from seizure by garnishment or attachment, etc.

SEC. 12. *Be it further enacted,* That the money or other benefits, charity, relief, or aid to be paid, provided, or rendered by any association authorized to do business under this Act, shall neither before nor after being paid, be liable to attachment, garnishment, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of a certificate holder, or of any beneficiary named in a certificate, or of any person who may have any right thereunder; such associations are hereby declared to be charitable institutions, and the property held and used for lodge purposes and the funds of such associations shall be exempt from taxation under the general tax or revenue laws of the State.

SEC. 13. *Be it further enacted,* That five or more persons, citizens of this State, who desire to form a fraternal beneficiary association, as defined by this Act, may take out a charter in the way and manner provided by law in which shall be stated: Terms of charter.

1. The proposed corporate name of the association, which shall not so closely resemble the name of any association or insurance company already transacting business in this State as to mislead the public or lead to confusion.

2. The purpose for which it is formed, which shall not include more liberal powers than are granted by this Act, provided that any lawful, social, intellectual, educational, moral, or religious advantages may be set forth among the purposes of the association, and the mode in which its corporate powers are to be exercised.

3. The names, residences, and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control and management of the affairs and funds of the association for the first year, or until the ensuing election, at which all such officers shall be elected by the supreme legislative or governing body.

Such articles of association and duly certified copies of the constitution and laws, rules, and regulations, and copies of all proposed forms of benefit certificates, applications therefor, and literature to be issued by such association, and a bond in the sum of five thousand dollars, with sureties approved by the Insurance Commissioner, conditioned upon the return of the advanced payments, as provided in this section, to applicants, if the organization is not completed in one year, or after such further period, not exceeding one year, as may be authorized by the Insurance Commissioner, shall be filed with the Insurance Commissioner, who may require such further information as he deems necessary, and if the purposes of the association conform to the requirements of this Act, and all the provisions of the law have been complied with, the Insurance Commissioner shall so certify and retain and keep on file and furnish the incorporators a preliminary certificate authorizing said association to solicit members as hereinafter provided. Preliminary certificate.

Upon receipt of said certificate from the Insurance Commissioner, said association may solicit members for the purpose of completing its organization, and shall collect from each applicant the amount of not less than one death benefit assessment or payment, in accordance with

its tables of rates, as provided by its constitution and laws, and shall issue each such applicant a receipt for the amount so collected. But no such association shall incur any liability other than for such advance payments, nor issue any benefit certificate, nor pay, or allow, or offer a promise to pay or allow, to any person any death or disability benefit until actual *bona fide* applications of death benefit certificates have been secured upon at least five hundred lives for at least one thousand dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such association, nor until there shall be established ten subordinate lodges or branches with which said five hundred applicants have been initiated, nor until there has been submitted to the Insurance Commissioner, under oath of the president and secretary or corresponding officers of such association, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of regular payments or assessments, which shall not be lower for death benefits than those required by the National Fraternal Congress table of mortality, with interest at four per cent per annum; nor until it shall be shown to the Insurance Commissioner, by the sworn statement of the treasurer or corresponding officer of such association, that at least five hundred applicants have each paid in cash at least one regular monthly payment or assessment as herein provided per one thousand dollars of indemnity to be affected, which payments in the aggregate shall amount to at least twenty-five hundred dollars, all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

Five hundred applications prerequisite to doing business.

Said advanced payments shall, during the period of organization, be held in trust for, and, if the organization is not completed within one year as hereinafter provided, returned to, said applicants.

The Insurance Commissioner may make such examination and require such further information as he may deem advisable, and upon presentation of satisfactory evidence that the association has complied with all the provisions of the law, he shall issue to such association a cer-

Insurance Commissioner may investigate.

ificate to that effect. Such certificate shall be *prima facie* vidence of the existence of such association at the date f such certificate. The Insurance Commissioner shall ause a record of such certificate to be made and a certi- ied copy of such record may be given in evidence with like ffect as the original certificate.

No preliminary certificate granted under the provisions f this section shall be valid after one year from its date, r after such further period, not exceeding one year, as nay be authorized by the Insurance Commissioner upon ause shown, unless the five hundred applicants herein re- uired have been secured and the organization has been ompleted as herein provided, and the articles of associa- ion and all proceedings thereunder shall become null and oid in one year from the date of said preliminary certifi- ate, or at the expiration of said extended period, unless uch association shall have completed its organization and ommenced business as herein provided. When any do- mestic association shall have discontinued business for the period of one year, its charter shall become null and void.

Companies already organized may operate under this Act.

SEC. 14. *Be it further enacted,* That any domestic association now engaged in transacting business in this State may exercise, after the passage of this Act, all of the rights conferred thereby, and in addition thereto may exercise all of the rights, powers, and privileges now exercised or possessed by it under its charter or articles of association not inconsistent with this Act, or it may be reincorporated hereunder. But no such association already organized shall be required to reincorporate hereunder, nor shall it be required to adopt the rates prescribed herein for new associations, in order to avail itself of the privileges of this Act, and any such association may amend its articles of association from time to time in the manner provided therein, or in its constitution or laws, and all such amendments shall be filed with the Insurance Commissioner, and shall become operative upon such filing unless a later time be provided in such amendments, or in its articles of association, constitution, or laws.

As to transfer of business.

SEC. 15. *Be it further enacted,* That no domestic association shall transfer its membership or funds to any association not authorized by the Insurance Commissioner to transact business in this State; nor shall any such association transfer its membership or funds to any licensed association, unless the said contract to transfer has been approved by a two-thirds vote of the members of the su-

preme body of the association whose membership is proposed to be transferred, and by a two-thirds vote of the trustees or Board having charge of the association proposing to take such membership.

No association of races.

SEC. 16. *Be it further enacted,* That no fraternal beneficiary association shall be authorized to do business in this State under the provisions of this Act, whether incorporated under the laws of this or any other State, province, or territory, which associates with, or seeks to associate with, as members of the same lodge, order, fraternity, society, or association, the white and colored races with the objects and purpose provided in this Act.

Foreign associations to renew license.

SEC. 17. *Be it further enacted,* That foreign associations which are now authorized to transact business in this State in accordance with this Act may continue such business until the first day of April next succeeding the passage of this Act, and the authority of such associations may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding April. For each such license or renewal the association shall pay the Insurance Commissioner $10. A duly certified copy of such license shall be *prima facie* evidence that the licensee is a fraternal beneficiary association within the meaning of this Act.

Terms of license to do business.

SEC. 18. *Be it further enacted,* That no foreign association, which is not now authorized to transact business in this State, shall transact any business herein without a license from the Insurance Commissioner. Before receiving such license it shall file with the Insurance Commissioner a duly certified copy of its charter or articles of association; a copy of its constitution and laws, certified by its secretary or corresponding officer; a power of attorney to the Insurance Commissioner as hereinafter provided; a statement under oath of its president and secretary or corresponding officers in the form required by the Insurance Commissioner, duly verified by an examination made by the supervising insurance official of its home State, of the business for the preceding year; a copy of its contract, which must show that benefits are provided for by assessments upon or other payments by persons holding similar contracts, and shall furnish the Insurance Commissioner with such other information as he may deem necessary to a proper exhibit of its business and plan of working, and if he finds that it is transacting business in accordance with the provisions of this Act, that its assets are invested in

accordance with the laws of the State where it is organized, and that it has the membership and qualifications required of domestic associations organized under this Act, he may license such association to do business in this State until the first day of the succeeding April, and such license may be renewed annually, but in all cases to terminate on the first day of the succeeding April.

Assessment rates.

SEC. 19. *Be it further enacted,* That no license shall be issued to any association not now transacting business in this State which collects from any of its members assessments or payments for death benefits lower than those required by the Fraternal Congress Mortality Table of 1900, with interest at four per cent per annum; *Provided,* this section shall not apply to fraternal beneficiary associations organized prior to January 1, 1885.

Insurance Commissioner may refuse license.

SEC. 20. *Be it further enacted,* That when the Insurance Commissioner refuses to license any association or revokes its authority to do business in this State, he shall reduce his ruling, order, or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the association upon request. Any society affected by any such ruling, order, or decision, shall have the right to appeal to any court of competent jurisdiction in this State by filing with said Commissioner a notice of such appeal in writing, stating specifically to which court such appeal is proposed to be taken, and in such case, said Commissioner shall forthwith, and within ten days thereafter, deliver to such association a full and certified transcript of all proceedings had before him in such matter, including all applications, together with all orders, rulings, and decisions had thereon, and on such transcript being filed in said court, such court shall be fully possessed of said action, and a full trial on the merits *de novo* shall be had thereon; *Provided further,* that said appeal shall be filed in such court within forty days after the rendition of the ruling, order, or decision appealed from; and *Provided further,* that nothing contained in this or the preceding section shall be taken or construed as preventing any such association from continuing in good faith all contracts made in this State during the time such association was legally authorized to transact business herein.

Foreign associations to give power of attorney.

SEC. 21. *Be it further enacted,* That every foreign association now transacting business in this State shall, within thirty days after the passage of this Act, and every

such association hereafter applying for admission, shall, before being licensed, appoint in writing the Insurance Commissioner and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it, which is served upon said attorney, shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in this State.

Copies of such appointments to be received in court.

Copies of such appointment, certified by the Insurance Commissioner, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service may only be had upon such attorney, must be made in duplicate and shall be deemed sufficient service upon such association; *Provided, however,* that no such service shall be valid or binding against any such association when it is required thereunder to file its answer, pleading, or defense in less than thirty days after the date of such service. When legal process against any association is served upon said Insurance Commissioner, he shall forward forthwith by registered mail one of the duplicate copies, prepaid and directed to its secretary or corresponding officer. The plaintiff in such process so served, shall pay to the Insurance Commissioner for the use of the State at the time of such service a fee of $2, which shall be recovered by him as part of the taxable costs, if he prevails in the suit.

SEC. 22. *Be it further enacted,* That any domestic association may provide that the meetings of its legislative or governing body may be held in any State, district, province, or territory wherein such association has subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this State. But its principal office shall be located in this State.

SEC. 23. *Be it further enacted,* That officers and members of the supreme, grand, or any subordinate body of any such incorporate association, shall not be individually liable for the payment of any disability or death benefits provided for in the laws and contracts of such association, but the same shall be payable only out of the funds of such association and in the manner provided by its laws.

Officers not individually liable for benefits.

SEC. 24. *Be it further enacted,* That the constitution and laws of the association may provide that no subordi-

ıate body, nor anv of its officers or members, shall have the ›ower or authority to waive any of the provisions of the aws and constitution of the association, and the same shall ›e binding on the association and each and every member hereof.

SEC. 25. *Be it further enacted,* That all grand lodges ›y whatever name known, whether incorporated or not, ıolding charters from a supreme governing body, which ıre conducting business in this State upon the passage of :his Act as a fraternal beneficiarv association upon what is known as the separate jurisdiction plan, shall be treated as a federation of grand lodges and not as simple State ›rganizations, and all reports required by the provisions of this Act shall be made and furnished by the officers of each supreme governing body and shall embrace and contain the transactions, liabilities, and assets of the entire order.

SEC. 26. *Be it further enacted,* That every association transacting business under this Act shall file with the Insurance Commissioner a duly certified copy of all amendments of, or additions to, its constitution and laws within ninety days after the enactment of same. Printed copies of the constitution and laws and of additions or amendments thereto, certified by the secretary or corresponding officer of the association shall be *prima facie* evidence of the legal adoption thereof.

Associations shall file amendments to Constitution and By-laws.

SEC. 27. *Be it further enacted,* That every association, transacting business in this State, shall annually, on or before the first day of March, file with the Insurance Commissioner in such form as he may require, a statement under oath of its president and secretary, or corresponding officer, of its condition and standing of the thirty-first day of December next preceding, and of its transactions for the year ending on that date, and shall, also, furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working. The Insurance Commissioner may at other times require any further statement he may deem necessary to be made relating to such associations. But such association shall neither make nor permit to be made from any information so obtained, any valuation of its outstanding benefit certificates unless requested to make such valuation by the association.

Annual reports

SEC. 28. *Be it further enacted,* That the Insurance Commissioner, or any person he may appoint, shall have

Insurance Commissioner or Deputy may visit and investigate Associations.

the power of visitation and examination into the affairs of any domestic association. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to any books, papers, and documents that relate to the business of the association, and may summon and qualify as witnesses under oath and examine its affairs, agents, and employes, or other persons in relation to the affairs, transactions, and condition of the association. The expense of such examination shall be paid by the association examined, but the amount thereof shall not exceed one hundred dollars.

Associations may be discontinued—how.

Whenever, after examination, the Insurance Commissioner is satisfied that any domestic association has failed to comply with any provisions of this law or is exceeding its powers; or is not carrying out its contracts in good faith; or is transacting business fraudulently; or is in such condition as to render further proceedings hazardous to the public or its certificate holders; or whenever any domestic association, after the existence of one year or more, shall have a membership of less than three hundred, or votes to discontinue business, the Insurance Commissioner may present the facts relative thereto to the State Attorney General, who shall, if he deem the circumstances warrant, commence an action in *quo warranto* in a court of competent jurisdiction, and such court shall thereupon notify the officers of such association of a hearing, and, unless it shall then appear that some special and good reason exists why such association should not be closed, said association shall be enjoined from carrying on any further business, and some person shall be appointed receiver of such association, and shall proceed at once to take possession of the books, papers, moneys, and other assets of the association, and shall forthwith, under the direction of the court, proceed to close the affairs of the association, and to distribute its funds to those entitled thereto. No such proceeding shall be commenced by the State Attorney General against any such association until after notice has been duly served on the chief executive officers of the association and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced.

Actions to be brought by the Attorney-General.

SEC. 29. *Be it further enacted,* That no action or proceeding to discontinue or enjoin, in whole or in part, the business or methods of any such domestic association, or to appoint a receiver therefor, or to dissolve the same, or in

any manner affecting its corporate rights, or to oust any foreign association, or enjoin it from transacting business in this State, shall be entertained by any court, except on the suit of the Attorney General of this State.

Insurance Commissioner and Deputy may investigate foreign associations.

SEC. 30. *Be it further enacted,* That the Insurance Commissioner, or any person whom he may appoint, may examine any foreign association transacting or applying for admission to transact business in this State. The Insurance Commissioner may employ assistants for the purpose of such examination, and he or any person he may appoint, shall have free access to all the books, papers, and documents that relate to the business of the association, and may summon and qualify as witnesses under oath and examine its officers, agents, employes, and other persons in relation to the affairs, transactions, and condition of the association. He may in his discretion accept in lieu of such examination of the Insurance Department of the State, territory, district, province, or county where such association is organized. All examinations made under the provisions of this section shall be made at the expense of the association examined, but the expenses of any examination shall not exceed two hundred dollars.

If any such association or its officers refuse to submit to such examination, or to comply with the provisions of this section relating thereto, the authority of such association to transact business in this State shall be revoked until satisfactory evidence is furnished the Insurance Commissioner relating to the condition and affairs of the association, and during such revocation the association shall not transact any business in this State.

Insurance Commissioner may revoke license.

SEC. 31. *Be it further enacted,* That when the Insurance Commissioner, on investigation, is satisfied that any foreign association transacting business under this Act has exceeded its powers, or has failed to comply with the provisions of the law, or is conducting business fraudulently, or is not carrying out its contracts in good faith, or is in such condition as to render further proceedings hazardous to the public or its certificate holders, he may revoke the certificate of authority granted to it, and shall cause notification thereof to be published in one or more newspapers of general circulation, and no new business shall thereafter be done by it or its agents in this State, while such default or disability continues, nor until its authority to do business is restored by the Insurance Commissioner; *Provided,* that nothing in this Act shall prevent

such association from applying to a court of competent jurisdiction, by mandamus or otherwise, to compel said Insurance Commissioner to issue such certificate, if such court, in its discretion, should determine that said association was entitled, under the law, to have said certificate issued to it.

Act does not apply to certain fraternities.

SEC. 32. *Be it further enacted,* That nothing contained in this Act shall be construed to affect or apply to grand or subordinate lodges of Masons, Odd Fellows, or Knights of Pythias (exclusive of the insurance branch of the Supreme Lodge Knights of Pythias) or to similar orders which do not issue insurance certificates, nor to local lodges of an association now doing business in this State, that provide death benefits not exceeding three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, nor to domestic associations which limit their membership to the employes of a particular city or town, designated firm, business house, or corporation; the Insurance Commissioner may require from any association such information as will enable him to determine whether such association is exempt from the provisions of this Act. No association which is exempt by the provisions of this section from the requirements of this Act shall give or allow, or promise to give or allow, to any person any compensation for procuring new members.

Certain associations may issue extended insurance—how and when.

SEC. 33. *Be it further enacted,* That associations coming within the definition of fraternal beneficiary associations as defined by this Act, and now transacting business as fraternal beneficiary associations, organized prior to Anno Domini 1900, and authorized to do business in this State prior to and at the time of the passage of this Act, and which shall have established, or may hereafter establish, rates deemed by it adequate to perpetuate its existence or meet its obligations, and in so doing has increased, or shall increase the payments required to be made by any member, so that such member shall be unable for any reason to make such payment and continue his membership; in such case or cases, any such association may make such allowance to such member or members, by way of extended insurance or reduced benefit payable to a beneficiary designated in accordance with the provisions of Section 6 of this Act, as it may determine to be equitable and provided for by the laws and regulations, and may provide for paying the cost of

carrying such extended insurance out of any reserve, emergency, surplus, or other fund it has or shall accumulate or create.

The provisions of this section shall not be construed as applicable to any association which does not make provision for such extended insurance in its laws or regulations, nor shall the members of any association which does not, by its laws or regulations, make provision for such extended insurance, have any right to or interest in any fund which any such association may have now or may hereafter create, either as a reserve, emergency, surplus, or other fund.

SEC. 34. *Be it further enacted,* That such associations shall not employ paid agents in soliciting or procuring members, except in the organization or building up of subordinate bodies, or granting members inducements to procure new members.

Statements of age incontestible—except when.

SEC. 35. *Be it further enacted,* That each and every certificate issued by any association operating under the provisions of this Act shall be incontestable on account of erroneous or innocent statements made in the application as to age, provided the member was within the age limited for membership at the time of the application; and *Provided further,* that in the settlement of any loss, when there was an error as to age, such settlement shall be made on the basis of the correct age. But no association operating under the provisions of this Act shall contest the age of any member, after his death, unless the proof offered by the beneficiary shows the age of the deceased member to be different from that given in his application; then the correct age may be ascertained, and settlement made as herein provided.

As to false or fraudulent statement to obtain benefit.

SEC. 36. *Be it further enacted,* That any person, officer, member, or examining physician, who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any association transacting business under this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days, nor more than one year, or both, in the discretion of the court, and any person who shall willfully make a false statement of any material fact or thing in a sworn

statement as to the death or disability of a certificate holder in any such association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement in any verified report or declaration under oath required or authorized by this Act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury. Any person who shall solicit membership for, or in any manner assist in procuring membership in, any association not licensed to do business in this State, or who shall solicit membership for, or in any manner assist in procuring membership in, any such association not authorized as herein provided to do business as herein defined in this State, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Any association, or any officer, agent, or employe thereof, neglecting or refusing to comply with, or violating any of the provisions of this Act, the penalty for which neglect, refusal, or violation is not specified in this section, shall be fined not exceeding two hundred dollars upon conviction thereof.

Term "association" defined.

SEC. 37. *Be it further enacted,* That the word "association," as used in this Act, shall be taken and construed as meaning a fraternal beneficiary corporation, society, order, or voluntary association as defined in this Act. The words "domestic association" shall be taken and construed as meaning an association organized or incorporated under the laws of this State. The words "foreign association" shall be taken and construed as meaning an association organized or incorporated under the laws of another State, Territory, district, province, or country. The word "State," as used in this Act, shall be taken and construed as meaning "State," "Territory," "District," "County," or "Province." All provisions of each section of this Act, except as otherwise provided, shall be taken and construed as applying to both domestic and foreign associations.

In the event of a vacancy in the office of the Insurance Commissioner, or in the absence or disability of that officer, the Deputy Insurance Commissioner shall perform all the duties required of the Insurance Commissioner by this Act.

SEC. 38. *Be it further enacted,* That nothing contained in this Act shall be construed to require any society

o make or cause to be made any valuation of its benefit certificates for any purpose whatever, nor shall the Insurance Department have the right to require or demand that such valuation be made or embraced in the report of any fraternal beneficiary society to the Insurance Department.

SEC. 39. *Be it further enacted,* That Chapter 113, Acts of 1901, passed March 22, 1901, and approved April 13, 1901, and all other laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby, repealed.

SEC. 40. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 481.

HOUSE BILL No. 856.

AN ACT to be entitled An Act to protect game in Hardeman County, to provide for the election of Game Warden by the County Court for said county, and to provide for Deputy Wardens, and to repeal the general game law, Chapter 169, Acts 1903, in so far as it authorizes the State Game Warden to appoint Wardens in said county, and to make other amendments to said general game law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person to kill or in any way injure any deer of any age or species or any English ring-necked or mongolian pheasants in Hardeman County prior to two years from November the 1st, 1905. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction

shall be fined not less than five ($5) dollars nor more than twenty-five ($25) dollars.

SEC. 2. *Be it further enacted,* That Section 6 of Chapter 169, Acts 1903, be amended by adding the following to said sectian: *Provided,* that the provisions of this section shall not apply to Hardeman County; *Provided further,* any person may trap birds in Hardeman County during the open season upon their own lands, and may sell same to residents of the county for consumption by them, or for breeding purposes, but shall not ship same out of the county.

Squirrels.

SEC. 3. *Be it further enacted,* That Chapter 169, Acts 1903, be amended in so far as it applies to Hardeman County by making it unlawful to kill squirrels from March the 1st to July the 15th; *Provided,* any person may kill squirrels upon his own land at any time, but not upon the land of another, except by the permission of such owner.

As to sale of game.

SEC. 4. *Be it further enacted,* That it shall be lawful for any person in Hardeman County to sell any game of all and every kind that he may have killed or caught to any actual resident consumer of said county; *Provided,* this shall not be construed as repealing that part of Chapter 169, Acts of 1903, prohibiting the exportation of game.

County Court to elect Warden.

SEC. 5. *Be it further enacted,* That Chapter 169, Acts of 1903, known as the General Game Law, in so far as it authorizes and empowers the State "Game Warden" to appoint a Warden or Wardens for Hardeman County, be, and the same is hereby, repealed, and the power to elect a "Game Warden" for Hardeman County is hereby vested in the County Court of Hardeman County; and said court shall at its quarterly session in January, 1906, and every two years thereafter, elect a "Game Warden" for Hardeman County, who shall hold said office for two years, and who shall have power to appoint Deputy Wardens; said Wardens shall have the power and their duties shall be the same as Wardens appointed by the State "Game Warden" under Chapter 169, Acts of 1903, except they shall not be under control of, or subject to, the orders of the State "Game Warden;" *Provided,* said Wardens shall only be entitled to one-half of all the fines collected for violation of this Act or any other Act for the protection of game, and the other one-half shall go into and become a part of the public road fund of said county.

SEC. 6. *Be it further enacted,* That any person who will prosecute violators of this or any other game law in Hardeman County shall have one-half the fine imposed, and the other one-half shall go into and become a part of the public road fund of said county.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 482.

HOUSE BILL No. 827.

AN ACT to fix the weight and regulate the trade in corn meal; that whereas the practice in this State of putting up and selling meal in short-weight packages is against the public welfare and the interest of legitimate trade.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the standard weight of a bushel of corn meal, whether bolted or unbolted, shall be forty-eight (48) pounds.

SEC. 2. *Be it further enacted,* That it shall be unlawful for any person or persons to pack for sale, sell, or offer for sale in this State any corn meal except in bags or packages containing by standard weight two bushels or one bushel or one-half bushel or one-fourth bushel or one-eighth bushel respectively. Each bag or package of corn meal shall have plainly printed or marked thereon, whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fraction of a bushel, and the weight in pounds; *Provided,* the provisions of this section shall not apply to the retailing of meal direct to customers from bulk stock when priced and delivered by actual weight or measure.

SEC. 3. *Be it further enacted,* That any person or persons guilty of violating either of the foregoing sections of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not exceeding one hundred ($100) dollars or by imprisonment not exceeding thirty (30) days, or by both fine and imprisonment in the discretion of the court.

SEC. 4. *Be it further enacted,* That this Act shall be of force and effect from and after September 1st, 1905, the public welfare requiring it.

SEC. 5. *Be it further enacted,* That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 483.

HOUSE BILL NO. 899.

AN ACT to provide for and enforce the education of all children between the ages of eight and fourteen years in counties of Tennessee having a population of not less than 12,890 and not more than 12,900, according to the Federal Census of 1900, or of any subsequent Federal Census, "and of a population of not more than 21,000 nor of not less than 20,500, according to the Federal Census of 1900, or of any subsequent Federal Census."

This Act applies to Union and Claibourne Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every parent, guardian, or other person in counties of this State having a population of not less than twelve thousand eight hundred and ninety (12,890) and not more than twelve thousand nine hundred (12,900), according to the Federal Census of 1900 or any subsequent Federal Census, "and of a popu-

lation of not more than twenty-one thousand (21,000) nor of not less than twenty thousand five hundred (20,500), according to the Federal Census of 1900 or of any subsequent Federal Census," having control or charge of a child or children between the ages of eight and fourteen years, shall send such child or children to a public school or to some other school for at least fourteen weeks of each year, or in case the public school in the district in which such child resides shall be in session for less than fourteen weeks, they shall send them for the entire session, unless such attendance in whole or in part is excused by the School Directors of the district in a written exemption, showing on whose application granted.

Pupils exempt —when.

SEC. 2. *Be it further enacted,* That no such exemption from school attendance shall be granted unless the child is in such condition physically or mentally as to prevent attendance at school, or its application to study, for the period of exemption—exception in cases of actual destitution, where the wages of the child are essential for the support of the family, the County Court shall, if it deems wise, excuse such attendance or make an appropriation to reimburse the family for the loss of wages incurred by attendance upon school.

SEC. 3. *Be it further enacted,* That the attendance of fourteen weeks required above shall begin with the notification of the parent, guardian, or other custodian, as described in Section 7 of this Act, and shall be consecutive, except for holidays, vacation, detention by sickness, or other necessary and unavoidable causes, and such intermissions of such attendance are not to be counted as part of the fourteen weeks required.

Penalty for violation of this Act.

SEC. 4. *Be it further enacted,* That any failure on the part of any parent, guardian, or other person to comply with the foregoing sections of this Act, shall be a misdemeanor and shall be punishable by a fine of one ($1) dollar for each week that each child in his or her control shall fail of attendance for the required period of fourteen weeks; such fine to be collectible by suit before any Justice of the Peace in the county, in the name of the State, and to be paid to the Clerk of the School District in which such child resides, for the benefit of the public school fund of that district.

SEC. 5. *Be it further enacted,* That during the period of the year that the public schools of any School District affected by the provisions of this Act are in operation, it

shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child residing in such district under the age of fourteen years during school hours, unless such child shall first have attended school during the scholastic years then current for the length of time required by this Act, or unless such child has been exempted from school attendance in the manner allowed and prescribed by this Act; and a violation of this provision shall subject the offender to a fine of two dollars and fifty cents ($2.50) for each offense, collectible by suit before any Justice of the Peace of the county, in the name of the State, and payable to the Clerk of the School District, for the use of the public schools of this district.

Scholastic census—when and how taken.

SEC. 6. *Be it further enacted,* That it shall be the duty of the District Clerks whose duty it is to take the school census within their respective territories to find out and report, at the time of taking the annual census of the school children of their respective districts as required by existing laws, the names of all children between the ages of eight and fourteen years residing in their districts, with the age of each, and the name and residence of the parent, guardian, or other person having care and control of each of such children. And they shall make of these statistics triplicate reports—one for the School Directors of the district, one for the County Superintendent of Public Instruction. And it shall be the duty of the State Superintendent to furnish in blank the proper forms and schedules for such reports to the County Superintendent, who shall distribute to the District Clerks.

Directors to furnish list—showing certain ages.

SEC. 7. *Be it further enacted,* That it shall be the duty of the District Directors, as soon as practicable after the completion of the school census of each year, to apportion the children of their respective districts between the ages of eight and fourteen years, as shown by the census statistics so taken, among the public schools of the district, and to furnish each principal or teacher with a list of the children so assigned to him, and the name and residence of their parent, guardian, or other person having control of them. And it shall be the duty of said principals or teachers at the opening of the school year to bring to the attention of all parents, guardians, and custodians of the children so assigned to them, respectively, the provisions and penalties of this Act, and

they shall ascertain and record the names of all children between said ages, who attend schools other than public schools of the district, and shall keep a record of the actual time of attendance of all the children attending the public schools of the district, and shall from time to time, as required by the School Directors, make report to them of these matters and show in such report the extent of the delinquency of all parents, guardians, and custodians of the children assigned to them, respectively, who shall fail in any respect to comply with the provisions of this Act; *Provided,* that the attendance of any child for the required period upon any school other than the public schools, which teaches the same branches as the public schools of the district, or equivalent branches, shall be deemed a satisfactory compliance with the requirements of this Act. And a written certificate of the principal of any school stating the time or times of such attendance shall be sufficient evidence of the fact; *Provided further,* that in all cases where it is claimed that the child has attended school for the required time at some school other than the public schools, it shall be the duty of the parent, guardian, or custodian of that child to furnish such certificate of his attendance; and if by reason of their failure to furnish such certificate, proceedings are instituted against such parent, guardian, or custodian of that child to furnish such certificate of (required by) this Act, such proceedings shall be at the expense of such defendant.

Reports of attendance and non-attendance.

SEC. 8. *Be it further enacted,* That the District Directors shall make such regulations and require of the public school teachers such reports from time to time as to the attendance and non-attendance of the children assigned to them, respectively, for supervision, as that the records of their offices shall, at all times, show the names and residences of all the persons who fail to comply with the requirements of this Act, and such records shall, at all reasonable times, be accessible to the public.

Collection of fines—how enforced.

SEC. 9. *Be it further enacted,* That it shall be the duty of the said District Directors, through the District Clerk, as their agent, to enforce the payment and collection of all fines for the violation of this Act, incurred by employers of children and by parents or others within the respective districts, and for this purpose to institute all necessary suits therefor, in the name of the State, against such delinquents before some Justice of the Peace

of the Civil District where the defendant may be residing at the time such suit is brought, and it shall be the duty of the District Clerk and Treasurers of School Boards to receive and receipt for such fines, and to report and account for the same from time to time to the School Directors of the district.

Directors to report to County Superintendent.

SEC. 10. *Be it further enacted,* That it shall be the duty of the Superintendent of Public Instruction of the county to require from the District Directors of the various School Districts having control of the public schools to make reports from time to time, as may be thought expedient, showing the enrollment of all the children within their respective School Districts between the ages of eight and fourteen years, the public schools or other substituted schools, and the extent to which such attendance on the part of any child falls short of the requirements of this Act, together with the names and residences of their parents, guardians, or other custodians of the children, who have failed in any respect to meet the requirements of this Act, and a list of the fines incurred thereunder, and the amount of such fines actually collected. It shall be the further duty of the County and State Superintendents to show, as far as possible, in their annual reports, or in their special reports, which may be made from time to time, the effect and operation of this law, and to recommend such amendments and extensions thereof, as in their judgment may be deemed wise, for the more effectual attainment of the purposes of this Act.

SEC. 11. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 484.

House Bill No. 908.

AN ACT to incorporate the Town of Eaton, in the County of Gibson, State of Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Eaton, in the County of Gibson and State of Tennessee, and the inhabitants thereof, be, and are hereby, constituted a body politic and corporate under and by the name and style of the Mayor and Aldermen of the Town of Eaton, may sue and be sued, grant, receive, purchase, and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of the said Town of Eaton, and may have and use common seal and change the same at pleasure.

Sec. 2. *Be it further enacted,* That the corporate limits of the said Town of Eaton shall be as follows: Boundaries.

Beginning at the north end of the river bridge on the Middle Fork of the Forked Deer River; thence southeast two hundred (200) yards to a big oak tree in the edge of B. F. Lemond's field; thence northeast one thousand and ninety (1,090) yards to a stake on Luther Lemond's farm; thence seven hundred and fifty (750) yards west to a stake on W. H. Sain's farm; thence southwest three hundred (300) yards to a big beach tree on said Sain's farm; thence south six hundred and forty-four (644) yards to a big cypress tree on said Forked Deer River; thence one hundred and seventy-five (175) yards southeast to the river bridge, the beginning.

Sec. 3. *Be it further enacted,* That the first officers of the said Town of Eaton shall consist of J. H. Harber as Justice of the Peace for said town, whose duties and obligations shall be the same as any other Justice of the Peace of the State of Tennessee; and R. H. Malone, Mayor, who shall try all cases pertaining to the corporation, and receive the same compensation for such as Justices of the Peace in civil cases, and serve without remuneration, except as above stated; Will Lemonds, C. E. First officers.

Adams, and Joe Hopper, Aldermen—all of whom shall serve until the first Thursday in August, 1906, and until their successors are elected and qualified as hereinafter provided.

Board to elect Marshal.

SEC. 4. *Be it further enacted,* That said Board of Mayor and Aldermen, after they are sworn in and as soon as convenient, shall elect by majority vote a Marshal, whose duties shall be defined and compensation fixed by said Board, and shall serve until his successor is elected and qualified in the same manner.

Elections—when and how held.

SEC. 5. *Be it further enacted,* That on the first Thursday in August, 1906, and thereafter biennially, except Justice of the Peace, who shall hold for six years, the Board of Mayor and Aldermen for said town shall order and hold election for the several offices for said town; and the person receiving the highest number of votes for Mayor shall be Mayor, and the three persons receiving the highest number of votes for Aldermen shall serve as Aldermen; and all persons within the corporate limits, or who hold property in same and otherwise qualified voters, shall be entitled to vote in said election.

SEC. 6. *Be it further enacted,* That the corporation aforesaid shall have full power and authority to make and pass such laws and by-laws as are necessary to prevent or remove nuisances; to provide for licensing and regulating auctions, shows, or exhibitions within the boundary; to alter, abolish, widen, extend, establish, and create streets, avenues, lanes, alleys, and sidewalks, and to improve and keep in repair the same.

SEC. 7. *Be it further enacted,* That all laws and parts of laws and Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 485.

HOUSE BILL No. 525.

AN ACT to enable Hamblen County to improve and keep in repair her public roads, and to secure right of way for same; to appoint County Agents and prescribe their duties; to make contracts and issue bonds to pay the expenses of said improvement; to levy and collect taxes in payment of said bonds, interest, and repairs; and to provide penalties for the violation of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County of Hamblen be authorized to improve those of her public roads for which the right of way is hereafter given free of expense to said county, and all claims for damages are released; *Provided, first,* no road shall be so improved except upon the location chosen or approved by the County Engineer; *Provided, second,* not exceeding one thousand ($1,000) dollars per mile of the bonds authorized by this Act shall be spent in grading any road, nor more than one thousand ($1,000) dollars per mile in macadamizing any road; *Provided, third,* when the cost of said grading or said macadamizing of any road exceeds said sum of one thousand ($1,000) dollars per mile, the excess shall, before said improvement is let to contract, be made up by private donations in cash and paid to the County Trustee to form a part of the fund for the improvement of said road.

County may raise funds.

SEC. 2. *Be it further enacted,* That subject to the approval of the Quarterly Court any public road in said county may be improved under this Act upon the following terms—viz.: Sub-section 1. Upon the written petition of any landowner along any public road in said county with tender of all reasonable fees and expenses, the County Engineer shall make a preliminary survey of said road and make maps showing the former location, with all changes needed to locate the same on the grounds where the best roadbed can be made with the least expense in grading, but so as not to cause unreasonable injury to the landowners, and shall file said maps with his report to the next Quarterly Court; and upon the filing

Terms of improvement.

with the County Clerk of valid deeds binding all parties in interest and conveying to said county free of expense the right of way two rods wide for the location so chosen by said Engineer, with the right to quarry and haul from adjacent land all rock needed for said road, said County Court may at any quarterly term order said road graded under this Act; *Provided,* no order shall be made by said court to condemn any right of way or any part thereof for improvement under this Act, except where solvent bond in sufficient amount shall have first been made by the petitioners to indemnify said county against all land damages and cost of said condemnation. Sub-section 2. Upon written petition of any citizen of said county with tender of all reasonable fees and expenses, the County Engineer shall survey any well-graded, unmacadamized road in said county and estimate the cost of macadamizing the same, and prepare all papers, to let the same to contract, and file them with his report, and upon payment to the County Trustee of all excess of said estimated cost over one thousand ($1,000) dollars per mile, said court may order said road macadamized under this Act; *Provided,* no road shall be ordered macadamized under this Act, nor let to contract, before the filing with the County Clerk of valid deeds binding all parties in interest and releasing said county from all damages and conveying free of charge the right to quarry and haul from adjacent land all rock needed for said road.

Surveys by County Engineer, etc.

SEC. 3. *Be it further enacted,* That upon securing the right of way as provided in Section 2, the County Engineer shall survey said roads when so ordered by said court, and estimate the cost of grading the same, and prepare all papers needed in letting the same to contract, and file said papers with his report, in which he shall show the probable cost of making a well-graded and well-drained roadbed eighteen feet wide; also of changing the approaches of adjacent roads and private gateways so as to make them conform to the newly graded roads.

Prices of improvement fixed.

The following shall be the maximum prices of improvements under this Act—viz.:

For grading, ditching, and forming of roadbed there shall be only three classifications—viz.: First, solid rock excavations not to exceed seventy-five (0.75) cents per cubic yard. The stone when blasted to be compactly piled on the right of way free from dirt and other material, and saved for future use on the road. Secondly, all oth-

er excavations not to exceed nineteen (0.19) cents per cubic yard, to be delivered in the fills. Thirdly, for grubbing right of way, not to exceed fifty ($50) dollars per acre. For culverts and other stone masonry, to be of good limestone rock, substantially built without mortar, and on foundations that cannot be undermined by the action of water, not to exceed three ($3) dollars per cubic yard. For macadam, including sub-grade, quarrying, crushing, and spreading of rock, rolling and all work needed to make a firm, smooth track nine feet wide and six inches thick when finished, constructed according to well-approved plans of reputable engineers, not to exceed twenty (0.20) cents per square yard. All needed repairs of roadbed to fit it for macadam, and all tiles, lumber, and other needed material or work not specified above, shall be estimated at the best discretion of the County Engineer. Said Engineer shall number said roads in the order in which they are surveyed and estimated, giving in brief an accurate description of each; and shall make affidavit that the amount of work and material stated for each road is the true amount required for its improvement, and the relative amounts of rock excavations and other excavations are approximately correct.

Contracts—how let.

SEC. 4. *Be it further enacted,* That on the order of said court at any quarterly term after the filing of said Engineer's report mentioned in Section 3, the Commissioner of road improvement shall let to contract all roads mentioned in said order that shall have to their credit in the Trustee's office the amount of money mentioned in Section 1 of this Act; first advertising for thirty days in such manner as said court may direct, letting said work as a whole or in part; and if not let on the day advertised, he may let the same by private contract without further advertisement. The right shall be reserved to make any modification in the plans deemed necessary by the Engineer as the work progresses. No higher price shall be paid for any class of work or material than that estimated by the Engineer as provided in Section 3 of this Act. All work shall be completed within one year from date of contract, and shall be paid for at the next Quarterly Court after completion in the bonds of said county at par and from said cash donations as provided in Section 1 of this Act. Said Commissioners shall reject all bids not complying with these terms and accept

the lowest responsible bid so complying, but may reject any and all bids; and he shall take bond from each contractor with sufficient security for the faithful performance of his contract in a sum not more than fifty nor less than twenty per cent of the contract price of the work thereby secured.

County may issue not exceeding $50,000 bonds.

SEC. 5. *Be it further enacted,* That said County of Hamblen is hereby authorized to issue from time to time her negotiable bonds for the purpose of paying for said road improvement in denominations convenient for said purpose, payable to bearer at the County Trustee's office thirty years after their respective dates and bearing interest at five per cent per annum, payable semi-annually. Reference is here made to Sections 2-5 inclusive of the Acts of 1899, Chapter 215, page 460, authorizing said county to issue bonds for road improvement, and said Sections 2-5 inclusive ared hereby made a part of this Act; and said county bonds, authorized by this Act, shall be signed and executed, taxes levied and collected for their payment and that of the interest coupons, and records kept of their issuance and payment with the same official bonds and compensation of the Trustee, as provided by said Sections 2-5 inclusive. Said county bonds, when issued, shall not exceed in the aggregate fifty thousand ($50,000) dollars.

Reports by Commissioners.

SEC. 6. *Be it further enacted,* That when all work on any road is completed and duly received, said Commissioner shall report the same on oath to the next Quarterly Court, and said court shall at the same term order its payment, directing the Chairman and Clerk to issue and deliver to the Trustee said county bonds for that proportional part of said completed work provided in Section 1 of this Act; also directing the Chairman to issue his warrant on the Trustee payable to said contractors or order for that part of said completed work to be paid from said cash donations as provided in said Section 1; also to issue such warrant to said donor for any surplus there may be after paying for the work on said road for which said donation was given. The Chairman and Clerk shall take duplicate receipts from the Trustee for each issuance of bonds delivered to him, and the Trustee shall pay over said bonds to the parties entitled and take their receipts, and shall give additional official bond in such sum as the court may order for the safe custody and lawful disposition of said county bonds and all moneys

donated to said Road Improvement Fund, as provided in Section 1 of this Act, and for all taxes collected by authority of this Act.

The compensation of the county agents named in Section 8 of this Act, and all legitimate expenses of said road improvement, except as provided in such Section 1, shall be paid with said county bonds in the same manner above prescribed for paying contractors. Any interested parties may in writing transfer their claims for said county bonds, and said court may order said bonds issued and delivered by the Trustee to the parties to whom so transferred. All official bonds required by this Act shall be secured by some reputable guarantee company duly authorized to do business as such in the State of Tennessee; and the premiums thereon shall be paid by said county. Official bonds to be given by guarantee companies.

SEC. 7. *Be it further enacted,* That said county shall annually levy and collect a special tax not to exceed three mills to the dollar to pay for repairs on all roads and streets improved under this Act or said Act of 1899, Chapter 215; 1901, Chapter 77. Said repairs shall be made according to the plans of said County Engineer by said Commissioner of Road Improvement, who, pursuant to orders of said court, may let the same to contract or employ overseers and labor to make said repairs; and issue warrants on the Trustee in payment thereof, to be paid out of proceeds of said special tax; and shall report to each Quarterly Court all work done, itemized cost of same, and other repairs needed on said improved roads and streets. County to tax for repairs.

SEC. 8. *Be it further enacted,* That for the purpose of carrying into effect the provisions of this Act, it shall be the duty of the County Court of said county at any quarterly term to appoint the following county agents—viz.:

Sub-Section 1. One County Engineer, who shall be a competent civil engineer, and whose duty shall be to change and locate roads, to make all necessary surveys, estimates, maps, charts, and all papers needed in grading, macadamizing, and repairing roads; to superintend all work while in progress and secure its performance according to contract, and such other duties pertaining to his office as said court may require, and report to the quarterly terms of said court. Engineer.

Road Commissioner.

Sub-Sec. 2. One Commissioner of Road Improvement, who shall be a citizen and freeholder of said county, and shall have authority to make in the name of said county contracts for all road improvement and repairs duly ordered by said court and authorized by this Act; to take bonds from contractors; to receive work completed, duly inspected and approved by the County Engineer; and report the same to the Quarterly Courts for payment. He shall also report all violations of said contracts.

County Attorney.

Sub-Sec. 3. One County Attorney, who shall be a practicing lawyer in good standing in the State of Tennessee, and whose duties shall be to see that all reports of said Engineer and Commissioner are in due form; to prepare all orders of said court and give all legal advice necessary to carry this Act into effect; and attend the quarterly terms of said court.

Term of office, and compensation.

Sub-Sec. 4. Said agents shall be elected for a term of two years; but said Quarterly Court shall remove any or all of them for neglect of duty, inefficiency, or misconduct in office, and elect their successors. Before entering upon their respective duties they shall each give bond in such sum as said court shall fix for the faithful and efficient discharge of his duty. Their compensation shall be determined by said court; *Provided,* said Engineer shall not be paid more than five per cent of the contract price, and said Commissioner not more than ten dollars per mile for any class of construction work.

Members of Court not eligible.

SEC. 9. *Be it further enacted,* That no member of said County Court shall accept an appointment to any of said county agencies mentioned in Section 8 of this Act; and no person shall hold more than one of said appointments at the same time. No member of said court nor any of said county agents shall be a bidder or contractor for any work authorized by this Act, nor in any manner interested in the issuance of said county bonds for work.

The county bonds herein authorized shall not be issued in any manner nor for any purpose not specified by this Act, nor before the completion of the work or the actual earnings of the salaries or other legitimate demand for which they are issued, nor before an order for their issuance shall have been duly made and entered of record by said court; and said bonds shall not be sold, nor in any manner disposed of, by said county authorities at less

than face value nor for work at a higher price than that fixed by the Engineer according to Section 3 of this Act, nor for a larger amount than that fixed by Section 5. Any violation of this section shall be a misdemeanor punishable by fine not less than five hundred ($500) dollars nor more than one thousand ($1,000) dollars and imprisonment at the discretion of the court.

May purchase rock crusher.

SEC. 10. *Be it further enacted,* That said County Court at any quarterly term is hereby authorized to purchase a rock crusher and other outfit for doing macadam work, and pay for the same with said county bonds; *Provided,* at least two-thirds of the Justices of the county shall be present and voting for said order to make the same valid, and not exceeding five thousand ($5,000) dollars of said bonds shall be so appropriated. Said macadam work shall be done according to plans of said Engineer under contracts made by said Commissioners pursuant to orders of said Quarterly Court. The expense of repairing macadamized roads shall be paid from said tax authorized for repairs in Section 7. The expense of making new macadam roads may be paid with said county bonds on the same terms as hereinbefore provided for paying contractors for macadam.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 486.

House Bill No. 137.

AN ACT for the benefit of convicts when released from the penitentiary.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all convicts when released from the penitentiary of the State upon their discharge from the penitentiary be paid an amount from one dollar to five dollars in the discretion of the Prison Commissioners; *Provided,* this Act does not apply to Federal prisoners confined in the penitentiary.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 487.

House Bill No. 426.

AN ACT to create a special School District in the Tenth and Twelfth Civil Districts of Rutherford County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a special School District be, and the same is hereby, created in the Tenth and Twelfth Civil Districts of Rutherford County, Tennessee, bounded

s follows: Beginning on the northwest corner of J. N. Boundaries.
Sanglis' farm, running south with the Eagleville and
Salem Turnpike to W. R. Jarrett's northeast corner;
hence west with the lane, including W. R. Jarrett's and
Jim Jarrett's farms, to W. R. Jarrett's southwest corner;
hence in a western direction, including W. G. Cook's
farm and Jess Jackson's farm, to the Mary Heath farm;
hence in a southern direction, including said Heath farm
and F. P. Love's farm, to A. Jackson's southwest corner;
hence with said Jackson's south boundary line east, in-
cluding W. J. Carlton's farm, to Miss Mat Simmons'
southeast corner, including her farm, on to the Eleventh
Civil District line; thence north with the Eleventh Civil
District line to the Twelfth Civil District line; thence
west with the Twelfth Civil District line to the begin-
ning.

SEC. 2. *Be it further enacted,* That the County Su- Directors.
perintendent of Rutherford County shall appoint three
Directors, to serve without compensation until the next
regular election; and he shall also number this special dis-
trict.

SEC. 3. *Be it further enacted,* That the Clerk of said
district shall furnish to the County Superintendent of
Rutherford County a correct statement of the number of
children within said district.

SEC. 4. *Be it further enacted,* That County Superin-
tendent shall furnish a copy of said enumeration to the
Trustee of Rutherford County, who shall pay out moneys
belonging to that portion of said county upon order of
Directors of said district.

SEC. 5. *Be it further enacted;* That all school property
consisting of desks, globes, maps, charts, libraries, with-
in the bounds of said district shall remain and belong to
the district.

SEC. 6. *Be it further enacted,* That all moneys, ac-
counts, demands in the hands of Directors from sale of
old schoolhouse shall be prorated, and this new district
shall receive its proportional part.

SEC. 7. *Be it further enacted,* That all laws and
parts of laws in conflict with this Act be, and the same

are hereby, repealed; and this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 488.

HOUSE BILL No. 807.

AN ACT to create and establish thirteen School Districts in Cumberland County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there are hereby created and established for the County of Cumberland thirteen School Districts in lieu of the four School Districts now existing therein.

SEC. 2. *Be it further enacted,* That the boundaries of said thirteen School Districts shall be the same respectively as the boundaries of the thirteen Civil Districts of said county were prior to the passage of the Act of the General Assembly of 1903, being Chapter 599, entitled "An Act to create and establish four Civil Districts in the County of Cumberland in lieu of the thirteen Civil Districts now existing; to define the boundaries of the same, and to abolish certain offices in said county, and to provide for the election of their successors," approved April 7, 1903.

SEC. 3. *Be it further enacted,* That the School Directors now in office in the four existing School Districts shall continue in office as Directors in such of the School Districts herein created as their present residence may place them for and during the remainder of the term for

hich they were elected; and the County Superintendent f Public Instruction for said county is hereby author- ed and empowered to fill, by appointment, all vacancies i the offices of School Directors arising under this Act ntil the next regular August election.

SEC. 4. *Be it further enacted,* That this Act take effect om and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 489.

HOUSE BILL No. 897.

A BILL to be entitled An Act to make the School Districts of Decatur County legal School Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all the schoolhouses and School Districts of Decatur County, heretofore laid off by the County Court as School Districts with metes and bounds, shall be legal School Districts, and said court is hereby authorized to change and locate School Districts in said county.

SEC. 2. *Be it further enacted,* That the legal voters of each district shall have power to elect their own School Directors.

SEC. 3. *Be it further enacted,* That a special election shall be had the first Saturday in July, 1905, for the purpose of electing three School Directors for each district created by this Act; *Provided,* that said School Directors

shall hold their office until general election of School Directors.

SEC. 4. *Be it further enacted,* That if from any cause any of the Directors so elected under this Act fail or refuse to qualify as the law directs, from ten days after his or their election as provided in this Act, or if no election be held, then the County Superintendent in the county shall have power to appoint Directors or fill vacancy or vacancies by appointment.

SEC. 5. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 490.

House Bill No. 916.

AN ACT to authorize the Board of Mayor and Aldermen of the City of Bristol to purchase the waterworks system, or plant, of the Bristol-Goodson Water Company, or of any other company or corporation, either private or municipal, or to build, equip, and install on its own account a new system; to own and operate said waterworks system for the use of said city and adjacent territory; to authorize the Board of Mayor and Aldermen of the City of Bristol to construct a waterworks system or plant on its own individual account, or to combine with any other company or corporation, either private, public, or municipal, either within or without the State, in order to construct a waterworks system for said city and adjacent territory; or, if deemed for the best interests of the city, to combine with any other corporation, either private, public, or municipal, in the purchase of the waterworks system or plant of the Bristol-Goodson Water Company, or of any other company or corporation, either private, public, or municipal, and for purpose of extending, enlarging, and improving same; to authorize the Board of Mayor and Aldermen of the City of Bristol, either alone or in conjunction with any other company or corporation, either private, public, or municipal, to purchase or construct a waterworks system or plant, lay water pipes or mains, build water towers or tanks, filtering galleries, etc., either within or without the State, in fact, to do any and everything necessary or proper to purchase or construct a waterworks system or plant for said city; and to authorize the issuance of not exceeding $300,000.00 waterworks bonds with which to purchase said waterworks system or plant, or to build said new system, and for the purpose of extending, enlarging, or otherwise improving said waterworks system from time to time; to provide for a Water Commissioner, and for other purposes connected with the maintenance and the operation of a waterworks system in and for said city.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the Board of Mayor and Aldermen of the City of Bristol to acquire, own, and operate a system of waterworks for said city and adjacent territory, either by purchase, construction, or otherwise, and for said purpose or purposes it is authorized to issue its interest-bearing coupon bonds to an amount not exceeding $300,000, in the manner and from and under the restrictions hereinafter provided.

Amount of bonds and purpose.

How issued.

SEC. 2. *Be it further enacted,* That said bonds shall be issued under such rules, regulations, and restrictions as may hereafter be provided by ordinance by the Board of Mayor and Aldermen of said city, said bonds shall be issued in the denomination of $1,000 each, and shall bear a rate of interest to be hereafter fixed by ordinance, not, however, exceeding 5% (five per centum) per annum, and said interest shall be payable semi-annually and shall be represented by coupons attached to said bonds; the dates of said bonds and the date of payment of said several coupons shall also be fixed by ordinance; said bonds shall not run for a period longer than forty (40) years, and shall be known as the "waterworks bonds" of the City of Bristol, and shall not be sold for less than par. No commission whatever shall be allowed for the sale of said bonds.

Funds to be kept separate.

SEC. 3. *Be it further enacted,* That the proceeds of said bonds, when paid into said City Treasury, shall be kept and preserved as a separate and distinct fund to be used exclusively in the purchase or construction of a system of waterworks for said city and adjacent territory, and in making said alterations, extensions, additions, and improvements as may be necessary from time to time, and in maintaining the same. Said bonds and all coupons attached to said bonds shall, at maturity, be, and remain until fully paid, a lien upon said waterworks property, appurtenances, rights, franchises and privileges acquired by the corporate authorities of said municipality. Said lien shall include and extend to all improvements, extensions, and additions which the corporate authorities of said city may make, and shall be in addition to the corporate liability, which is primary, for the payment of each and all of said bonds. Said bonds and coupons thereto attached shall be exempt from municipal taxation.

Water Commissioner—qualifications and duties.

SEC. 4. *Be it further enacted,* That the Board of Mayor and Aldermen of the City of Bristol be, and it is hereby, authorized and empowered to create by ordinance the office of Water Commissioner for said city, to fix the compensation of said officer, and the manner and time of payment, and to prescribe and define the duties and powers of said officer. Said Water Commissioner shall be elected annually by City Council of said city, and when the other officers of said city are elected under its charter, and shall hold his term of office for one year, or until his successor shall be elected and qualified; and in case of a vacancy

om death, resignation, or otherwise, the election shall ıly be for the unexpired term in which the vacancy oc- ırs. Said Commissioner shall not be related to the ayor or any member of the City Council within the ırth degree, either by affinity or consanguinity. Said aterworks Commissioner shall not be elected except and ıless said city shall purchase or construct a waterworks stem, either alone or by combination with some other mpany or corporation, as herein provided, and in case id city shall purchase or construct and own and operate waterworks system or plant, then it shall have the ower and authority to elect said waterworks Commis- oner, and may elect said officer at any time after said aterworks system has been purchased or constructed, and ı ready to be put into or is in operation; should it be- ome necessary, in the judgment of said city, to create said ffice and elect said officer within the year, then it shall ave the right and authority to do so, but election shall nly be for remaining part of said year, and said officer hall thereafter be elected annually at the same time the ther officers for said city are elected under its present harter provisions.

Bond of Commissioner.

SEC. 5. *Be it further enacted,* That before entering upon his duties as Water Commissoner, the said Commis- ioner so elected and qualified shall file with the Recorder ı bond with good and solvent sureties thereon in the pen- lty of $5,000, or such amount as said city shall require, payable to the State of Tennessee for the use of the Board of Mayor and Aldermen of the City of Bristol, conditioned hat said Commissioner shall honestly and faithfully per- form all the duties devolved upon him as said Commis- ioner, shall collect water rents and revenues due from said waterworks system, and shall do and perform any and all services incumbent upon him by ordinance of the Board of Mayor and Aldermen of said city creating said office, and shall perform any and all other duties and services required of him by said city from time to time, and shall account to said city for any and all funds collected by him as Water Commissioner from time to time, and shall pay into the treasury of said city such amount or amounts as may then be collected or received by him from said water- works system at such time or times and in such way and manner as may be directed and required by the ordinan- ces, by-laws, and provisions of said city; said bond shall be approved by the Board of Mayor and Aldermen of said

city, and said Water Commissioner, before entering upon his duties, shall take and subscribe to the following oath:

Oath.

"I, ————————————, do solemnly swear that as Water Commissioner for said City of Bristol, I will honestly and faithfully perform all the duties devolving upon me as said Commissioner, and that I am not related to any of the parties forbidden by law within the prohibited degree, and that I am not and will not become during my term of office interested in any contracts relating to the construction or operation of said waterworks as prohibited by law, so help me God."

Must have no interest in contract.

SEC. 6. *Be it further enacted,* That said Water Commissioner is hereby prohibited from having any interest, direct or indirect, in any contract in anywise relating to the construction, purchase, and operation of said waterworks, and is also prohibited from awarding contracts for the construction, operation, improvement, or repair of said waterworks, or for any materials used in the construction, extension, or operation of said water plant to any person or persons related to him, or to any member or members of the Board of Mayor and Aldermen, within the fourth degree, either by affinity or consanguinity.

Board to have general supervision.

SEC. 7. *Be it further enacted,* That the entire work of supervision of the purchase, construction, operation, and maintenance of said system of waterworks shall be vested in the Board of Mayor and Aldermen of the City of Bristol, but it shall be lawful for said city to employ such subordinate officers, agents, employees, etc., as may be necessary to transact the business necessarily connected with the construction and operation of said waterworks system, and to delegate to such subordinate officers, agents, employees, etc., as may be employed from time to time in the construction and operation of said waterworks plant, any business connected therewith, but they shall not have the right or authority to make any contracts binding upon said city, except and unless they are authorized and directed so to do by ordinance of said city duly and regularly passed, and in case of the employment of said subordinate officers, agents, employes, etc., from time to time, their compensation must be fixed by ordinance or ordinances authorizing their election or appointment, and such salaries, compensation, etc., so authorized by said ordinance or ordinances, shall be paid out of the revenues be-

onging to said waterworks system as hereinafter pro-ided.

May purchase Bristol-Goodson Company.

SEC. 8. *Be it further enacted,* That the Board of May-r and Aldermen of the City of Bristol shall obtain from he Bristol-Goodson Water Company, or any other com-any or corporation, either private or municipal, a writ-en proposition for the sale of its or their plant, franchises, tc., if it desires or they desire to sell same to the City of Bristol, giving price, terms of payment, etc.; said city is lso authorized and empowered to secure plans, specifica-ions, and estimates of the cost of construction of new sys-em of waterworks, and it shall then determine by ordi-nance whether or not it will purchase said waterworks ystem or plant of the Bristol-Goodson Water Company, r of any other company or corporation, either private or nunicipal, or construct a new system, but it shall not have he right or authority to purchase said waterworks plant r system, to incur any expenses in any of said matters looking either to the purchase of the plant of the Bristol-Goodson Water Company, or any other company or corpo-ration, either private or municipal, or to any combination with any other company or corporation, or to the construc-tion of a new system until after said election has been held and the proposition or propositions ratified by a vote as hereinafter provided.

Board to make rules and regulations, etc.

SEC. 9. *Be it further enacted,* That the Board of May-or and Aldermen shall have full power and authority, by ordinance, to make and enforce reasonable rules and regu-lations and to fix water rates, tolls, or the price for the use of water, and may for said purposes enter upon premises where water is used or desired for purpose of inspection, repairs, or other work in introducing or regulating the use of water, and where water is to be cut off on account of nonpayment of water rents, or for any other reason whatsoever. And it shall have full power and authority to collect and enforce collection of all moneys due for the use of water or arising out of the operation of said plant, and in case of failure to pay said water rents to cut off the supply and discontinue the furnishing of water until all arrearages are paid, and until all expenses for cutting off and turning on water shall have been fully paid and satis-fied. Said City Council shall have the power to grant the use of water free of charge to persons or parties who are objects of charity and to charitable institutions.

A copy of the ordinances, rules, and regulations of said city as to water rates and charges, as to the manner and time of payment, as to the furnishing and discontinuing of water, and as to any other fact or facts connected with the purchase of said old waterworks system or the construction of a new system under the power and authority herein given, after having been duly and regularly certified by the proper authorities under the corporate seal, shall be received as evidence in any of the courts of this State wherein any question involving the rights of the city and involving the question of waterworks shall be involved or at issue.

Report of Water Commissioner to Board.

SEC. 10. *Be it further enacted,* That the Water Commissioner, herein provided for, shall submit to the Board of Mayor and Aldermen full and complete detailed statements of the condition of said waterworks system, showing the receipts and disbursements, the items of expense, salaries of employees, improvements, extensions, alterations, etc., with such recommendation as may to him seem best and proper for the improvement, extension, and betterment of said waterworks system, as and when called for by the City Council, or as and when required by ordinance; he shall make an annual statement to the City Council, at its meeting in January of each and every year, containing a full, complete, and exhaustive report of its financial condition at that date, and he shall also make to said City Council a report as to such alterations, improvements, extensions, or additions as may seem necessary and for the best interests and welfare of the system, with an estimate of the costs of same, etc.

City may condemn site for pumping station, etc.

SEC. 11. *Be it further enacted,* That in the event it shall be determined to purchase, construct, equip, and maintain a system of waterworks by the city, then for the purpose of securing site for pumping stations and other necessary purposes, including the laying of mains and water pipes and sites for reservoirs, filtering galleries, extensions, improvements, and alterations, the city shall have, and it is hereby given, the right of condemnation of such grounds within and without its corporate limits, and within and without the State of Tennessee, in so far as same can be given, as may be necessary for said purposes, as already given in Sub-section 27 of Section 17, of its charter, as well as by proper proceedings in the Circuit Court for Sullivan County, or in the Law Court of Bristol, as provided by law.

Water Commissioner.

SEC. 12. *Be it further enacted,* That the Board of Mayor and Aldermen shall have the right and authority to remove said Water Commissioner from office at any time upon his failing to do and perform his duties of office as required by the provisions of this Act, and as may be required from time to time by ordinance of the Board of Mayor and Aldermen of the City of Bristol; but before he can be removed specific charges must be made against him in writing, showing wherein he has failed to perform his duty and specifying the charges against him, and he shall be given an opportunity to be heard before action can be taken thereon. When in the judgment of the Board sufficient time has been given the Water Commissioner to make his defense the said Board of Mayor and Aldermen of the City of Bristol shall set a time for voting upon the removal of said Water Commissioner, and if upon said vote a majority of the members of the Board of Mayor and Aldermen shall vote to remove said Water Commissioner, he shall be removed and a new Water Commissioner elected in his stead.

Election to be held—when.

SEC. 13. *Be it further enacted,* That after said proposition shall have been obtained with reference to the purchase of the plant or waterworks of the Bristol-Goodson Water Company, or of any other company or corporation, and after the city shall have determined by ordinance whether it will purchase said plant or construct a new system, as already hereinbefore provided, the Board of Mayor and Aldermen of the City of Bristol shall call an election to be held in the said City of Bristol by the regularly constituted authorities, after said election shall have been advertised for thirty days in a newspaper published in said city, and at said election all persons legally qualified to vote for Mayor and Aldermen in said city may vote for the purpose of ascertaining the will of the people upon the following matters:

What to be determined at election.

First—Whether or not the city shall be authorized to issue bonds, as provided in Section 1 of this Act; and

Second—To determine whether or not the city shall purchase the plant or waterworks of the Bristol-Goodson Water Company, or of any other company or corporation, or construct a new water system. The Election Commissioners, or the authorities authorized by law to hold said election, shall cause to be prepared ballots to be used and voted at such election, on which there shall be printed the following: "Vote for one: 'For Waterworks Bonds;' 'Against

Ballots to be used.

Waterworks Bonds.'" "Vote for one: 'For Construction of Waterworks;' 'For Purchase of Waterworks.'" At said election those who favor the issuance of bonds shall place a cross (X) mark opposite the words, "For Waterworks Bonds," and those who oppose the issuance of bonds shall place a cross (X) mark opposite the words, "Against Waterworks Bonds," and those who favor the construction of waterworks shall place a cross (X) mark opposite the words, "For Construction of Waterworks," and those favoring the purchase of the Bristol-Goodson Water Company's plant or of any other plant or system shall place a cross (X) mark opposite the words, "For Purchase of Waterworks;" *Provided,* that if the Board of Mayor and Aldermen of the City of Bristol are unable to obtain from the Bristol-Goodson Water Company, or from any other company or corporation, either private of municipal, a written proposition or contract for the sale of its or their plant, franchises, etc., to the City of Bristol, giving the price and terms of payment, then said election shall be held and determine whether bonds shall be issued "For the Construction of Waterworks," and the tickets shall contain in all the words—"Vote for one: 'For Waterworks Bonds,' 'Against Waterworks Bonds.'"

All persons who favor the construction of waterworks by said city shall place a cross (X) mark opposite the words, "For Waterworks Bonds," and those who oppose the construction of waterworks by the city shall place a cross (X) mark opposite the words, "Against Waterworks Bonds." Said election shall be held under existing laws, and the returns shall be duly certified to the Board of Mayor and Aldermen of said city; *Provided,* there shall also be returned to said Board of Mayor and Aldermen all the ballots voted at said election, together with one set of poll books and one set of tally sheets, the remaining poll books and tally sheets shall be filed in the office of said Commissioners of Election, there to be held subject to the inspection of any citizen of said city; *Provided,* that the election authorized by this Act may be called and held by the Election Commissioners of the county under the general election laws, and held at any time within two years after the passage of this Act; *Provided further,* that after one election has been held under this Act, one or more subsequent elections may be held under this same Act, but no election shall be held until the expiration of six months after a previous election; *Provided further,* that in the

Other elections may be held.

vent the Board of Mayor and Aldermen of the City of Bristol cannot obtain from the Bristol-Goodson Water Company, or its assigns, a proposition for the sale of its plant, franchises, etc., satisfactory to said Board of Mayor and Aldermen, then before said Board of Mayor and Aldermen shall begin the erection or construction of a new waterworks system they shall make a proposition, by ordinance, to the said Bristol-Goodson Water Company, or its assigns, to purchase its said system at a price proposed by said Board of Mayor and Aldermen, or in the event the price submitted by the Board of Mayor and Aldermen shall not be satisfactory to and accepted by the waterworks company, then and in that event the Board of Mayor and Aldermen of the City of Bristol shall submit a proposition to the Bristol-Goodson Water Company, or its assigns, to set the price to be paid by the city to the said Water Company by a Board of Arbitrators consisting of five members, two of whom shall be selected by the Board of Mayor and Aldermen, two by the Waterworks Company, or their assigns, and the four thus selected shall select the fifth man, which Board of Arbitrators shall each be disinterested persons, and may hear proof or obtain information in any way they may deem proper to ascertain a reasonable price for said property. The said Waterworks Company and the city shall be bound by the award of the Board of Arbitrators, if the proposition is accepted by the Waterworks Company. A majority of the Board of Arbitrators agreeing shall constitute the award; *Provided further,* that the City of Bristol shall not have the power to construct a new system of waterworks except in the event the Bristol-Goodson Water Company, or its assigns, will not submit a satisfactory price to said city on its said property, or will not agree to an arbitration of the price, as herein provided; *Provided further,* that if the said arbitrators shall fail to agree then a new Board of Arbitrators may be appointed as above provided until a Board is selected that shall agree and bring in an award.

City may propose purchase.

Plan of arbitration may be adopted.

SEC. 14. *Be it further enacted,* That it shall be the duty of said City Council, when it shall be convinced that two-thirds of all those voting on the question of the issuance of bonds have voted in favor thereof, to declare the result by ordinance, and in that event, and no other, to cause said bonds to be issued as provided herein, and cause the same to be converted into cash under such rules and restrictions as it shall deem necessary to provide by ordinance;

Provided, that said bonds shall not be issued until after a contract for the purchase or construction of said waterworks shall have been lawfully made and concluded.

Result of election to be declared.

SEC. 15. *Be it further enacted,* That the Board of Mayor and Aldermen of the City of Bristol shall canvass the returns of said election and shall declare, by ordinance, the result of said election on the question of purchase or construction of a system of waterworks, and shall cause to be carried into effect the will of the people as expressed at said election; *Provided,* that if the Bristol-Goodson Water Company, or any other company or corporation, shall submit, prior to said election, a written proposition for the sale of its or their plant, franchises, etc., to said city, or shall enter into a written contract for the sale of same to said city, subject to a ratification thereof by said election, as already provided for in this Act, then both questions shall be submitted to a vote of the people at the same time, and should two-thirds of the people voting in said election vote in favor of either or both of the propositions it shall be sufficient to decide the question, and the Board of Mayor and Aldermen shall, by ordinance, declare the result of said election; and in case either or both of the propositions shall receive two-thirds of the votes voting in said election, it shall be sufficient, and the proposition or propositions receiving said two-thirds vote of the people shall be declared carried, and shall be carried into execution by said city.

Funds to be kept separate.

SEC. 16. *Be it further enacted,* That the proceeds derived from the sale of said bonds, herein provided for, shall be kept as a separate fund, and shall be known as the "waterworks fund," and the receipts and income derived from the operation of said waterworks system shall be put into said waterworks fund and kept separate from the balance of the funds of said city, and out of the receipts or income derived from said waterworks system shall be first set apart sufficient amount to pay the interest coupons due, or next becoming due, and said amount so set apart shall be applied in payment of said interest coupons then due, or next falling due, as said interest coupons shall mature, and after the payment of interest coupons the balance of the receipts or income derived from said waterworks system shall be used in payment of operating expenses, extensions, and improvements, as the Board of Mayor and Aldermen may determine, or should said Board of Mayor and Aldermen deem it for the best interest of said city, a

inking fund may be created for the purpose of finally iquidating and satisfying said waterworks bonds, and in ase a sinking fund is created, the Board of Mayor and Aldermen of the City of Bristol is given the right to anicipate payment of said bonds at the option of the holder r holders of them.

Board may purchase plant in or out of State.

SEC. 17. *Be it further enacted,* That the Board of Mayor and Aldermen of the City of Bristol shall have the right to purchase the waterworks system or plant of the Bristol-Goodson Water Company, or of any other company or corporation, within or without the State, or of the City of Bristol, Virginia, or of any other municipal corporation, either within or without the State, on its own account, in order to own and operate a waterworks system for said City of Bristol and adjacent territory, and if deemed for the best interest of said city, the Board of Mayor and Aldermen shall have the right and authority to combine with any other company or corporation, either private or municipal, within or without the State, and especially with the City of Bristol, Virginia, in order to purchase, construct, own, and operate a waterworks system or plant for said city and adjacent territory, and in that event it may own and operate a waterworks system or plant jointly in connection with or conjunction with any other company or corporation, either private or municipal, either within or without the State, and it may in connection with and conjunction with any other company or corporation, private or municipal, either within or without the State, and especially with Bristol, Virginia, lay water pipes and mains, build water towers, tanks, or basins, filtering galleries, either within or without the State, for purpose of operating a water system or plant for said city; in fact, the Board of Mayor and Aldermen of the City of Bristol are hereby given full power and absolute authority to purchase or construct, own, and operate a waterworks system or plant, either on its own account or jointly in connection with or conjunction with any other company or corporation, private or municipal, within or without the State, to make such improvements, additions, extension, etc., as may seem best and proper and for the best interest of the city.

Water supply—how to be obtained.

SEC. 18. *Be it further enacted,* That the Board of Mayor and Aldermen of the City of Bristol shall have the right to get water from the Holston River, from any of the springs and creeks in and around Bristol, in Sullivan County, Tennessee, from the Henry Preston or Frank

Preston Springs, or any other springs or creeks in Washington County, Virginia; in fact, there is no limit or restriction as to the source of supply, whether it shall come from Virginia or Tennessee, that being a matter for the business judgment and discretion of said city.

City may sell water for all uses.

SEC. 19. *Be it further enacted,* That if said city shall purchase, construct, own, and operate a waterworks system or plant for said city it shall have the right to sell or furnish its water to its own citizens and residents, and those adjacent to said city, and in addition if deemed for the best interest of said city, it shall have the right and authority to furnish the citizens and residents of Bristol, Virginia, and territory adjacent thereto, and the municipality or City of Bristol, Virginia, itself with water at such price and upon such terms and conditions as may seem to said city just and proper. The power and authority of said city as to whom it will furnish with water, and as to the uses and purposes to which it may be put, and as to the terms and conditions upon which it will be furnished being unlimited, that is left to the sound judgment and discretion of said city.

SEC. 20. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 491.

HOUSE BILL No. 525.

AN ACT to create and regulate the office of County Judge for McNairy County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the office of County Judge of and for McNairy County is hereby created.

SEC. 2. *Be it further enacted,* That the said office of County Judge shall be filled by election by the qualified voters of said County of McNairy to be held at the regular county election in said county, but all vacancies in same shall be filled by appointment by the Governor of the State, and the appointee shall hold till his successor shall be elected at the next regular county election, and shall become qualified thereunder.

SEC. 3. *Be it further enacted,* That the term of office for said County Judge shall be eight years; *Provided,* that the first election under this Act shall be at the regular county election in August, 1906, and the person then elected shall serve for a term of four years, and until his successor shall be elected and qualified, under the general county election in August, 1910, and thereafter the term shall be eight years, and the County Judge shall be commissioned by the Governor. Term and election.

SEC. 4. *Be it further enacted,* That no one shall be eligible to the office of County Judge of McNairy County who is not a citizen of the county, at least thirty years of age, of good moral character, and learned in the law. Who eligible.

SEC. 5. *Be it further enacted,* That the said County Judge shall preside over and hold the County Courts for McNairy County, and for that purpose he is hereby clothed with all the powers and given all the jurisdiction now possessed and exercised by the County Judges of the State, and by the Chairman of the County Court of McNairy County, and his said court is also given the additional jurisdiction concurrent with the Chancery Court to allow guardians to trench upon the corpus of their wards' es- Duties.

tate, the same as may be done under the orders of the Chancery Courts.

SEC. 6. *Be it further enacted,* That the County Courts for McNairy County shall be held by said County Judge at same times as now provided by law, and the Clerk of the County Court shall continue to be the Clerk of said court with the same duties as now fixed by law.

Jurisdiction.

SEC. 7. *Be it further enacted,* That the said County Court of McNairy County presided over by the said County Judge shall have appellate jurisdiction, concurrent with the Circuit Court, of all matters and causes appealed from judgments of Justices of the Peace for said county where the amount involved is over $100, and shall have exclusive jurisdiction of all appeal cases from said Justices of the Peace where the amount involved is not more than $100.

Appellate jurisdiction.

SEC. 8. *Be it further enacted.* That hereafter in all appeal cases from judgments of Justices of the Peace of McNairy County, where the amount involved is not more than $100, the appeals shall be taken and perfected to the next term of the County Court of said county, and in all other appeals from said Justices' judgments, the appeal may go either to the said County Court or to the Circuit Court of the county, as prayed by the appellant, and all other laws in force regulating appeals and the same practice and procedure that pertain to appeals and appealed cases in and to the Circuit Court shall apply to appealed cases in the said County Court, unless otherwise provided by law.

As to jury.

SEC. 9. *Be it further enacted,* That where a jury shall be demanded in a case appealed to said County Court from said Justices' judgment it shall be done in the same way and under the same regulations as provided by law for similar cases in the Circuit Court, and when a jury is demanded and granted to try any such case, the jury shall be summoned and selected and empaneled as is now provided by law for the summoning and empaneling of a jury in the Chancery Court and other courts of the State not supplied with regular jurors, and such jurors shall be paid the same per diem and in the same way and from same funds as jurors are paid in the Circuit Courts.

SEC. 10. *Be it further enacted,* That in all cases so appealed to said County Court when there finally disposed of, an appeal will be direct to the Supreme Court of the

State in the same way and upon the same condition and under the same regulations as to appeal bonds, making bills of exception, etc., as pertain to such cases tried in the Circuit Court, and in the trial of such cases in the said County Court the same rules of practice and procedure and the same laws that govern such matters in the Circuit Courts shall prevail, unless otherwise provided by law.

Governor to appoint first judge.

SEC. 11. *Be it further enacted,* That immediately after this Act takes effect the Governor shall appoint a suitable person as County Judge of McNairy County, to hold said office till his successor is elected and qualified under the August election, 1906, and upon said appointment being made the person so appointed shall go before a Justice of the Peace for said county, and take and subscribe in writing the oath of office prescribed for Circuit Judges, and file the same with the Clerk of the County Court of said county, and he shall thereupon enter upon the duties of said office of County Judge, and at the quarterly term of said County Court thereafter he shall enter into bond in the sum of one thousand ($1,000) dollars, payable to the State, conditioned for the faithful discharge of his duties as such Judge and as the financial agent and auditing and accounting officer of the county, which bond shall be signed by one or more solvent sureties and approved by said Quarterly Court, and thereupon the said oath and bonds shall be spread upon the minutes of said court.

Salary.

SEC. 12. *Be it further enacted,* That the said County Judge shall receive as compensation the sum of four hundred and fifty ($450) dollars per annum, to be paid out of the County Treasury of McNairy County, upon the warrant of said County Judge to be drawn quarterly at the end of the quarter for which the service has been rendered, and this shall be in lieu of all other compensation for all his services as such County Judge and financial agent and accounting officer of the county; *Provided, however,* that the Quarterly Court of said county may, in its discretion, increase said salary in any amount so that the total salary shall not exceed the sum of six hundred and fifty ($650) dollars per annum.

SEC. 13. *Be it further enacted,* That the office of Chairman of the County Court of McNairy County is hereby abolished, and also that of Chairman *pro tem.* for said county; and all laws in conflict with this Act are hereby repealed.

SEC. 14. *Be it further enacted,* That this Act take effect from and after the first day of January, 1906, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor

CHAPTER 492.

HOUSE BILL No. 997.

AN ACT to amend Section 11, Chapter 294, of the Acts of the General Assembly of 1903 (Senate Bill No. 330), entitled "An Act to incorporate the Town of Fayetteville, in Lincoln County, Tennessee, establish the boundaries thereof, define its powers, and provide for the government of the same; to appoint the first Board of Mayor and Aldermen, and provide for the election of their successors, and for the appointment of other officers and agents of the corporation and define their qualifications and duties;" by reducing the amount of credit to be allowed any offender on fines and costs imposed upon him by the Recorder of said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 11, of Chapter 294, of the Acts of the General Assembly of 1903 (Senate Bill No. 330), be amended by striking out the words "one dollar and fifty cents," in lines twenty and twenty-one of said section, and inserting therefor the words "fifty cents."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 493.

HOUSE BILL No. 990.

A BILL to be entitled An Act to authorize and empower the Mayor and Aldermen of the municipal corporation of the Town of Dresden, Weakley County, Tennessee, to provide for, maintain, and operate a system of waterworks and electric lights for the municipal corporation of the Town of Dresden, Tennessee, and to authorize the issuance of interest-bearing negotiable bonds for said purpose, and to levy and collect taxes for the payment of same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the municipal corporation of the Town of Dresden, Weakley County, Tennessee, be, and they are hereby, authorized and empowered to issue negotiable, interest-bearing coupon bonds of the municipal corporation of the Town of Dresden, Tennessee, to an amount not to exceed ten thousand ($10,000) dollars for the purpose of buying, establishing, erecting, and putting into operation a system of waterworks and electric lights for said municipal corporation of the Town of Dresden, Weakley County, Tennessee, and to furnish the inhabitants of the said Town of Dresden and the suburbs thereof with water for drinking, domestic, and manufacturing purposes, as well as for all other purposes water may be used; and with electric lights for home, manufacturing, as well as for all other purposes electricity may be used. The amount for said system of waterworks and electric lights shall be prescribed by the Board of Mayor and Aldermen of the Town of Dresden, Tennessee, so that in the aggregate they do not exceed ten thousand ($10,000) dollars.

Amounts and purposes of bonds.

SEC. 2. *Be it further enacted,* That said bonds shall be in the denomination of $100 or multiple thereof with coupons attached for the semi-annual interest and no single bond to be in excess of $1,000, shall be payable principal and interest in lawful money of the United States, and said bonds shall be payable at the end of twenty years, or

Denomination, etc.

sooner, at the option of the Board of Mayor and Aldermen of said town, and to bear interest at a rate not to exceed five per cent per annum, payable semi-annually, and in no case to be sold for less than their face value; *Provided,* that no commission shall be allowed or paid any one for the sale of said bonds. All of said bonds issued shall be denominated as "Waterworks and Electric Light Bonds," and shall be signed by the Mayor and Recorder with the corporate seal of the Town of Dresden attached thereto.

Election to be held.

SEC. 3. *Be it further enacted,* That before said bonds shall be issued the Board of Mayor and Aldermen shall, by ordinance, submit the question to the legal and qualified voters of said town to ascertain the will of said voters in reference to the issuance of said bonds. Said election shall be held at some time prior to December 1, 1905, which time shall be selected by the Board of Mayor and Aldermen.

Who may vote.

SEC. 4. *Be it further enacted,* That at the election held as herein provided for, all persons shall be entitled to vote who are qualified to vote for city officers or for the Mayor and Aldermen of the said Town of Dresden, Tennessee. Those voting in favor of the issuance of the said bonds shall have printed or written on their ballots the words "For Bonds," and those voting opposed to the issuance of said bonds shall have written or printed upon their ballots the words "Against Bonds;" and if at the election held under the authority of this Act a majority of votes cast on the proposition to issue bonds are cast "For Bonds," then the Board of Mayor and Aldermen of said Town of Dresden, Tennessee, shall have power and authority to issue bonds under the provisions of this Act, but not otherwise.

Levy interest and sinking fund tax.

SEC. 5. *Be it further enacted,* That if bonds are issued under the provisions of this Act the Board of Mayor and Aldermen of the Town of Dresden, Tennessee, shall have the right and power, and they are hereby authorized, to pledge the faith and the property of said town for the payment of the principal and interest of said bonds, and the Board of Mayor and Aldermen of the said Town of Dresden are hereby authorized and empowered to levy and collect annually, beginning with the year 1906, and while said bonds or any of them are outstanding, a special tax on all taxable property situated within the corporate limits of said Town of Dresden and taxable under the

laws of the State of Tennessee for corporation purposes; to levy and collect a special and license tax upon all pursuits, avocations, and businesses carried on within the corporate limits of said town, required by the laws of the State to pay a privilege tax to the State, not exceeding the rate or amount of privilege tax on such business for State purposes, and to levy and collect a tax on all polls of said town, for the purpose of paying the interest on said bonds as it becomes due, and to pay the expense incident to and incurred in the operation of said waterworks and electric light plant, and to create a fund with which to pay off and retire the bonds herein authorized to be issued. Said Board of Mayor and Aldermen may also set aside and appropriate such earnings of said system of waterworks and electric light plant, or either of them, as may be deemed prudent and advisable for the purpose of paying the semi-annual interest on the bonds, or to meet the expense incident to and incurred in the operation of said waterworks and electric light plant, or place the same in a sinking fund to pay off and retire the bonds herein authorized to be issued.

SEC. 6. *Be it further enacted,* That the Mayor and Aldermen of said town may, by ordinance, adopt such rules and regulations as may be advisable for the control and management of said system of waterworks and electric light plant.

Selection of site, condemnation, etc.

SEC. 7. *Be it further enacted,* That the Board of Mayor and Aldermen of said Town of Dresden are empowered to take and appropriate such lands or grounds as they may choose for the location of said waterworks and electric light plant, either within or without the corporate limits of said town, for a site for waterworks and electric light purposes, for pumping station or reservoir and light plant, for water pipe or pipes, for wire lines, and for right of way from pumping station or reservoir to water supply for water pipe or pipes, upon payment of damages; to exercise this power the Mayor and Aldermen shall, by ordinance, designate the grounds to be appropriated and appropriate the same as provided for "taking private property for works of internal improvements" by Sections 1549 to 1571, of Milliken and Vertrees' Compilation of the Statutes of the State of Tennessee.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 494.

HOUSE BILL No. 751.

AN ACT to reorganize the quarterly County Court of Obion County, to consist of nine Justices of the Peace, to designate and define nine territorial divisions to be composed of existing Civil Districts; from each of said nine divisions one Quarterly Court Justice shall be elected by the Justices of the said court: to designate the time and place of electing the same, to define the manner of electing them and other county officers by the Justices, to prescribe the oath of qualification of said Quarterly Court Justices, to prescribe a quorum of Justices to elect certain county officers, and the quorum of the Quarterly Court Justices for the transaction of business, to define the powers and jurisdiction of said county, and to modify and amend all laws in conflict therewith.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after this Act takes effect the Quarterly Court of Obion County shall consist of nine Justices of the Peace, to be elected and chosen as hereinafter provided.

SEC. 2. *Be it further enacted,* That for the purpose of effectuating the objects of this Act, said Obion County shall have nine territorial divisions, each division consisting of said embracing therein the existing Civil Districts as follows:

The first division shall be composed of the First and Second Civil Districts; the second division shall be composed of the Third, Tenth, and Twelfth Civil Districts;

the third division shall be composed of the Fourth and Seventh Civil Districts; the fourth division shall be composed of the Fifth and Ninth Civil Districts; the Fifth division shall be composed of the Sixth and Fourteenth Civil Districts; the Sixth division shall be composed of the Eighth and Eleventh Civil Districts; the seventh division shall be composed of the Thirteenth Civil District; the eighth division shall be composed of the Fifteenth Civil District; the ninth division shall be composed of the Sixteenth Civil District.

Election of Quarterly Court Justices.

SEC. 3. *Be it further enacted,* That on the first Monday in July, 1905, the Justices of the Peace of said Obion County shall assemble at the courthouse of said county, and, the County Judge presiding, shall proceed to elect nine (9) of said Justices of the Peace, one from each of the nine divisions as constituted and defined in Section 2 of this Act, and when so elected and qualified said nine Justices shall be designated as Quarterly Court Justices, and constitute said Quarterly County Court, and shall hold their offices as such until the next regular election of Justices of the Peace and until their successors are elected and qualified.

Same.

SEC. 4. *Be it further enacted,* That after every regular election of Justices of the Peace, the said Justices of the Peace of said county shall on the first day of the first regular term of the Quarterly Court after said regular election of the Justices of the Peace assemble at the courthouse of said county and proceed, as provided in Section 3 of this Act, to elect nine Quarterly Court Justices, one from each of said nine divisions, to serve for six years, or until the expiration of the terms for which they were elected as Justices of the Peace and until their successors are elected and qualified.

Oath.

SEC. 5. *Be it further enacted,* That before entering upon their duties as such, said Quarterly Court Justices shall take the following oath: "I do solemnly swear that I will perform with fidelity the duties of the office to which I have been chosen, and which I am about to assume."

SEC. 6. *Be it further enacted,* That a majority of said Quarterly Court Justices shall constitute a quorum for the transaction of business, but no election, decision, or other action had by said court shall be valid unless concurred in

by four (4) members, except to adjourn, which may be had by a majority of the members present.

Vacancies—how filled.

SEC. 7. *Be it further enacted,* That should a vacancy occur in the membership of said Quarterly Court the same shall be filled at the next regular term of said court thereafter, when the Justices of the county shall elect a Justice of the Peace from the same division in which the vacancy has occurred to serve for the remainder of the term.

SEC. 8. *Be it further enacted,* That when a Coroner and Ranger are to be elected for said county, and should a vacancy occur subsequent to an election in the office of Sheriff, Trustee, or Register, the election of said Coroner and Ranger, and to fill vacancies occurring in the offices of Sheriff, Trustee, or Register, or Quarterly Court Justice, shall be had as follows:

Filling vacancies in County Offices.

When any of said offices are to be filled, or any of said officers are to be elected by the Justices of said county, it shall be the duty of the Clerk, or if there be no Clerk, his deputy, and if there be no Clerk or deputy, the County Judge, to give at least ten days' notice to every Justice of the Peace of his county to assemble at the courthouse of his county in order to fill such office or vacancy, and in filling all such offices or vacancies, all of the Justices of the county shall be entitled to attend and draw pay, but shall not draw pay for more than one day, and three-fifths of all the Justices shall be necessary to constitute a quorum for said election.

SEC. 9. *Be it further enacted,* That said Quarterly Court shall represent Obion County, and all business which cannot be lawfully done by the County Judge shall be done by the Quarterly Court at its quarterly sessions, to be held on the first Mondays of January, April, July, and October of each year, and it shall appoint all county officers, not elected by the people, not appointed by other courts and not elected by the Justices of the Peace as provided by this Act. The County Judge shall preside over all assemblages of the Justices of the Peace at the quarterly terms of courts provided by this Act.

SEC. 10. *Be it further enacted,* That all laws and parts of laws in conflict with this Act, be, and the same are hereby modified and amended so as to conform to this Act,

and that this Act take effect on and after July 1, 1905, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 495.

House Bill No. 906.

AN ACT to lay off and establish the Viola Taxing District lying in Warren, Grundy, and Coffee Counties, and for the establishing and the maintaining a high school or schools therein, and to establish a Board of Directors and a Clerk of said Taxing District, and to levy a special tax for the maintenance of the said high school or schools, and for other purposes.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that part or area of land lying in the State of Tennessee in the Counties of Warren, Grundy, and Coffee, and within the following boundaries —to wit:

Boundaries.

Beginning at the Hanlan bridge over Hickory Creek and running down Hickory Creek to the forks of the creek; thence up Big Hickory to the Scott Board on the McMinnville and Viola Road; thence with said road toward McMinnville to C. S. Cardwell's northeast corner; thence with his line, including his farm, back to the creek; thence up said creek to Mrs. E. Stubblefield's line; thence with her line, including her land, to T. B. Brown's line; thence with his line, including his land, to Alex Miller's land, including his land, to the mountain; thence south with the mountain, including T. J. Wagner's place, Bettie Brown's place, and R. T. Etter's land, to a black oak, his southeast corner; thence southwestwardly with

his south boundary line of his home tract to Cave Spring in the Viola and Altamont Road; thence northwardly with said road to the Hill's Trace Road; thence southwardly with said road to Mrs. Mary Thaxton's line; thence with her line, including her land, to the mountain; thence around with the foot of the mountain, including John Scruggs' and A. F. Stubblefield's farm, to the creek; thence up said creek to T. W. Lawrence's southeast corner to G. Brawley's line; thence up the line with said Lawrence's land to Hill's Trace Road, near Chapple meeting house; thence with E. W. Smartt's line, including his land, to J. A. McCulough's farm, including his land; thence with his various lines back to E. W. Smartt's line; thence with his line to the Manchester and Viola Road; thence with said road to C. C. Ramsey's farm; thence with his line, including his farm, back to the Short Mountain Road; thence north with said road to H. B. Bonner's farm, and including the same, to William Ramsey's southwest corner; thence with his west line to W. T. Ramsey's line; thence with his line, including his farm, to Hickory Creek; thence down said creek to the beginning, be, and the same is hereby, created and constituted "The Viola Taxing District" for the purpose of maintaining and operating a high school or schools.

Officers.

SEC. 2. *Be it further enacted,* That the officers of said Taxing District shall consist of three Directors and a Clerk, and the same shall be elected by the qualified voters residing in the said Taxing District on Tuesday after the first Monday in June, 1905, and shall serve for a term of two years and until their successors are elected and qualified for the purpose of this election. The Election Commissioners of Warren, Coffee, and Grundy Counties shall hold a special election in the districts embraced by the boundaries of their Taxing Districts in their respective counties on Tuesday after the first Monday in June and hereafter every two years.

SEC. 3. *Be it further enacted,* That said Directors herein created and their successors in office shall constitute, and are hereby declared, a Board of Directors of the Viola Taxing District, and by that name may sue and be sued, plead and be impleaded, and have continual succession for the purposes hereinafter designated; may have a common seal and make such by-laws and regulations, from time to time, as they may deem proper; herein cannot inconsistent with the authority herein conferred or

the laws of the State of Tennessee, for the purpose of carrying into effect the object for which they are created.

SEC. 4. *Be it further enacted,* That the powers and duties of said Board of Directors, except as above and hereinafter set out, are as follows: First to receive by deed the property of the Viola Normal College and to hold the same for school purposes of the white children within the Viola Taxing District so long as the said Viola Taxing District shall exist, and then the property to revert to the Trustees of the Viola Normal College or their successors.

Powers and duties of directors.

2. To establish and maintain a high school at said Viola Normal College Building, wherein shall be taught all branches and now taught by the primary and secondary schools of the State, and in which may be taught a commercial or business course, and also a course preparatory for university work at the discretion of the said Board of Directors.

3. To employ competent teachers, as many as they see proper, for said school, fix their salaries, and discharge them.

4. To open and close the schools and determine the length of the session.

5. To keep in repair and improve the said Viola Normal College buildings and ground.

6. To suspend and dismiss pupils when the prosperity and efficiency of the schools make it necessary.

7. To use the school funds coming into their hands from whatever source in such manner as will promote the interest of the schools in the said Taxing District.

8. To see that a census of the children is taken in the proper time as set out hereinafter.

9. To hold regular meetings as prescribed by them and special meetings when called by the Chairman or any one member.

10. To take care of, manage, and control all school property belonging to or used by the Viola Taxing District.

11. To buy and sell such property as shall be necessary and advantageous for the purpose of operating a colored school similar to that of the white school.

12. To apply the funds at their disposal belonging to the colored children of the Viola Taxing District to purchasing a house for the colored school, or they may apply the funds to any colored school in the district they may

select, whereby agreement with the Directors of the public school all the colored children in the said Viola Taxing District may have the right to attend said school free of charge during such time as it is run by the funds belonging to the Viola Taxing District.

13. To have full control and charge of the funds belonging to the Viola Taxing District for the best interest of the children of the said district, and to carry out the provisions of this Act.

SEC. 5. *Be it further enacted,* That all children living within the boundaries of the Viola Taxing District shall be entitled to the benefit of the funds arising from the provisions of this Act, and are entitled to free tuition in the school operated by the said Board of Directors; *Provided,* this shall apply to such children as are between the ages of six and twenty-one years.

Organization of Board.

SEC. 6. *Be it further enacted,* That the said Board, within thirty days, shall meet and organize by electing a Chairman, who shall preside at all meetings of the Board, and a Treasurer, who shall take charge of the funds of the district and pay out the same upon order of the Board, evidenced by the warrant drawn by the Clerk and signed by the Chairman of the Board.

Tax assessment for 1905.

SEC. 7. *Be it further enacted,* That for the purpose of carrying out the provisions of this Act there is assessed for the year 1905 and for every subsequent year thereafter twenty-five cents on every one hundred dollars' worth of taxable property, and twenty-five cents poll tax on all male persons between the ages of twenty-one and forty-five within the said Viola Taxing District.

To enforce the collection of said taxes the Board of Directors shall have all of the powers vester in the Board of Mayor and Aldermen of municipal corporations created under the general law of the State of Tennessee, and the Clerk all the rights and privileges of the Recorder of municipal corporations under the said general law. And to carry out the provisions of this Act the said Board of Directors and Clerk are vested with all power and rights that are necessary and incidental for the collection of taxes. All taxes assessed on real estate are a lien upon such real estate, and to be collected as taxes above set out.

SEC. 8. *Be it further enacted,* That none of the personal property mentioned in Sections 3794 and 3795 of the Code of Tennessee, Shannon's Compilation of 1896,

shall be exempt from sales for taxes under the provisions of this Act.

SEC. 9. *Be it further enacted,* That the taxes on the assessed value of personal property shall be assessed on the value of the property as shown by the book of the County Trustee of the ———— County where the land lies, or the person resides, unless such assessment shall have been raised or lowered by the Board of Equalizers at its regular session, and in this event the value in such land, as shown by the Board of Equalizers, or personal property, shall be the basis of assessment under this Act.

Taxes—when due and collectible.

SEC. 10. *Be it further enacted,* That taxes under this Act shall become due and collectible at the same time as taxes under the general revenue law of the State of Tennessee.

SEC. 11. *Be it further enacted,* That in the event a part of land belonging to any individual shall lie partly within and partly without the boundary of the said Taxing District, it shall be the duty of the said Board of Directors to say what amount is subject to taxation within the district.

No compensation.

SEC. 12. *Be it further enacted,* That the said Directors shall serve without any compensation, and that they shall determine the amount to be paid to the Clerk.

Duties of clerk.

SEC. 13. *Be it further enacted,* That it shall be the duty of the Clerk (1) to keep the minutes of the Board of Directors and to draw all warrants ordered by the said Board; (2) to take the enumeration of the scholastic population of the Viola Taxing District within thirty days after the thirtieth day of June of each year, and to report to the Board of Directors the number of white and colored children respectively in the said Taxing District on the thirtieth day of June, and to ascertain at as early a date as possible the amount belonging to the said Viola Taxing District, the amount to be determined by the number of white and colored children, each child being allowed the same; (3) he shall collect all taxes due the said Taxing District and turn the same over to the Treasurer of the Board of Directors.

Act becomes operative after an election—how.

SEC. 14. *Be it further enacted,* That this Act shall take effect and be operative on the following conditions—that is to say, that on Tuesday after the first Monday in June, 1905, after giving notice according to law, the Election Commissioners of said Warren, Coffee, and Grundy Counties shall call a special election of the quali-

fied voters of the Taxing District at their usual voting places to determine whether or not the people of the said Taxing District shall receive or reject said district. A ballot shall be prepared, on which shall be printed "For Taxing District" and "Against Taxing District," and those voting for the same shall put a cross mark after the words "For Taxing District," and those voting against the same shall put a cross mark opposite the words "Against Taxing District," and in the event that a majority of the votes cast shall be "For Taxing District," the same shall be established as herein provided. But should a majority of said votes be found to be "Against Taxing District," then this Act shall be null and void and be held to be of no effect.

The first election for Directors and Clerk shall be held at the same time and places as the above. At this election the legally qualified voters shall vote for and elect a Clerk and three Directors, whose term of office shall date from the said Tuesday after the first Monday in June, 1905.

Elections shall be held at the same places every two years and on the said Tuesday after the first Monday in June to elect successors to the said Clerk and Directors.

SEC. 15. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 496.

HOUSE BILL No. 520.

A BILL to be entitled An Act to prevent live stock from running at large in certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it is unlawful for live stock of any kind to run at large in counties of the State of Tennessee having a population not less than twenty-two thousand seven hundred and fifty (22,750) nor more than twenty-two thousand seven hundred and sixty-one (22,761) by the Federal Census of 1900 or by any subsequent Federal Census. This Act applies to County.

SEC. 2. *Be it further enacted,* That any violation of Section 1 of this Act shall be a misdemeanor and punishable by a fine of not less than five ($5) dollars nor more than ten ($10) dollars.

SEC. 3. *Be it further enacted,* That any damage done by live stock running at large in any of said counties shall be, and is hereby, constituted a lien upon such said trespassing stock, to be enforced as other liens by judgment at law and execution or attachment.

SEC. 4. *Be it further enacted,* That any person or persons upon whose lands such live stock may be found running at large shall have the right to take up said live stock, and confine them, giving food and attention, and shall be entitled to a reasonable compensation for the same, which shall be a lien upon said live stock, to be enforced as provided for in Section 3.

SEC. 5. *Be it further enacted,* That all fines collected under this Act shall be paid into the public school fund of the county in which said fines are assessed.

SEC. 6. *Be it further enacted,* That this Act shall take effect only in such of the above described counties as shall express their approval of the same at a popular election, to be called and held by the Election Commissioners for that purpose on Saturday, the fifth day of August, 1905. Said election shall be held and certified by said Election Commissioners as other county elections are now held

and certified, and those voters favoring the law shall cast a ballot "For the stock law," and those opposing it shall cast a ballot "Against the stock law," and if a majority of the votes cast in said election shall be in favor of said law, then this Act shall take effect in such counties so expressing their approval of the same on the first day of January, 1906.

Passed April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

CHAPTER 497.

SENATE BILL No. 274.

AN ACT to appropriate money out of the State Treasury for the purpose of defraying the expenses of the State Government for two years, commencing March 19, 1905.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the appropriations hereinafter set out are hereby made for the purpose of defraying the expenses of the State Government for two years, commencing March 19, 1905, which appropriations shall be paid out of the State treasury upon the warrant of the Comptroller. The Comptroller is hereby expressly forbidden to draw his warrant on the treasury for any amount over and above the amount appropriated for any particular purpose, and he is also forbidden to draw for any amount for any purpose for which an appropriation has not been made either in this Act or by law. The Treasurer is hereby forbidden to pay any warrant of the Comptroller unless money has been appropriated by this Act or by law for that purpose, and he shall not permit any

Comptroller not to draw warrant except for specific appropriation.

more money to be drawn from the treasury than has been appropriated for any particular purpose.

JUDICIARY.

State prosecution cost accrued on behalf of the State..	$310,000 00
Deficiency in 1903 appropriation.....	33,000 00
Salary of Supreme Court Judges (5) each $3,500.00 per annum	35,000 00
For clerical assistance to the Supreme Court, each member $600.00 per annum.....	6,000 00
Provided, that no part of this compensation shall be paid except when an account is made out therefor, showing to whom it is to be paid, and the nature of the work performed, the length of time engaged, and its correctness certified to and approved by a Judge of the Supreme Court.	
Salaries of Judges of the Chancery Court of Appeals three (3) each, $3,500.00 per annum.....	21,000 00
For clerical assistance to the Court of Chancery Appeals, each member $600.00 per annum.....	3,600 00
This shall be certified to and paid in the same manner as clerk hire of the Judges of the Supreme Court.	
Expenses of the Supreme Court and Court of Chancery Appeals, which shall include the pay of Marshals, porters, stationery, and handling Judges' books	10,000 00
The $10,000.00 appropriation herein provided for shall be apportioned by the Supreme Court between the courts of the respective divisions, and the accounts of each division shall be kept separately by the Comptroller; provided, that no porter for the Supreme Court shall be paid more than $40.00 per month.	
Salary State Attorney General and Reporter, $3,000.00 per annum	6,000 00
Salary of Assistant Attorney General for State, $2,000.00 per annum.....	4,000 00
Expenses of the State Attorney General and Reporter for stenographer, briefs, opinions, etc., per annum, $1,000.00	2,000 00
Salaries of Circuit Judges twenty (20), each $2,500.00 per annum	100,000 00
Salaries of Chancery Court Judges, ten (10), each $2,500.00 per annum.....	50,000 00
Salaries of Criminal Court Judges (4), each $2,500.00 per annum	20,000 00
Salaries of Assistant Attorneys General (2), at $1,200 per annum	4,800 00
Salary of Assistant Attorney General (1), at $1,800.00 per annum	3,600 00
Salary of Assistant Attorney General, Montgomery County, $800.00 per annum.....	1,600 00
Salary of Assistant Attorney General (1), at $800.00 per annum	1,600 00
Salaries of District Attorneys General (16), at $2,500 each per annum.....	80,000 00
Supreme Court Reports, 600 copies, per volume, $1.96 as per contract.	

Arresting fugitives from justice	1,000 00
Department of History and Archives	
Secretary to be appointed by the Governor, salary and expenses not to exceed $1,000.00 per annum	2,000 00

OFFICE OF THE GOVERNOR.

Salary of Governor, $4,000.00 per annum	$ 8,000 00
Salary of Private Secretary, $1,800.00 per annum	3,600 00
Salary of Stenographer, $720.00 per annum	1,440 00
Office expenses, such as stamps, telegraphing, long-distance telephoning, stationery, blanks, and publishing Governor's proclamation	1,200 00

OFFICE OF STATE TREASURER.

Salary State Treasurer, $3,500.00 per annum	$ 7,000 00
Salary of Chief Clerk, $1,800.00 per annum	3,600 00
Salary of Assistant Clerk, $900.00 per annum	1,800 00
Office expenses, such as stamps, blank books, printing, stationery, etc.	1,000 00
Publishing Treasurer's quarterly reports in newspapers	600 00
No other clerk shall be allowed except those provided for above.	

OFFICE OF INSURANCE COMMISSIONER AND BUILDING AND LOAN INSPECTOR.

Salary Insurance Commissioner and Building and Loan Inspector, $1,500.00 per annum	3,000 00
Salary of Clerk, per annum	1,800 00
Office expenses and printing to be paid as now provided by law.	

OFFICE OF SECRETARY OF STATE.

Salary of Secretary of State, $3,000.00 per annum	$ 6,000 00
Salary of Clerk, $1,800.00 per annum	3,600 00
Salary of second Clerk, $1,500.00 per annum	3,000 00
Salary of Stenographer, $720.00 per annum	1,440 00
For office expenses, stamps, stationery, poll books, blank books, long-distance telephoning, telegraphing, etc.	2,500 00

OFFICE OF COMPTROLLER OF THE TREASURY.

Salary of Comptroller, $4,000.000 per annum	$ 8,000 00
Salary of Chief and Auditing Clerk, $2,000.00	4,000 00
Salary of bookkeeper, $1,800 per annum	3,600 00
Salary of Warrant Clerk, $1,500 per annum	3,000 00
Salary of file and pension clerk, $1,200 per annum	2,400 00
Salary of assistant bookkeeper, $900.00 per annum	1,800 00
Salary of stenographer, $720.00 per annum	1,440 00
Office expenses, such as stamps, stationery, telegrams, telephoning, expressage, blank forms for county, tax digest, etc	3,000 00
Tax aggregate	2,400 00

FUNDING BOARD.

Clerk to Board, $1,500.00 per year	$ 3,000 00
Board expenses, including all necessary and actual traveling expenses, to be paid only upon presentation of itemized statement of accounts, properly receipted	1,000 00

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

Salary of Superintendent, $2,400.00 per annum	$ 4,800 00
Salary of Clerk, $1,200.00 per annum	2,400 00
Salary of stenographer, $720.00 per annum	1,440 00
Traveling expenses of Superintendent while in actual discharge of his official duties (to be itemized and sworn to) $750.00 per annum	1,500 00
Office expenses, such as stamps, telegraphing, telephoning, expressage, blank books, and forms, $600.00 per annum	1,200 00
State Normal Institute, $5,000.00 per annum	10,000 00
Printing, stationery, school law, school supplies, diplomas, annual report, and other necessary printing, $4,500.00 per annum	9,000 00
Expenses State Board of Education, per annum $600	1,200 00
All the above expenses shall be paid out of the school fund.	

OFFICE OF COMMISSIONER OF AGRICULTURE.

Salary of Commissioner, $2,500.00 per annum	$ 5,000 00
Salary of Assistant Commissioners (3), $1,000 per annum	6,000 00
Extra compensation for Assistant Commissioner from Middle Tennessee, for extra duties as Fertilizer Inspector, per annum $200.00	400 00
Salary clerk, $1,350 per annum	2,700 00
Office expenses, such as stamps, telegraphing, telephoning, expressage, freight, drayage, blank books, analysis of fertilizers, printing, stationery, fertilizer tags, crop reports, agricultural literature, etc., $2,150.00 per annum	4,300 00
Provided, the $400.00 additional shall be used for the analysis of fertilizer.	
Live Stock Commissioner, $1,700.00 per annum	3,400 00
State Veterinarian, $6.00 per day while actually engaged in work for the Board, not to exceed $600 maintenance of the Texas fever quarantine line and suppression of communicable diseases among animals, to be paid only upon vouchers approved by the Governor	5,000 00
For holding Farmers' Institutes, $5,000.00 per annum.	10,000 00
Provided, that $60.00 per month shall be paid out of the appropriation for Farmers' Institutes for a stenographer.	
State Entomologist, to be paid not exceeding $1,500.00 per year	3,000 00

OFFICE STATE BOARD OF HEALTH.

Salary of Secretary of the Board, $2,000 per annum	$ 4,000 00
Salary of Clerk, $1,200 per annum	2,400 00

Office expenses, stamps, telegraphing, telephoning, expressage, blanks, printing, and stationery.... 1,000 00

Prevention and suppression of humane epidemic diseases, to be used only upon the approval of the Governor 5,000 00

OFFICE OF ADJUTANT GENERAL.

Salary of Adjutant General, $1,800.00 per annum.....$ 3,600 00

FOR THE UNIVERSITY OF TENNESSEE.

For the University of Tennessee.....$ 25,000 00
which shall be paid to the Treasurer of said University and be used by its Trustees towards establishing Schools of Technology in said University.

Provided, That of the amount so appropriated, $1,250 each year, or so much thereof as may be necessary for the purpose, be used for the transportation of pupils to and from the University during attendance, one round trip annually, so as to equalize the benefit of the University to all sections of the State.

Provided, That this appropriation shall not be paid until after the sum of $300,000 shall have been set apart from the surplus to the credit of the public school fund, as provided under Senate Bill No. 100.

Provided, This appropriation shall in no way reduce or interfere with the public school fund.

TENNESSEE BLIND SCHOOL.

Each student, per annum.....$ 175 00
payable $17.50 per school months, not to exceed ten months in each year.

For rebuilding workshop, and other repairs and equipment 13,000 00

To place fire escapes on Blind School, to be spent upon the approval of the Governor..... 2,500 00

TENNESSEE INDUSTRIAL SCHOOL.

Each student, per annum.....$ 100 00

DEAF AND DUMB SCHOOL.

Each student, per annum.....$ 165 00
to be paid $16.50 per school months, not to exceed ten months per year.

Boiler and heating apparatus..... 1,175 00

For enlarging chapel, to be expended under direction of the Governor..... 5,500 00

CENTRAL HOSPITAL FOR THE INSANE.

Each patient, per annum.....$ 135 00
limited to 475 patients.

Salary of Superintendent, per annum, $1,900.00..... 3,800 00

For fire escapes for colored department, cost to be approved by Governor and Comptroller.....

EASTERN HOSPITAL FOR THE INSANE.

The number of inmates to be limited to 425, per capita each, per annum	$	135 00
For the purchase of dynamo, engine, and wiring		2,500 00
To furnish new addition		1,000 00
For new boilers		1,500 00
Fire hose		400 00
No portion of this fund shall be paid for more than one assistant physician, nor for more than two attendants to one ward.		
Salary of Superintendent, per annum, $1,900.00		3,800 00

WESTERN HOSPITAL FOR INSANE.

Each patient, per annum limited to 575 patients.	$	135 00
Salary of Superintendent, per annum $1,900		3,800 00
For completing road from Bolivar		1,500 00
For rebuilding barn		500 00

CONFEDERATE SOLDIERS' HOME.

Each inmate, per annum	$	135 00
Religious services, per annum, $150		300 00
Expense of each burial of inmates		20 00
For improvements, repairs, painting, heating, etc		2,000 00

LADIES' HERMITAGE ASSOCIATION.

To preserve and repair the home of Andrew Jackson, $600.00 per annum	$	1,200 00
Additional repairs for 1905		500 00

PENSION TO DISABLED SOLDIERS.

Per annum, $250,000 to be paid as provided by law		$500,000 00
Additional, $25,000.00 per annum for widows of soldiers.		50,000 00
Expenses of Frank Moses, Special Examiner, to be paid out of appropriation for pensions (paid)		428 00

BLIND GIRLS' HOME.

For building fence and other improvements	$	1,000 00
For maintenance of Home, per annum		500 00

PUBLIC PRINTING.

Messages and reports of various departments to Legislature.	$	2,000 00
Publishing Acts, Journals, Appendix, etc		4,000 00
Assessment blanks		2,000 00
Publishing Acts in newspapers and copying same		1,000 00

SHOP AND FACTORY INSPECTOR.

Salary, $1,200.00 per annum	$ 2,400 00
Expenses, $250.00 per annum or so much thereof as may be necessary, to be paid only upon proper vouchers for actual expenses incurred by the Shop and Factory Inspector while away from home, in the actual performance of his duty as required by law.	500 00

NATIONAL GUARD.

Maintenance of the National Guard, $12,500.00 per annum; provided that none of this fund shall be expended except the vouchers approved by the Adjutant General and Governor	$ 25,000 00

OFFICE OF MINE INSPECTOR.

To be paid as provided by Chapter 227, of the Acts of 1903, or any subsequent Act amending that Act.

OFFICE RAILROAD COMMISSIONER.

Salary of Commissioners (3), each $2,000 per annum	$ 12,000 00
Salary of Secretary, $1,500.00 per annum	3,000 00
Salary of Stenographer, $720.00 per annum	1,440 00
Office expenses, such as stamps, stationery, printing, traveling expenses, etc.; provided, that none of said sums shall be used for the payment of any expenses in the home town of any member of the Commission, or the expenses of any member of the Commission while in the City of Nashville, to be paid upon presentation of receipts taken for actual expenses	2,000 00

STATE LIBRARIANS.

Salary of Librarian, $1,200.00 per annum	$ 2,400 00
Salary of Assistant, $720.00	1,440 00
Law Library to be expended by the Supreme Court..	
For library expenses to be expended under direction of Library Commission, per annum	1,000 00

OFFICE SUPERINTENDENT CAPITOL.

Salary of Superintendent, $1,000.00 per annum	$ 2,000 00
Salary of Night Watchman, $900.00 per annum	1,800 00
Salary of Engineer, $1,000.00 per annum, the Engineer to be under control of Capitol Commission	2,000 00
Salary of fireman, when needed, per month	50 00
Salary of Landscape Gardener, $600.00 per annum	1,200 00
Salary of porter, Secretary of State, Adjutant General, $480.00 per annum	960 00
Salary of porter, Treasurer and Comptroller, $480.00 per annum	960 00
Salary of porter, State Board of Health, Superintendent Schools, State Agricultural Department, and Supreme Court, $480.00 per annum	960 00

Salary of porter for Library, $480.00 per annum.....	960 00
Salary of porter, Railroad Commission, Pension Board, Commisioner Labor, etc., $480.00 per annum....	960 00
Salary of porter for Governor, $480.00 per annum....	960 00
All porters employed in the Capitol to be under the control and direction of the Superintendent.	
Water, fuel, lights, ice, blank books, and other contingent expenses, to be approved by the Governor	4,000 00
On account of 1903 deficiency.....	1,000 00

STATE PENITENTIARY.

Salary Commissioners (3), each per annum, $2,500.00.	$ 15,000 00
Salary Warden main prison, $1,200.00 per annum.....	2,400 00
Salary Warden Brushy Mountain, $1,200.00 per annum.	2,400 00
Salary Physician main prison, $1,200.00 per annum..	2,400 00
Salary Physician Brushy Mountain, $1,200 per annum.	2,400 00
Salary Chaplain main prison, $500.00 per annum.....	1,000 00
Salary of Chaplain, Brushy Mountain, $250 per annum.	500 00
Salary of Matron main prison, $480.00 per annum....	960 00
Expenses and maintenance as now provided by law.	

PUBLIC SCHOOL FUND.

Interest on public school fund, $150,750.00 per annum.	$301,500 00

SPENCER T. HUNT FUND.

Interest on Spencer T. Hunt fund, per annum, $444.16..	$ 888 32

SEC. 2. *Be it further enacted,* That no portion of the funds herein appropriated for the maintenance and support of any public institution, whether charitable or penal, shall be paid to any Trustee or officer of any institution supported by the State or to their agents or firms or corporation with which they are connected, except the salary and *per diem* now provided for by law.

SEC. 3. *Be it further enacted,* That the Comptroller issue his warrant on the State Treasurer for interest due April 1st, 1905, July 1st, 1905, October 1st, 1905, January 1st, 1906, April 1st, 1906, July 1st, 1906, October 1st, 1906, and January 1st, 1907, on the bonds comprising the State debt, as the same may be payable by statute. Interest on State debt

SEC. 4. *Be it further enacted,* That the Comptroller issue his warrant on the State Treasurer for the payment of the interest July 1st, 1905, January 1st, 1906, July 1st, 1906, and January 1st, 1907, on bonds and certificates of indebtedness held by charitable, literary, or educational institutions in this State, as may be due by existing laws.

In case of insurrection or riot.

SEC. 5. *Be it further enacted,* That whenever there is within the borders of the State an insurrection, riot, or violence of any kind, the magnitude of which threatens the peace and dignity of the State as to make it necessary for the Governor to call out the militia or to call to their aid the Sheriffs of the State to suppress same in accordance with the provisions of Chapter 8, Acts of 1891, extra session, the Governor shall have the right to purchase all supplies, pay for the maintenance of the militia, and the posse, and shall draw upon any funds in the treasury for that purpose.

Charitable institutions—change in method of paying expenses.

SEC. 6. *Be it further enacted,* That the authorities of any State institutions, of whatever kind and character, maintained in whole or in part by the revenue of the State, shall, when they desire payments of the amounts expended by them under the provisions of the law, forward to the Comptroller of the State properly itemized accounts for all articles purchased by them or amounts expended, duly approved by the proper persons; and, if after inspection and comparison of accounts of like character of other institutions, the Comptroller is of the opinion that the same are proper, reasonable, and just, he shall draw his warrant in favor of the holder thereof; *Provided,* the Comptroller, when in doubt as to the correctness, reasonableness, and justness of such claim, shall have full authority to investigate the same; and, if necessary, report same to the District Attorney or Revenue Agent of the district in which said claim originates.

Said original accounts shall be filed with the Comptroller, and duplicates thereof shall be retained by said several institutions and filed and preserved for inspection.

SEC. 7. *Be it further enacted,* That it shall be unlawful and a misdemeanor for the Comptroller of the State to issue any warrants for the purpose of providing for the pay of inmates of any charitable or educational institution of the State unless at the time application is made for the same a statement verified under oath, made before some person competent to administer oaths, is filed in the office, showing the name for each inmate for whom pay is drawn, the residence and age of such inmate, date of admission into such institution, and the actual time such inmate has been in such institution during the period of time for which such pay is drawn, and no pay shall be allowed for any greater period than the time such inmate has been in such institution, and a receipted monthly

pay roll of all employes for the previous month furnished with said requisition and estimate.

SEC. 8. *Be it further enacted,* That as to any claim or demand against the State for or on account of traveling expenses provided herein and purporting to have accrued after the adjournment of the present General Assembly, it shall be unlawful for the Comptroller of the State to issue his warrant therefor unless a statement is filed in his office showing the expense specifically and by items, filing with sworn statement original receipts for all expense except railroad fare and sleeping car fare, and that the same shall be necessary and actually disbursed and expended, which statement shall be verified by oath of claimant and made before some person competent to administer an oath. "Porterage" shall not be included in expense accounts.

SEC. 9. *Be it further enacted,* That hereafter the Commissioner of Agriculture shall keep a record of, and shall account for, all fertilizer tags sold by him. That to do this, he shall have said tags printed, and, if necessary, bound in suitable books, with coupons attached; each tag shall be numbered from No. 1 on up, and the coupons shall be a corresponding number. All tags sold shall be charged in the books of said office to the proper purchaser; the item to state the smallest and largest number of each lot (inclusive) bought and sold by said individual or firm. Said coupons shall be retained by him together with said record of sales, subject to inspection at all times. The cost of printing said tags and coupons shall be paid out of the appropriation allowed in this Act.

Commissioner of Agriculture to keep record of tags sold.

SEC. 10. *Be it further enacted,* That it shall be unlawful for the Comptroller of the State of Tennessee to issue his warrant for any claim or demand against the State of Tennessee unless the same is fully, specifically, and exactly itemized and sworn to before some person competent to administer an oath, and the auditing or approval of such claim or demand by any of the State, or any department thereof, shall be ineffectual as against the above restrictions; *Provided,* that this clause shall not apply to salaries.

SEC. 11. *Be it further enacted,* That a sufficient sum be, and is hereby, appropriated out of any funds in the State treasury not otherwise appropriated to feed, clothe, and guard, transfer, and recapture or otherwise maintain and employ the convicts of the State.

SEC. 12. *Be it further enacted,* That notice is hereby given that it is the policy of the State of Tennessee that no department of government shall exceed its appropriation, and that if they do exceed their appropriations, it shall be a liability of the officer ordering the same and not of the State.

SEC. 13. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved.

JOHN I. COX,
Governor.

CHAPTER 498.

AN ACT to designate, adopt, and declare a flag, or banner, for the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a flag or banner is hereby designated and adopted and declared to be the flag or banner of the State of Tennessee, which flag or banner shall be of the following design, colors, and proportions —to wit:

An oblong flag or banner in length one and two-thirds times its width, the large or principal field of same to be of color red, but said flag or banner ending at its free or outer end in a perpendicular bar of blue, of uniform width, running from side to side—that is to say, from top to bottom of said flag or banner—and separated from the red field by a narrow margin or stripe of white of uniform width; the width of the white stripe to be one-fifth that of the blue bar; and the total width of the bar and stripe together to be equal to one-eighth of the width of the flag. In the center of the red field shall be a smaller circular field of blue, separated from the surrounding red field by

a circular margin or stripe of white of uniform width and of the same width as the straight margin or stripe first mentioned. The breadth or diameter of the circular blue field, exclusive of the white margin, shall be equal to one-half of the width of the flag.

Inside the circular blue field shall be three five-pointed stars of white distributed at equal intervals around a point, the center of the blue field, and of such size and arrangement that one point of each star shall approach as closely as practicable without actually touching one point of each of the other two around the center point of the field; and the two outer points of each star shall approach as nearly as practicable without actually touching the periphery of the blue field. The arrangement of the three stars shall be such that the centers of no two stars shall be in a line parallel to either the side or end of the flag, but intermediate between same; and the highest star shall be the one nearest the upper confined corner of the flag.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 499.

SENATE BILL No. 513.

AN ACT to provide for establishing the line between the State of Georgia and Tennessee; to provide for the appointment of a Commission to establish said line; and to appropriate money to pay the expenses thereof.

WHEREAS, There are grave doubts as to the location of the State line between Georgia and Tennessee on that part of the line which runs between Dade County in the State of Georgia and Marion and Hamilton Counties in the State of Tennessee; and,

WHEREAS, The same has occasioned considerable trouble, and said line should be definitely settled and fixed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor of this State is hereby directed to communicate with the Governor of the State of Georgia for the purpose of having a joint survey and settlement of the disputed question; and if an arrangement can be made between the Governors of the two States, then the Governor of the State of Tennessee be, and he is hereby, authorized and required to appoint three competent persons to act with such member as may be appointed by the State of Georgia, whose duty it shall be to survey and establish and proclaim the true line between the disputed points.

SEC. 2. *Be it further enacted,* That the sum of two hundred and fifty dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated to pay the expenses of said proceeding, for which the Governor may draw his warrant on the Treasurer of the State.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 500.

SENATE BILL No. 541.

AN ACT to authorize the Attorney General and Reporter of the State to appoint an assistant, or assistants, and to define the duties of and provide compensation for such assistants.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Attorney General and Reporter of the State is hereby authorized to appoint one Assistant, who shall receive as compensation for the services required of him, under the provisions of this Act, the sum of two thousand dollars per annum, payable monthly, out of the treasury of the State, upon the warrant of the Comptroller, and who shall be paid his actual necessary expenses when required to leave Nashville on business for the State, payable in like manner as his compensation, when there has been filed with the Comptroller an itemized statement certified by said Assistant and approved by the Attorney General; *Provided,* the Attorney General and the Assistant herein provided for shall discharge all the duties of said office, and the State shall not be liable for the costs instant (incident) to the employment of additional counsel unless approved by the Governor. Salary of first Assistant.

SEC. 2. *Be it further enacted,* That the Attorney General and Reporter is also authorized to appoint another Assistant in addition to the one provided for in the first section of this Act; *Provided, however,* that the compensation of such additional Assistant shall not be paid from the treasury of the State.

SEC. 3. *Be it further enacted,* That the appointment or term of such Assistants as may be appointed by the Attorney General and Reporter, under the provisions of this Act, shall only continue during his pleasure, and they shall perform such duties as may be required of them by the Attorney General and Reporter. Said Assistants shall be regularly licensed attorneys of this State, duly qualified to practice in and members of the bar of the Supreme Court of the State; and, before entering upon Term of office.

the discharge of their duties as herein provided, they, or the ones so appointed, shall take an oath to faithfully discharge the duties required of them.

SEC. 4. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 501.

SENATE BILL No. 510.

AN ACT to incorporate the Town of Wartburg, in the County of Morgan, and to prescribe its duties and powers, and to provide for the election of officers, and prescribe their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Wartburg, in the County of Morgan, and the inhabitants thereof within the boundaries hereinafter specified, be, and are hereby, constituted a body politic and corporate by the name and style of Wartburg. The boundaries of said town to be as follows:

Boundaries.

Beginning on a poplar standing on the north bank of the Wartburg and Knoxville Road a few weeks (?) west of the Crone old house place; thence due north 160 poles to a stake; thence west 400 poles to a stake; thence south 320 poles to a stake; thence east 400 poles to a stake; thence north 240 poles to the point of beginning.

SEC. 2. *Be it further enacted,* That the corporation of aforesaid shall have perpetual succession by such name and style. Shall sue and be sued, plead and be impleaded in all courts of law and equity and in all actions

whatever. May purchase, receive, and hold real and personal property within and without the corporate limits, to be owned and used for corporate purposes only; and may sell, lease, or dispose of said property for the use of said corporation, and do any and all things touching said property as natural persons, and may have in use a common seal, which may be changed at the pleasure of the Board of Mayor and Aldermen.

Legislative authority

SEC. 3. *Be it further enacted,* That the legislative power of the Town of Wartburg shall be vested in a Board of Mayor and Aldermen, which shall be composed of the Mayor and four Aldermen, who shall be elected by the qualified voters of said corporation, and shall hold their term of office for one year and until their successors are elected and qualified. The regular term of office of such Mayor and Aldermen shall begin on the first Monday of January of each year, except the first ones, which shall begin with the qualification and election as hereinafter provided.

Election of officers.

SEC. 4. *Be it further enacted,* That within ten days after this Act shall become a law, the Election Commissioners of Morgan County shall give due and legal notice and hold or cause to be held an election for the purpose of electing the Mayor and Aldermen in this Act provided for. All subsequent elections shall be held in said corporation on Saturday after the first Monday in December of each and every year, and the same shall be held under the direction of, and in such manner as, the Board of Mayor and Aldermen shall prescribe under the General Rules and Regulations fixed by law for holding State, county, and municipal elections, and they are given power to appoint officers, judges, and clerks to hold the same. All vacancies in the Board of Mayor and Aldermen shall be filled by the remaining members of said Board. All persons twenty-one years of age and over living within the corporate limits of said town for a period of six months next before the election and otherwise qualified under the laws of the State to exercise the elective franchise, shall be a legal voter in said corporation. The person receiving the highest number of votes in any election held under this Act for Mayor and Aldermen shall be declared elected, and the officer or officers holding said election shall issue to the persons so elected a certificate showing their election within two days thereafter.

Oath of office.

SEC. 5. *Be it further enacted,* That before entering upon the discharge of their duties, the Mayor and Aldermen so elected shall take an oath before some officer authorized to administer oaths to faithfully discharge the duties of their offices and to faithfully demean themselves as the law directs during their continuance in office.

Meetings of Board.

SEC. 6. *Be it further enacted,* That the Board of Mayor and Aldermen shall hold a regular meeting once each month. and special meeting whenever called by the Mayor, whose duty it shall be to cause such special meeting upon the written request of three members of the Board of Aldermen, specifying the purpose of the meeting, and no business shall be legally transacted at such special meeting that is not specified in the cause. Regular meetings until otherwise ordered shall be held upon the first Tuesday night in each month.

Duties of Mayor.

SEC. 7. *Be it further enacted,* That the Mayor shall preside at all meetings of the Board. Three members of the Board, including the Mayor, shall constitute a quorum for the transaction of business. A journal of the proceedings of the Board shall be kept by the Recorder, upon which journal shall be entered each vote taken in the Board by yeas and nays, and no action of the Board, except to adjourn, shall have any force or validity unless at least three of the members have voted in favor thereof. The Mayor shall have the right to vote once upon all questions.

Powers of Board.

SEC. 8. *Be it further enacted,* That the Board of Mayor and Aldermen shall have power by ordinance (1) to preserve the health, quiet, peace, and order of said town, including such quarantine regulations as occasion may require; (2) to declare what is a nuisance and to prevent and remove the same; (3) to levy and collect taxes on all property within the corporate limits taxable by the laws of the State and upon polls; (4) to appropriate money and to provide for the debts and running expenses of the corporation; (5) to provide and establish a system of public schools, which shall be free from sectarian influences, and to provide for the support and maintenance of the same; (6) to license and tax all privileges taxable by the laws of the State; (7) to regulate, prohibit, and suppress theatrical and other shows and exhibitions; (8) to regulate and suppress gaming and gambling houses, disorderly houses, and houses of ill fame, and they shall have power to declare all such places nuisances and abate

them as such; (9) to suppress and prevent the carrying of concealed weapons and the sale of same; (10) to regulate the storage, sale, or use of firecrackers and all other fireworks, toy pistols, explosives, and combustibles; (11) to provide for the inspection, weighing, and measuring of coal, wood, and other material, hay, corn, and all grains brought to and sold in the market for the use of the citizens of the town; (12) to establish, regulate, license, and tax markets and marketers or persons selling produce and provisions in the town; (13) to impose fines, forfeitures, and penalties for the breach of any ordinance adopted under this Act, and to provide for their recovery, and the arrest of any party or parties breaching said ordinances, and to provide for sentences of imprisonment in the city workhouse, provided that no fine shall exceed fifty dollars and no sentence of imprisonment more than three months; (14) to erect and keep a calaboose or city prison in which to confine all persons violating the ordinances of the corporation under such regulations as the Board may adopt; (15) to erect and organize a workhouse in or near said town and provide for a committee and working in said workhouse on the public streets of any person who shall fail to pay or secure any fine or cost assessed against him for the violation of any ordinance, or who may be sentenced to said workhouse; (16) to regulate and prohibit the running at large on the streets dogs or other animals; (17) to provide that a support and maintenance of a police force, and appoint the same; (18) to pass all ordinances necessary for the health, peace, convenience, safety, and good order of the town, and for the suppression and prohibition of any and all acts and things made criminal by the laws of the State, and to provide punishment for the breach of same; (19) to grant right of ways to the street and alleys of said town for street railway and other public utilities; (20) to condemn and take, use and appropriate any ground necessary to widen its streets, avenues, and alleys by paying to the owner or owners of said ground the actual damage done them, taking into consideration the actual improvements made; (21) to alter, abolish, widen, extend, establish, and create streets, avenues, alleys, and sidewalks, and to improve and keep same in repair, and to drain and sewer the same, to remove all obstructions in said street, lanes, avenues, sidewalks, and curbstones, and to provide for lighting the streets.

Same.

SEC. 9. *Be it further enacted,* That the Board of Mayor and Aldermen shall have power to make all ordinances necessary in proper for carrying into executions the provisions of this Act.

Officers elected by Board.

SEC. 10. *Be it further enacted,* That the executive power of the corporation shall be vested in the Mayor, a City Treasurer, a Recorder, and a Marshal. The Mayor shall be elected by the qualified voters of the corporation. The City Treasurer, Recorder, and Marshal shall be elected by the Board of Mayor and Aldermen at their regular meeting of January in each year for a term of one year and until their successors are elected and qualified. The first Board elected under the provisions of this Act shall appoint or elect such officers immediately on the organization of the Board to serve until January 1, 1906.

Additional duties of Mayor.

SEC. 11. *Be it further enacted,* That the Mayor shall have general supervision and control over all city offices and shall examine into the condition of their respective offices and every matter pertaining thereto. He shall have power to suspend any officer when in his judgment the public welfare requires it. He shall submit to said officer at the time of his suspension written specification of the charges against him, and shall call together within five days the Board of Mayor and Aldermen in order that they may try such suspended officer, and if the majority of said voters sustain the Mayor, such office will be declared vacant and the Board proceed to fill the vacancy for the balance of the term. This shall not apply to the members of the Board. The Mayor will preside at all cases of the examination of charges against any officer of the corporation. He will administer oaths and issue subpoenas and compel the attendance of witnesses. The Mayor shall give such information and make such recommendations in writing to the Board as he may deem expedient for the interest of the corporation, and shall see that the laws are enforced. He shall have the power to veto any ordinance, and any ordinance vetoed by the Mayor shall not become operative except by the vote of the majority of the Board exclusive of the Mayor. The Mayor shall have the power to call upon every male inhabitant over eighteen years of age to aid in the enforcing the laws and preserving the public peace, and any willful refusal to neglect or obey such calls from the Mayor may be punished as the Board of Aldermen may pre-

scribe. It shall be the duty of the Mayor to perform all acts that may be required of him by an ordinance duly enacted.

Duties of Treasurer.

SEC. 12. *Be it further enacted,* That the Treasurer before entering upon the duties of his office shall subscribe to an oath to faithfully discharge the duties of his office, and shall execute a bond in such sum as the Board of Mayor and Aldermen shall direct. It shall be the duty of the Treasurer to receive and pay out on warrants drawn by the Board of Mayor and Aldermen, signed by the Mayor and Recorder and attested by the seal of the corporation. He shall keep an account of the funds coming into his hands and paid out by him, shall furnish to the Mayor such information as he may possess in reference to the finances of the corporation or otherwise. Every officer of the corporation or other person who shall receive or have in his hands money belonging to the corporation, shall immediately pay the same over to the Treasurer and take his receipt therefor in duplicate, one of which shall be delivered to the Recorder by the party paying over the money and be kept by the Recorder subject to public inspection, and for every failure upon the part of any officer of the corporation to pay over to the Treasurer such money as herein provided, such officer, agent, or other person shall forfeit to the corporation double the amount of money not paid over as herein specified. At the first of each month the Treasurer shall report to the Board of Mayor and Aldermen the transactions of his office during the previous month, which report shall show the amount of money received, from whom, and on what account; also a list of the warrants or orders which have been redeemed by him or been paid into his office as money due the city. Said warrants shall be canceled by the Treasurer when received. He will keep a permanent list of the same and submit the original one so long as his report to be destroyed by the Board. His annual report shall be made to the Board on the first meeting in January of each year. All warrants upon the Treasurer shall show the date of their issuance, date of allowance by the Board, to whom issued, for what purpose, and from what fund payable. The Treasurer shall receive such compensation as the Board of Mayor and Aldermen may allow, not to exceed two per cent of the revenues received by him.

Duties of Recorder.

SEC. 13. *Be it further enacted,* That the Recorder, before entering upon the duties of his office, shall subscribe to an oath to faithfully perform the same, and shall execute bond in such sum as the Board of Mayor and Aldermen may direct, conditioned upon the faithful performance of the duties of his office and to pay over to the Treasurer all moneys that may come into his hands belonging to the corporation, and to turn over to his successor all books, papers, vouchers, and property of every kind pertaining to his office. The Recorder shall be the General Accountant of the corporation. It shall be his duty to receive and preserve all accounts, books, vouchers, papers, etc., relating to the accounts, contracts, debts, revenues, and other affairs of the corporation. It shall be his duty to draw and register all warrants on the treasury for all appropriations and moneys ordered paid by the Board. He shall keep a true and accurate account of the revenue, receipts, and expenditures of the city and with the City Treasurer and the different funds of the city. He shall see no appropriation or funds are overdrawn or misapplied, that no liability is incurred, and that no money or property of the city is disbursed or disposed of contract to law or ordinance. He shall, at the first meeting of the Board each year, certify to the Mayor the amount of money to be raised by taxation necessary to meet the current indebtedness. He shall report monthly to the Mayor the financial condition of the city showing the warrants issued, to whom, and on what fund, the outstanding indebtedness, and the cash in the treasury. He shall keep a complete table of the resources, assets, and liabilities of the city, of all contracts, names of contractors, amount of contracts, the amount paid and the amount due; a list of the employes of the city, time worked, and the wages paid. All settlements and reports made to him must be made under oath. Claims against the city must be itemized and sworn to except the fixed salaries of officers, and no claim shall be allowed by the Board and warrant issued thereon except the same is so verified. The Recorder is authorized to issue all privilege license and permits which may be fixed by ordinance of the Board or granted to any person. He shall collect and receipt for amount of privilege license and permit fee. He shall be entitled to charge and collect in addition to such license a fee of fifty cents, which shall be paid into the treasury. License may be issued

Monthly financial report.

quarterly, semi-annually, or annually, and in all cases payable in advance. On the issuance of license the Recorder is required to receipt in duplicate, one of which receipts shall be deposited with the Treasurer before the license becomes effective. The Recorder shall attend all meetings of the Board of Mayor and Aldermen and keep a full, true, and complete record of the proceedings of such meeting. He shall have custody of the seal, public records, and ordinances of the Board.

Recorder's Court.

SEC. 14. *Be it further enacted,* That there is hereby established within and for the corporation of Wartburg a court, to be presided over by the Recorder. He shall also be the Clerk of his own court. The court of Wartburg is hereby invested with full power and authority to try all offenses for a violation of the ordinances of said town, and said Recorder is hereby invested with concurrent jurisdiction with Justices of the Peace in civil and criminal cases under the laws of the State of Tennessee, and shall be entitled to the same fees as are now allowed by law to Justices of the Peace for like services, and to such fee as shall be provided for by ordinances; in all actions arising under the ordinances, the fees when collected shall be paid to the Treasurer. The Recorder shall keep a regular docket, and shall docket all cases tried by him, and shall show the amount of all bills of cost, the practice and procedure before said court shall be such as the Recorder may establish not inconsistent to the laws of the State or the ordinances of the corporation. In the event the Recorder shall either from absence or inability to act be disqualified from sitting in any particular case, the Mayor is authorized to try all such cases or offenses against the ordinances of the corporation only. If any person fails or refuses to pay the amount of privilege tax which they may be liable when the same is due, the Recorder shall issue a distress warrant therefor, which shall be levied by the Marshal upon the property of such delinquent taxpayer, and the same sold in the manner prescribed for sale under execution from the Courts of Record. The Recorder shall be authorized to charge one dollar for issuing distress warrant, and the Marshal one dollar for levying, and the usual commissions for selling under each distress warrant, which fee shall be paid into the treasury.

Marshal—his duties.

SEC. 15. *Be it further enacted,* That the police force of Wartburg shall consist of one Marshal, which shall be

Chief, and as many policemen as the Board may direct. The Mayor has power to appoint special policemen in cases of emergency. The Marshal, before entering upon the discharge of his duties, shall execute a bond in such sum as the Board of Mayor and Aldermen may direct and subscribe to an oath to faithfully discharge the duties of his office. The duties of Marshal and policemen shall be under the directions of the Mayor and in conformity of the ordinance. They shall suppress all rights, disturbances, or breaches of the peace, apprehend any person in the act of committing any offense against the laws of the State or the ordinances of the town, and at all times diligently, faithfully enforce said ordinances. And it is the duty of the Marshal and policemen to prosecute any person violating the same, and they are empowered to serve all process issued by or out of the City Court or by any Justice of the Peace in criminal matters within the limits of the city. The City Court will be convened within reasonable hours at any time for the purpose of trying offenders. The powers of the Marshal shall extend for one mile beyond the city limits, and he shall confine any one arrested in the city calaboose when in his judgment it is necessary. It shall be the duty of the Marshal to collect all taxes, fines, and penalties due the city except privileges.

Assessment of taxes.

SEC. 16. *Be it further enacted,* That the Board of Mayor and Aldermen shall have power and authority to levy taxes on all taxable property within the corporate limits upon polls and privileges, but the rate of property tax shall not exceed one per cent of the assessment. A privilege tax shall not exceed that fixed by the State for similar privileges. A poll tax shall not exceed two dollars for school purposes, and one dollar for road taxes; in lieu of a city assessment, it shall be the duty of the Recorder to copy into a well-bound book each assessment made for State and county purposes of all property within the corporate limits and certify the same to the Marshal, which shall be the city assessment. All taxes shall be due and payable to the Marshal on the first Monday of September in each year, and shall become delinquent on the first day of December in each year. The Marshal shall then return the tax books to the Recorder, together with his oath that the same shows correctly all taxes collected by him and all taxes uncollected and owing to the corporation, the names of persons, description of prop-

ty, and amounts in both instances. The corporation is ıthorized and empowered in the collection of delinquent xes in addition to the means herein specified. All ose remedies afforded by a law for the collection of ılinquent taxes due the State and county.

SEC. 17. *Be it further enacted,* That the Board of ayor and Aldermen are clothed with the power to fix e salary of all the officers provided for under this Act; *rovided,* the Board of Mayor and Aldermen shall re- ive not exceeding two dollars each for each meeting of e Board.

SEC. 18. *Be it further enacted,* That the Mayor shall ıve power to employ a counsel in behalf of said corpora- ɔn upon the advice of the Board in any case in which id corporation may be interested, or whenever, in the ıdgment of the Mayor, the same may be necessary.

SEC. 19. *Be it further enacted,* That this Act shall be operative, null, and void until the same has been rati- Charter to be first ratified. ıd by a majority vote of the qualified voters of the id Town of Wartburg, which shall be submitted to them r adoption or rejection on Saturday, May 6, 1905. Said ection shall be called and held by the Election Commis- oners of Morgan County, and those favoring the cor- ɔration shall have printed upon their tickets "For the rporation," and those opposing the corporation shall ıve upon their tickets "Against the corporation,"

SEC. 20. *Be it further enacted,* That this Act take fect from and after its passage, the public welfare re- uiring it.

Passed April 7, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 12, 1905.

JOHN I. COX,
Governor.

CHAPTER 502.

SENATE BILL No. 630.

AN ACT to amend an Act entitled "An Act to authorize the catching of fish in Nolachuckey River, in Greene County, by means of trap," being Chapter 212, of the Acts of 1901.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1, of Chapter 212, Acts of 1901, be amended by striking out the words "and *Provided further,* that no one shall catch fish by means of traps between the fifteenth day of March and the first day of June of each year; and it shall be the duty of each person owning or controlling traps to remove the slats during such prohibited season, and during such time as they may not desire to take fish therefrom."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 503.

SENATE BILL No. 455.

BILL to be entitled An Act to redistrict the County of Hickman, State of Tennessee, into eight Civil Districts, instead of fifteen Civil Districts as now existing, and to define and prescribe boundaries of such Civil Districts, and to prescribe the time of electing Justices of the Peace and Constables for said districts, and to repeal all laws and parts of laws in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of he State of Tennessee,* That the County of Hickman in his State shall hereafter consist and be composed of ight Civil Districts instead of fifteen Civil Districts, s now constituted.

SEC. 2. *Be it further enacted,* That said eight Civil Districts are established and constituted and embrace he territory or portions of said county described as fol-ows:

Civil District No. 1 shall embrace, comprise, and include the territory as now established and existing.

Civil District No. 2 shall embrace, comprise, and include the territory in Civil Districts Nos. 2 and 14, as now established and existing.

Civil District No. 3 shall embrace, comprise, and include the territory in Civil Districts Nos. 3 and 15, as now established and existing.

Civil District No. 4 shall embrace, comprise, and include the territory in Civil Districts Nos. 4 and 13, as now established and existing.

Civil District No. 5 shall embrace, comprise, and include the territory in Civil Districts Nos. 5 and 6, as now established and existing.

Civil District No. 6 shall embrace, comprise, and include the territory in Civil Districts Nos. 7 and 8, as now established and existing.

Civil District No. 7 shall embrace, comprise, and include the territory in Civil Districts Nos. 9 and 10, as now established and existing.

Civil District No. 8 shall embrace, comprise, and include the territory in Civil Districts Nos. 11 and 12, as now established and existing.

SEC. 3. *Be it further enacted,* That the voting precincts of said county shall remain as heretofore established, unless changed as otherwise provided for by the County Court of said county.

County Court may change district lines.

SEC. 4. *Be it further enacted,* That the County Court of Hickman County, in quarterly session, may alter or change the lines of the Civil Districts of said county so as to suit the convenience of the citizens of said districts; but no Civil District in excess of the eight districts hereby established shall be created out of any of the territory of said county, unless authorized by an Act of the General Assembly of the State of Tennessee.

SEC. 5. *Be it further enacted,* That there shall be elected by the qualified voters thereof in each of the said eight Civil Districts on the first Thursday in August, 1906, two Justices of the Peace and one Constable, except in Civil District No. 1 there shall be elected three Justices of the Peace and two Constables.

SEC. 6. *Be it further enacted,* That the present limits of the School Districts of said county shall not be changed by the provisions of this Act.

SEC. 7. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after the 1st day of August, 1906.

Passed April 17, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 504.

SENATE BILL No. 634.

AN ACT to fix and define and establish a lawful fence in counties in this State having a population of not less than 60,000 nor more than 72,000 inhabitants, according to the Federal Census of 1900, or that may have by any subsequent Federal Census, except in incorporated towns and cities, and to repeal all laws and parts of laws in conflict with the provisions of this Act, and especially to repeal Section 2983, of Shannon's Compilation of the Laws of Tennessee, authorizing County Courts in this State to adopt a lawful standard fence, in so far as said section affects counties falling within the provisions of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all counties in this State having a population of not less than sixty thousand (60,000) nor more than seventy-two thousand (72,000) inhabitants by the Federal Census of 1900 or any future Federal Census, except in incorporated towns and cities, the following shall be a lawful fence: This Act applies to Hamilton County.

First—A substantial stone fence or wall three and one-half feet high.

Second—A good, substantial straight rail fence not less than four feet high, constructed with substantial posts or stakes set firmly in the ground.

Third—A common worm or crooked rail fence not less than four and one-half feet high.

Fourth—Every bank used as a fence or part of a fence equivalent as an obstruction to stock to either of the three classes of fence above named.

Fifth—A fence consisting of four strands of barbed wire, running horizontally and fastened firmly to good-sized, substantial posts set firmly in the ground, not more than nine feet apart, the first strand of wire to be twelve inches from the ground, and the second, third, and fourth respectively twelve inches from the other. A plank not less than five inches in width and seven-eighths of an inch in thickness may be substituted for any one or more of said strands of wire.

Sixth—A fence consisting of four smooth wires, not smaller than number ten, fastened firmly to good-sized,

substantial posts set firmly in the ground, and not more than eight feet apart. Said wires shall run horizontally, the first to be twelve inches from the ground, and the second, third, and fourth each respectively twelve inches from the other.

Seventh—A field standard woven wire fence, manufactured by the various manufacturers of the United States, not less than forty-seven inches high.

SEC. 2. *Be it further enacted,* That the owners of live stock trespassing upon and damaging the crop, lands, or other property of persons within counties within this State falling within the provisions of this Act, whose lands are inclosed with any fence designated in Section 1 of this Act, shall be liable for all damages done by said live stock, and the party damaged shall have a lien on the animal or animals committing the trespass and doing the damage, which may be enforced at any time within three months either by attachment or judgment and execution before any court having jurisdiction of the amount.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed, it being the intention and purpose of this Act to incorporate herein all laws fixing and defining and establishing a lawful fence in counties falling within the provisions of this Act, and especially that Section 2983 of Shannon's Compilation of the Laws of Tennessee, authorizing County Courts in this State to adopt a lawful fence, be, and the same is hereby, repealed, in so far as it applies to counties falling within the provisions of this Act.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 505.

SENATE BILL No. 690.

AN ACT to change the line between the Counties of Jackson and Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Jackson and Smith be, and the same is hereby, changed so as to detach the lands of Elisha Canter from Jackson and attach the same to Smith County; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 506.

SENATE BILL No. 489.

A BILL to be entitled An Act to authorize counties and incorporated cities and towns to refund outstanding bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any county or incorporated city or town of this State may from time to time, and for the purpose of refunding any outstanding bonds issued by such county or incorporated city or town, and which has been determined a legal and valid indebtedness by the

passage of a formal resolution by the County Court of the county or by the corporate body having authority to enact laws in the case of any incorporated city or town, issue other bonds in the stead and place thereof; *Provided,* that authority to do so shall be formally conferred upon the proper county or corporate officers, as the case may be, by resolution duly passed by the County Court of the county, or in the case of an incorporated city or town by the corporate body having authority to enact laws therefor, which resolution shall state the amount of the existing indebtedness to be refunded, the aggregate amount of bonds to be issued therefor, their number and denomination, date of maturity, rate of interest they shall bear, and the place of payment of principal and interest; and *Provided further,* that the rate of interest which said new issue shall bear shall not be in excess of that of the outstanding bonds, which are to be replaced by such new issue; and *Provided further,* that said new issue shall take effect only on retirement of the outstanding bonds, and shall run for a period not exceeding thirty years from date of issue, and shall not be issued for less than their par value; and *Provided further,* that said new issue shall recite on their face that they are refunding bonds, and shall not be issued excepting for the purpose of retiring or in substitution for such outstanding bonds.

SEC. 2. *Be it further enacted,* That the refunding bonds authorized by this Act, and when issued in accordance with its terms, may be exchanged with the holder or holders of the outstanding bonds, which they are issued to replace, in amounts not exceeding the face value of the outstanding bonds; *Provided,* such holder or holders shall consent to make such exchange.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 507.

SENATE BILL No. 685.

AN ACT to authorize the County Court of Hamilton County to issue bonds for the purpose of aiding School Districts in buying school sites and the erection of school buildings thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Hamilton County be, and it is hereby, authorized and empowered to issue the bonds of said county to be known as "The schoolhouse bonds of Hamilton County." The whole amount of said bonds not to exceed the sum of seventy-five thousand ($75,000) dollars, the proceeds of which shall be used exclusively for the purpose of purchasing school sites and the erection of school buildings in said county. Amount and purpose of bonds.

SEC. 2. *Be it further enacted,* That the bonds herein provided for shall bear interest at the rate of five per cent per annum, said interest payable annually, and said bonds shall be payable in twenty years from date thereof, but may be redeemed at any time after ten years by order of said Quarterly Court, and there shall be attached to each of said bonds coupons for each installment of interest thereon maturing at the proper date and bearing the number of the bond to which it is attached.

SEC. 3. *Be it further enacted,* That each bond shall be signed by the Judge of the County Court and countersigned by the County Court Clerk, with his official seal affixed thereto, and the coupons attached to each bond shall be signed by said Judge and Clerk without the Clerk's official seal. Said bonds may be in the denomination of one hundred ($100) dollars, five hundred ($500) dollars, and one thousand ($1,000) dollars, and the bonds of each denomination shall be numbered in the order of their issuance, beginning with one. Said bonds shall not be sold below par. Denomination, and how signed, etc.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Quarterly Court of said county annually to levy a tax on the taxable property and polls of said county Interest and sinking fund tax.

and on privileges for the purpose of paying the annual interest on said bonds, and also for the purpose of creating a sinking fund for the redemption of said bonds, and the county shall keep in a well-bound book a record of the number and denomination of all bonds issued, and also of all bonds redeemed or paid.

Redemption—how and when.

SEC. 5. *Be it further enacted,* That before the expiration of ten years from the issuance of said bonds the Trustee may redeem any of said bonds presented for redemption out of any moneys that may be in his hands derived from said sinking fund tax or may receive said bonds in payment of said sinking fund tax; and after the expiration of said ten years it shall be the duty of the Trustee to call for such an amount of said bonds as the sinking fund in his hands will redeem, calling for them by numbers, commencing with the lowest number and redeeming them in the order in which they were issued of such as are outstanding, and for this purpose he shall have access to the Judge's books in which said bonds are numbered.

Call for redemption stops interest.

SEC. 6. *Be it further enacted,* That the call as provided in Section 5 of this Act shall be made on the order of the Judge of the County Court by public advertising, published in any newspaper in said county setting out the number and denomination of said bonds so called for, or by notifying the holders of said bonds where their names and addresses are known, and such bonds not being presented for payment at the expiration of thirty days from the last advertisement, the interest thereon shall cease from that date; and should the bonds so called for be withheld, then shall the Trustee in like manner call for other bonds in regular order until the amount required be presented for redemption, and when any such bonds are redeemed as herein set out, the Trustee shall upon settlement with the Judge of the County Court have credit therefor on account of the sinking fund tax; and after they have been entered on the Judge's books, said bonds shall be defaced by stamping or writing across the face of the same the date when they were counted for settlement, and the same filed away with the coupons thereon and theretofore redeemed as part of the records of the Judge's office.

poses, etc.

SEC. 7. *Be it further enacted,* That said schoolhouse bonds aforesaid shall only be given to such School Districts in the county as may need the same and apply for

hem for the purpose of buying sites and building school-ouses, upon the Directors of said School District making a satisfactory contract with the county to pay the interest on said bonds and liquidate the same, as they become due, out of the school fund hereafter accruing.

SEC. 8. *Be it further enacted,* That no bonds shall issue until a demand is made for them and a contract made as aforesaid for payment of interest and bonds. All demands for bonds to be made within twelve months from passage of this Act.

SEC. 9. *Be it further enacted,* That the county is vested with discretionary power as to the issuance of said bonds, how much to each School District, and the terms and conditions upon which they are given to said School Districts, it being the intention to make the constantly increasing school fund come into said districts in succeeding years pay the principal and interest of said bonds.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 508.

SENATE BILL No. 485.

AN ACT to amend Chapter 45, of the Acts of 1897, entitled "An Act to prevent the adulteration and misbranding of food and drink, and the deception in the sale of the same in Tennessee, and to fix the penalty for the violation of this Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 45, of the Acts of 1897, entitled "An Act to prevent the adulteration and misbranding of food and drink, and the deception in the sale of the same in Tennessee, and to fix the penalty for

the violation of this Act," be, and the same is hereby, amended by striking out in lines 12, 13, 14, 15, and 16 in the second section of said Act, the following: "And it shall be the duty of the State Board of Health to see that the provisions of this Act are fully carried out without any additional appropriations, nor is this Act intended to create any office or allow compensation to any person or persons."

SEC. 2. *Be it further enacted,* That all Acts or parts of Acts in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 509.

HOUSE BILL NO. 936.

AN ACT to appropriate money out of the State Treasury for the purpose of defraying the expenses of the Fifty-fourth General Assembly and miscellaneous and other expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the appropriations hereinafter set out are hereby made for the purpose of defraying the expenses of the Fifty-fourth General Assembly and miscellaneous and other expenses, which appropriations shall be paid out of the State Treasury on the warrant of the Comptroller.

Comptroller not to draw warrant—when.

The Comptroller is hereby expressly forbidden to draw his warrant on the Treasurer for any amount over and pay the amount appropriated for any particular purpose, and he is also forbidden to draw his warrant for any amount

for any purpose for which an appropriation has not been made, either in this Act or by law.

The Treasurer is hereby forbidden to pay any warrant of the Comptroller unless money has been appropriated by this Act or by law for that purpose, and he shall not permit any more money to be drawn from the Treasury than has been appropriated for any particular purpose.

Legislative Expenses.

Sec. 2. *Be it further enacted,* That the Comptroller is hereby directed to draw his warrant on the State Treasurer in favor of each member of the Senate and House of Representatives, and each officer and employee of the General Assembly, for per diem and mileage, as herein set out, as follows:

Names of Senators.	No. of Miles.	Mileage.	No. of Days.	Per Diem.	Total.
Bell, W. A	106	$ 16 96	75	$300 00	$316 96
Blake, Jno. B	248	39 68	75	300 00	339 68
Bowden, G. E	283	45 28	75	300 00	345 28
Barthel, J. T	326	52 16	75	300 00	352 16
Bate, Thos. L	360	57 60	75	300 00	357 60
Chase, W. J	464	74 24	75	300 00	374 24
Cox, Jno. I., Speaker to Mch. 27	683½	109 36	55	330 00	439 36
Davis, Wm. I	642	102 72	75	300 00	402 72
Estes, J. H	373	59 68	75	300 00	359 68
Ewing, Albert G., Jr	----	----	75	300 00	300 00
Flippin, J. R	464	74 24	75	300 00	374 24
Foust, J. L	302	48 32	75	300 00	348 32
Garrett, D. E	60	9 60	75	300 00	309 60
Hill, W. E	400	64 00	75	300 00	364 00
Hickerson, W. P	162	25 92	75	300 00	325 92
Howse, Hillary E	----	----	75	300 00	300 00
Fetton, Jas. R	60	9 60	75	300 00	309 60
Ligon, L. A	132	21 12	75	300 00	321 12
Massey, Z. D	494	79 04	75	300 00	379 04
May, James	444	71 04	75	300 00	371 04
McKenzie, N. L	236	37 76	75	300 00	337 76
McLaurine, Rufus H	168	26 88	75	300 00	326 88
McMurray, Jno. S	75	15 20	75	300 00	315 20
Pope, Theo. W	312	49 92	75	300 00	349 92
Raine, Gilbert D	464	74 24	34	136 00	210 24
Rice, Ernest, Speaker, 20	375	60 00	75	340 00	400 00
Schubert, Fred L	180	30 08	75	300 00	330 08
Swallows, W. S	206	32 72	75	300 00	332 72
Templeton, Jerome	436	69 76	75	300 00	369 76
Tollett, E. G	262	41 92	75	300 00	341 92

NAMES OF SENATORS—*Continued.*

Names of Senators.	No. of Miles.	Mileage.	No. of Days.	Per Diem.	Total.
Wickle, Douglas	26	$ 4 16	75	$300 00	$304 16
Wilson, Joe A	728	116 48	75	300 00	416 48
Woodlee, Levi V	242	38 72	75	300 00	338 72
Thomas, E. W., Chief Clerk			75	450 00	
Burke, E. H., Assistant Clerk			75	450 00	
Lacefield, Miss M., Eng. Clerk			88	528 00	
Barry, Miss Mary L., Assistant Engrossing Clerk			41	246 00	
Brewer, Rev. G. W., Chaplain			37½	150 00	
Nolan, Rev. T. W., Chaplain			37½	150 00	
Lewis, T. L., Serg't-at-Arms			75	300 00	
Taylor, G. W., Doorkeeper			36	144 00	
Akin, J. T., Doorkeeper			39	156 00	
Balch, Wm. D., Jr., Page			91	318 50	
Clagett, Robert H., Page			91	318 50	
Gill, W. T., Ch'n Enrolled Bills				250 00	
Pinkerton, Miss Nellie			28	168 00	
Ferguson, Miss			18	108 00	
Carter, Miss			7	42 00	
Rundle, Miss			3½	21 00	
Fields, Miss			3	18 00	
Hayes, Miss			3½	21 00	
Gill, Mrs			25	150 00	

NAMES OF REPRESENTATIVES.

Names of Representatives.	No. of Miles.	Mileage.	No. of Days.	Per Diem.	Total.
Abernathy, W. K., Speaker	390	$ 62 40	75	$450 00	$512 40
Acree, L. G	250	40 00	75	300 00	340 00
Allen, James	692	110 72	75	300 00	410 72
Anderson, L. E	420	67 20	75	300 00	367 20
Baldridge, Jno. P	335	53 60	75	300 00	353 60
Bean, J. J	164	26 24	75	300 00	326 24
Benham, Albert	464	74 24	75	300 00	374 24
Birdsong, A. S. J	526	84 16	75	300 00	384 16
Blount, J. M	300	48 00	75	300 00	348 00
Bohannon, L. D	230	36 80	75	300 00	336 80
Boyle, Patrick	464	74 24	75	300 00	374 24
Brooks, T. R	672	107 52	75	300 00	407 52
Bell, John E	464	74 24	75	300 00	374 24
Bryant, F. D	330	52 80	75	300 00	352 80
Burnett, Jas. B	568	90 88	75	300 00	390 88
Chandler, Hill	430	68 80	75	300 00	368 80

REPRESENTATIVES—*Continued.*

Names of Representatives.	No. of Miles.	Mileage.	No. of Days.	Per Diem.	Total.
arson, T. Bun	568	$ 90 88	75	$300 00	$390 88
arter, H. E	392	62 72	75	300 00	362 72
heatham, J. B	280	44 80	75	300 00	344 80
leage, W. B	302	48 32	75	300 00	348 32
ollier, Thos. B	464	74 24	75	300 00	374 24
ooper, S. C	306	48 96	75	300 00	348 96
orn, Chas. H	154	24 64	75	300 00	324 62
othran, W. J	109	17 44	75	300 00	317 44
ox, J. M	100	16 00	75	300 00	316 00
rotzer, W. T	84	13 44	75	300 00	313 44
ummings, W. H	302	48 32	75	300 00	348 32
unningham, Jno. T., Jr	130	20 80	75	300 00	320 80
avis, C. R	504	80 64	75	300 00	380 64
eming, J. A	382	61 12	75	300 00	361 12
ickens, W. F	90	14 40	75	300 00	314 40
ixon, Currie	347	55 52	75	300 00	355 52
river, L	160	25 60	75	300 00	325 60
astman, C. L	------	------	75	300 00	------
vans, M. G	464	74 24	75	300 00	374 24
ahey, Chas. P	------	------	75	300 00	------
aw, W. W	38	6 08	75	300 00	306 08
uqua, J. Ben	134	21 44	75	300 00	321 44
allaher, W. T	360	57 60	75	300 00	357 60
ardner, J. R	664	106 24	75	300 00	406 24
illis, W. T	796	127 36	75	300 00	427 36
ordon, T. C	399	60 64	75	300 00	360 64
amilton, L. W	568	90 88	75	300 00	390 88
ardin, Watt	436	69 76	75	300 00	369 76
arvill, Y. F	178	28 48	75	300 00	328 48
aworth, M	560	89 60	75	300 00	389 60
ickman, Litton	------	------	75	300 00	------
illard, A. W	324	51 84	75	300 00	351 84
ogue, Jno. R	236	37 76	75	300 00	337 76
ousholder, J	600	96 00	75	300 00	396 00
ing, J. N	190	30 40	75	300 00	330 40
ingree, B. D	125	20 00	75	300 00	320 00
nowles, W. P	254	40 64	75	300 00	340 64
argent, Jno	200	32 00	75	300 00	332 00
atture, W. E	765	122 40	75	300 00	422 40
illard, J. W	444	71 04	75	300 00	371 04
ipscomb, A. A	112	17 92	75	300 00	317 92
ong, W. B	116	18 56	75	300 00	318 56
ove, Chas. H	58	9 28	75	300 00	309 28
yon, W. D	765	122 40	75	300 00	422 40
ayo, T. D	264	42 24	75	300 00	342 24
axey, Abe	436	69 76	75	300 00	369 76
ayne, D. T	292	46 72	75	300 00	346 72
cClellan, Andrew	64	10 24	75	300 00	310 24
cClure, W. P	134	21 44	75	300 00	321 44
cDowell, J. H	314	50 24	75	300 00	350 24
cElroy, R. C	306	48 96	75	300 00	348 96
cKinney, Sam	436	69 76	75	300 00	369 76

REPRESENTATIVES—*Continued.*

Names of Representatives.	No. of Miles.	Mileage.	No. of Days.	Per Diem.	Total.
McMahon, J. W	702	$112 32	75	$300 00	$412 32
Meadows, Geo. P	180	28 80	75	300 00	328 80
Mellen, Geo. F	436	69 76	75	300 00	369 76
Miller, E. C	480	76 80	75	300 00	376 80
Miller, F. M	570	91 20	75	300 00	391 20
Mitchell, J. B	712	113 92	75	300 00	413 92
Montgomery, D. A	36	5 76	75	300 00	305 76
Murray, S. E	210	33 60	75	300 00	333 60
Neblett, W. H	88	14 08	75	300 00	314 08
Newton, D. C	464	74 24	75	300 00	374 24
Parks, Jas. G	360	57 60	75	300 00	357 60
Patterson, A. A	150	24 00	75	300 00	324 00
Peay, G. W	26	4 16	75	300 00	304 16
Raines, J. T	322	51 52	75	300 00	351 52
Richmond, Frank	240	38 40	75	300 00	338 40
Royston, C. A	750	120 00	75	300 00	420 00
Scott, D. E	252	40 32	75	300 00	340 32
Sharp, J. D	-----	-----	75	300 00	-----
Sneed, R. R	312	49 92	75	300 00	349 92
Steele, Wardlow	420	67 20	75	300 00	367 20
Stratton, S. G	62	9 92	75	300 00	309 92
Straub, J. J	-----	-----	75	300 00	-----
Titsworth, I. N	586	93 76	75	300 00	393 76
Toncray, C. P	828	132 48	75	300 00	432 48
Walker, Jno. J	234	37 44	75	300 00	337 44
Walsh, Thos. J	340	54 40	75	300 00	354 40
Rawls, I. N	370	59 20	75	300 00	359 20
Watson, Chas	302	48 32	75	300 00	348 32
Webber, A	420	67 20	75	300 00	367 20
Williams, J. M	-----	-----	75	300 00	-----
Wilson, W. T	140	22 40	75	300 00	322 40
Martin, E. B., Chief Clerk	-----	-----	75	450 00	-----
Wilson, Fred. T., Ass't. Clk	-----	-----	75	450 00	-----
Finney, J. I., Journal Clerk	-----	-----	83	498 00	-----
Jackson, Rev. W. L., Chap	-----	-----	37½	150 00	-----
Harlan, Miss Flora, Eng. Clk.	-----	-----	105	630 00	-----
Bolton, Miss M., Ass't. Eng. Clk	-----	-----	105	630 00	-----
Dupree, J. L., Sgt.-at-Arms	-----	-----	75	300 00	-----
Polk, Jas. K., Ass't. Sg.-at-A	-----	-----	105	420 00	-----
McCarver, Pink, " "	-----	-----	75	300 00	-----
Malone, W. B., Doorkeeper	-----	-----	37½	150 00	-----
Jones, W. L., Doorkeeper	-----	-----	37½	150 00	-----
Carrier, J. H., "	-----	-----	37½	150 00	-----
Abbott, T. J., Spc. Doorkeeper	-----	-----	10	40 00	-----
Fuqua, J. Ben., Chairman on Enrolled Bills	-----	-----	-----	250 00	-----
Lipscomb. Miss S., Ass't. Eng. Clk.	-----	-----	32	192 00	-----
Hayes, Miss Izzie " " "	-----	-----	4	24 00	-----
Fields, Miss Willie " " "	-----	-----	1	6 00	-----
Terry, Miss Willie " " "	-----	-----	7	42 00	-----
Williams, Miss G. " " "	-----	-----	12	72 00	-----
McCarver, Miss J. B. " " "	-----	-----	12	72 00	-----

REPRESENTATIVES—*Continued.*

Names of Representatives.	No. of Miles.	Mileage.	No. of Days.	Per Diem.	Total.
Marable, Miss, Ass't. Eng. Clerk..	.....	.....	17	$102 00	.....
Anderson, E. P., Chaplain ...	.....	.....	37½	150 00	.....
Doyle, Miss, Ass't. Eng. Clk..	.....	.....	4	24 00	.....
For 2 days extra work performed by the following Engrossing Clerks at the last session of the Legislature and not appropriated for at said session—					
Miss Narcissa Bullock	.....	.....	2	12 00	.....
Miss Lutie Jones.....	.....	.....	2	12 00	.....
Miss Susie Glenn	.....	.....	2	12 00	.....
Mrs. Wm. Smith.....	.....	.....	2	12 00	.....
Miss Minnie Bolton.....	.....	.....	2	12 00	.....

MISCELLANEOUS EXPENSE.

T. R. Turrentine, services incident to opening of House.	$ 16 00
Ike Oldham, services incident to opening of House.....	12 00
Emmett Webb, services incident to opening of House...	12 00
Rob Wyatt, services incident to opening of House.....	12 00
Alen G. Eason, services incident to opening of Senate..	20 00
Dock Bracken, porter, services incident to opening of Senate, four days	12 00
Will McAllen, porter, services incident to opening of Senate, five days	15 00
Greenfield-Talbot Furniture Co., for engrossing Senate Res. No. 29	23 00
E. E. Adams, services as Chief Clerk, incident to opening of the Fifty-fourth General Assembly.....	20 00

EXPENSES OF INAUGURATION.

Per House Joint Resolution No. 20.

Joy & Son, flowers.....	$ 12 00
Finley Dorris, carriages.....	12 00
Pelleteri Bros., music	44 00
E. H. Hyman, decorations	75 00
Marshall & Bruce, invitations	22 00
Bradford Nichol, rent of chairs.....	30 00
Pelleteri Bros'., music at inauguration of Governor, 1903.	40 00

PORTERS.

House of Representatives, Porters.		No. of Days.	Per Diem.	Total.
Sylvanus Martin	Senate	42	$3 50	$147 00
Henry Harriston	"	39	3 50	136 50
Dock Brackin	"	75	3 50	262 50
Mack Buford	House Porter	75	3 50	262 50
Robt. Bradley	"	75	3 50	262 50
Chas. Bentley	"	37½	3 50	131 25
Hillard Moore	"	75	3 50	262 50
Nelson King	"	38	3 50	133 00
Jno. Shaw	"	37	3 50	129 50
Judge Buford	"	37½	3 50	131 25
Bob Wyatt	"	37½	3 50	131 25
Jordan Caruthers	Hall Porter	37½	3 50	131 25
Andrew Moorehead	"	75	3 50	262 50
Will Gillespie	"	109	3 50	381 50
Harris Ballentine	"	47	3 50	164 50
Wm. Killough	"	37½	3 50	131 25
Martin Buford	"	75	3 50	262 50
Podge Pillow	"	75	3 50	262 50
Ike Oldham	"	37½	3 50	131 25
Chas. Thompson	"	37½	3 50	131 25
Richard Bentley	"	37½	3 50	131 25
Ben Carr, Jr	"	37½	3 50	131 25

Postage.

Each member of the Legislature shall be paid five dollars as provided under House Joint Resolution No.—— for postage.

Sec. 3. *Be it further enacted,* That the Comptroller is hereby directed to draw his warrant on the State Treasury in favor of the members of the following committees for their per diem and expenses, as hereinbelow set out:

JOINT AGRICULTURAL COMMITTEE.

J. H. Estes, ten days	$ 40 00
James May, six days	24 00
U. S. Swallows, eight days	32 00
R. H. McLaurine, eight days	32 00
L. G. Acree, ten days	40 00
J. M. Cox, ten days	40 00
Y. F. Harvill, ten days	40 00
W. H. Neblett, ten days	40 00
S. C. Cooper, ten days	40 00
J. B. Cheatham, ten days	40 00
Expense account	182 95

JOINT INSURANCE COMMITTEE.

Fred L. Shubert, twenty-four days	$	96 00
W. W. Faw, twenty-four days		96 00
H. M. Candler, eighteen days		72 00
Wm. I. Davis, eighteen days		72 00
Wardlaw Steele, twenty-four days		96 00
T. D. Mayo, twenty-four days		96 00
J. W. Williams, twenty-four days		96 00
L. V. Woodlee, twenty-four days		96 00
Chas. Love, twenty-four days		96 00
John Dupree, Sergeant-at-Arms, twenty-four days		96 00
D. E. Garrett, ten days		40 00
A. L. Dorsey, stenographer account		258 80
Expenses		592 65

JOINT COMMITTEE ON EDUCATION AND COMMON SCHOOLS.

W. A. Bell, twelve days	$	48 00
W. E. Gill, fifteen days		60 00
T. C. Gordon, thirteen days		52 00
R. H. McLaurine, fifteen days		60 00
G. W. Peay, fifteen days		60 00
Andrew McClelland, fifteen days		60 00
S. E. Murray, fifteen days		60 00
I. N. Rawls, fifteen days		60 00
George P. Meadows, fifteen days		60 00
Albert Benham, fifteen days		60 00
Expense of Committee		392 90

HOUSE PENITENTIARY INVESTIGATING COMMITTEE.

W. B. Cleage, eighteen days	$	72 00
A. S. Birdsong, eighteen days		72 00
John D. Sharp, eighteen days		72 00
Chas. Corn, eighteen days		72 00
Chas. Watson, eighteen days		72 00
R. R. Sneed, eighteen days		72 00
Chas. L. Eastman, expert accountant		95 00
B. G. Kingree, assistant expert accountant		76 00
Expense of Committee		326 25

COMMITTEE EXAMINING ADJUTANT GENERAL'S OFFICE AND MINE INSPECTOR'S OFFICE.

J. N. King, seven days	$	28 00
Expense account		10 00
W. T. Gallagher, seven days		28 00
Expense account		16 98
J. M. Blount, seven days		28 00
Expense account		14 00
Frank Bath, expert accountant, three days		12 00

JOINT COMMITTEE ON CHARITABLE INSTITUTIONS.

L. A. Ligon, twenty days	$	80 00
J. R. Jetton, twenty days		80 00
John T. Cunningham, Jr., twenty days		80 00

Frank Richmond, twenty days	80 00
Douglas Wikle, twenty days	80 00
A. A. Patterson, twenty days	80 00
M. L. McKenzie, twenty days	80 00
J. A. Denning, twenty days	80 00
J. J. Straub, twenty days	80 00
Ernest Rice, twelve days	48 00
H. E. Carter, twenty days	80 00
Litton Hickman, twenty days	80 00
Pink McCarver, Assistant Sergeant-at-Arms, twenty-three days	92 00
Expense, stenographer	209 00
Expenses of Committee	630 00

COMMITTEE TO INVESTIGATE OFFICE OF STATE COMPTROLLER AND TREASURER.

G. E. Bowden, thirty days	$ 120 00
Expense account	40 00
J. B. Blake, thirty days	120 00
Expense account	40 00
W. P. McClure, thirty days	120 00
Expense account	40 00
W. D. Lyon, thirty days	120 00
Expense account	40 00
C. P. Fahey, ten days	40 00
Expense account	10 00
Frank Goodman, accountant, seventy-five days, at $5	375 00
Frank Goodman, Jr., assistant accountant, seventy-two days, at $4.00	288 00
Will S. Ezell, assistant accountant, seventy-four days and six hours, at $4.00	299 00
Expense bill, typewriting, paper, rubber stamps, etc	14 15
Miss Jennine Turrentine, letters to banks	8 20
Postage	26 00
Foster & Webb, circular letters to officials and corporations, envelopes, and return envelopes and ruled paper	23 45

JOINT TELEPHONE INVESTIGATING COMMITTEE.

E. Rice, ten days	$ 40 00
J. A. Wilson, sixteen days	64 00
Thad Pope, fourteen days	56 00
L. A. Ligon, two days	8 00
J. J. Bean, sixteen days	64 00
J. Ben Fuqua, sixteen days	64 00
Currie Dixon, sixteen days	64 00
T. R. Brooks, sixteen days	64 00
J. R. Gardner, sixteen days	64 00
Stenographer and stenographic work	298 60
Expense of Committee	297 25

SPECIAL COMMITTEE TO INVESTIGATE OFFICE OF SECRETARY OF STATE.

W. B. Long, eleven days	$ 44 00
D. E. Scott, eleven days	44 00
Thomas J. Walsh, eleven days	44 00
J. T. Carthel, nine days	36 00

W. B. Long, expenses	26 00
D. E. Scott, expenses	26 00
Thomas J. Walsh, expenses	26 00
T. J. Abbott, service as expert	55 00

SENATE PENITENTIARY INVESTIGATING COMMITTEE.

E. G. Tollett, twenty days	$ 80 00
Expenses of Chairman E. G. Tollett, including stenographer, telegrams, witnesses, incidentals, etc	109 85
J. J. Norton, stenographer	89 10
Nashville Addressing & Typewriting Co	11 00
James May, twenty days	80 00
Expenses	37 40
D. E. Garrett, twenty days	80 00
Expenses	37 85
T. W. Pope, eleven days	44 00
Expenses	26 00
J. W. Allen, accountant, fifty days	250 00
Expenses	34 75
L. J. Hardiman, accountant, fifty days	200 00
Expenses	34 75
T. J. Lewis, Sergeant, twenty days	80 00
Expenses	30 00
Foster & Webb, stationery, etc	13 25
Brandon Printing Company	7 20
Printing report of Senate Investigating Committee or penal institutions, including report of acountants, 1,000 copies	400 00
(Said printing to be done by and under the supervision of the Chairman of the Senate Committee on Penitentiary.)	

SEC. 4. *Be it further enacted,* That the Comptroller is hereby directed to draw his warrant on the State Treasury for miscellaneous expenses, as set out below:

PRESIDENTIAL ELECTORS.

Amount paid on House (Joint) Resolution No. 11	$ 739 48
Paid to J. J. Vertrees and D. M. Scales, in matter of mutual claims between the State and Federal Government	537 70
Foster & Webb, printing bills of House and Senate, 1903	268 15
O. P. Williams, repairing desks in Senate, 1903	10 07
Deficiency for publication of Treasurer's quarterly reports, 1903.	225 00
Yazoo and Mississippi Valley R. R. Co	135 10
Silver service for the cruiser Tennessee, to be expended by a Commission to be appointed by the Governor; the Commission shall serve without compensation, and the Governor shall be Chairman of same	5,000 00
M. M. Green, collateral inheritance tax wrongfully collected	225 00

VICKSBURG PARK COMMISSION.

E. M. Hearn, Franklin, Tennessee	$	38 77
Robert Spradlin, Decatur, Tennessee		28 57
D. M. Upton, Lane, Tennessee		30 77
S. P. Moore, Jackson, Tennessee		19 12
J. C. Cate, Nioto, Tennessee		24 56
N. J. Lillard, Creston, North Carolina		43 14
G. A. Walker, Sweetwater, Tennessee		25 57
V. C. Allen, Dayton, Tennessee		30 37

FUNERAL EXPENSES, GEN. WM. B. BATE.

H. H. Hannah, Adjutant General, expense account	$	106 00
E. H. Hyman, decorator		200 00
W. P. McClure, Secretary Committee on Arrangements		90 00
Davies Piano Co., hauling piano		4 00
Finley Dorris, undertaker		515 00
W. P. McClure, Secretary Funeral Arrangement Committee, expense for caring for Memphis Companies of Confederate Soldiers, Arlington Hotel		45 00
Frank & Morse, 4 1-6 dozen gloves		10 45

EXPENSES OF ASSISTANT COMMISSIONERS OF AGRICULTURE, AS PROVIDED BY LAW, 1903-1904.

James Armistead	$	59 99
Bob Ayers		50 00
R. H. Green		118 50
W. M. Scott, Sheriff of Haywood County, money wrongfully paid into the State Treasury		49 60
John L. Dupree, Sergeant-at-Arms of the House, 6 days		24 00

EXPENSE PRINTING FIFTY-FOURTH GENERAL ASSEMBLY

McQuiddy Printing Company	$	335 90
Brandon Printing Company		76 25
Foster & Webb		211 15
Foster & Webb, printing Penitentiary Report		225 00
Foster & Webb, printing and binding 250 copies Governor's message and inaugural address		136 50
Foster & Webb		19 50
Marshall & Bruce, six Codes of Tennessee		60 00
Marshall & Bruce, six Code Supplements		36 00

MISCELLANEOUS EXPENSE.

Edgefield & Nashville Manufacturing Co., 1 coat rack	$	47 50
E. Wiggers, repairing and cleaning hall clock in House of Representatives		8 00
Morton-Scott-Robertson Co., carpet, oilcloth, etc., hall of Representatives		57 54
Fish Bros. Co., brooms, mops, etc		10 60
O. P. Williams, Jr., repair work on desks, etc		21 50
West Disinfecting Co., disinfectants		32 00
Ambrose & Bostelman, printing stationery on competitive bids		672 35
Foster & Webb, 2,000 copies Governor's message		119 50
Three hundred copies of rules		37 60
One lot roll calls		10 50
Five hundred copies message		9 50
One lot roll calls		9 00

MCQUIDDY PRINTING COMPANY.

Printing for Senate	$ 164 75
Final Calendar for 1903	131 25

MARSHALL & BRUCE.

Five Codes and Code Supplements	$ 80 00
Supplies to Superintendent's office in 1899	163 40
To be paid out of Superintendent's appropriation.	
Ambrose & Bostelman, printing	$ 26 00
A. N. Sherman, three days before Telephone Committee, 450 and 415 miles, at 5 cents, $20.75	25 25
Frank Goodman, accountant, four days	20 00
Frand Goodman, Jr., assistant, four days	16 00
Will S. Ezell, assistant, four days	16 00
Phillips & Buttorff, legislative and capitol supplies	176 15
Capt. E. H. Edward Goetz, injured at Manassas maneuvers, medical and other personal expenses, September 6, 1904	250 00
W. T. Murray, Penitentiary Commissioner, in charge Brushy Mountain coal mines, expenses	543 38
J. W. Deason, Circuit Court Clerk of Hickman County, money wrongfully paid into the State Treasury	243 75

EXPENSES INCURRED DURING THE COAL CREEK RIOT.

Houston Kerney	$ 41 00
George Thurman	21 00
T. R. Byrd	21 00
Link Williams, Deputy Sheriff	131 30
H. M. Kesterson	21 00
Hugh Evans	16 00
W. P. Lyle	37 00
Virgil Lyles	41 00
Allen Phillips	16 00
J. G. Wilson	20 00
W. H. Peacock	20 00
W. A. Wilson	16 00
George Mason	3 00
C. B. McBee	49 00
Will English	21 00
Bill Thompson	41 00

OTHER EXPENSES.

For payment of expenses incurred and to be incurred on behalf of State (not otherwise taxable) upon bills therefor duly approved by the Attorney General	$1,000 00
Montgomery & Co., one and one-half dozen chairs	7 50
Miss Lummie Davis, stenographic work	75 00
To refund to Franklin County money wrongfully collected	1,058 80
Miss Jennie Turrentine, stenographic work	4 00
J. L. Sharp & Co., expense burying soldier 1892	55 00
McQuiddy Printing Co., printing final House Calendar, 1903	123 21
Printing report World's Fair Commission, under the direction of B. A. Enloe, Secretary	100 00

"To preserve Tennessee exhibits of the Louisiana Purchase Exposition to be expended under the direction of the Commissioner of Agriculture, or so much thereof as may be necessary".....	1,000 00
The said Commissioner is hereby authorized and empowered to sell and dispose of such assets of the World's Fair Commission as may not be needed in the installation of said exhibits, and he shall take charge of all the assets belonging to the aforesaid Commission, and install the same at the State Capitol.	
Ingle & Berry, money wrongfully collected and paid into the State Treasury.....	11 65
J. V. Stephenson, for expenses in capturing Edom Love.	62 25

State will pay no amount beyond appropriation.

SEC. 5. *Be it further enacted,* That the heads of all departments of State institutions of every kind, and all State officials and their subordinates, are hereby prohibited from in any manner or for any purpose expending any amount in excess of appropriations made by law to their institutions or officers, and any person or official so expending for any purpose any amount in excess of the appropriation made for his office or the institution with which he is connected shall be liable personally and upon his official bond for said amount to the State of Tennessee, and to the person also with whom the contract of expenditure may be made, and notice is hereby given to all persons that the State of Tennessee, through its General Assembly, will make no appropriation to any person who has made a contract of any sort with the head or other official of any department of any institution, or any public office in this State, after the appropriation to such institution or office is exhausted, and such person in such case shall look alone to the party individually for the fulfillment of any contract or expenditure so entered into or made.

Emergency Fund.

SEC. 6. *Be it further enacted,* That the sum of seventy-five thousand dollars be, and is hereby, appropriated out of moneys in the Treasury, not otherwise appropriated, to be used as an emergency fund in case of destruction by fire, storm, or otherwise of any buildings or appurtenances of any State charitable, eleemosynary, or educational institution, the support and maintenance of which the State has undertaken; *Provided,* that the Funding Board shall have the right to loan the said fund to some safe and solvent institution for such time and on such terms as they think proper, but said fund shall always be subject to call in case of emergency. Said fund shall be drawn and used only by authority of the Governor, who shall use the

money only for the purposes set out above; *Provided,* no part of this appropriation shall be withdrawn or used for repairs, other than to repair any loss caused by fire or storm.

Senate Chief Clerk and assistant to remain after session.

SEC. 7. *Be it further enacted,* That the Chief Clerk of the Senate be, and is hereby, authorized and directed to remain a sufficient time after the adjournment of the General Assembly to file properly the papers of the Senate with the Secretary of State, to copy the Journal for the public printer, read proof, superintend the printing of the same, and make the index to the printed Journal, and to make a final calendar, for which the sum of $2,000 is hereby appropriated for such service, and the Comptroller is authorized to issue his warrant on the State Treasurer for said sum in favor of said Clerk; and that the Assistant Clerk shall remain and assist the Clerk in recopying the Senate Journal, and for such service he shall be allowed $1,000, and the Comptroller is hereby authorized to issue his warrant on the Treasurer for said amount when the work is completed.

Chief Clerk of House and assistant to remain after session.

SEC. 8. *Be it further enacted,* That the Chief Clerk of the House be, and is hereby, authorized and directed to remain a sufficient time after the adjournment of the General Assembly to file away properly the bills and other papers of the House of Representatives with the Secretary of State, to copy the written Journal for the public printer, read the proof, superintend the printing of the same, and make the index to the printed Journal, and to make a final calendar showing the final disposition of every bill introduced in the House, and those coming from the Senate to the House, a copy of which shall be mailed to each member, for which services the sum of $2,000 is hereby appropriated, and the Comptroller is authorized to issue his warrant on the State Treasurer for said sum in favor of said Clerk; and that the Assistant Clerk shall remain and assist the Chief Clerk in the above work, and for such service he shall be given $1,000, and the Comptroller is authorized to draw his warrants in favor of said Clerk on the State Treasurer when the work is completed.

SEC. 9. *Be it further enacted,* That the sum of two hundred ($200.00) dollars be appropriated for the purpose of preserving Confederate flag, said sum to be spent under direction of the Governor.

SEC. 10. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 510.

HOUSE BILL No. 578.

AN ACT to authorize Cumberland County to issue $25,000 of its bonds for the purpose of enabling said county to pay for the erection of a courthouse.

Amount, denomination, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County of Cumberland, through its Quarterly County Court, be, and is hereby, authorized to issue and sell negotiable, coupon bonds to an amount not exceeding twenty-five thousand ($25,000) dollars for the purpose of enabling said county to erect and pay for a courthouse to be built for said county at Crossville, Tennessee.

Said bonds to be issued in denominations of not less than $500 each, and shall be payable on the first day of July, 1925, or at any time before that date and after the first day of July, 1915. Said bonds shall bear such rate of interest, not to exceed five per centum per annum, payable semi-annually, and shall not be sold for less than par.

How signed.

SEC. 2. *Be it further enacted,* That said bonds shall be signed by the Judge and countersigned by the Clerk of said County Court, with official seal of said Clerk affixed thereto, and each denomination shall be numbered consecutively in the order of issuance, beginning with "one."

SEC. 3. *Be it further enacted,* That each of said bonds hall have coupons attached, one coupon for each semi-nnual installment of interest on said bond, with the date f the maturity of each coupon, which coupon shall be ttested by the signature of the Judge and Clerk, but with-ut the official seal of the Clerk, and each of said coupons hall show upon its face the number and denomination of he bond to which it is attached.

Interest and sinking fund tax.

SEC. 4. *Be it further enacted,* That it shall be the luty of the Quarterly County Court of said county an-nually to levy a tax on the taxable property in said county for the purpose of paying the semi-annual interest on said bonds, and sufficient in amount for the purpose of creating a sinking fund for the redemption of the bonds herein authorized when they fall due, or are called in, or redeemed, as hereinafter provided, and to enable the County Court to know what amount of tax to levy for these purposes, the Judge of the County Court shall keep in a well-bound book a record of the number and denomination of all bonds issued, to whom issued, also of all bonds redeemed or paid.

Trustee to collect tax.

SEC. 5. *Be it further enacted,* That the Trustee, or Tax Collector, shall collect and account for the taxes herein authorized, the same as he is required by law to collect and account for other taxes, and shall receive the same compensation as for collecting other county tax. And the County Court may, when it thinks proper, require of such Trustee, or Tax Collector, to give an additional bond for the performance of his duties in collecting and accounting for said fund.

Redemption—when and how.

SEC. 6. *Be it further enacted,* That before the expiration of ten years from the issuance of said bonds, the Trustee or Tax Collector may redeem any of said bonds presented for redemption, out of any money that may be in his hands derived from said sinking fund tax levied and collected under this Act, or may receive said bonds in payment of said sinking fund tax; and after the expiration of said ten years it shall be the duty of said Trustee to call for such an amount of said bonds as the sinking fund in his hands will redeem, calling for them by number, commencing with the lowest number and redeeming them in the order in which they were issued, of such as are outstanding; and for this purpose he shall have access to the Judge's book in which said bonds are numbered.

Call for redemption—how made.

SEC. 7. *Be it further enacted,* That the call, as provided for in Section 6, of this Act, shall be made on order of the Judge of the County Court, by advertising the same in any newspaper published in said county, for thirty days, setting out the number and denomination of said bonds so called for; and such bonds not being presented for payment at the expiration of said thirty days, the interest thereon shall cease from that date, and the coupons not due thereon shall not thereafter be received for taxes nor be paid, but shall become void; and should the bonds so called for be withheld, then shall the Trustee in like manner call for other bonds, in regular order, until the amount required be presented for redemption; and when any such bonds are redeemed as herein set out, the Trustee, or Tax Collector, shall, upon settlement with the Judge of the County Court, have credit therefor on account of sinking fund tax, and after they have been entered upon the Judge's book as aforesaid, said bonds shall be defaced by the said Judge, in presence of said Trustee, or Tax Collector, by stamping or writing across the face of the bond or bonds redeemed or paid the date when such bond was accounted for on settlement and by stamping said bond with a machine which will perforate it with holes, and said bond or bonds so redeemed or paid shall be filed away with the coupons thereon and theretofore redeemed or paid as a part of the records of said Judge's office, by pasting them in consecutive order in a well-bound book kept for that purpose.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 511.

House Bill No. 534.

AN ACT to authorize and empower Davidson County, through its Quarterly County Court, to appropriate certain funds for the purpose of having repaired and kept in repair certain turnpikes or turnpike roads, and to have said turnpikes or turnpike roads repaired and kept in repair by the turnpike Superintendent or turnpike Board.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Davidson County, one of the counties in the State of Tennessee, through its Quarterly County Court, in quarterly or special session assembled, be, and it is hereby, authorized and empowered to appropriate out of any funds and moneys levied for turnpike purposes, such sums as may be necessary for the purpose of having repaired and kept in repair and maintaining any turnpikes or turnpike roads within the said county, abandoned, surrendered, or given to it, or used by the traveling public, regardless of whether or not said turnpikes or turnpike roads have been conveyed to said county by deed or otherwise, and said county is authorized and empowered to have said turnpikes or turnpike roads repaired and kept in repair by and through the Superintendent of Turnpikes, or by the Turnpike Board of said county, in the same manner and under the same provisions of the law as the turnpikes held by said county under purchase and conveyance are maintained and kept in repair.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 512.

HOUSE BILL No. 822.

AN ACT authorizing the issuing of charter for waterworks, gas plants, electric lighting plants, and water, gas, and electric power plants or system under one and the same charter of incorporation; and to prescribe provisions thereof, and to define the duties relating thereto, and to provide manner of raising money therefor; *Provided*, this provision of this Act shall apply only to counties having a population of not less than 15,402 and not exceeding 15,450, according to the Federal Census of 1900, or any subsequent Federal Census.

This Act applies to Lawrence County

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons, firms, partnerships, copartnerships, and all chartered corporations, within towns, cities, or villages in this State, with a population of not more than five thousand (5,000) inhabitants according to and computed by Federal Census of 1900, and any subsequent Federal Census, may operate under one and the same management, and may take out charter of incorporation under the provisions of this Act, to acquire both real and personal property for the purpose of constructing, putting in operating, equipping, and maintaining a system of waterworks and electric lighting plant and gas works under one and the same charter, grant, or privilege, of incorporation, authorized by this Act, and under the grant and the provisions and restrictions of this Act, authority is given whereby any persons, firms, partnerships, copartnerships, and chartered corporations may obtain a charter of incorporation as one charter, grant, or privilege of incorporation under this Act, and may organize a company or corporation and operate under the same to acquire both real and personal property for the purpose of constructing, operating, putting in, equipping, and maintaining, and may put in, build or erect, a system of waterworks and a system of water power company, and an electric lighting plant, and electric power plant, and a gas plant, or gas works, for the purpose of manufacturing and making gas, electricity, and furnishing water, gas, and electricity for all purposes to the said cities, towns, or villages, of the inhabitants thereof, and to firms, partner-

hips, and corporations as well as to individuals thereof and to all individuals, firms, corporations, partnerships, and copartnerships, beyond the limits of said towns, cities, or villages under contract; *Provided, however,* that but one charter of incorporation under this Act shall be granted to the same parties whereby they may operate at more than one place at one time an electric light, waterworks, or gas plant or system; *Provided further,* that nothing in this Act shall be construed as an inhibition to the taking out of a separate charter for any of the purposes herein expressed under provisions made and heretofore provided by law.

SEC. 2. *Be it further enacted,* That the general powers of any corporation created by charter under this Act shall be:

1. To sue and be sued by the corporate name.

2. To have and use a common seal, which it may alter at pleasure; if no common seal, then the signing of the name of the corporation, by its duly authorized officer, shall legally be binding.

3. To purchase and hold or receive by gift, in addition to the personal property of the said corporation, any real estate necessary for the transaction of the corporate business, or to lease the same, and also to purchase or accept any real estate in payment or part payment of any debt due to the corporation, and to sell realty for corporate purposes.

4. To establish by-laws, or make all rules and regulations not inconsistent with the law and the Constitution of Tennessee, deemed expedient for the management of corporate affairs.

5. To appoint such subordinate officers and agents in addition to the President, Secretary, and Treasurer as the business of the corporation may require.

6. To designate the name of the office and fix the compensation of the officers.

7. To borrow money, and issue notes, or bonds, upon the faith of the corporate property, and also to execute a mortgage or mortgages as further security of money borrowed.

8. To issue bonds under provisions hereof, and to market the same as said corporation may see proper.

SEC. 3. *Be it further enacted,* That the following provisions and restrictions are coupled with said grant of powers as are by this Act conferred and set forth:

1. A failure to elect officers at proper time does not dissolve the corporation, but those in office hold until the election or appointment and qualification of their successors.

2. The term of officers may be fixed by the laws of the corporation; the same not, however, to exceed two years; and the manner of election of said officers may be fixed by the laws of the corporation; *Provided, however,* the said manner of electing said officers shall not be contrary to manner by law prescribed for electing said officers nor any provisions in this Act made.

3. The corporation may, by by-laws, make regulations concerning the subscription for or transfer of stock; fix upon the amount of capital to be invested in the corporation; the division of the same into shares, and the time required for payment thereof by the subscribers of stock, the amount to be called at any one time, and in case of failure of any stockholder to pay amount thus subscribed by him at the time and in the amounts thus called for, a right of action shall exist in the corporation to sue said defaulting stockholder for same.

4. The Board of Directors which may consist of five or more members at the option of the corporation, to be elected either in person or by proxy, by a majority of votes cast, each share representing one vote, who shall keep a full and true record of all proceedings, and an annual statement of receipts and disbursements shall be copied on the minutes, subject at all times to the inspection of stockholders.

5. A majority of the Board of Directors shall constitute a quorum, and shall fill all vacant places until the next election. The first Board of Directors shall consist of five or more corporators, who shall apply for or obtain the charter.

6. The books of the corporation shall show the original or subsequent stockholders, their respective interest, what has been paid on the shares subscribed, the transfer of stock, by and to whom made, also other transactions in which it is presumed a stockholder or a bondholder or a creditor may have an interest.

7. An amount of unpaid stock due from a subscriber to the corporation shall be a fund for the payment of any debt due from the corporation; the transfer of any stock by subscriber does not relieve him from payment unless his

ransferee has paid up all or any of the balance due on aid original subscription.

8. By no implication or construction shall the corporaion be deemed to possess any powers except in this Act granted, or are necessarily implied from the nature of the usiness for which the charter is granted.

9. The right is reserved to repeal or nullify all charters granted under this Act. But if any charter hereunder granted is annulled, the then acting Directors, or such parties that a court of competent jurisdiction shall designate, are constituted Trustees of said corporation to wind up its business, but are not to enter upon any new business. Any stockholder at any time may withdraw, and on withdrawal the said stockholder to be paid then the market value of his stock, and this withdrawal applies to all stockholders alike, whether they be under disability or not at time of withdrawal.

10. Persons acting as a corporation under the provisions of this Act will be presumed to be legally corporated until the contrary is shown, and no such franchise shall be declared actually annulled or forfeited except in a regular proceeding brought for that purpose.

11. No body of men acting as a corporation under the provisions of this Act shall be permitted to set up a want of legal organization as a defense to any action against them as a corporation, nor shall any person sued on a contract made with such corporation, or sued for an injury to its property, or a wrong done to its interest, be permitted to set up a want of such legal organization in his or their defense.

12. Copies of the several articles of incorporation filed and registered in the county wherein said corporation purposes to operate, made and certified to by Register of said county to be true copies from his office, are receivable in evidence in any proceeding for or against such corporations formed under this Act. The stocks in all private corporations formed under this Act, or heretofore created, or to be hereafter created, are personal property and subject to levy and sale as such, and proper entries are to be made on said company's stock or transfer books, but such sale will not relieve the stockholder from liability which has attached to him as such previous to sale, neither will a voluntary sale.

14. The division of the funds of the corporation to other objects to those mentioned in the incorporation, and

the making of false reports whereby any one is injured, and the payment of dividends which leave insufficient funds to meet the liabilities of the corporation, the keeping of false books, or accounts whereby any one is injured, and the publishing of false reports are such frauds as will subject those actually concerned therein to the penalties of a misdemeanor, and, moreover, to damages at the suit of any person injured thereby, and the Directors shall likewise be liable if the same is done with their consent.

15. Whenever powers, franchises, and privileges, have been granted to the corporation under this Act, and they are not used, or are not leased to others in whole or part, such corporation shall not be dissolved unless all the corporate property has been appropriated to the payment of its debts, and such corporations that shall expire by their own termination or are annulled by forfeiture, or are dissolved by any other cause, exist as a body corporate for five years to wind up the corporate business, and the then acting Directors shall have full authority to sue, collect, and pay out, sell, transfer, all property and do all things necessary to wind up said corporation, and any application to a Chancellor, setting out merit, for winding up said corporate business by the Directors may exceed five years if so decreed by the court, and like provision extends to any Trustees appointed by the court, or otherwise, whenever said other Trustees are acting in the stead and place of said Directors or company or Trustees, and all lawfully appointed Trustees by a competent court shall have precedence of the Directors or Trustees of the company.

Combined powers and purposes.

SEC. 4. *Be it further enacted,* That any corporation chartered and organized under this Act be, and the same are hereby, authorized to furnish to all persons, firms, partnerships, or copartnerships, corporations, and cities and towns, and villages, gas, electricity, and water for heating and lighting and power purposes, and for all other purposes that water, electricity, and gas are now used, or may be desired to be used, or may hereafter be used that come within the provisions of this Act.

SEC. 5. *Be it further enacted,* That any corporation created under this Act may make its shares of stock for not less than $25 nor more than $100 for each share, as said corporation, by its by-laws, may determine; and when the amount of shares per share have been voted and determined by said corporation, said corporation may issue

its certificate of stock therefor; said certificate of stock to be signed by President of said corporation, and countersigned by its Secretary.

Corporation to borrow money—how.

SEC. 6. *Be it further enacted,* That said corporation when chartered and organized, in addition to mode of raising money for corporate purposes by subscription of stock, may negotiate, loan, and borrow money for corporate purposes on faith of corporate property, for which sums said corporation may execute its note or notes, in the manner prescribed for signatures in Section 5 of this Act through its officers therein named, and may also mortgage its corporate property, rights, privileges, and franchises for the purpose of securing the same.

May issue bonds.

SEC. 7. *Be it further enacted,* That corporations, when chartered and organized under this Act, are hereby authorized and empowered in their corporate capacity to issue the negotiable bonds of said corporation, signed by the President of same and countersigned by the Secretary of said corporation, with interest coupons attached, which shall be signed by the Treasurer of the said corporation, to an amount not exceeding fifty thousand ($50,000) dollars.

SEC. 8. *Be it further enacted,* That the bonds herein provided for shall be executed of a denomination of not less than $100 nor more than $1,000 each, the exact amount of any one bond hereby authorized to be issued of and within said stated amounts to be determined by the by-laws of said corporation organized and chartered under this Act, and said bonds shall mature at such time from ten to fifty years from their date, and bear such rate of interest (not exceeding 6 per cent per annum), payable semi-annually, as may be fixed by the by-laws of a corporation chartered and organized under this Act.

SEC. 9. *Be it further enacted,* That said bonds shall be exclusive for borrowing money for the purpose of defraying the expenses of putting in, erecting, operating, maintaining, constructing, and repairing when put in the system of waterworks or water power and the system of gas works, or gas plants, and a system of an electric lighting plant, or electric power plant, and for the additional purposes of acquiring any personal property and any real estate and any waterways or rights thereof by purchase, lease, or otherwise, that may be deemed necessary for said corporation through a majority of its Board of Directors

to acquire, to put in, construct, operate, and use and own, or acquire for corporate purposes in behalf of corporations in this Act provided for, that may be necessary as an initiatory step to the putting in of said plants as herein provided for, or that may become necessary for any purposes of same after the same have been constructed during the life of the respective charters that may be under this Act granted. It is the purpose of this provision to enable the incorporators to raise money in the manner herein provided, to acquire property and construct and operate and maintain, and pay all expenses thereof, aforesaid system or plants under the charter rights as herein set forth.

SEC. 10. *Be it further enacted,* That bonds issued under the provisions of this Act shall not be sold at a less sum than the sum specified in the by-laws of any corporation chartered and organized under the provisions of this Act.

SEC. 11. *Be it further enacted,* That the form of the charter for a gas, waterworks, and an electric lighting plant and water company and electric power and water power company chartered under this Act shall be as follows:

Form of charter.

State of Tennessee—Charter of Incorporation. Be it known, that (herein insert the names of five or more citizens not under the age of twenty-one years) are hereby constituted a body politic and corporate by the name and style of (herein insert the name of the corporation) for the purpose of establishing, and constructing, and operating waterworks, gas works, electric lighting works, or plants, for the purpose of manufacturing electricity for lights, and heat and power, and furnishing electric motive power, electrotyping, heating houses, and for manufacturing electricity for telephoning purposes, and for manufacturing gas, and furnishing gas for all purposes gas is used for, or for which either gas and electricity may hereafter be used, and it shall be the duty and business of said company and corporation to build waterworks, and put in machinery, and lay pipes, aqueducts, and conductors, and to put in gas plants, and put in machinery with all necessary equipments, and to build electric lighting or power plants and machinery, with all necessary equipments, in or adjacent to said city, town, or village, and to furnish said town, cities, or villages, and inhabitants thereof, and all others who may contract therefor, with a plentiful supply of water, gas, and electricity for all

purposes in this Act provided, and for all purposes for which water, gas, and electricity are now, or hereafter may be used; and for these purposes said company is hereby authorized and empowered and invested with the privilege to acquire the right, and to erect dams across non-navigable streams, to lay pipes and to extend aqueducts and conductors, erect poles, extend wires, either above or under ground, and to put in all other equipages necessary across all waterways and through all or any of the streets, lanes, alleys, or public squares of said cities, towns, or villages, and to supply said towns, cities, and villages, and inhabitants thereof, and others who may contract therefor, with water, gas, and electricity by public works for the purposes of heat, light, and power, and all other purposes to which gas, electricity, and water may be put, used, or demanded, and to take up all pavements and walkways for said purposes after permission granted by proper authorities, to be repaired by company at its own cost, as before taken up (here insert the general powers of said corporation as set out in this Act).

As to laying pipes.

SEC. 12. *Be it further enacted,* That for the purpose of laying down pipes, aqueducts, and conductors said company or corporation may take up the pavements or sidewalks upon streets, alleys, and public square of said city, town, or village, after permission has been first obtained from the city, town, or village where said company is operating, from the authorities who are vested with the power to grant the same; *Provided,* that walks shall be taken up in such manner as to give the least inconvenience to the inhabitants of said city, town, or village, and that the same shall be replaced with all convenient speed by and at the expense of said company in as substantial a manner as found before taking up.

Consent of city authorities to be had

SEC. 13. *Be it further enacted,* That to enable said company to establish its gas works or plants, said company or corporation is hereby authorized and empowered to lay down pipes and extend conductors as provided in the preceding section; *Provided, however,* that no one of the alleys or streets of said city, town, or village, shall be entered upon or used by said company for laying pipes and conductors or otherwise until the consent of the authorities shall have been first obtained and an ordinance shall have been passed prescribing the terms on which the same may be done, and this proviso shall be inserted and engrafted upon the charter granted under this Act.

Means of conveying water.

SEC. 18. *Be it further enacted,* That said company shall have the power and is hereby authorized to bring into the said town, said city, or village, a sufficient supply of wated by means of pipes, tanks, or in any other way, and to construct reservoirs for the reception thereof, and to supply with water the said towns, cities, or villages and the inhabitants thereof, and any others who may contract therefor; and of erecting hydrants and fire plugs within said town, city, or village, and to contract with said inhabitants and with said corporate authorities of said town, city, or village, or any firm, or partnership, or any incorporated companies, for the use of said water, and charge such price for the same as may be agreed upon between said company and said parties and consumers, subject to all such reasonable rules and regulations respecting use and waste of said water as the Directors of said company may from time to time prescribe, and to enable the company to establish such works, it is authorized and empowered to lay down pipes, through the streets, lanes, and alleys, and public highways of said towns, cities, or villages, or counties, in such manner as to produce the least possible inconvenience to the towns, cities, or villages, or their inhabitants, or to travelers, and to take up pavements and sidewalks, but in all cases under this Act, where poincomes necessary to take up pavements and sidewalks seven ke extravasation or to interfere with public highsaid tow roads, the same shall be repaired as speedily as from the and left in as good a condition as they were chosen, af

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report with *Be it further enacted,* That said corporation stating there shall put in and operate their works under

Report of Inspectors.

ply shall be ord, and manage the same so that no annoymembers compoe therefrom to the health and comfort of town, city, or said town, city, or village, and nothing conclusive as to construed to desolve the company, its supply, and this from any legal proceedings to restrain or bountiful supply e arising from the operation of the plant

SEC. 16. *Be* r.

General purposes and powers stated again.

or corporations of *further enacted,* That if any person or and by this Act are or destroy any of the property bethority of erectincompany, or shall willfully open up any repairing, and nto the streets or otherwise of any of the tric lighting wompany whereby water may escape theremanufacturing et on any water after it has been stopped town, citiesany, such person or persons shall be liable for

ll damages sustained by such proceedings, and also to a enalty, not exceeding $500, upon a conviction before a ourt having competent jurisdiction, but nothing in this rovision shall be construed to interfere with contrac- onal rights of any one with said company, and if any erson or persons without license shall use any of the ater of said company for any purpose whatever with- ut previously contracting therefor with said company, aid person or persons shall forfeit and pay to said com- any the sum of $50, to be recovered before any Justice f the Peace in the same manner as other debts are col- ected by law; *Provided,* that nothing in this Act any- here contained shall prevent any one from obtaining and sing water obtained in any other way than through said ompany, or of compelling any one to patronize said com- pany in any particular for anything, or of interfering with any one from doing anything that said company may be engaged in under the law and complying therewith.

Authority to be obtained before charter is granted

SEC. 21. *Be it further enacted,* That no charter of incorporation shall be granted under this Act until after leave to operate under the same shall have been first had and obtained from the corporate authorities of the said town, city, or village in which it is proposed to operate such waterworks, electric lighting plant, and gas works or power plants, and such leave shall be certified by the Mayor or Recorder upon the application and registered with it. And this is in no way to interfere with or impair the police or general powers of the corporate authorities of said town, city, or village, and such corporate authorities shall have power by ordinance to regulate the price of water, gas, and electric lights and power supplies furnished by said company or corporation.

SEC. 22. *Be it further enacted,* That said company or corporation shall have a President and a Secretary and a Treasurer and a Board of Directors, and such other officers as it may prescribe by its by-laws.

SEC. 23. *Be it further enacted,* That all powers, privileges, and authority now by law conferred upon waterworks companies, electric lighting companies, gas works companies, and water or electric power companies, and electric lighting, heating, and power companies, and restriction touching same, not inconsistent with the provisions in this Act contained, and that are applicable to companies or corporations organized or chartered under

this Act, are applicable to all corporations created and chartered by and under this Act; *Provided,* that the provisions of this Act shall apply only to counties having a population of not less than 15,402 and not exceeding 15,450, according to the Federal Census of 1900, or any subsequent Federal Census.

Applies to Lawrence County only.

SEC. 24. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 25. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 513.

HOUSE BILL No. 695.

AN ACT to provide for the just and equitable assessment of interurban railroad and street railroad properties for State, county, and municipal taxation, and for the collection of taxes assessed and imposed thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the State Tax Assessors, created by Chapter 5, of the Acts of the General Assembly of 1897, shall have, and are hereby given, authority to assess for taxation for State, county, and municipal purposes all interurban railroad and street railroad properties in the State of Tennessee; and no assessment of such properties shall be made in any other manner or by any other officer except and as provided in this Act.

SEC. 2. *Be it further enacted,* That the State Tax Assessors shall assess interurban and street railroad properties biennially, and at the same time that they assess railroad, telegraph, and telephone properties. Assessment to be made biennially.

SEC. 3. *Be it further enacted,* That every person or corporation owning, leasing, or operating interurban and street railroad properties, including electric light and power properties, when owned or operated in conjunction with street railroad properties, shall file with the Comptroller of the State biennially on or before the first day of April, commencing with the year 1905, a schedule or schedules stating and giving the following facts and information—viz.: A list or statement of all his or its property, real, personal, and mixed, owned or leased, setting forth therein the length in miles of the entire roadbed, switches, and sidetracks, showing the number of miles in each county and the number of miles in each city or incorporated town, the value of the whole, the amount of capital stock, if owned by a corporation, the bonded debt, the gross annual receipts of the preceding fiscal year, the number of cars, their classes and value, the location, description, and value of all car sheds, transfer stations, power houses, and other real estate, and all real, personal, and mixed property belonging to the person or company owning said railroad, if a part of and used in connection therewith, together with its value. Schedules.

SEC. 4. *Be it further enacted,* That said schedule shall be verified by the affidavit of the owner of said property, and if said owner be a corporation the affidavit shall be made by the president or secretary thereof; that said schedule shall be filed with the Comptroller of the State within the time above prescribed; and the owner of any such property refusing or failing to file such schedule shall be deemed to have waived the mode and manner of ascertaining the value of such property, and shall not be permitted to be heard in opposition to the value fixed upon such property by said State Tax Assessors, and shall in addition be liable to a penalty of $1,000; and it shall be the duty of the Attorney General of the State to sue for and collect the same before any court of competent jurisdiction, in the same manner as any other debt, penalty, or forfeiture is now collected by the law. How made out.

SEC. 5. *Be it further enacted,* That said State Tax Assessors shall receive from the Comptroller the schedules,

and it is hereby made the duty of the Comptroller to deliver the same to the State Tax Assessors, and they shall immediately proceed to ascertain the value of said property for taxation.

Assessment—how arrived at by assessors.

SEC. 6. *Be it further enacted,* That the said State Tax Assessors, in arriving at the valuation of said property for taxation, shall have in view and look to the capital stock of the company, the corporate property and franchises, the gross receipts, the expenditures for betterments, improvements, and repairs; the market value of the shares of the stocks and bonds, and all other facts that may throw light upon and show the value of said property to be assessed; and to ascertain these facts, the State Tax Assessors are hereby invested with power to summon before them any person or persons, and call for any books, administer oaths, and examine any such person or books touching any matters deemed necessary to enable them to arrive at the correct value of such property; and they may issue summons to any county in the State, to be executed by the Sheriff of such county. Any person so called on to testify shall be guilty of perjury if he shall testify falsely; and any person failing to attend when summoned shall be guilty of a misdemeanor, punishable by a fine of $100 and thirty days in jail.

Classification of property.

SEC. 7. *Be it further enacted,* That the roadbed, rolling stock, franchises, choses in action, and personal property of a railroad having no actual situs shall be known as distributable property and shall be valued separately from the other property; and after ascertaining the total value of such distributable property wherever situated, and after having deducted from this value $1,000, said Assessors shall divide the remainder by the number of miles of the entire length of the road, and the result shall be the value per mile of such distributable property for the purpose of taxation; and the value per mile of such distributable property shall be multiplied by the number of miles in this State, and the product thereof shall be the sum to be assessed against such property for State purposes; and the value per mile so ascertained shall be multiplied by the number of miles in each county or incorporated city, and the product shall be the amount to be assessed upon such property by said counties and incorporated towns respectively.

SEC. 8. *Be it further enacted,* That transfer stations, car sheds, power houses, and real estate shall be valued separately, as localized property.

SEC. 9. *Be it further enacted,* That it shall be the duty of the Secretary of the said Assessors to transcribe into a well-bound book the entire proceedings of said Assessors, to be approved and signed by them each day. The Secretary shall carefully preserve and file away all reports, documents, and proof taken and used by said Assessors.

SEC. 10. *Be it further enacted,* That said Assessors shall, in addition to the schedules hereinbefore required, take such additional proof and require such additional information of the value of any property to be assessed by them as may be deemed proper, but such additional evidence shall be reduced to writing, and an opportunity afforded, if desired, to the owner of any property to submit additional evidence or counter evidence to that acquired by said Assessors, and the records of the Assessors shall at all times be opened to inspection to the owner or owners of any property assessable under the provisions of this Act.

Assessments—when to be complete.

SEC. 11. *Be it further enacted,* That said assessments shall be completed on or before the first Monday in August, and within ten days from the first Monday in August the owners of any property assessed may appear and file exceptions to said assessments, together with such evidence as they may desire to submit as to the value of the property assessed, and at the expiration of said ten days said Assessors shall reassemble and examine such additional evidence and exceptions as may have been filed and change the valuation accordingly; on or before the first Monday in September said State Tax Assessors shall file with the Comptroller the assessments made by them, together with all other records of every kind and character.

Board of Equalization—duties.

SEC. 12. *Be it further enacted,* That the Governor, Treasurer, and Secretary of State are hereby constituted a Board of Equalization, of which the Governor shall be Chairman, and the Secretary of State, Secretary, and within three days after the Comptroller shall have received the assessments and records from said State Tax Assessors he shall deliver the same to the Governor, and said Board of Equalization shall proceed to examine said assessments, so made by the Assessors, and they are hereby authorized to increase or diminish the valuation placed upon any

property valued by said Assessors, and are further authorized to require of said Assessors any additional evidence touching any one or more of the properties assessed, and shall consider such additional evidence so furnished by said Assessors in fixing the correct value of any property so assessed, and said assessments shall not be deemed complete until corrected and approved by said Board of Equalization; and the Governor is hereby authorized to call together said Assessors at any time to perform the duties imposed upon them.

Certification to Comptroller —when.

SEC. 13. *Be it further enacted,* That on or before the third Monday in October, said Board of Equalization shall certify to the Comptroller the valuation fixed by it upon each property assessed under this Act, and the action of the Board of Equalization, in fixing the valuation upon such property, shall be conclusive and final, and the valuation so fixed shall be assessed against said property and the taxes due thereunder be paid.

Notice to be given by Comptroller.

SEC. 14. *Be it further enacted,* That as soon as the Comptroller shall have received said valuations from the Board of Equalization, he shall ascertain the amount of taxes due the State from the owner of each property assessed and notify the owner of same, by letter or otherwise, and he shall certify to the County Court Clerk of each county in which any of such property lies the amount to be taxed in said counties respectively for county purposes, and likewise to the Mayor of any incorporated town the amount to be taxed by such town.

SEC. 15. *Be it further enacted,* That the taxes so assessed in behalf of the State, counties, and cities shall be a first lien upon the property from the 10th of January of the year for which the taxes are assessed, and they shall be due and delinquent as any other *ad valorem* taxes.

Comptroller to collect taxes.

SEC. 16. *Be it further enacted,* That the taxes so assessed on behalf of the State shall be collected by the Comptroller and paid into the State Treasury as soon as received by them, and if the same shall become delinquent he shall issue distress warrants against the owner of any such property to any Sheriff in the State, whose duty it shall be to collect the same and make a return thereof within thirty days; and if the taxes shall not be collected by the Sheriff, it shall be the duty of the Comptroller to advertise said property for a period of thirty days by weekly publications in a newspaper published in the City of Nashville, Tennessee, and at the expiration of such

time sell at the courthouse door said property for cash, free from the equity of redemption, and execute to the purchaser a deed or deeds to the property so sold, and after reserving the expenses of such sale and the taxes, together with six per cent interest from the time the same became delinquent, hold the remainder subject to the order of the owner of such property so sold.

SEC. 17. *Be it further enacted,* That the taxes due to any county or city shall be collected as any other county or city taxes may be collected by law, and at the rate fixed by such county or city.

Governor may convene State Assessors—when.

SEC. 18. *Be it further enacted,* That if at any time it shall appear to the satisfaction of the Governor of Tennessee that any street railroad is inadequately assessed or that its property has been omitted from taxation, or any new line has been constructed, it shall be his duty, and he shall have the power, to convene the said Board of Assessors to make the proper assessment, and they shall have the power to do so, and their assessment shall go to the Board of Equalizers upon appeal upon the record as is provided in cases of assessment in the first instance. The said Board of Equalizers shall examine and act upon such record as soon as practicable, and certify their final action to the Comptroller, the correction of the taxes so assessed to be then proceeded with according to the regular course, and neither the Comptroller of the Treasury nor any other officer than said Board of Assessors shall have the power or authority to back-assess or assess any railroad, telephone, or telegraph company.

SEC. 19. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 514.

House Bill No. 763.

AN ACT to incorporate Eads, in Shelby County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory in Shelby County, Tennessee, as follows:

Boundaries.

Beginning at a stake in Seward's field and running thence south seventy-one and a half degrees parallel to and near the south boundary line of the Nashville, Chattanooga & St. Louis Railway section house lots and the south line of T. C. Owen's mill lot forty-six chains and eighty-five links to a stake; thence north with the west boundary line of the Fletcher, Peyton, and Lawhorn lots thirty-six chains and fifty links to a stake in J. M. Brook's woods; thence east with northern boundary of lot No. 9, West Jefferson Street, forty-two chains and fifty links to a stake in a road; thence south seventy degrees east with said road sixteen chains and twenty links to a stake; thence south six chains and twenty-seven links to the beginning, containing one hundred and seventy-five acres, more or less, be, and the same is hereby, constituted a municipal corporation under the name and style of Eads, by which name said corporation shall be known.

General laws apply to said town.

Sec. 2. *Be it further enacted,* That the corporation hereby created shall be in all respects subject to the laws of this State relating to municipal corporations organized under the general law enacted for that purpose, the intent of this Act being that its powers and liabilities, the number and style of its officers, the election of its officials, their duties and terms of office, and all the relations of said corporation with its members and with others, shall be the same as if said corporation had been organized by an election held under the provisions of Sections 1575 to 1595, inclusive, of Milliken and Vertrees' Code of Tennessee and the Acts amendatory of same, and all provisions of law now in force and applicable to corporations formed under the law as expressed in those sections and in said

amendments are expressly made applicable to the corporation hereby created.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 515.

HOUSE BILL No. 209.

AN ACT to be entitled "An Act to amend Chapter 169, Acts of 1903, passed April 3, 1903, and approved April 11, 1903, and known as 'The General Game Law;' to prohibit the killing of deer or English ring-necked or Mongolian pheasants for two years; to require dealers in game to take out licenses; to limit the number of birds to be killed in any one day; and to provide for the enforcement of this and other Acts."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 3, of Chapter 169, Acts of 1903, passed April 3, 1903, and approved April 11, 1903, and known as the "General Game Law," be, and the same is hereby, amended only as follows:

Add to Sub-section 1 the following words: "*Provided, however,* no deer of any age or species shall be hunted, caught, or killed prior to two years from and after October 1, 1905."

Amend Sub-section 3 by inserting after the word "wood-ducks" the words "or teal ducks."

Amend Sub-section 5 by inserting after the word "wood-ducks" the words "or teal ducks," and changing the date of March 1 to April 15.

Amend Sub-section 6 by adding thereto the following: "*Provided, however,* no English ring-necked or Mongolian

pheasants shall be taken, caught, or killed prior to two years from and after November 1st, 1905."

SEC. 2. *Be it further enacted,* That Section 9 of said Chapter 169 be, and the same is hereby, amended by striking out from the fifth and six lines thereof the following words, "Same fee as a resident of Tennessee is subject to in the State of said non-resident," and insert in lieu thereof the following words: "Sum of ten dollars."

License to deal in game.

SEC. 3. *Be it further enacted,* That all persons, companies, or corporations who shall deal in game—that is, all persons, companies, or corporations which shall buy and sell game for profit—shall pay an annual license fee as follows: In all towns or places having less than five thousand (5,000) population, five ($5) dollars; exceeding five thousand (5,000) population and not exceeding fifteen thousand (15,000), ten ($10) dollars; exceeding fifteen thousand (15,000) population, twenty-five ($25) dollars. And it shall be unlawful for any person who deals in game to buy, sell, or have in possession any game at any time which shall have been caught, taken, or killed contrary to the provisions of Chapter 169, Acts of 1903, or of this Act, and any dealer knowingly so offending shall be deemed guilty of a misdemeanor; and any person or persons, companies or corporations who shall violate this section, or any of the provisions thereof, shall, upon conviction, be fined in a sum not less than twenty-five nor more than fifty dollars for each offense.

SEC. 4. *Be it further enacted,* That it shall be unlawful for any person to shoot or kill in any one day during the open season more than fifty ducks, or, in the aggregate, more than thirty head of any of the other game birds specified in Chapter 169, Acts of 1903.

State warden may import game.

SEC. 5. *Be it further enacted,* That the State Warden shall have authority to import English ring-necked or Mongolian pheasants or other game birds, or the eggs of game birds. Such birds or eggs as shall come into his hands he shall distribute fairly and equitably among the several counties where conditions, in his judgment, are favorable for such distribution. He shall have authority to take or transport game at any time, for the purpose of propagation or distribution deemed by him to be in the interest of the game industry of the State. And he may act in such matters by deputy.

As to prosecutions.

SEC. 6. *Be it further enacted,* That prosecutions and actions for penalties under this Act, or any other law for

the protection of game, shall be in the name of the State of Tennessee, and must be brought on the order of the State Warden or a Warden appointed under the Department of Game, Fish, and Forestry, and in all actions or prosecutions each bird or animal or part thereof killed or held in violation of law shall constitute a separate offense; and the State Warden may compromise or discontinue cases where the violations were technical or where, in his judgment, the prosecution or fine would be oppressive.

SEC. 7. *Be it further enacted,* That Sub-section 7 of Section 3, Chapter 169, Acts 1903, be so amended that any person not a professional market hunter may lawfully kill and sell squirrels during the open season to residents of the county for their consumption only, without taking out any license for so doing. Squirrels may be caught and shot or killed in the respective counties of the State as follows:

Season for killing squirrels.

Hardeman County from July 15 to February 15; Gibson County from July 15 to February 15; McNairy County from May 1 to March 1; Madison County from May 1 to March 1; Sevier County from May 1 to March 1; Warren County from May 1 to March 1; Crockett County from June 1 to January 1; Henderson County from July 15 to January 15; Shelby County from June 15 to February 1; Fayette County from July 15 to January 1; Haywood County from May 1 to January 1; Cannon County, no close season; Dickson County, no close season; Greene County, no close season; Hickman County, no close season; Washington County, no close season; Loudon County, no close season; Knox County, no close season; Giles County, no close season; Lincoln County, no close season; Meigs County, no close season; Williamson County, no close season; Bedford County, no close season; Blount County, no close season; Moore County, no close season.

Counties excepted from the Act.

Provided, that wild turkey shall not be killed or captured from May 1st to December 1st in Haywood County.

Provided, this Act shall not apply to the following counties: Warren, Lawrence, Wayne, Lewis, Hardeman, Overton, Fentress, Pickett, Clay, Monroe, Coffee, Franklin, Robertson, Dyer, Lake, Henry, Houston, Carroll, Hamilton, Fayette, Lincoln, Marshall, Cannon, Putnam, Stewart, Montgomery, DeKalb, Macon, White, Wilson, Rutherford, Smith.

Provided, this Act shall not in any way affect the special law passed for Warren County at this session of the Legislature. All other counties remain under the present law.

Provided, this Act does not repeal the special fish law on the statute books applicable to the Counties of Houston, Dickson, Humphreys, and Stewart.

SEC. 8. *Be it further enacted,* That nothing in this Act shall be deemed to repeal the provisions of Chapter 169, Acts of 1903, except as herein specially set out and provided, and all the powers and duties reposed upon Wardens in said Chapter 169, Acts of 1903, and in this Act shall be exercised by the Wardens appointed under the Act creating the Department of Game, Fish, and Forestry, Chapter 91, Acts of 1901; and this Act shall take effect and be enforced from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 516.

HOUSE BILL No. 567.

TENNESSEE JUVENILE COURT LAW.

AN ACT concerning delinquent children.

Class of children defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That this Act shall apply only to children sixteen (16) years of age or under. The words "neglected child" or "delinquent child" shall include any child sixteen (16) years of age or under such age who

violates any law of this State or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly visits or enters a house of ill repute, or who knowingly patronizes or visits any policy show or place where any gaming device is or shall be operated, or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop, or who wanders about the streets in the night time without being on any lawful business or occupation, or who habitually wanders about any railroad yards or tracks or pumps, or hooks on to any moving train or enters any car or engine without lawful authority, or who habitually uses vile, obscene, vulgar, profane, or indecent language, or is guilty of immoral conduct in any public place or about any schoolhouse. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent or neglected person, or whose home by reason of any neglect or depravity on the part of its parents, guardians, or other persons in whose care it may be, and any child under the age of fourteen (14) years who is found begging, peddling, or selling any article or singing or playing any musical instrument on the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing, shall be proceeded against as such in the manner as hereinbefore provided. A disposition of any child under this Act, or any evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this Act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this Act. When jurisdiction has been acquired under the provisions of this Act over the person of a child, such jurisdiction shall continue for the purpose of this Act until the child shall have attained its majority.

Juvenile record to be kept by Courts.

SEC. 2. *Be it further enacted,* That any Judge of any Criminal, Circuit, or County Court or Chairman of any County Court of the several counties in this State shall have jurisdiction in all cases coming within the terms and provisions of this Act. Such cases to be heard and determined by the Judge or Chairman of said court. A special

record book or books shall be kept by the court for all cases coming within the provisions of this Act, to be known as "The Juvenile Record," and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this Act shall be known as "The Juvenile Docket," and for convenience the court in the trial and disposition of such cases may be called "The Juvenile Court." Between the first and thirteenth days of October of each year the Clerks of the several courts shall submit to the County Court a report in writing upon blanks to be furnished by said court showing the number and disposition of delinquent children brought before such court, together with such information regarding such cases and the parentage of such children as may be reasonably obtained at the trials thereof; *Provided,* that the name or identity of any such child or parent shall not be disclosed in such report, and that such report shall not be published at State expense.

SEC. 3. *Be it further enacted,* That any reputable person, being a resident of the county, having knowledge or information of a child in the county who appears to be a neglected child, may file with the Clerk of such court a petition in writing setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is on information and belief.

In any such information or complaint filed under this Act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person.

SEC. 4. *Be it further enacted,* That it shall be unlawful for any court clerk or other person to tax or collect or for any county to pay any fees whatever now permitted by law to be taxed and collected for the benefit of any court officer or person for the case of any delinquent child coming within the provisions of this Act for violating any law of this State or committing any of the acts mentioned in Section 1 hereof, unless such child shall be proceeded against in such court under the provisions and in accordance with the purpose of this Act, except in capital cases, or where the court shall direct a prosecution under the criminal code, or where complaint has been filed before a Justice of the Peace or Police Magistrate, who shall duly comply with the terms of Section 6 of this Act.

Children—how to be dealt with by officers.

SEC. 5. *Be it further enacted,* That upon the filing f an information under this Act a warrant or copies may ssue as in other cases, but no incarceration of the child roceeded against thereunder shall be made or had unless n the opinion of the Judge of the court, or in the absence f the Judge or Chairman from the county seat, then in he opinion of the Sheriff of the county, it shall be nec- ssary to insure its attendance in court at such times as hall be required. In order to avoid such incarceration, f practicable, it shall be the duty of the Sheriff of the ounty, or his Deputy or representative, to serve a notice f the proceedings upon at least one parent of the child, f living and known, or its legal guardian; or if his or ier whereabouts or residence is not known, or if neither arent nor guardian shall be in this State, then some rela- ive living in the county, if any there be whose where- abouts are known, and such Judge or Sheriff may accept the written promise of such person so notified or of any other person to be responsible for the presence of such child at the hearing in such case, or at any other time to which the same may be adjourned or continued by the court. In case such child shall fail to appear at such time or times as the court may require, the person or per- sons responsible for its appearance as herein provided for, unless in the opinion of the court there shall be reason- able cause for such failure of such child to appear as here- in provided for, may be proceeded against as in cases of contempt of court, and punished accordingly, and where any such child shall have failed to appear as required by the court or its officers, any warrant, capias, or *alias* capias issued in such case may be executed as in other cases; *Provided, however,* that no such child within the provi- sions of this Act under fourteen (14) years of age shall under any circumstances be incarcerated in any common jail or lockup unless such child shall be charged with a felony, and any officer or person violating this provision of this Act shall be guilty of a misdemeanor, and on con- viction fined in a sum not to exceed one hundred ($100) dollars. It shall be the duty of the County Court to pro- vide and maintain at public expense a detention room or house of detention, separated or removed from such jail or lockup, to be in charge of a matron or other person of good moral character, wherein all children within the provisions of this Act shall, when necessary, be incar- cerated. Any such child so informed against shall also

have the right now given by law to any person to give bond or their security for the trial of such cases, and the court may, in any such case, appoint counsel to appear and defend on behalf of any such child.

Same.

SEC. 6. *Be it further enacted,* That when any child sixteen (16) years of age or under is arrested with or without warrant, such child shall, instead of being taken before a Justice of the Peace or Police Magistrate, be taken directly before the Judge of such court; or if the child is taken before a Justice of the Peace or Police Magistrate, upon complaint sworn out in such court or for any other reason, it shall be the duty of such Justice of the Peace or Police Magistrate to transfer the case to such court, and the officer having the child in charge to take the child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if such child had been brought before the court upon information originally filed as herein provided, or when necessary in cases when the delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until an information or complaint may be filed as in other cases under this Act or the laws of the State; *Provided,* that nothing herein shall be constituted to confer jurisdiction upon any Justice of the Peace or Police Court to try any case against any child sixteen (16) years of age or under.

Appointment of probation officers.

SEC. 7. *Be it further enacted,* That such courts of the several counties in this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation. In case a probation officer shall be appointed by the court, it shall be the duty of the Clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court. It shall be the duty of such probation officer to make investigation of such cases; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or Judge may require, and to take charge of any child before and after the trial, as may be directed by the court. Probation officers provided for by this Act are hereby vested with all power and authority of Sheriffs to make arrests and perform other duties incident to their office.

SEC. 8. *Be it further enacted,* That in any case of a delinquent child coming under the provisions of this Act the court may continue the hearing from time to time, and may commit the child to the care of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court, or it may authorize the child to be boarded out in some suitable family house, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment; or the court may commit such child to the State Industrial School, or to any institution within the county incorporated under the laws of this State, that may care for children, or which may be provided by State or county suitable for the care of such children, or to any State institution which may now or hereafter be established for the care of boys and girls. In no case shall a child proceeded against under the provisions of this Act be committed beyond the age of twenty-one (21). A child committed to any such institution shall be subject to the control of said court, which shall have power to parole such child on such conditions as he may prescribe, and the court shall have power to discharge such child from custody when, or in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or delinquent children, and which has been duly credited as herein provided.

Court may continue hearing from time to time.

Final commitment.

SEC. 9. *Be it further enacted,* That all institutions or associations receiving children under this Act shall be subject to the same visitation, inspection, and supervision by the County Court, through committees appointed by it, as are public charitable institutions of this State, and it shall be the duty of the County Court to pass annually upon the fitness of any institution or association which may receive or desire to receive any child or children under the provisions of this Act; and every such institution

As to institutions receiving said children.

or association shall at such times as said court shall direct make report thereto showing its conditions, management, and competency to adequately care for such children as are or may be committed to it, and such other facts as said court may require, and upon said court being satisfied that any such association or institution is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force one year unless sooner revoked by said Board. The court or the Judge thereof may at any time require from any such institution or association receiving or desiring to receive children under the provisions of this Act, such reports, information, and statements as the court or Judge shall deem proper and necessary for his action, and the court shall in no case commit a child or children to any association or institution whose standing, conduct, or care of children or ability to care for the same is not satisfactory to the court.

SEC. 10. *Be it further enacted,* That all laws in conflict with this Act are hereby repealed.

Act to be liberally construed.

SEC. 11. *Be it further enacted,* That this Act shall be liberally construed to the end that its purposes may be carried out—to wit: That the care and custody and discipline of the child shall approximate as nearly as may be that which shall be given by its parents, and that as far as practicable any delinquent child shall be treated not as a criminal, but as misdirected and misguided and needing aid, encouragement, help, and assistance.

SEC. 12. *Be it further enacted,* That this Act shall only apply to counties of seventy thousand (70,000) inhabitants and over by the Federal Census of 1900 or any future Federal Census.

SEC. 13. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 517.

House Bill No. 902.

AN ACT to create and establish a School District in Obion County, and to define the boundaries thereof, and to provide for the appointment of a Board of Directors for said district.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District, known as South Fulton School District, the same being School District No. —— of Obion County, be, and the same is hereby, established in Obion County, Tennessee.

Sec. 2. *Be it further enacted,* That the boundaries of said School District shall be coextensive with and commensurate with the limits of the old Town of South Fulton in said County of Obion—to wit:

Beginning with the State line at W. J. Gholson's northwest corner; thence west with the State line to Dick J. Bard's northeast corner; thence south with Bard's line to the southeast side of the right of way of the M. N. and M. V. Co. Railroad; thence northeast with south line of said right of way to the northwest corner of the David Bard line; thence east to the Harris Fork Creek; thence east with the meanderings of the north bank of said creek to said W. J. Gholson's west line; thence north with said Gholson's line to the beginning.

Sec. 3. *Be it further enacted,* That all the funds remaining in the hands of the Treasurer of the Town of South Fulton after the settlement of any and all just claims and indebtedness of the said Town of South Fulton shall be and become the property of the said School District hereby created, and the same shall be turned over by the said Treasurer to the County Trustee of Obion County by the said Treasurer for the use and benefit of the schools of the said School District.

Sec. 4. *Be it further enacted,* That W. W. Morris, J. T. Futrell, and R. N. Whitehead shall be, and are hereby, created as the Board of Directors of the said School District hereby established and created, and shall perform the duties of such Directors till the time of the

next regular election of School Directors in the said County of Obion.

SEC. 5. *Be it further enacted,* That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives

E. RICE,
Speaker of the Senate

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 518.

HOUSE BILL No. 688.

AN ACT to be entitled An Act to amend an Act passed March 18, 1903, entitled "An Act to authorize and empower Madison County to issue $300,000.00 of coupon bonds of said county for the purpose of constructing good roads in said county. The first $150,000.00 of said bonds shall be used for the purpose of constructing good roads within five miles of the corporate limits of the City of Jackson, and the second $150,000 of said bonds issued shall be for the purpose of grading and graveling the roads of said county of the first class from a point on said roads, five miles from the corporate limits of Jackson, to points on said roads not exceeding eleven miles from the corporate limits of said city. But said second series of said $150,000.00 coupon bonds shall not be issued until after the work in the construction, grading, graveling the roads within five miles of the corporate limits of the City of Jackson is fully complete."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of said Act be amended as follows:

That all of said section after the word "points" in the twelfth line of said section be stricken out and the following be inserted: "Where said roads shall have been completed by the proceeds of the sale of the first one hundred and fifty thousand ($150,000) dollars of said coupon

bonds and the said second series of one hundred and fifty thousand ($150,000) dollars of said coupon bonds shall be issued and the proceeds used in constructing, grading, and graveling the roads uncompleted as far as the three hundred thousand ($300,000) dollars will go."

SEC. 2. *Be it further enacted,* That Section 8 of said Act be amended as follows: So as to insert in the seventh line of the same after the word "city" and before the word "and" the following words—to wit: "And so on until the eleven mile limit prescribed by the Act shall have been reached."

SEC. 3. *Be it further enacted,* That Section 11 of said Act be amended as follows: So as to insert in the fifth line of the same, after the word "and" and before the word "shall," the following words—to wit: "The County Court shall in pursuance of the said Act as amended."

SEC. 4. *Be it further enacted,* That Sections 1, 2, 3, 4, and 6 of said Act be amended as follows: By inserting after the word "Chairman" in Section 1, line 3; Section 2, line 2; Section 3, lines 2 and 6; Section 4, line 15; and Section 6, line 1, the words "or County Judge."

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 519.

House Bill No. 584.

AN ACT to prevent the introduction and the spread of communicable diseases in this State, and to fix the penalty for the violation of this Act.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever any case of smallpox, yellow fever, cholera, bubonic plague, typhus fever, diphtheria, membranous croup, scarlet fever, or other communicable diseases exist (except it shall not embrace any venereal disease, such as gonorrhœa or syphilis), or is even suspected to exist in any household, it shall be the duty of the head of said household, or any other person in such household possessing knowledge of said facts, to immediately notify the municipal or county health authorities of the town or county wherein such disease or diseases exist or may be supposed to exist.

Physician to give notice.

Sec. 2. *Be it further enacted,* That whenever any physician, surgeon, or practitioner of medicine shall know or suspect that any person or persons, whom they have been called to visit, or who has been brought to them for examination (or any other suspicious information received relative thereto), is, or are infected, or even suspected, with any of the aforementioned diseases, he shall, and it shall be his duty to, immediately notify the health authorities of the town or county in which said diseased person or persons are found.

Duty of Health authorities.

Sec. 3. *Be it further enacted,* That it shall be the duty of all municipal or county health authorities aforesaid, without delay, upon receiving such notice as is above provided for, to immediately proceed to carry out such rules and regulations as the State Board of Health may prescribe, having for their object the prevention and restriction of the disease or diseases aforementioned in Section 1 of this Act. It shall be the duty of said local health authorities, upon the receipt of said notice of existing or suspected disease aforesaid, to inspect or cause

he house or locality to be inspected by its sanitary officers, and on discovering that such disease exists, the local ıealth officer or local Board of Health (either municipal ır county, as the case may be) may, as he (or it) deems ıest, isolate and quarantine said diseased person or perıons. He (or it) may also quarantine any other person ır persons exposed to said disease and restrain them withn their home or locality from intercourse with other perıons, and prohibit ingress or egress to or from such premıses whenever it is necessary for the prevention or restriction of such diseases, and any person or persons isolated or quarantined that shall willfully escape from said isolation or quarantine before they have fully recovered or before their clothes have been disinfected by the authorities in charge, or willfully permit clothes or other articles to be carried from the infected premises prior to disinfection, shall be fined not less than fifty ($50) dollars nor more than one hundred ($100) dollars, or confined in the county jail for a period of not more than three months, one or both, in the discretion of the court.

Quarantine cards.

SEC. 4. *Be it further enacted,* That it shall be the duty of the said local Board of Health or its health officer, when a case of smallpox, cholera, bubonic plague, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever is reported within its jurisdiction, to at once cause to be placed in a conspicuous position on the house wherein any of the aforesaid diseases occur or exist a quarantine card having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the health officer, and no person quarantined by a local Board of Health or its health officer on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the health officer, and every physician attending a person affected with any of the aforesaid diseases shall use such precautionary measures to prevent the spread of the disease, as may be required by said local Board of Health. No person shall remove nor deface nor destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly disinfected by the said

local Board of Health and all other sources of danger of communicating the disease are removed.

Quarantine guards, etc.

SEC. 5. *Be it further enacted,* That said local Board of Health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing persons affected with any of the diseases named herein, or who have been exposed thereto, and such person or persons may be deputized by the Sheriff of the county as quarantine guard, and shall be vested with all the power and authority of the Sheriff, and may use all necessary means to enforce the provisions of this chapter for the prevention and spread of the aforesaid communicable diseases, or the order of any Board of Health made in pursuance thereof.

Duties of Health officers during quarantine.

SEC. 6. *Be it further enacted,* That whenever a house or other place is quarantined on account of a communicable disease, it shall be the duty of the Board of Health having jurisdiction to provide for all persons confined in such house or place food, fuel, and all other necessaries of life, including medicine and nurses whenever necessary; the expenses so incurred, except those for disinfection, quarantine, or other measures strictly for the protection of the public, shall be paid by the person or persons quarantined; *Provided,* when such persons are not able to pay such expenses, it shall be paid by the municipality or county in which he or they are quarantined.

SEC. 7. *Be it further enacted,* That it shall be the duty of every physician in attendance upon any person afflicted with any contagious or infectious disease designated in this Act, to notify the proper health officer when said premises are ready for disinfection, so that the same may be properly disinfected under the directions of said health officer or some other person under his authority.

As to vaccination.

SEC. 8. *Be it further enacted,* That municipal and county health officers or municipal and county boards of health may adopt such measure for the general or local vaccination of the inhabitants of their respective jurisdiction as they shall deem proper and necessary, and whenever necessary vaccinate such inhabitants to prevent the introduction or to arrest the progress of smallpox without being authorized or ordered by the State Board, and the expenses in whole or in part of such general or local vaccination shall, upon their order, be paid out of the city or county funds, as the case may be.

Penalty for refusing vaccination.

SEC. 9. *Be it further enacted,* That every person who shall refuse to be vaccinated or prevent a person under his or her care and control from being vaccinated on application being made by the said health officer or said Board of Health or by a physician employed by said health officer of said Board of Health for that purpose, unless in the written opinion of another physician it would not be prudent on account of sickness, shall be fined not more than five ($5) dollars for each offense, and any physician fraudulently giving a certificate of sickness or of vaccination to prevent vaccination, shall be fined not less than twenty-five ($25) dollars nor more than fifty ($50) dollars.

Board of Education to be notified—when.

SEC. 10. *Be it further enacted,* That said local health authorities shall further, upon the receipt of said notice of existing or suspected disease aforesaid, notify the Board of Education of such municipality, if the case exists in such municipality, or, if in the country, the County Superintendent of Public Instruction or District School Boards of the facts in every such case, giving name, age, and sex of the individual so sick, name of disease, street, and number of the house, if in a town, or otherwise sufficiently designate the house if in the rural district, and said public school authorities shall not allow any pupil to attend any public school from said house while any inmate of same is sick of smallpox or other communicable disease, or during the period of two weeks after the death, recovery, or removal of such sick person.

State Board of Health to be notified.

SEC. 11. *Be it further enacted,* That it shall be the duty of each and every Municipal or County Board of Health in this State upon receiving information of the existence or suspected existence in their respective jurisdictions of any case of smallpox, cholera, yellow fever, scarlet fever, diphtheria, or other disease dangerous to the public health, to immediately notify the State Board of Health of the fact, and, in addition, on the first of each and every month make a written report and forward the same without delay to said Board of all communicable diseases occurring in their respective jurisdictions for the last month preceding, setting forth in said report, in separate columns, the age, color, and sex of the individual, name of each disease, number of cases, number of deaths, together with such other information as said State Board of Health may desire.

SEC. 12. *Be it further enacted,* That whenever any one of said local health authorities, either municipal or county, as the case may be, isolates, quarantines, or placards any person or persons or house or houses for the aforesaid communicable diseases, it shall be the duty of said health official to deliver or cause to be delivered to the head of such household a copy of this Act or such portion thereof as may pertain to the particular case under consideration.

Penal clause.

SEC. 13. *Be it further enacted,* That any person or persons mentioned in this Act, unless the penalty heretofore in this Act is prescribed, who shall willfully neglect or refuse to comply with any of the above provisions, shall be guilty of a misdemeanor and shall be fined not less than ten ($10) nor more than one hundred ($100) dollars, or confined in the county jail for a period of not more than three months, one or both, in the discretion of the court; and upon complaint from any of said health authorities it shall be the duty of the District Attorney to prosecute the violation of this Act.

Same.

SEC. 14. *Be it further enacted,* That any person having reason at the time to believe himself afflicted with any contagious disease shall voluntarily go upon any public highway or street, or to any place at which people are accustomed to collect or assemble, or who shall enter or go on board any steamboat, railroad car, or other public conveyance, and all persons who shall knowingly aid or assist any one thus to offend, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty ($50) nor more than two hundred ($200) dollars, or confined in the county jail for a period not more than three months, one or both, in the discretion of the court. Grand juries shall have inquisitorial power in all cases of violation of this section.

SEC. 15. *Be it further enacted,* That whenever local Board of Health (either municipal or county) willfully neglect or refuse to comply with the provisions of this Act, and it is apparent that an epidemic of a communicable disease is threatened to invade other municipalities or counties, it shall then become the duty of the State Board of Health to carry out the provisions of this Act in such municipality or county, as the case may be, and the necessary expense incurred by the State Board of Health in carrying out this Act shall be paid by the respective municipality or county, as the case may be, to the Comptroller of the State of Tennessee, and said

Comptroller shall place same to the credit of the State Board of Health.

SEC. 16. *Be it further enacted,* That all Acts or parts of Acts in conflict with this Act be, and they are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 520.

HOUSE BILL No. 810.

AN ACT to make a lawful fence consisting of three barbed wires, three boards, or three rails, securely fastened to good substantial posts, set firmly in the ground a distance of not over twelve feet apart, first wire, board, or rail to be two feet above the ground, the second one foot above the first, and the third one foot above the second, one of the lawful fences in counties having a population of not less than fourteen thousand one hundred, nor more than fourteen thousand two hundred, according to the Federal Census of the year 1900, or any subsequent Federal Census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in addition to the fences that are now lawful fences, the following shall also be a lawful fence in counties having a population of not less than fourteen thousand one hundred (14,100) nor more than fourteen thousand two hundred (14,200), according to the Federal Census of 1900 or any subsequent Federal Census—to wit: A fence consisting of either three barbed wires, well stretched, three boards, or three rails securely fastened to good, substantial posts set firmly in the ground not more than twelve feet apart, the first wire, board, or rail to be two feet above the ground; the second one foot

This Act applies to White County.

above the first; and the third one foot above the second, measuring at the posts, but a variation of not more than one inch in the measurement of the above distance shall not render the said fence unlawful.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after, only in such of the above-named counties as shall express their approval of the same at a popular election to be called and held, as any regular election is held, on the twelfth day of August, 1905. Said election shall be held and certified as any other regular election. Those favoring the law shall cast a ballot on which shall be written or printed the words, "For the three-wire fence." Those opposing the law shall cast a ballot on which is written or printed the words, "Against the three-wire fence." And if a majority of the votes cast in said election shall be in favor of the said fence law, then this Act shall take effect in such county or counties expressing their approval as herein provided on the first day of January, 1906.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 521.

HOUSE BILL No. 686.

A BILL to be entitled An Act to create an independent School District in Overton County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be, and the same is hereby, established in the Sixth Civil District of Overton County, with the following boundaries:

Beginning in the center of the Livingston and Jamestown Road on the northeast corner of the lands of E. D. White; running thence southwardly with the eastern and

southern boundaries of his land to J. J. Keeton's land; thence southwardly with said Keeton's eastern boundary line and southern boundary line of C. E. Myers' land; thence westwardly with the southern boundary line of said Myers to A. L. Windle's land; thence with the southern lines of the Windle's tract to the tract belonging to W. W. Goodpasture; thence westwardly with his southern line to the line of the F. H. Daugherty tract; thence with said Daugherty tract to the line of L. D. Bohannan's tract; thence with said Bohannan's line to the line of H. L. Little, and with his line to the county poorhouse farm; thence with the southern line of the county poorhouse farm to the line of L. E. Estes' tract, and with her southern line to A. A. Carmack's line, and with his east, south, and west lines to L. E. Estes' west line, and with her line north to the south and west line of J. O. Collins' tract; thence northwardly with his western line to Ben Randolph's west line, and with his line to Bob Cooper's west line; thence northwardly with said Cooper's line to D. N. Frisbie's west line, and with his line to the southeast line of Campbell Ogletree, and with same to the line of Goff's tract; thence with the western line of the Goff's tract northwardly to the line of Mrs. L. E. Estes; thence northwardly with her western line to Mitchell's line; thence northwardly with his western line to Hall's line; thence with Hall's line to another of Mitchell's lines; thence with Mitchell's northern line to R. L. Mitchell's, Jr., line; thence eastwardly with Mitchell's north boundary line, with Dillon's line, with Dillon's line to Capp's line; thence with Capp's north line to G. W. Dillon's line; thence east and south with the north and east lines of G. W. Dillon's line to Henson's line; thence east and south with his northern and eastern boundary lines to Eubank's line, and running round, and including his tract, back to Henson's line, and with his line to the beginning.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 522.

House Bill No. 820.

AN ACT to create an independent School District in the Sixth Civil District of Morgan County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a School District be established in the Sixth Civil District of Morgan County, Tennessee, beginning at the mouth of Short Creek and Clear Fork (the Fentress County line), running from the southeast to the line of the Fifth Civil District of said Morgan County, Tennessee, so as to include the Daniel Lyon and J. S. Smith farms; also the Richard Pitman, Len Wright, and Reese Pitman places; thence northwardly with the said Fifth Civil District line of Morgan County, Tennessee, to the point where the Twelfth Civil District line of Morgan County, Tennessee, intersects said Fifth Civil District line; thence northwardly with the line of the said Twelfth Civil District to the mouth of Indian Creek and Clear Fork (the same being the Fentress County line); thence up the Clear Fork River to the beginning; that said boundaries be established as the Fiftieth School District of Morgan County, Tennessee.

Election for directors.

Sec. 2. *Be it further enacted,* That the proper election authorities of Morgan County, Tennessee, be, and are hereby, empowered and required to hold an election within said School District by the qualified voters of said district at the next regular election, and biennially thereafter, for the purpose of electing three School Directors of said School District. The County Superintendent of Morgan County will appoint three School Directors for said School District, who will hold until the next regular election.

Sec. 3. *Be it further enacted,* That the officers appointed by said authority to hold said election shall be governed by the General Laws of the State in conducting said elections.

Qualifications for School Directors.

Sec. 4. *Be it further enacted,* That the School Directors appointed and elected for said School District are

required to have all the qualifications necessary under the General Laws of the State of School Directors; they are clothed with all the powers and duties given to and required by School Directors under the General Laws of the State, and will hold office for a period of two years, and until their successors are elected and qualified.

SEC. 5. *Be it further enacted,* That said School District shall receive of the school taxes due said Sixth Civil District from the taxes of 1904 and previous years not heretofore expended, such part of same as the scholastic population within the boundaries of said School District is a part of the entire scholastic population of said Civil District as taken at the last scholastic census. That the Superintendent of the public schools of Morgan County shall furnish to the Trustee of said county the amount thus due said School District, who will pay out same upon the orders of the School Directors, to be appointed and elected at the time and manner as herein provided.

SEC. 6. *Be it further enacted,* That hereafter the Superintendent of Public Instruction for Morgan County shall furnish a copy of the scholastic enumeration to the Trustee of Morgan County of said School District, who shall keep a separate account of the funds rightfully belonging to said School District and pay out same in the manner and form as herein provided by law for paying out school funds.

SEC. 7. *Be it further enacted,* That all the school laws of the State not in conflict with the provisions of this Act shall be applied to said School District.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 523.

House Bill No. 982.

AN ACT to be entitled An Act to sell and apply the proceeds of a portion of the cemetery lot in the Town of Alexandria, DeKalb County, Tennessee.

Whereas, by Act of the General Assembly of the State of Tennessee, on the thirty-first day of January, 1848, the Town of Alexandria, Tennessee, was incorporated; and

Whereas, the East View Cemetery was within the corporate limits of said Town of Alexandria; and

Whereas, on the —— day of ————, 1869, J. M. Baird by deed of said date conveyed to the Mayor and Aldermen of the said town of Alexandria and their successors in office the grounds included in the East View Cemetery for the purpose of a burying ground, said grounds bounded as follows—to wit:

On the east by R. F. Jones, on the south by the colored people's cemetery, on the west by the Colored M. E. Church lot, and on the north by H. L. Graves, containing about six acres; and

Whereas, there is a part of said cemetery unfit for a burying ground on account of rock, and the fence around said cemetery is in poor condition, and there is no funds belonging to said cemetery with which to repair said fence and cemetery; and

Whereas, on the —— day of ————, 1879, the charter of said corporation of the Town of Alexandria was surrendered to the Chancery Court of DeKalb County, Tennessee; and

Whereas, there is no one vested with the power to sell any of the lands belonging to said East View Cemetery; now therefore

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That T. W. Goodner, D. O. Williams, and R. F. Jones and their successors be, and the same are hereby, empowered to sell so much of said grounds as is unfit for use which is known and bounded as follows, to wit: Beginning on the east boundary line of said

emetery at Gross' southeast corner at a stone where R. F. Jones joins said Gross, it being said Jones' northwest corner, thence westward through the cemetery lot twelve (12) feet north of the sections now occupied, a parallel line three hundred and seventy-four (374) feet to a stone, hence southward fifty-seven (57) feet to the street at the north rock gate post at entrance of cemetery lot, thence west with said street eighty-four (84) feet to H. L. W. Gross' southeast corner, thence with said Gross' line all the way around to the beginning, containing by estimation one and one-half acres more or less.

SEC. 2. *Be it further enacted,* That said Trustees, or their successors, be, and are hereby, empowered to offer for sale within three months from the passage of this Act, on such terms of payment as they may deem proper, said described land, either publicly or privately, and to make title to the same, and they are hereby empowered to make all necessary deeds and acknowledgments as may be necessary to convey title.

SEC. 3. *Be it further enacted,* That said Trustees, or their successors, are hereby directed and empowered to apply the proceeds arising from the sale of said waste land to the erection of ————.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 524.

House Bill No. 940.

AN ACT to create an independent School District in Overton County, Tennessee, including the Town of Allona.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be, and the same is hereby, created out of a part the Fourth, Sixth, and Seventh Civil Districts of Overton County, and bounded as follows:

Beginning with the farm of James Dile in the Seventh Civil District, running eastwardly with the north boundary of his land; thence on around with the following farms: Sarah Gunells, W. E. White, C. C. White, A. Morrow, W. O. Miller, Willis Ruder, Eva Beard, Mrs. Davis, Joseph Sidwell, Paul Neal, R. Brown, Campbell Ogletree, A. F. Crabtree, Jas. Winingham, M. J. Phillips, David Davis, A. W. Richardson, W. D. Dennis, T. B. Hunter, Nancy Lack, John House, S. R. Peterman, John Sehon, M. G. Sehon, at the beginning including the lands of the persons named and all lands included in said boundary.

Sec. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 525.

HOUSE BILL No. 563.

A BILL to be entitled "An Act to change the line between the Counties of Williamson and Dickson."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the County of Williamson and the County of Dickson be, and the same is, so changed as to include all of the farm of L. W. Sullivan in Williamson County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 526.

HOUSE BILL No. 615.

AN ACT to authorize Davidson County to issue bonds for the purpose of building and constructing bridge or bridges across Cumberland River, in the City of Nashville, and to provide for the payment of said bonds and the interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Davidson County through its Quarterly County Court be, and is hereby, authorized and

empowered to issue bonds of the county for the purpose of building and constructing a bridge or bridges across Cumberland River in the City of Nashville, in an amount not exceeding three hundred thousand ($300,000) dollars, bearing interest at a rate of not exceeding four per cent per annum, payable semi-annually or annually as said County Court may direct, and said bonds to be payable in a period from one to thirty years from the date thereof as said County Court may order and direct, and said bonds and interest shall be payable in lawful money of the United States.

SEC. 2. *Be it further enacted,* That said bonds shall be executed in the name of Davidson County, and shall be signed by the County Judge or Chairman of the County Court of Davidson County and countersigned by the Clerk of said court, with his official seal affixed to the same, and said bonds shall be in such denominations as said court may direct, not less than one hundred ($100) dollars each, and shall be numbered consecutively in the order of issuance, beginning with one.

How issued.

SEC. 3. *Be it further enacted,* That each of said bonds shall have attached to it interest coupons, showing the amount of each annual or semi-annual installment of interest on said bonds, and when the interest shall fall due, and said coupons shall be signed in the same manner as the bonds, but without the official seal of the Clerk, and showing on their face the number of the bond to which they are attached; and the County Judge or Chairman of the County Court of said county shall keep in a well-bound book a record of the number and denominations of all said bonds issued, to whom issued, and also of all bonds and interest coupons redeemed or paid, and he shall make settlement with the County Trustee upon the receipts and disbursements in the same manner as provided for settlements in regard to other county funds.

How and when may be redeemed.

SEC. 4. *Be it further enacted,* That said bonds or any part thereof may be redeemed at any time during the period for which they were issued by order of the County Court in quarterly session, by giving thirty days' notice to the holder of said bonds by publication in some newspaper published in Davidson County, and said publication shall prevent the accrual of any interest thereafter.

ction to be ld. lots.

SEC. 5. *Be it further enacted,* That said bonds shall not be sold for less than par value; *Provided, however,* that the Quarterly County Court of said county shall sub-

mit said proposition to the people at an election to be held at each voting precinct in the county not less than sixty days from the date County Court shall authorize the submission of said proposition, and said election shall be held by the officers and commissioners of election under the provisions of the law governing county elections, and said bonds shall not be issued under said proposition unless a majority of all qualified voters in said election shall be in favor thereof, the qualification of voters at said election to be the same as the qualification of voters for county officials; and *Provided,* that those voting in favor of the issuance of said bonds shall have printed on their ballots, "For the issuance of bonds," and those opposed to said bonds shall have written or printed on their ballots, "Against the issuance of said bonds;" and *Provided,* that the returns of said election shall be certified as required by law for the certification of county elections, and the result determined in the same manner; and *Provided further,* that a failure to carry out the election for bonds herein shall not prevent the submission of another proposition under this Act, and that a substantial compliance with the provisions of this Act in regard to said election shall be sufficient, and no irregularity in said election shall invalidate the same. Said election commissioners as soon as practicable after said election shall have been held, will certify to the Quarterly County Court of said county either at a regular or special session thereof, the result of said election, and if it appears from such certificate that a majority of the votes cast in said election shall have been for the issuance of said bonds, then the court shall enter said certificate on its minutes and by resolutions, which shall also be entered on its minutes, direct the issuance of said bonds in accordance with the provisions of this Act.

Interest and sinking fund tax.

SEC. 6. *Be it further enacted,* That it shall be the duty of the County Court and it shall have the authority to levy a tax on the taxable property and privileges of said county for the purpose of paying the annual interest on said bonds, and for the purpose of creating a sinking fund to pay said bonds when due, and the Trustee of said county shall collect and account for said tax and receive the same compensation therefor that he is allowed by law for collecting county tax, and the Trustee of said county shall collect and account for the taxes herein authorized in the same manner as he is required by law to collect and account for

other taxes, and shall receive the same compensation as he receives for the collection of other taxes, and the County Court may, if it deems it proper, require said Trustee to give additional bond for the performance of his duties in accounting for and collecting said funds.

SEC. 7. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 527.

HOUSE BILL No. 825.

AN ACT to authorize the Quarterly County Court of Maury County, Tennessee, to issue and sell coupon bonds to pay the present indebtedness of the county, consisting of bridge, courthouse, and other warrants, and also to pay for the erection of its courthouse.

Amount, time to run, denomination, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Maury County, Tennessee, be, and the same is hereby, empowered at any term of the Quarterly Court to authorize and provide for the issue of coupon bonds for the purpose of paying off the outstanding indebtedness of the county, consisting of bridge, courthouse, and other warrants now outstanding, and also for the purpose of paying for the completion of the courthouse now being erected, but said issue of bonds is not to exceed the sum of two hundred thousand ($200,000) dollars in the aggregate and to bear interest, not exceeding four per cent, payable semi-annually, and

said bonds to be due and payable in not more than twenty years from date of issue, and to be sold for not less than par. Said bonds are to be signed by the County Judge or Chairman, and countersigned by the Clerk of the County Court of said county, and the official seal of the latter attached thereto, and said bonds shall recite on their face that they are issued in pursuance to this Act, and they shall not be issued for any other purpose than herein expressed; said bonds shall be numbered consecutively, and be for such amounts and payable in the lawful currency of the United States at such time not to exceed twenty years from the date of their issuance, and at such place as the Quarterly Court of said county may determine.

Force, and binding effect.

How issued.

SEC. 2. *Be it further enacted,* That upon the issuance of said bonds they shall be a binding and valid debt and obligation upon said county, and the said County Court shall levy and collect annually a tax for the purpose of paying the interest on said bonds as it becomes due, and to create a sinking fund with which to pay off and retire the said bonds, when they become due. Said bonds shall each have attached to them coupons for the semi-annual interest upon the same for each of the years they have to run showing on their face the number and amount of the bonds to which they are attached, the amount of each semi-annual installment of interest on said bond and when the same shall be due, which coupons shall be signed in the same manner as said bonds, except that the seal of the County Court need not be affixed thereto, and the signature of the County Judge or Chairman and Clerk of the County Court may be lithographed on said coupons.

SEC. 3. *Be it further enacted,* That the Quarterly Court of said county may from time to time take such steps and make such regulations as it may deem best looking to loaning out, securing, and investing and collecting the sinking fund herein provided for, to the end that the same may be applied to the purpose for which this is raised.

How disposed of.

Funds—how disbursed.

SEC. 4. *Be it further enacted,* That said bonds shall be sold only for cash by and under the direction of the County Judge, County Court Clerk, and the County Trustee of said county, and the funds arising from the sale of the same shall be paid into the hands of the said County Trustee, who shall immediately advertise for four weeks for the holders of all outstanding warrants referred to in this Act to present said warrants at his office for payment,

said date for payment to be not later than twenty days from the last insertion of said advertisement, and if said warrants are not presented by said date then the interest on the same shall cease, the advertisement to be made in two newspapers published in said county. Before redividing the funds arising from the sale of said bonds or from taxes for the payment of the same or interest thereon the Trustee shall enter into bond in such sum as the County Court in quarterly session may determine, with good and solvent security to be approved by the County Judge, conditioned for the faithful keeping, disbursing, and accounting for said funds, and for the full performance of all his duties as such Trustee relative to said funds.

Bond record to be kept.

SEC. 5. *Be it further enacted,* That the County Judge of said county shall keep in his office in a well-bound book a record of the number and denomination of said bonds issued under this Act and the aggregate sum thereof, which shall at all times be subject to inspection by the members of the County Court and the public. The whole amount of said bonds authorized to be issued under this Act need not be issued at one time, but may be issued in such sums and at such times as the Quarterly County Court may determine, but the total amount so issued is not to exceed two hundred thousand ($200,000) dollars.

SEC. 6. *Be it further enacted,* That the said County Trustee shall keep a separate account of the special tax levied and collected under this Act, and after paying the interest on said bonds semi-annually he shall retain the remainder thereof each year as a sinking fund for the purpose of paying off and retiring said bonds.

Redemption.

SEC. 7. *Be it further enacted,* That the County Judge of county shall, within sixty days immediately preceding the maturity of said bonds or any of them, give notice to the holders thereof through some newspaper published in Columbia, Tennessee, for a period of thirty days, stating in said notice the number of said bonds and when they shall become due, and requesting that the same be presented for payment or redemption on said date at some bank in Columbia, Tennessee, and if said bonds are not presented for payment or redemption at the time and place so designated then the interest thereon shall cease.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 528.

HOUSE BILL No. 956.

A BILL to be entitled An Act to incorporate the Town of Elizabethton, Carter County, Tennessee, under the corporate name of Elizabethton, and to provide for the organization, powers, and government thereof, and provide for the election of the necessary officers of said corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Elizabethton, in Carter County, and the inhabitants thereof, be, and are hereby, incorporated a body politic and corporate, under and by the style and name of the Mayor and Aldermen of Elizabethton, and shall have perpetual succession by the corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real and personal property, and dispose of the same for the benefit of the said town, and may have and use a common seal.

Boundaries.

SEC. 2. *Be it further enacted,* That the boundary and limit of said corporation shall be as follows: Beginning in the center of Watauga River, just opposite the point where the public road comes to said river, just east of Mrs. Jane Thomas; thence down said river, with its meanders, to a point just opposite the north end of the line between the lands of the Co-operative Town Company and the original Colbaugh line; thence with the old original Colbaugh

line in a southerly direction to the southwest corner of Tract No. 2, according to Plat No. 3, of the receivers of the Watauga Land Company, recorded in book No. 15, page 575, of the Register's office, of Carter County, Tennessee; thence with the south lines of Tracts Nos. 2, 9, and 12, according to said plat, to the Gap Creek Road; thence in a southerly direction with the Gap Creek Road to the mouth of a street or lane leading to Highland Cemetery; thence with the south line of Highland Cemetery a straight course to the O'Brien line, between the lands of Johnson and O'Brien; thence with said line to Doe River; thence same course continued, crossing the river to the public road leading from Elizabethton to Siam, just east of the C. P. Toncray residence; thence a straight line to the top of Lynn Mountain, just north of Col. C. P. Toncray's residence; thence a direct line to the beginning point.

Wards.

SEC. 3. *Be it further enacted,* That the said town, as embraced in the corporate limits as herein set out, shall be divided into four wards, with the lines bounding the wards run as near east and west as practicable from the corporate limits on the east to the corporate limits on the west, as follows:

Ward No. 1.—Bounded on the north with Watauga River, and on the south by Broad Street and its continuations, the said lines to run from the corporate lines on the east to the corporate line on the west.

Ward No. 2.—Bounded on the north by Broad Street, and on the south by E. Street and its continuation, said lines to run from the corporate line on the east to the corporate line on the west.

Ward No. 3.—Bounded on the north by E. Street and its continuations, and on the south by Hattie Avenue to the intersection of the E. T. & W. N. C. R. R. and the V. & S. W. R. R.; thence through the Hart property to G. Street, then with G. Street to the corporate line on the west at Colbaugh's old line.

Ward No. 4.—Bounded on the north by Hattie Avenue to the intersection of E. T. & W. N. C. R. R. and the V. & S. W. R. R., then through the Hart property to G. Street, and then with G. Street to the corporate line on the west; on the south by the corporate line on the south side of said corporation, as herein set out, so as to have the lines running from the corporate lines on the east to the corporate lines on the west.

SEC. 4. *Be it further enacted,* That said corporation shall have full power and authority: Powers of the corporation.

1. To enact such laws and ordinances as may be necessary and proper to preserve the health, quiet, and good order of the town.

2. To prevent and remove nuisances.

3. To establish night watches and patrols.

4. To ascertain when necessary the boundaries of streets and alleys, and to open, change, close, and widen streets or alleys.

5. To grant privileges in the use and enjoyment of the same.

6. To extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, alleys, pikes, and sidewalks, and when necessary to remove trees or other obstructions from said streets, sidewalks, and alleys.

7. To assess property for taxes, or to levy or collect by proper officers taxes upon all real and personal property, polls, and privileges, taxable by the laws of the State.

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

9. To make regulations to prevent the introduction and spread of contagious diseases in the town, and to appoint a Board of Health for the purpose, and to enforce the same within one mile of the town limits.

10. To erect, establish, and keep in repair bridges, culverts, sewers, and gutters within the town or immediately connected with it.

11. To restrain and prohibit gaming, gambling, and houses of ill fame, and other disorderly conduct.

12. To prohibit indecent exhibitions.

13. To provide for the organization and regulation of fire companies, and the sweeping of chimneys.

14. To dig wells and cisterns, cover them and regulate their use, and erect pumps on the streets or public grounds.

15. To impose and collect fines and forfeitures for breaches and violation of its ordinances.

16. To prohibit the erection of wooden buildings in such part of town that may be deemed expedient, and at such fire limits that may be deemed advisable.

17. To provide for waterworks and lighting plants within or without the corporation, or to make contracts for lights and water for corporation purposes.

18. To establish a system of free schools and maintain them by taxation, and to regulate the said schools.

19. To regulate the storage of gunpowder and all other combustible materials, and the use of lights and stovepipes in all stables, shops, and other places.

20. To provide for the arrest and confinement until trial of all drunk or disorderly persons by day or by night within the town.

21. To regulate, tax, license, or suppress the keeping or going at large of animals within the town, or any designated part of it, and to impound any animal or animals, and default in of redemption in pursuance of an ordinance to sell or dispose of the same.

Commit offenders.

22. To commit any person or persons who may fail or refuse to pay or secure any fine and costs imposed upon them, or him or her, by any ordinance of said town to the jail or calaboose or workhouse of said town, until such fine or cost be fully paid or secured. Every person so committed shall be required to work for the town as his or her health will permit at such wages and under such regulations as may be established by ordinance, said work to continue until such fine or costs are fully paid.

23. Exclusively license and regulate billiard tables, bowling alleys, and other public resorts, as are authorized by the laws of the State of Tennessee, and to restrain and regulate the selling or giving away intoxicating, spirituous, vinous, malt, or mixed liquors within the town; *Provided*, that it shall be unlawful for any person to sell or tipple any intoxicating liquors, including wine, ale, and beer, as a beverage in the Town of Elizabethton, within four miles of any schoolhouse, public or private, where a school is kept, whether the school be in session or not; the Board of Mayor and Aldermen are authorized to make ordinances for the punishment of any violation of the provisions of this section.

24. To pass all laws and ordinances necessary to enforce the powers granted not inconsistent with the Constitution and laws of the United States or of the State of Tennessee.

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SEC. 5. *Be it further enacted*, That the Election Commissioners of Carter County shall open and hold an election in each of the four wards, at the most suitable place in said wards, on the second Thursday in May, of the year 1905, and every two years thereafter, after giving ten days' notice, for the purpose of electing a Mayor and five

persons to serve as Aldermen of said town. Also, on the same date, the said Election Commissioners shall hold an election for Justice of the Peace, to serve for the term of six years, and a Constable to serve for two years. Said Election Commissioners shall hold said election under and by virtue of the general election laws of Tennessee, and shall appoint the necessary officers to hold said election. All persons owning a freehold, or the assessed valuation of one hundred dollars in said town, or *bona fide* residents for three months preceding said election, who shall be qualified to vote for the members of the General Assembly shall be entitled to vote for Mayor and for one Alderman in his ward, and for one Alderman for the corporation at large, and for a Justice of the Peace and a Constable, and at all other general elections that shall be held by said Commissioners.

Certificates of election to be awarded.

SEC. 6. *Be it further enacted,* That the Election Commissioners shall within three days after said election deliver to the persons having the highest number of votes a certificate of their election, and the Mayor and Aldermen elect shall meet at the County Court Clerk's office, in the Town of Elizabethton, upon the presentation of the certificate of election; and the said Clerk, or some Justice of the Peace within said corporate limits, shall administer to them an oath of office to the effect that they shall faithfully demean themselves as Mayor and Aldermen during their continuance in office.

Terms.

SEC. 7. *Be it further enacted,* That said Mayor and Aldermen and Constable shall be elected for the term of two years, and shall serve until their successors are elected and qualified, and in case the election should not be held on the date mentioned in this Act, it shall be legal to hold said election on any subsequent date upon ten days' notice.

Vacancies.

SEC. 8. *Be it further enacted,* That in case of a vacancy in the office of Mayor or Alderman or corporation Constable the same may be filled by the Board of Mayor and Aldermen. Three Aldermen shall constitute a quorum to transact business.

Special road district.

SEC. 9. *Be it further enacted,* That the Town of Elizabethton is hereby created a special road district, to be worked under the orders of the Mayor and Aldermen, and the County Trustee of Carter County is hereby required to keep a separate account of all road taxes collected by him on the property and privilege of said town, to pay

over to the Recorder or Treasurer of the town, on a warrant drawn by the Mayor, and such warrant will be a good voucher to the Trustee in his settlement with said County Court. The funds so paid over by the Trustee shall be used by the Council in opening, improving, and repairing and constructing foot pavements, sidewalks, and the streets of the town.

SEC. 10. *Be it further enacted,* That the Town of Elizabethton is hereby created a special School District, and that the public or common school of said town shall be managed and controlled by said Board of Mayor and Aldermen as directors control the same in districts under the general laws of the State.

Said Mayor and Aldermen shall have all the powers and perform all the duties now required and allowed by the laws of the State in reference to public schools, and be under the supervision of the County and State Superintendents as School Directors for districts under the general laws of the State. The general laws of the State in regard to public or common schools shall apply to the Town of Elizabethton as far as the same are not modified herein.

Sc funds. The County Trustee of Carter County is hereby required to pay over on the warrants issued by order of said Board of Mayor and Aldermen the school fund collected by him, on the property, polls, and privileges within the corporate limits of said town, to be used by the said Mayor and Aldermen as heretofore directed and provided, and also to pay over to an account of said town the *pro rata* of the common or public school fund that shall come into his hands from the State of Tennessee, according to the scholastic population of said town, and as the same is paid to other directors of the county. The County Court Clerk of Carter County will report to the County Trustee the amount realized by him for school purposes from merchant and privileges within the limits of said town, such amounts shall pass or be placed to the credit of said Mayor and Aldermen by the Trustee as in a case of polls and property taxes paid the Trustee for school purposes as above provided.

The said Board of Mayor and Aldermen shall be a body corporate in like manner as District School Directors are under the general laws of the State; *Provided*, said School District shall be and remain coextensive with the corporate limits of said town, but no larger.

Duties of Mayor.

SEC. 11. *Be it further enacted,* That the Mayor of said town shall preside at all the meetings of the Board of Aldermen; shall take an oath of office, call special meetings of the Board when deemed expedient, see that the corporate laws and ordinances are duly enforced, issue corporate warrants on the Treasurer when so ordered by the Board, make such reports to the Board as shall be directed by ordinance, appoint person or persons to act as City Marshal till the meeting of the Board, in the absence, resignation, or sickness of the regular corporate officers; and shall appoint special policemen to assist the City Marshal, when in his opinion the occasion requires it. Said Mayor shall also be Recorder *ex officio,* and shall perform all the duties pertaining to the office of Recorder, and shall enter into bond to be approved by the Board of Aldermen payable to the Board of Mayor and Aldermen of Elizabethton in such sum as the Board may prescribe, conditioned upon the faithful collection and accounting for all moneys, fines, and forfeitures as required by law.

Mayor to try offenders.

SEC. 12. *Be it further enacted,* That said Mayor, as *ex-officio* Recorder of said corporation, shall be invested with full power and authority to try all offenses for violation of the ordinances and laws of the corporation and invested with concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of the State and ordinances of the corporation of Elizabethton within the limits thereof, and in case of violation of the State laws shall be entitled to the same fees that a Justice of the Peace receives for like services.

Keep record.

SEC. 13. *Be it further enacted,* That the said Mayor as *ex-officio* Recorder shall keep the minutes of the meetings of the Board, and shall collect all fines assessed, also all merchants' privileges, and *ad valorem* taxes, and all the judgments rendered against all violators of corporate ordinances and their sureties, and shall be empowered to issue executions thereon and collect such penalties as Justices of the Peace are authorized in judgments rendered by them. He shall also render such reports as the Board may require.

SEC. 14. *Be it further enacted,* That the Mayor as *ex-officio* Recorder shall have power and authority to commit to the calaboose or county jail or workhouse those convicted of the violation of corporate ordinances, who fail or refuse to pay or secure the fine and costs assessed

by the Recorder, said offenders be disposed of as provided in Section 4 and Sub-section 22 of this Act.

SEC. 15. *Be it further enacted,* That the Board of Mayor and Aldermen may provide by ordinance for the election of a Recorder, who shall perform the duties and assume the responsibilities of said office as hereinbefore set out. Said Recorder to be elected by said Board of Mayor and Aldermen, and shall hold his office for the term of two years, and until his successor is elected and qualified.

Treasurer.

SEC. 16. *Be it further enacted,* That the Mayor and Aldermen shall also elect a Treasurer, who shall hold his office for two years, or until his successor is elected and qualified, who shall take an oath of office for the faithful performance of his duties as Treasurer of said corporation, and shall make bond, payable to the Mayor and Aldermen, and to be approved by the said Mayor and in such sum as the Board may prescribe, conditioned upon the faithful performance of his duties as Treasurer in the collection and accounting for all moneys coming into his hands as such Treasurer.

SEC. 17. *Be it further enacted,* That it shall be the duty of the Treasurer to receive from the Recorder and other persons having corporate funds all moneys belonging to said corporation, and shall pay out corporate moneys only on warrant issued by the Mayor, and shall make such reports of the same as the Board may order.

Marshal, term, jurisdiction, etc.

SEC. 18. *Be it further enacted,* That Mayor and Aldermen shall also elect a City Marshal to hold his office for the term of two years, or until his successor is elected and qualified, who shall make bond payable to the Mayor and Aldermen, to be approved by the Mayor, and in such sum as the Board may provide, conditioned upon the faithful performance of his duties as Town Marshal. He shall also take an oath that he will faithfully discharge the duties imposed upon him by the laws and ordinances of said corporation and the laws of Tennessee, said oath to be administered by the Mayor. The official authority of said Marshal shall extend one mile without the corporate limits for the purpose of executing process, both corporate and criminal.

Duties.

SEC. 19. *Be it further enacted,* That it shall be the duty of the Town Marshal to arrest all violators of the ordinances and laws of said corporation, and bring them before the Recorder for trial or take bond for their appear-

ance before the Recorder for trial in the sum of two hundred and fifty dollars ($250.00), payable to the Board of Mayor and Aldermen, or in case of arrest for drunkenness, or in their case of their inability to furnish bail for their appearance before the Recorder, he shall commit said offenders to the jail or calaboose to be brought in a reasonable time before the Recorder for trial. He shall have power to arrest without warrant those violating the city ordinances within his sight and hearing. He shall also be charged with the execution of process, civil or criminal, and shall have power to execute State warrants or other process as Constables have under the laws of the State, and shall also be chief of police, and he shall perform such other duties of said corporation as may be provided by ordinance.

SEC. 20. *Be it further enacted,* That the Mayor and Aldermen shall serve without compensation, and that the compensation of the Recorder and Town Marshal shall be fixed by ordinance of the corporation, which salary shall be fixed before their election to said offices, and shall not be changed during their term of office.

Board may remove officers.

SEC. 21. *Be it further enacted,* That the Mayor and Aldermen shall have full power and authority to dismiss or remove any officer or agent appointed or elected by them for any incompetency or violation, neglect, or disregard of the duties imposed upon them by the laws and ordinances of said corporation, or for any misconduct in office, and a majority of the Mayor and Aldermen acting affirmatively can effect such dismissal, a majority of the Mayor and Aldermen can also remove one of their own number for any misconduct in office, if voting affirmatively, and in such proceeding Aldermen on trial shall be incompetent to vote, and they shall take a special oath for the trial of their members.

Appropriation of funds.

SEC. 22. *Be it further enacted,* That no appropriation of money or order involving it to the amount of twenty-five dollars ($25.00) or over shall be made unless the ordinance authorizing it to be read once at two separate meetings and passed on second reading by a majority of said Board. All appropriations and sums of less than $25.00 may be made at one meeting and on one reading.

SEC. 23. *Be it further enacted,* That the Mayor and Aldermen shall have the power to collect and assess the corporate taxes, either through their own officers or the

county officials exercising such duties, as they may prescribe by ordinance.

SEC. 24. *Be it further enacted,* That the Mayor and Aldermen are expressly forbidden from making any appropriations of money or credit in the way of donations for festivities, pageants, excursions, or parades, nor shall said municipality be authorized to subscribe stock in any railroad company or any other corporation, or give or lend any money, aid, or credit to any person or corporation whatever, and said municipality is forbidden appropriating money for any purpose not strictly municipal.

SEC. 25. *Be it further enacted,* That the Mayor and Aldermen are hereby prohibited from levying a higher tax than is levied by the State and county, for all corporate purposes.

SEC. 26. *Be it further enacted,* That every warrant drawn upon the Treasurer shall show upon its face for what purpose it is issued.

SEC. 27. *Be it further enacted,* That no levy of taxes shall be made until a report of the town's finances shall be made to the Board by the Mayor or Recorder from the corporate books.

SEC. 28. *Be it further enacted,* That in the absence, incompetency, or sickness of the Mayor that the Alderman elected by the town at large shall perform all the duties of said Mayor, and shall be clothed with all his powers, and in the absence, incompetency, or sickness of the Recorder the Mayor shall perform the duties of the Recorder, or he may appoint some one to perform said duties from the Board of Aldermen.

SEC. 29. *Be it further enacted,* That at the expiration of the terms of office of the Recorder and Treasurer they shall deliver to their successors in office all books and papers belonging to the corporation, and also make a final settlement with the Mayor and Aldermen, and pay to their successors all moneys in their hands belonging to said corporation, and on failure to pay over the same or make settlement and payment shall be liable to motion on their bonds for the amount due, with fifteen per cent penalty and interest, motion to be made in the name of the Board of Mayor and Aldermen.

Manufacturing companies may be exempt from taxes.

SEC. 30. *Be it further enacted,* That said Board of Mayor and Aldermen may, if they deem it expedient, exempt from taxation for a limited period, not exceeding five years, corporations, companies, or individuals com-

nencing the business of manufacturing in said town, which employs as many as ten (10) employes, and which uns as many as nine months in the year, but no order eleasing said corporation, company, or individual from axation shall be effective until it shall have been passed n first and second reading at two meetings.

SEC. 31. *Be it further enacted,* That the Board of Mayor and Aldermen shall have the power and authority o pass all by-laws, ordinances, and regulations, not inconistent with the laws, Constitution of the United States, nd State of Tennessee, as they may deem necessary and xpedient to properly carry into effect the provisions of his charter.

SEC. 32. *Be it further enacted,* That the Mayor and ne Alderman shall be elected by the qualified voters of the corporation at large, and each ward shall elect one Alderman, who shall be a *bona fide* resident of the ward from which he shall be elected.

SEC. 33. *Be it further enacted,* That the voters of the respective wards be required to vote in the wards in which they live, and that nonresidents shall vote in the ward in which they own property, and if they own property in more than one ward they can select the ward in which they desire to vote.

SEC. 34. *Be it further enacted,* That this law shall take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 529.

House Bill No. 777.

A BILL to be entitled An Act to incorporate the Town of Oneida, in Scott County, Tennessee, as a municipality, and to define its rights and powers, etc., and to establish and maintain a separate School District in said town, and for other purposes.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Town of Oneida, in Scott County, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name and style, the Town of Oneida, and shall have perpetual succession; that by this corporate name and style it may sue and be sued, contract and be contracted with, grant, receive, purchase, and hold real, mixed, and personal property, or sell or dispose of the same for the benefit of said town, and may have and use an official seal.

Boundaries.

Sec. 2. *Be it further enacted,* That the boundaries of said town, hereby incorporated, shall be as follows: Beginning at a stake or stone in the center of the public road, at the forks of same and in front of the Oak Grove school building; thence west with the public road to James Smith's northwest corner; thence southwardly with his line to R. Orick's line, and with his west line to J. T. Smith's west line, and with same to G. W. Cecil's northwest corner, and with his west line to a hickory corner, between the said G. W. Cecil and John Carson, Jr.; thence a direct line southwardly to a point where the said John Carson, Jr., line goes to Pine Creek, the same being a corner on the north bank of said creek between the said John Carson, Jr., and J. V. Bilbery; thence southwardly, crossing said creek with J. V. Bilbery's line to J. G. Smith's line; thence with J. G. Smith's northwest line to John L. Smith's northeast corner and with his north line to Marcum's heirs' line; thence with their line northwardly to a point near the top of the ridge, their corner; thence westwardly with their line and W. H. Marcum's line to a corner, two chestnut oaks on top of a ridge in J. C. Reed's line, and with the said

Reed's and Marcum heirs' line to a corner between W. F. Thomas and said Marcum; thence continuing with the line of Marcum heirs' and said W. F. Thomas and C. F. Keenton's north line to the nearest point in the said Marcum heirs' line to the southwest corner of C. Cross, a set stone; thence a direct line from said nearest point in Marcum heirs' line to said Cross' southwest corner, a set stone; thence with his south line eastwardly to a black gum, a corner between J. W. Smith, James Carson, Jr., and C. Cross; thence eastwardly with J. W. Smith, James Carson north line, crossing the Tennessee Ry., to a white oak on top of a ridge, the same being a corner of John Carson, Jr., and Johney Carson and J. W. Smith; thence northwardly with J. Smith's and John Carson, Jr.'s line to Savannah Litton's line, and with her line and John Carson's, Jr., line to a corner in said line at a branch, the same being a corner of R. D. Muses; thence with the said R. D. Muses' line and John Carson, Jr.'s line to a chestnut on the south of the Oneida and Buffalo Road, said John Carson, Jr.'s corner; thence with the east and northeast line of the Oadum tract to J. N. Stedham's line, and with his southwest line northwardly to his corner in the southeast line to the C. S. Ry. Co.'s right of way (or C., N. O. & T. P. Ry.); thence with the line of the said railroad company's right of way, along the southeast side of said railroad company's right of way, to a stake opposite the mouth of a land and railroad crossing, about 300 feet southeast of the residence in which W. T. Stedham now lives; thence northwardly across said C., N. O. & T. P. Ry. to a stake at said W. F. Stedham's barn; thence northwestwardly a direct line to a stake at Ewell Litton's barn; thence a direct line to a stake at the north end of G. W. Stephen's residence, then a direct line to the beginning, including all land and property and persons in the above boundary.

Same.

Sec. 3. *Be it further enacted,* That the first general election for Mayor and Aldermen under this Act shall be held in said Town of Oneida on the first Tuesday in June, said election shall be opened and held by officers of election appointed by the Election Commissioners for Scott County, Tennessee, immediately after the passage of this Act, said Election Commissioners shall give notice of said election, and the place where it shall be held, by written or printed notices, published in at least five public places

First election

in said town; or they may give said notice by publication in a newspaper published in said town.

Said election shall be governed by the same rules governing the election in this State of State and county officers; any person who is a qualified voter for members of the General Assembly, under laws of Tennessee and Scott County, and who shall have been a resident of said town for sixty days preceding said election, and who is otherwise a qualified voter under the laws of this State, shall be entitled to vote in said election. At said election there shall be elected a Mayor and three Aldermen. The officers holding said election shall at once make and certify to copies of the poll sheet and the result of said election, showing the names of the candidates and for what offices they were voted for, and the number of votes received by each.

Returns.

One copy shall be delivered to the Election Commissioners, and the other to the person receiving the highest number of votes for the office of Mayor. The candidate receiving the highest number of votes for the office of Mayor shall be the Mayor of said town, and the three candidates receiving the highest number of votes for Aldermen shall be the Aldermen of said town, until their successors are elected and qualified, as hereinafter provided; *Provided*, that no person shall be elected to the office of Mayor or Alderman of said town unless at the time of their election they are qualified voters in elections in said town. If there shall be a tie between two or more candidates for Mayor, or two or more candidates for Alderman, the remaining number of the Board of Mayor and Aldermen elect shall settle said tie or controversy by a majority vote at their meeting.

Oath of office.

SEC. 4. *Be it further enacted*, That the Mayor and Aldermen before entering upon their duties shall take and subscribe to an oath before some one authorized to administer oaths, that they will honestly and faithfully discharge the duties of their offices without partiality, favor, or affection.

SEC. 5. *Be it further enacted*, That said Mayor and Aldermen shall, on the first Thursday after their election, organize and shall hold their offices for a term of two years and until their successors shall be elected and qualified. Any vacancy occurring, either of Mayor or Aldermen, whether by death, resignation, or removal, shall be filled

by the remaining members of the Board by electing some one to fill the unexpired term.

Regular elections.

SEC. 6. *Be it further enacted,* That on the first Tuesday in May, 1907, and every two years thereafter, an election shall be held in the Town of Oneida for the election of a Mayor and Board of Aldermen provided for under Section 3 of this Act; *Provided,* that the Board of Mayor and Aldermen shall have a right to make such regulations as they may deem best touching the manner of advertising and holding same, which regulations shall not be in conflict with the general laws of the State; *Provided,* that a failure to hold said election at the stated shall not operate as a forfeiture of this charter, but the Board of Mayor and Aldermen may be required to perform such duties as may be necessary for the holding of said election by mandamus in any court having jurisdiction of the matter and parties.

Powers of Board.

SEC. 7. *Be it further enacted,* That the Mayor and Board of Aldermen of the Town of Oneida are hereby empowered:

1. To enact such by-laws and ordinances as may be necessary and proper to the preservation of the health, quiet, peace, and good order of said town, including such quarantine regulations, not to exceed one mile outside of the town limits, as occasion may require.

2. To declare what is a nuisance, and to prevent and remove the same.

3. To annually levy and collect taxes upon all property within the corporate limits taxable by law for State purposes, and to levy and collect a poll tax on all persons within the corporate limits subject to a poll tax to the State; *Provided,* that no levy for general purposes shall exceed one hundred cents on each one hundred dollars of taxable property, and shall not exceed two dollars on each poll; and *Provided further,* that no less than one-half of all fees, fines, and forfeitures arising from levies made under this sub-section shall, at the time they are made, be appropriated by the Mayor and Board of Aldermen for the use and benefit of the Oneida High School, hereinafter created, and collected and turned over to the Treasurer of the Board of Directors of said school, to assist in running the same; *Provided further,* that before any Board shall make a tax levy for general corporate purposes, which shall be made annually, they shall first make record on their minutes an estimated list of expenses for the

coming year, to which reference shall be had in making the levy.

4. To appropriate money and provide for the debts and running expenses of the town, and for the purpose of paying outstanding obligations created for the necessary running expenses of the town.

5. To license and tax all privileges taxable by the laws of the State, and which under the laws of the State are authorized to do business in town.

6. To regulate and suppress gaming, gambling houses, disorderly houses, bawdy houses, and houses of ill fame, or assignation houses, and all houses where one or more men and women meet for lewd purposes, or for prostitution or adulterous cohabitation, and they shall have power to declare all such places nuisances, and to abate as such and to oust and punish such persons so offending by fine or imprisonment or both.

8. To suppress and prevent the carrying of concealed weapons, or the sale of the same.

9. To regulate the sale, storage, and use of firecrackers, and all other fireworks, toy pistols, explosives and combustibles.

10. To impose fines, forfeitures, and penalties for the breach of any ordinance adopted under this Act, and to provide for their recovery, and the arrest of any party or parties breaching said ordinances, and to provide for the sentences of imprisonment in the town workhouse; *Provided,* that no fine shall exceed fifty dollars, and no sentence of imprisonment more than three months.

11. To erect and keep a town prison or calaboose in which to confine all parties violating the town ordinances, under such regulations as they may by by-laws or ordinances adopt; *Provided,* that they may use the county jail at Huntsville, Tennessee, for such purposes by paying the lawful fees to the Sheriff or Jailer of said county.

Workhouse.

12. To erect and organize a workhouse in or near the said town, and to provide for committing and working in said workhouse or on the public streets, or town works, of any person who shall fail to pay or secure the fine and cost assessed against them for the violation of any ordinances, or who for any such violation may be sentenced to the said workhouse, and to provide for the management and control of the same.

13. To regulate or prohibit dogs or other animals from running at large on the streets of said town.

14. To designate in said town certain districts as fire limits, and to provide for the character of houses to be built in said limits, and to regulate the same.

15. To pass all ordinances necessary for health, peace, convenience, safety, and good order of the town, and for the suppression and prohibition of any and all acts and things made criminal by the laws of the State, and to provide a punishment for a breach of same.

16. To grant rights of way through and over the streets and alleys of said town to railways and other corporations.

17. To condemn and take, use and appropriate any ground necessary to widen or extend its streets, avenues, and alleys, but it shall pay the owner of said ground the actual damages done, taking into consideration the improvements thereon.

18. To keep up the streets, alleys, and sidewalks of the town, and to fix the grade of the same; to open, abolish, widen, or extend the same, and to pass all necessary ordinances, requiring the owners of lots to make brick, stone, or plank sidewalks in front of their property along any street, and, if the owner refuse, to provide a remedy and create a lien on said property for same. The Town of Oneida shall receive all road tax that the district herein incorporated is entitled to under the law.

19. To prevent engines, trains, wagons, or any other obstructions from blocking the streets of said town, to regulate their speed, and the speed of horse, men, buggies, and vehicle through said town.

20. To make suitable regulations for the preservation of life and property from fire or other casualty.

21. To provide for the organization and regulation of fire companies, either voluntary or otherwise.

22. To provide for a system of fireworks and for the management and control of the same.

23. To provide for a system of waterworks and its control; to erect hydrants, pumps, cisterns, or reservoirs; to lay pipes for distributing water over the town, and keep the same in repair; to subscribe, purchase, or own stock in water companies in said town; and generally to do all things necessary to procure and maintain a system of waterworks for said town for domestic, mechanical, corporations, or other purposes, and to regulate and fix the price thereof to private individuals, or corporations, or to others. Waterworks.

Lighting.

24. To provide a system of lighting, for the purpose of lighting the streets, alleys, and public buildings and places in said town, and for the purpose of furnishing lights for the inhabitants of said town, and generally to do any and all things necessary to provide a lighting system for said town and its inhabitants, and to regulate and fix the price to be paid therefor by private individuals.

25. To pass and enforce all ordinances that may be necessary to effect and carry out this Act, and for all purposes, for the good health, good government, and general welfare of the town and inhabitants thereof; *Provided*, that the Mayor and Board of Aldermen may by by-laws fix the number of times of readings of all resolutions, ordinances, etc., which shall be passed by them before becoming effective, not less than one nor more than three, and by by-laws provide that no publication other than spreading the same on the minutes of the Board shall be required to make effective any ordinance, resolutions, or other proceedings.

26. To pass all ordinances necessary for the suppression of the manufacture or illegal sale of intoxicating liquors or beverages.

May issue bonds.

SEC. 8. *Be it further enacted*, That the Mayor and the Board of Aldermen are hereby authorized to contract indebtedness on behalf of the town and upon the credit thereof by issuing bonds of the town and disposing of them for the purpose of obtaining money for any of the following purposes:

Purposes.

1. To build and operate a system of waterworks for said town.

2. To build or repair the streets or sidewalks in the town.

3. To provide for the lighting of the streets.

4. To build school buildings and to carry on a school of high or common grade; *Provided*, that the bonds so issued for all purposes shall not aggregate more than twenty per cent of the taxable values of said town, as shown by the town tax book; *Provided further*, that no bonds shall be issued until after two-thirds of the voters of said town shall approve the same by a two-thirds vote at an election to be held for the purpose, after a thirty days advertisement of a proposition to issue bonds by the Mayor; *Provided further*, that said bonds shall not run for a shorter term than ten years, and shall not bear a greater rate of interest than six per cent. The Mayor and Board of

ldermen shall have power to pass and enforce all ordiances necessary to carry out the purposes for which said onds were issued, and may create any and all necessary oards of Trustees or Commissioners, and pass ordinances, efine their duties, and enumerating their powers. Whenver any bonds are issued under this Act, the Mayor and oard of Aldermen shall levy a tax to pay the annual interest accruing on same, and shall erect a sinking fund o pay said bonds' maturity. This power to levy and colect taxes is in addition to the powers enumerated in the oregoing section of this Act.

Officers to be elected by Board.

Sec. 9. *Be it further enacted,* That upon the organiation of the first Board and all Boards thereafter, or s soon thereafter as practicable, the Mayor and Board of ldermen shall elect a Town Recorder, a Town Treasurer, nd a Town Marshal, and shall provide for the compensaion of said officers. No person shall be eligible to any of hese offices unless at a time he would be eligible to the ffice of Mayor. They shall also, upon their organization of the first Board, elect three qualified voters in said town, who can read and write, as Town School Directors, one of whom shall hold this office for one year, and one for two years, and one for three years, and annually thereafter they shall elect one member of said Board for a term of three years. They shall also from time to time appoint all necessary committees to carry out the provisions of the charter, and all ordinances passed by them hereunder, and shall fill all vacancies in the offices stated at the time they occur.

Compensation, and duties of Mayor.

Sec. 10. *Be it further enacted,* That the compensation of the Mayor shall not exceed twenty-five ($25) dollars per annum, to be fixed by the Board of Aldermen. He shall preside at all meetings, and in his absence the Recorder shall preside. He shall see that all by-laws and ordinances of the town are carried out and enforced, and shall have such other powers and perform such other duties as the Board may from time to time grant and impose; and in the absence, inability, or incompetency of the Recorder he shall have all criminal jurisdiction hereafter given to the Recorder of the town for violation of the ordinances of the criminal laws.

Term of Recorder, and duties.

Sec. 11. *Be it further enacted,* That the Recorder shall hold his office for a term of two years and until his successor is elected and qualified, unless he is sooner removed by the Board for a good cause. He shall try of-

fenders brought before him for a violation of any of the town ordinances, and he shall have, and is hereby given, all the rights, authority, duties, powers, and jurisdiction in all cases, both criminal and civil, that Justices of the Peace in Scott County have or may have, and for his service in all cases, including cases for violation of all of the town ordinances, he shall receive such fees as the Justice of the Peace receives for similar cases. He shall keep a Recorder's docket, such as is kept by the Justice of the Peace and in the same way. He shall keep his corporation cases on a page of said book to themselves. He shall be the Town Tax Assessor and the Tax Collector as herein stated. He shall, before entering upon his duties, give a bond in such amount and conditions as the Board shall prescribe, and take an oath to faithfully discharge his duty. He shall draw all orders when directed by the Board on the city treasury, disbursing the funds of the town. He shall settle with the Town Treasurer as often as the Board may prescribe, but not less than once in every three months, and shall have such other powers and do and perform such duties as the Board may from time to time grant and direct.

Duties of Marshal.

SEC. 12. *Be it further enacted,* That the Town Marshal shall be the criminal officer of the town and the Chief of Police. He shall hold his office for a term of two years and until his successor is elected and qualified, unless sooner removed by the Board. He shall arrest all persons violating any of the criminal laws of the State or ordinances of the town, and take them before the Recorder or some one else authorized by law for trial or examination. When in his judgment it is necessary he shall have power to confine any one arrested in the jail or town calaboose. He shall have all the power, authority, duty, and jurisdiction within the corporation limits of the town as to all process, criminal or civil, that Constables have, or may from time to time have, and his criminal jurisdiction and authority shall extend one mile beyond the town limits. He shall have all such authority and do and perform all such other duties as the Board may from time to time grant and direct. Before entering upon the discharge of his duties he shall give bond in such amount and such conditions as the Board may prescribe, and shall take an oath to perform the duties of his office.

Treasurer, and his duties.

SEC. 13. *Be it further enacted,* That the Town Treasurer shall be the financial agent of the town and the cus-

todian of the funds. He shall hold his office for two years and until his successor is elected and qualified, unless he shall sooner be removed by the Board. He shall, before entering upon the duties of his office, give bond in such sum and condition as the Board may prescribe. He shall take an oath to faithfully perform the duties of his office. He shall have such authority and perform such acts as the Board shall prescribe; *Provided,* that the Board may impose the duties of Treasurer on the Recorder, if they see proper.

Equalization Board.

SEC. 14. *Be it further enacted,* That there shall be a Board of Equalization composed of the Mayor and two freeholders of the town, to be appointed by the Mayor, who shall equalize the assessments each year at a time to be appointed by the Board; *Provided,* that the Board may adopt the assessment made by the county authorities of Scott County.

Recorder to make out tax books.

SEC. 15. *Be it further enacted,* That as soon as the Board of Equalization has adjourned, the Recorder shall make out the tax book in duplicate, one copy to be held by the Mayor and the other to be kept by him. The taxes for each year shall be due and payable on the first Tuesday of July each year. The Recorder shall be the Town Tax Collector, and in collecting said taxes he shall have all the powers, rights, and authority that belong to the County Trustee in the collection of State and county taxes. He shall make out a list of all the delinquent taxes remaining in his hands on the fifteenth day of August in each year, for which said taxes were levied, which list shall go into the hands of the Town Marshal immediately. The said Marshal shall proceed to levy and collect the same, to which end he is given the same power and authority as is now vested in the Constable and delinquent Tax Collector collecting State and county delinquent taxes, and he shall receive the same compensation to be paid by said delinquent, and he shall make his return of said taxes to the Treasurer on the first day of October in each year. Before receiving said taxes he shall enter into bond in such penalty as the Mayor may prescribe. If the Marshal shall fail to collect any delinquent taxes and shall make levy upon any real estate to enforce collection of same, the Mayor, upon such return, shall place said taxes in the hands of an attorney, who shall proceed to collect the same by proper suit to enforce the lien secured by said levy; *Provided,* that the Mayor and Board

of Aldermen may direct the Recorder to advertise and sell said estate so levied upon; and in the event he shall so direct, the Recorder shall proceed in the manner provided for the sale of delinquent realty by the officers of the county in the collection of delinquent State and county taxes, and make deed as therein provided, which deed shall vest title in purchaser.

All taxes levied upon property in said corporation limits shall constitute a lien on said property, which lien shall continue until said taxes are paid. The Recorder, who is hereby designated to collect privilege taxes in the town, shall have the same rights, powers, and compensations as is now provided for County Court Clerks in the collections of privileges due to the State and county.

Separate school district created.

SEC. 16. *Be it further enacted,* That the Town of Oneida is hereby created a separate School District, and the public school in said town shall be managed and controlled by the School Board hereinbefore provided for. Said Board of School Directors, at their first meeting, shall elect one of their number Chairman, another Secretary, and another Treasurer. The said Board, by their name and style of the Board of Directors of Oneida High School, shall be a body corporate with power to sue and be sued, contract and be contracted with, and to take and hold real and personal property for school purposes, and to sell and convey the same when for the best advantage of school of said town. The officers of said School Board shall each hold their offices for the term as provided for in Section 9 of this Act and until their successors are elected and qualified. The Treasurer, before entering upon his duties, shall give such bond as the Board may prescribe, payable to the Board of Directors of the Oneida High School. He shall be entitled to receive from the State and county officers all money that said School District may from time to time become entitled to from the public school fund, the same as if it was organized under the school laws of the State, said money to be paid to him on an order or orders drawn in his favor by the Chairman and Clerk of the Board, and in the same way he shall receive all money belonging to said school in the Town of Oneida. He shall pay out said money on the order of the Chairman and Clerk of said Board. Said School Directors shall be governed by the State laws governing School Directors when not in conflict with this Act.

How governed, etc.

SEC. 17. *Be it further enacted,* That the Mayor and Board of Aldermen shall have the power to grant franhises to railways, either steam or electric; gas companies, ater companies, electric light companies, or any other ompany that may improve the town and increase the alue of the property therein.

SEC. 18. *Be it further enacted,* That whenever in this ct an omission is made in defining the duties or authority f any officer provided for herein, and which is essential o properly carry out the object of this Act, the Mayor and Board of Aldermen are hereby granted authority to supply such omission, and they are further given power and uthority to do any and everything necessary to carry out he object of this Act.

SEC. 19. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 20. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 530.

House Bill No. 656.

AN ACT authorizing White County, Tennessee, to issue bonds for the building of turnpikes and improvement of the public roads in said county, upon an affirmative vote by the people, and to regulate the same, and to levy a tax and create a sinking fund for the same, and for the appointment and payment of Commissioners and regulation of same.

Election—amount of bonds.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That within twelve months from the passage of this Act the Commissioners of Election for White County, Tennessee, shall order an election in said county, giving at least twenty days' notice of the same by publication in some newspaper published in said county. The said election to be held by officers appointed for that purpose in each Civil District of said county for the purpose of determining whether the qualified voters of said county are in favor of the issuance of coupon bonds not to exceed sixty thousand ($60,000) dollars for the purpose of building turnpikes and the improvement of the public roads of said county, and each voter who is a qualified voter at the date of said election to vote for Representative in the General Assembly of Tennessee shall be qualified to vote at said election, and shall put on his ballot "For turnpikes" or "Against turnpikes," and a ballot "For turnpikes" shall be counted a ballot for the issuance of said bonds, and a ballot "Against turnpikes" shall be counted a ballot against the issuance of said bonds. The Commissioners of Election shall make returns of the same to the Judge of the County Court, and at its next quarterly session after such election, or at a special session that may be called for the purpose, the votes shall be counted and the result declared by said court; that thereupon, if a majority of the votes cast are "For turnpikes," the said County Court shall order an issuance of the bonds of the county in the amount of sixty thousand ($60,000) dollars in denominations of not exceeding one thousand ($1,000) dollars each, payable in lawful money of the United

Ballots.

States. Said bonds shall be redeemable in amounts and at times as follows—to wit:

Thirty thousand ($30,000) dollars after the expiration of ten years, and not to bear in any event a greater rate of interest than five per cent per annum. Thirty thousand ($30,000) dollars after the expiration of twenty years, and not to bear in any event a greater rate of interest than five per cent per annum.

Interest on the bonds shall be payable annually on the first day of July of each year.

SEC. 2. *Be it further enacted,* That said bonds shall be signed by the County Judge of White County, Tennessee, and countersigned by the Clerk of the County Court of said county with his official seal affixed to the same, and shall be numbered in the order of issuance, beginning with number one. How signed.

SEC. 3. *Be it further enacted,* That each of said bonds shall have attached to it the coupons for the annual interest upon the same for each of the years the said bonds are to run, showing the amount of each annual installment of interest on said bonds and when the same shall fall due, which coupons shall be signed in the same manner as the bonds, except that the official seal of the Clerk of said Court need not be affixed to said coupons; the said coupons, however, to show on their face the number and amount of the bonds to which they are attached. The bonds and coupons herein provided for, when due and paid off by the Trustee or Tax Collector, shall be by said Trustee or County Tax Collector canceled by stamping or writing on the face thereof the date received and paid, and held by him as his voucher for the payment in his settlement with the Judge or Chairman of the County Court, who will preserve said coupons as a part of the records of his office until such time as the same may be ordered destroyed by the said County Court. Interest coupons attached.

SEC. 4. *Be it further enacted,* That it shall be the duty of said Quarterly Court of said county to levy a tax annually on the taxable property of said county sufficient for the purpose of paying the annual interest on said bonds, and also for the purpose of creating a sinking fund for the redemption of the bonds herein authorized, when the same shall fall due, in such sums as the County Court may determine. The Clerk of the County Court shall keep in a well-bound book in his office a record of the number and denomination of all the bonds issued under Interest and sinking fund tax.

this Act, and the aggregate sum thereof, which at all times shall be subject to inspection of said county and the public.

Duties of Trustee.

SEC. 5. *Be it further enacted,* That the County Trustee shall collect and account for the tax herein authorized in the same manner as he is now required to collect and account for other county taxes, and he shall receive the same compensation as for collecting and accounting for other county taxes, etc.; and said County Court may require said Trustee to give an additional bond for the faithful performance of his duty in collecting and accounting for such funds raised for the purpose of the payment of interest on said bonds and for creating a sinking fund for the redemption of the same.

Notice of redemption.

SEC. 6. *Be it further enacted,* That the Judge of the County Court of said county shall, within the last sixty days immediately preceding the maturity of said bonds, give notice to the holder or holders of the same, through a newspaper published in said county, for a term of thirty days, stating in said notice the date that said bonds fall due and requesting that the same be presented for payment or redemption on the said date of maturity, and if the said bonds be not presented for payment at maturity, then the interest thereon shall cease at that date, and when said bonds or any of them are paid and returned as herein set out, the Trustee or Tax Collector shall, upon settlement with the Judge of the County Court, have credit thereon on account of said sinking fund tax.

SEC. 7. *Be it further enacted,* That said bonds shall not be sold by the Commissioners hereinafter provided for for less than their par value.

Turnpike Commissioners to be appointed.

SEC. 8. *Be it further enacted,* That for the purpose of carrying out the purposes of this Act and the will of the people voting for turnpikes and the improvement of the public roads in said county, the Judge of the Court of said county shall appoint three Commissioners, which appointments shall be approved by the County Court, and said three Commissioners to be residents and citizens of White County, Tennessee, and none of whom shall be members of the County Court, who, by virtue of their appointment and election, shall be authorized to employ engineers and other necessary expert service to survey, inspect, change, and classify said public roads and to make charts and maps showing the changes and improvements, and what turnpikes the public interests require to be

made, said improvements to include grading, filling, metaling, ditching, widening, macadamizing, bridging, draining, piping, and other necessary improvements in constructing said roads, and said Commissioners shall make a record in detail of the probable cost of making such improvements; that specifications shall then be made for work to be done in the improvement of said roads and building of such turnpikes in said county as may be determined upon by said Commissioners; and said Commissioners shall then advertise for bids on said work as a whole, or in sections and parts, and award the same to the lowest responsible bidder or bidders, but no bids shall be accepted which are higher than the estimated price fixed in the detailed record made by said Commissioners; and said Commissioners may employ engineers or other necessary aid to supervise and superintend the work. All work shall be done subject to the inspection of the Commissioners or engineers, or assistants employed by them. The work done according to the specifications laid down shall be approved and accepted by the Commissioners, and the work not so done shall be disapproved and rejected by the Commissioners. The said Commissioners shall require good and solvent bonds of all contractors.

SEC. 9. *Be it further enacted,* That the said Commissioners shall make report to the County Court at each quarterly term showing the progress of such improvements in detail, and at the completion of the work shall make final report to said court.

Dispositions of funds.

SEC. 10. *Be it further enacted,* That said bonds, when issued by the Judge and County Clerk of said County Court, as hereinbefore provided, shall be turned over to one of the banks at Sparta, Tennessee, or a portion to each of said banks, if the said court may so elect, to be disposed of as hereinbefore set out for the purposes of realizing the funds for the purpose of building said turnpikes and the improvement of said public roads, to be disbursed by said bank or banks upon the order of the Commissioners herein provided for in payment for the building of said turnpikes and road improvements.

SEC. 11. *Be it further enacted,* That the compensation of the Commissioners shall be such as the County Court may fix, and said court may require bonds of the said Commissioners for the faithful performance of their duties as set forth in this Act.

SEC. 12. *Be it further enacted,* That none of the Commissioners shall be interested to any extent in any contract under which any of said turnpikes shall be built or said roads improved. Any Commissioner violating this section of this Act shall be subject to a fine of not less than five hundred ($500) dollars and imprisonment at the discretion of the court.

SEC. 13. *Be it further enacted,* That the Commissioners shall pay contractors each fifteen days upon estimates made by the engineers or assistants, receiving (paying) ten per cent of each estimate until the entire contract is completed.

SEC. 14. *Be it further enacted,* That the main lines of turnpikes constructed with funds provided by this Act shall be as follows: From Sparta west to the extent of ten miles on the Smithville and Sparta Road; from Sparta east on the Sparta and Crossville Road to top of mountain; from Sparta south on the Sparta and Spencer Road to River Hill; from Sparta north up the Calf Killer River Road ten miles; from Sparta north following the Cookeville and Sparta Road ten miles; from Sparta south following the McMinnville and Sparta Road via Doyle ten miles; from the Junction of the Sparta and Kentucky Road south on the Kentucky Road six miles. Together with such lateral or branch lines from these main lines as the funds herein provided will justify and as will in the opinion of the Commissioners be to the best interest of the various sections of the county. All turnpikes constructed under this Act to follow the lines of the present constructed public roads as nearly as practical.

SEC. 15. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 531.

House Bill No. 1008.

AN ACT authorizing Putnam County, Tennessee, to issue and sell bonds to an amount not exceeding $100,000 for the purpose of building good roads and bridges and the improvement of the public roads of said county.

Election to be held.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Putnam County, at the quarterly session in July, 1905, be, and is hereby, authorized and empowered to submit to the qualified voters of said county, at any time after thirty days and within ninety days after said quarterly term, to be fixed by said County Court, the question of issuing interest-bearing coupon bonds of said county, to be signed by the Judge of the County Court and by the County Court Clerk of said county, to an amount not to exceed one hundred thousand ($100,000) dollars, to be used, or the proceeds of which shall be used, for no other purpose than the building and improvement of public roads and building of bridges in said county, as herein provided. A majority of the members present voting for the submission of said bond proposition shall be sufficient to submit said proposition to the qualified voters of said county; *Provided, however,* that a quorum of said members of said County Court are present. At such election those in favor of issuing such bonds shall have printed or written on their tickets "For good roads bonds," and those opposed to the issuing of such bonds shall have printed or written on their tickets "Against good roads bonds." In case a majority of the qualified voters in said election shall vote in favor of issuing such bonds, then said County Court shall be authorized and empowered to, and shall, issue the same in the manner and subject to the conditions shown in the following section of this Act; *Provided,* that any election to be held under the provisions of this Act shall be advertised in each newspaper published in said county at least thirty days before said election shall be held.

SEC. 2. *Be it further enacted,* That such bonds shall bear a rate of interest not to exceed four per cent per annum, and mature and become payable at the end of thirty years from the date of issuance, and that said County Court may have the option to call in and pay off and cancel any or all of said bonds after the expiration of twenty years after the date of the issuance of said bonds, by giving sixty days notice to the holders thereof. Said bonds and the interest thereon shall be payable in lawful money of the United States.

SEC. 3. *Be it further enacted,* That the interest on said bonds shall be represented by coupons attached to the same, payable annually or semi-annually, as the County Court may determine, and at such time and place as the County Court may designate by order.

SEC. 4. *Be it further enacted,* That the proceeds of said bonds shall be, and are hereby, made a separate fund to be used only for the surveying, making necessary changes, grading, bedding, tiling, draining, macadamizing, and improving such main public roads as the County Court may designate by order, and in building bridges where necessary.

Denomination, etc.

SEC. 5. *Be it further enacted,* That the bonds herein authorized shall be executed in denominations of five hundred ($500) dollars, numbered consecutively, beginning with No. 1, and shall not be sold for less than par, and said bonds shall bear interest only from the date of issuance of same, and they shall be issued in lots of twenty-five thousand ($25,000) dollars, as needed for the purposes provided for by this Act.

Commissioners to be elected by the Court.

SEC. 6. *Be it further enacted,* That if said bond proposition shall carry, the County Court, at the first quarterly term thereafter, shall elect five Commissioners, not more than three of whom shall belong to the same political party, whose terms of office shall be for two years and until their successors are elected and qualified, and each of said Commissioners shall give bond in the sum of one thousand ($1,000) dollars, conditioned for the faithful performance of their duties under this Act, which bond shall be approved by the Judge of the County Court, and filed with the Clerk thereof. And the compensation of each of said Commissioners shall be fixed by the County Court.

Duties of Commissioners.

SEC. 7. *Be it further enacted,* That within ten days after the election of said Commissioners they shall qualify,

as hereinbefore provided, and within five days after such qualification shall meet and organize by electing one of their number Chairman and one of their number Secretary. Said Commissioners, when so organized, shall be known as the Board of Road Commissioners, and said Board shall have full charge of said road building and improvements, designate the places of work, the kinds of material which shall be used, purchase necessary material, machinery, tools, and may have power to condemn lands necessary for widening or changing public roads and draining same, as now provided by law. Said Board of Road Commissioners shall keep a full and complete record of their proceedings in a well-bound book for that purpose, and shall make a full and complete report of their proceedings to each quarterly term of the County Court. Said report shall show where work is being done, the kind of work, number of men and teams employed, wages paid, money expended for material and for damages in condemnation for lands.

Funds—how expended.

SEC. 8. *Be it further enacted,* That all expenditures of said fund shall be upon county warrants drawn on the Trustee by the County Judge, to whom all expenses for said road building and improvement and building of bridges shall be certified by the Chairman and Secretary of said Board of Road Commissioners. Their expenditures for wages shall be certified in a weekly pay roll, and all wages for each week included in one warrant in favor of the Secretary of said Board, whose duty it shall be to pay same, taking a receipt for each amount so paid, which receipt shall be a good and sufficient voucher for said Secretary.

SEC. 9. *Be it further enacted,* That the workhouse prisoners may be used in building said roads whenever the number is sufficient, in the opinion of the County Judge, to warrant the employment of a guard, whose wages shall not exceed one dollar and fifty cents ($1.50) per day, to be paid as other wages. The said Board of Road Commissioners shall have the authority to lease the workhouse prisoners of counties adjoining the County of Putnam, and the expenses connected therewith shall be paid as are other expenses hereinbefore provided for.

May employ engineer.

SEC. 10. *Be it further enacted,* That said Board of Road Commissioners is hereby empowered to employ a civil engineer to lay out and superintend the building of

said roads, and his salary shall not exceed one thousand five hundred ($1,500) dollars per annum.

SEC. 11. *Be it further enacted,* That if said building and improvement of the public roads shall be done by contract, not more than eighty-five per cent of contract price shall be paid until the whole contract is finished and accepted and approved by said Board of Road Commissioners and the civil engineer, and in no case is any partial payment of any contract to exceed the amount of and value of the work done.

SEC. 12. *Be it further enacted,* That no member of the Board of Road Commissioners or member of the County Court shall have any interest, either directly or indirectly, in any contract for the building or improvement of said public roads, the building of any bridge, or the furnishing of any material that is to be paid for out of the fund obtained from the sale of the bonds herein provided for.

County Trustee to give special bond.

SEC. 13. *Be it further enacted,* That the Trustee of Putnam County shall give bond for the safe-keeping of the fund herein provided for and for the collection and safe-keeping of any fund that may be raised by taxation for the purpose of paying off any or all of the bonds as herein provided, and for the faithful performance of the duties of collecting any tax that may be levied for same. Said Trustee is allowed a commission of three-fourths of one per cent on all moneys disbursed from said fund in connection with said road building and road improvement.

Interest and sinking fund tax.

SEC. 14. *Be it further enacted,* That the County Court shall levy an assessment of not more than twenty-five cents on each one hundred dollars of the assessable property in said county for the payment of the interest on said bonds, and any surplus over and above the amount received from said levy, after paying the interest on said bonds, shall be, and is hereby, made a sinking fund for the purpose of paying off and retiring said bonds. Said sinking fund may be invested or loaned by the order of the County Court at a rate of interest not less than four per cent per annum.

SEC. 15. *Be it further enacted,* That if the said County Court shall fail to submit said bond proposition to the qualified voters of said county as provided in the first section of this Act, then upon the application in writing of one hundred of the qualified voters of said county, said proposition shall be again considered by said County

court at any quarterly term during a period of ten years, until same is submitted as provided in the first section of this Act. If said proposition shall fail, it may be again submitted upon the petition of one hundred of the legal voters of said county in writing; *Provided, however,* that there shall not be more than one election on said proposition in any one year, and said period in which said county is authorized to issue.

SEC. 16. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 532.

HOUSE BILL No. 1010.

A BILL to be entitled "An Act to authorize the Mayor and Aldermen of the municipal corporation of the Town of Whiteville, Hardeman County, Tennessee, to provide for, maintain, and operate a system of waterworks and electric lights for the municipal corporation of the Town of Whiteville, Hardeman County, Tennessee, and to authorize the issuance of interest-bearing, negotiable bonds for said purpose, and to levy and collect taxes for the payment of the same."

Amount and purposes of bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the municipal corporation of the Town of Whiteville, Hardeman County, Tennessee, be, and they are hereby, authorized and empowered to issue negotiable, interest-bearing, coupon bonds of the municipal corporation of the Town of Whiteville, Hardeman County, Tennessee, to an amount not to exceed twelve thousand ($12,000) dollars, for the purpose of buying, establishing, erecting, and

putting into operation a system of waterworks and electric lights for said municipal corporation of the Town of Whiteville, Hardeman County, Tennessee. The amount of said system of waterworks and electric lights shall be prescribed by the Board of Mayor and Aldermen of the Town of Whiteville, Tennessee, so that in the aggregate they do not exceed twelve thousand ($12,000) dollars.

Denominations

SEC. 2. *Be it further enacted,* That said bonds be in the denominations of five hundred ($500) dollars each, with coupons attached for the semi-annual interest, and no bond to be in excess of five hundred ($500) dollars. Said bonds shall bear interest at the rate of not more than six per cent per annum, payable semi-annually, to be evidenced by coupons attached to each of said bonds, and said bonds shall be payable at the end of twenty years from date of their issuance. But said bonds shall not be sold or disposed of at less than dollar for dollar of their face value, and shall be payable in legal tender money of the United States of America at any place designated by the Board of Mayor and Aldermen of said Town of Whiteville, Tennessee. All of said bonds issued shall be denominated as "Waterworks and Electric Light Bonds," and shall be signed by the Mayor and Recorder, with the corporate seal of the Town of Whiteville, Tennessee, attached thereto.

Election to be first held.

SEC. 3. *Be it further enacted,* That before said bonds shall be issued the Board of Mayor and Aldermen of Whiteville, Tennessee, shall submit the question to the legal voters of the Town of Whiteville, Tennessee, to ascertain the will of said voters in reference to the issuance of said bonds. Said Board of Mayor and Aldermen shall give at least twenty days' notice of said election. As many elections may be held as may be necessary, and at different times, to determine the will of said voters as to the proposition of the issuance of bonds authorized under the provisions of this Act. If the proposition be defeated at an election held to test the will of said voters with reference to the issuance of said bonds, then the proposition has been voted upon by the legal and qualified after the expiration of twelve months from date that said proposiion has been voted upon by the legal and qualified voters of said Town of Whiteville, Tennessee.

Who may vote —how.

SEC. 4. *Be it further enacted,* That at any of these elections herein provided for all persons shall be entitled to vote for city officers or for Mayor and Aldermen of

said Town of Whiteville. Those voting in favor of the issuance of said bonds shall have printed or written on their ballots the words "For bonds," and those voting opposed to the issuance of said bonds shall have printed or written upon their ballots the words "Against bonds," and if at any election held under the authority of this Act a majority of the votes cast on the proposition to issue bonds are cast "For bonds," then the Board of Mayor and Aldermen of said Town of Whiteville shall have power and authority to issue said bonds under the provisions of this Act, but not otherwise.

Interest and sinking fund tax.

SEC. 5. *Be it further enacted,* That if bonds are issued under the provisions of, and in conformity with, this Act, they shall be a valid and binding debt and obligation of the Board of Mayor and Aldermen of the Town of Whiteville, and the Board of Mayor and Aldermen of the Town of Whiteville are hereby authorized and empowered to levy and collect annually, beginning with the year 1906, and while said bonds or any of them are outstanding, a special tax on all the taxable property situated within the corporate limits of said Town of Whiteville, and taxable under the laws of the State of Tennessee, for corporation purposes, and to levy and collect a special privilege or license tax upon all pursuits, vocations, and business carried on within the corporate limits of said town, required by the laws of the State to pay a privilege tax to the State, not exceeding the rate or amount of privilege tax on such business for State purposes, for the purpose of paying the interest on bonds as it becomes due, and to pay the expenses incident to and incurred in the operation of said waterworks and electric light plant, and to create a fund with which to pay off and retire the bonds herein authorized to be issued. Such taxes shall be kept separate and apart from other funds of the corporation. Said Board of Mayor and Aldermen shall also set aside and appropriate all earnings of said waterworks and electric light plant, or either of them, for the purpose of paying the semi-annual interest on said bonds and for the purpose of meeeting the expenses incident to and incurrred in the operation of said waterworks and electric light plant.

SEC. 6. *Be it further enacted,* That the Board of Mayor and Aldermen of said Town of Whiteville are empowered to take and appropriate such lands or grounds as they may choose for the location of said waterworks

and electric light plant, either within or without the corporate limits of said town, for a site for waterworks and electric light purposes, for pumping station, or reservoir and light plant, for water pipe and wire lines, and for right of way from pumping station or reservoir to water supply for water pipe. Upon payment of damages to exercise this power the Mayor and Aldermen shall by ordinance designate the grounds to be appropriated and appropriate the same as provided for "taking private property for works of internal improvements," by Sections 1549 to 1571, of Milliken and Vertrees' Compilation of the Statutes of the State of Tennessee.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 533.

HOUSE BILL No. 511.

AN ACT to amend Chapter 41, of the Acts of 1897, of the General Assembly of the State of Tennessee, passed January 22, 1897, and approved January 27, 1897, so as to prevent the courts and Attorneys General from releasing or remitting Attorney General's fees due the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 41, of the Acts of 1897, of the General Assembly of the State of Tennessee, passed January 22, 1897, and approved January 27, 1897, be, and the same is hereby, amended by adding to the end of Section 2 the following words: "And it shall not be lawful for any Judge or Attorney General to remit or

release any of the Attorney General's fees provided for in this section, but the same shall be taxed in the bills of cost, as the other costs of the cause are taxed, and shall not be released or remitted, but shall be paid out of the first moneys collected for costs in each cause."

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 534.

HOUSE BILL No. 548.

AN ACT to regulate the construction of turnpikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all turnpike companies, immediately after metaling their roads, as required in Shannon's Code, Section 1764, shall be, and are, required to spread upon the beaten metaling a coat of dirt, sand, gravel, or ground rock.

SEC. 2. *Be it further enacted,* That any turnpike company, its General Manager, Superintendent, or executive officer violating the provisions of this Act shall be guilty of a misdemeanor and subject to a fine of ten ($10) dollars for each day turnpike company collects toll while the metaling is not so covered.

SEC. 3. *Be it further enacted,* That this Act apply only to counties having a population of not more than forty-two thousand seven hundred and fifty (42,750), and not less than forty-two thousand seven hundred (42,700).

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 535.

HOUSE BILL No. 941.

AN ACT to repeal Chapter 240, of the Acts of 1903, in so far as it applies to Overton County, and to restore to said county the same rights and privileges that it had before the passage of said Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 240, of the Acts of 1903, be, and the same is hereby, repealed in so far as it applies to Overton County.

SEC. 2. *Be it further enacted,* That Overton County be restored to her former authority to create, change, and annul her School District.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 536.

House Bill No. 1003.

AN ACT to create and establish a special School District in the Thirteenth Civil School District of Crockett County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an independent School District be established in the Thirteenth Civil District of Crockett County, known as the Hellen's School District. Beginning at Cane Creek Bridge near York's Mill on the Chestnut Bluff and Friendship Public Road; thence up said creek with the meanderings of said creek to the head of said creek near Siloam Church on Babe Climer's land; thence in an easterly direction to the Alamo and Chestnut Bluff road so as to include Siloam Church in said School District; thence with the line of the Tenth and Thirteenth Civil Districts to the Chestnut Bluff and Frog Jump Road, near Henry Elmore's; thence with said road in the direction of Chestnut Bluff to the road leading out to John and G. M. Rowlands' to John Rowlands' home tract of land upon which he now lives; thence with his west boundary line north so as to include the Wiley Baker and Tom Dunn tracts of land in the said Hellen's School District, to the Chestnut Bluff and Alamo Road west at South Fork Church at a large ditch between the Sinclair and Mrs. Dr. T. A. Nunn farms; thence north to the Dyer County line; thence east with the Dyer County and Crockett County line to Bond Creek, near J. M. Parrish's; thence with the meanderings of said creek to Bond Creek Bridge on the Chestnut Bluff and Friendship Road; thence with said road to the beginning at Cane Creek Bridge.

Sec. 2. *Be it further enacted,* That the County Superintendent appoint three directors to serve for said School District until the regular election.

Sec. 3. *Be it further enacted,* That the County Trustee of said county will keep the per capita school tax of all the scholastic population for the year 1905 in said Hellen's School District for the benefit of the public schools

in said School District created by this Act, and pay out as the law now directs.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 537.

HOUSE BILL No. 1006.

AN ACT to amend an Act entitled An Act to incorporate the Town of Cookeville, in Putnam County, Tennessee, and to provide for the government thereof; to establish a School District therein; to authorize said corporation to issue bonds for corporation purposes; to provide for the election of officers, and prescribe their duties, and for other purposes, the same being Chapter 542, of the Acts of 1903, to amend Section 1 of Article XI., of said Acts, so as to allow said corporation to issue bonds not to exceed $50,000, and in addition to the purposes named in said Act for school purposes, and for the erection of school buildings (and) for furnishing same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 542 of the Acts of 1903 be, and the same is hereby, amended in Section 1, of Article XI. of said Act, by inserting, instead of the words and figures twenty-five thousand ($25,000) dollars, the words and figures fifty thousand ($50,000) dollars, and to insert after the word purposes in the last line of said section, the following: for school purposes, or for the erection of school buildings, and furnishing the same.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are here-

by, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 538.

House Bill No. 457.

AN ACT entitled An Act to change the Overton and Putnam County line so as to detach all the lands of J. C. Terry from Overton County and attach them to Putnam County, Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between Overton and Putnam Counties be changed as follows:

Beginning with a post oak in A. P. Warren's west boundary line; thence east with said line seventy poles to a white oak in Ben Mason's west boundary line; thence north eighty poles with said line to a white oak in B. L. Loften's south boundary line; thence west with said line and P. M. Greenwood's south boundary line seventy poles to a stone in G. W. Roberts' east boundary line; thence south with said line one hundred and forty poles to a stone, it being Roberts' southeast corner; thence west eighty poles with said Robert's line to Mill Creek; thence south eighty poles with said creek to a stake; thence southeast seventy poles with D. H. Maddux's north boundary line to a stake; thence east seventy poles with said Maddux's north boundary line to a stone in A. P. Warren's west boundary line; thence north seventy poles with the said Warren's line to the beginning, detaching the above lands from Overton County and attaching to Putnam County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 539.

HOUSE BILL No. 342.

A BILL to be entitled "An Act to authorize the Mayor and City Council of Nashville, a municipality organized under the Acts of the General Assembly, passed March 21, 1883, and approved March 27, 1883, being Chapter 114, of the Acts of 1883, and subsequent amendments thereto, to issue bonds for the extension of Commerce Street, in said city, when authorized by the Mayor and City Council of Nashville."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and City Council of Nashville, a municipality organized under the Acts of the General Assembly of the State of Tennessee, being Chapter 114, of the Acts of 1883, is hereby empowered in its corporate capacity and under the provisions of the Act referred to, and subsequent amendments thereof, to issue bonds of the said city signed by the Mayor and countersigned by the Recorder, with semi-annual interest coupons attached, which shall be signed by the Treasurer of said city, to an amount not exceeding one hundred and fifty thousand ($150,000) dollars.

SEC. 2. *Be it further enacted,* That the bonds herein provided for may be executed in denominations from one hundred ($100) dollars to one thousand ($1,000) dollars, and they shall mature and be redeemable at such times within thirty years as may be prescribed by the corporate

rdinance authorizing the issuance of said bonds. Said onds shall bear a rate of interest not exceeding six per ent per annum, payable semi-annually.

SEC. 3. *Be it further enacted,* That said issuance of ne hundred and fifty thousand ($150,000) dollars bonds hall be known as "Commerce Street Extension Bonds," he proceeds of which shall be used exclusively in the exending of Commerce Street in the said City of Nashville, s the Mayor and City Council by ordinance may direct.

SEC. 4. *Be it further enacted,* That none of the bonds erein above authorized shall be issued for any purpose without the passage of an ordinance through the City Council, approved by the Mayor, specifying the purpose for which said bonds are asked to be issued, and directing an election to be held by the qualified voters of the City of Nashville "For," or "Against," the issuance of said bonds as provided by the charter of said city. Said election to be held in conformity with said charter, and under the general election laws controlling the holding of elections in the City of Nashville.

SEC. 5. *Be it further enacted,* That none of said bonds to be issued by this Act shall be sold, exchanged, or disposed of for less than their said face value.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

CHAPTER 540.

House Bill No. 824.

AN ACT to permit turnpike companies in counties having a population of not less than 26,400 nor more than 26,500, which have only one tollgate located on their respective roads, to move and relocate such tollgate.

This Act applies to Williamson County.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all turnpike companies in counties having a population of not less than twenty-six thousand four hundred (26,400), nor more than twenty-six thousand five hundred (26,500), which have only one tollgate located on their respective turnpike roads, be, and the same are hereby, allowed and permitted to move and relocate such tollgate at any point on their respective roads not nearer to any incorporated city or town than is permitted by their respective charters; *Provided, however,* that such relocation shall not place said tollgate between such city or town and any public road now entering said turnpike between such city or town and the tollgate as now established; and *Provided further,* that said tollgate shall not be removed more than three hundred (300) feet from its present location.

Sec. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 541.

HOUSE BILL No. 826.

AN ACT to regulate the working and laying out of public roads in this State in counties containing not less than 42,000 inhabitants nor more than 45,000 inhabitants, by the Federal Census of 1900, or any subsequent census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court, at its January term, 1906, and at the January term every two years thereafter, shall elect one Road Commissioner for each Road District, which shall be coextensive with the Civil District, who shall have general supervision over all the public roads, bridges, and overseers in his district, who in connection with the two Justices of the Peace for said district shall constitute a Road Board for said district, the Justices to be *ex officio* members. The duties of the two *ex officio* members of said Board are limited to the performance of the following duties, all of which shall be done jointly with the Commissioners to designate the roads to be made and worked after the manner of turnpike roads as provided for in the Acts of 1903, Chapter 242, as incorporated in the third section of this Act; and to designate what other roads in their districts money shall be expended upon, and to prorate to those in proportion as they are used by the general public. In doing this they are required to refrain from expending money on any grade greater than seven degrees with the horizon, or in any running stream. They will contract with the lowest bidder, the work to be paid for in money out of the road fund as prorated by the Board on the various roads in their district, taking bond of the contractor in double the amount of the accepted bid for the due performance of his contract.

This Act applies to Maury County.

It is hereby declared to be a misdemeanor for any member of the Board to directly or indirectly contract or perform any of the work stipulated to be paid for in cash. They are empowered to approve or reject any bid; they are to define the boundaries, and to number each public road in their district and classify the same, and make a

Duties of Road Board.

proper assignment of the hands to each road, designating the farms contiguous to said roads upon which said hands reside. They are to report to the April term, 1906, and to the April term every two years thereafter, how they have defined the roads, what hands have been assigned to each, the number and classification of each road, the road to be worked as a turnpike, and the roads the other money is to be expended upon, and a full list of all the road hands in the district, which reports shall be filed with the Clerk of the County Court, and preserved, and subject to inspection by the general public. The *ex officio* members shall each receive ten dollars per annum for their services when actually performed, payable out of the road fund of their districts upon the order of the County Judge upon the County Trustee. The person chosen shall be a citizen and freeholder of the district, skilled and experienced in the business of road making, and shall hold his office for two years, and until his successor is elected and qualified. Before entering upon his duties he shall take an oath before the Clerk of the County Court for the faithful discharge of same, and shall give bond for the faithful accounting of all money coming into his hands. It shall be his duty to give a receipt for all money received by him, and turn over the same to the County Trustee. All payments for labor, tools, materials, etc., shall be made by order on the County Trustee, which shall be approved by the County Judge or Chairman of the County Court.

Sections of this Act are printed as they appear in the original.

SEC. 4. *Be it further enacted,* That for any willful neglect or misconduct he shall be guilty of a misdemeanor and punished accordingly (and the grand jury shall have inquisitorial powers over all such offenses, and shall inquire into and make presentment thereof—Chapter 249, Acts 1903). For incompetency or neglect of duty he shall be removed by said County Court on ten days written notice. As compensation he shall be entitled to receive six per cent (6%) on the first four hundred ($400) dollars, and three (3) per cent on any amount over four hundred ($400) dollars, as shown by their orders on the Trustee for each year. The County Judge is authorized to fill any vacancy by appointment to serve until the next regular meeting of the Quarterly Court, which shall elect a Commissioner to serve for the unexpired time.

Court to fix number days to work roads.

SEC. 2. *Be it further enacted,* That at the terms above stated, the County Court shall fix the number of days' labor to be required of road hands, which shall not be less

than five nor more than eight days in any one year. The District Road Commissioner shall buy necessary tools for road working, to be paid out of the funds belonging to his district.

The court, at the same time, shall fix the price to be allowed for a day's work on the public road with wagon and team, or horse and plow.

Levy road tax.

SEC. 3. *Be it further enacted,* That the County Courts shall levy for each year, for road purposes, an *ad valorem* tax on all property of their respective counties outside of incorporated towns, cities, and taxing districts. This levy shall be two cents on one hundred dollars of taxable property for each day assessed to labor on public roads, and shall be collected by the County Trustee, and held by him as a separate fund to be disbursed upon the warrant of the District Commissioner, approved by the Judge or Chairman of the County Court, and for which he shall have compensation, the same as on county and State taxes; two-thirds of the tax collected on this assessment from a given district shall be spent on the public roads of that district under the supervision of the District Road Commissioner, who shall direct special attention to the main roads or leading thoroughfares of the district, as designated by the Road Board provided for by the first section of this Act.

Division of road funds.

Any and all other road tax which may be collected shall be divided equally between the Road Districts (*Provided,* that one-half of the labor and half of the money paid in commutation of labor, and one-half of the road fund raised by taxation and belonging to any Road District, may be devoted to the building or making of roads in said district after the manner of turnpike roads, which shall slope from the center to the outer edges on either side at a grade or rate of descent of one inch to a foot, and shall be macadamized with gravel or broken stone, where the same can be obtained at reasonable cost within two miles of such road, and said road shall be ditched on each side not less than fifteen inches in depth, and the Road Commissioner of each Road District shall have supervision and control and direction of the building of such macadamized road in this district, and he, in connection with the members of the Road Board heretofore provided for, shall decide where such road in his district shall be built or made, selecting such road as is most traveled.—Acts 1903, Chapter 242). The Judge or Chair-

County Judge to make reports.

man of the County Court shall make quarterly reports showing receipts and disbursements of all road funds, which report shall be examined by the Finance Commissioners of the county, and when approved, spread on the minutes of the County Court; *Provided,* that on all privileges not less than one-fourth of the entire assessment for county purposes shall be set aside by the respective County Courts for road purposes, and shall be apportioned equally between the several Road Districts of their respective counties, unless the County Court at the January term of each year shall direct it to be placed to the credit of the Special Highways, as provided for in the 11th Section of this Act.

Overseers to be appointed—duties.

SEC. 4. *Be it further enacted,* That District Commissioners shall appoint, for a term of one year, an overseer for each section of public road as established by the County Court. Said overseer shall be a resident of the district, and if a person subject to road duty, he shall be exempted from actual road labor. He shall serve as many days as are assessed to road hands by the County Court, without compensation, and for each additional day of actual service in superintending the working of roads, and warning in of hands, he shall receive one dollar a day, not to exceed three dollars in one year. If he be a person not subject to road duty he may consent to serve as an overseer, provided he will donate to the road free of charge as many days as are assessed to road hands, and for other services receive one dollar a day, not to exceed three dollars in any one year. He shall have charge of all tools belonging to his section of road, shall take care of same, and turn them over to his successor when appointed. It shall be a misdemeanor for any overseer, having received notice in writing of his appointment, to fail or refuse to serve, or fail or refuse to fully and faithfully perform his duties as road overseer, and to keep his section of road in reasonable repair at all times throughout his term of office, and the grand juries of the various counties of the State shall have inquisitorial power to investigate the conduct of road overseers under this Act (and shall make presentment against such road overseer for any failure to perform his duty under this Act.—Chapter 249, Acts 1903).

Who subject to road duty.

SEC. 5. *Be it further enacted,* That all male residents of the county between the age of twenty-one and forty-five years shall be subject to road labor, except those who have been exempted by the County Court for physical disability,

the order of the court also showing exemption from payment of poll tax for same cause. Road overseers shall give three days warning, either in person or by written notice, left at the residence or usual stopping place of each person subject to road duty, and in case any hand so notified shall willfully fail or refuse to perform honestly, faithfully, and obedient to the direction of the overseer as many days' labor on the public road as are assessed against him, he shall be guilty of a misdemeanor. It shall be the duty of the overseer to report to the District Commissioners all hands so failing or refusing to work public roads, and it shall be the duty of the District Commissioners to swear out warrants against all such delinquents before some Justice of the Peace in his district, and to have the road overseer and other necessary witnesses to convict the delinquent summoned. All fines collected from delinquents shall be placed to the credit of the road section to which said delinquents were assigned for road duty; *Provided,* that any road hand under the provisions of this Act may commute by paying to the Commissioner for his district, on or before the day appointed for road working, seventy-five cents a day. All commutation money shall be used to employ labor upon the road section to which the hand so commuting had been assigned. A day's work in the meaning of this Act shall be eight hours' actual labor on the road.

Location of roads.

SEC. 6. *Be it further enacted,* That in laying out and working public roads it shall be the duty of the Road Commissioner to avoid heavy grades and to reduce the same by cutting down sharp points, or changing direction of roads. Ditches shall be maintained on each side of the road of sufficient depth to drain the roadbed. Wherever practical roadbeds shall be graded with a fall of one inch to the foot from the center of the road to the ditches. In constructing or maintaining first and second class roads, broken stone or gravel shall be used, when obtainable, and no road shall be in running streams, where it can be avoided. Durable mileposts and signboards shall be placed and kept up on all first and second class roads. When a footlog is necessary, it shall be strong and steady, with a good hand railing. Labor upon the public roads must be performed within the months assigned by the County Court, except repairs, in case of necessity, for which the road overseer shall arrange with one or more hands, or taxpayers, allowing them credit on road duty

at the next road working, or for the ensuing year. It shall be a misdemeanor for any overseer to fail to place and keep durable mileposts and signboards at all principal crossings.

Commissioners to open roads—how.

SEC. 7. *Be it further enacted,* That all applications to open, change, close, or restore to the public use any and all public roads in this State shall be made by written petition to the Road Commissioner of the district in which the road is located, and if said road is intended to be located in more than one district then the petition shall be made to the Commissioners of all districts interested, and they shall act jointly. The Road Commissioner, within ten days after the application has been filed with him, shall notify the person first named on the petition of the date at which he will be present at the beginning point mentioned in the petition to act on the application. Five days written notice of the date and beginning point shall be given by the petitioners to all persons controlling land to be affected by the proposed change (or in case interested parties are nonresidents of this State, or their residence is unknown, publication for four successive weeks in a newspaper published within the county shall constitute legal notice.—Chapter 70, Acts 1903). The Road Commissioners shall attend at the appointed time and place, and, if the proper notice to interested parties has been given, shall act upon the application, assess damages, if, in his judgment, there should be any, and report his action to the Chairman or Judge of the County Court. With his report he shall file the original petition, the notice to landowners, and the names of material witnesses. The Chairman or Judge of the County Court shall consider the whole matter and make such orders as to opening, changing, closing, or restoring to the public the proposed road as the court may deem proper; any interested party may appeal, as heretofore provided, such appeal to be perfected before the Clerk of the County Court within ten days. (Acts 1903, Chapter 533).

SEC. 8. *Be it further enacted,* That all county prisoners subject to labor shall be employed upon the public roads as the County Court may direct, subject to existing laws.

'assification of roads.

SEC. 9. *Be it further enacted,* That the public roads of this State shall be divided into four classes, the width of each to remain as now fixed by law—viz.: roads of the first class shall not be more than fifty nor less than twenty-

four feet wide; roads of the second class, not more than twenty-four nor less than eighteen feet wide; roads of the third class, not more than eighteen nor less than fourteen feet wide; and roads of the fourth class shall be fourteen feet wide. The Road Commissioner shall make, at the end of each year, detailed reports to the County Court showing the work accomplished by them during the year. These reports shall describe each public road in the district, state whether it is first, second, third, or fourth class road, and its condition at the time of the report. These annual reports of the Road Commissioners shall be filed in the County Clerk's office.

SEC. 10. *Be it further enacted,* That nothing in this Act shall be construed so as to affect the right of counties to construct, purchase, and maintain bridges, turnpikes, and improve highways, and pay for the same from general or special county funds, as now provided by law.

County Court may work certain roads by contract.

SEC. 11. *Be it further enacted,* That the County Court of any county is hereby authorized and empowered, when in its judgment it is deemed advisable, to designate all or any part of the leading thoroughfares of said county as county highways, to be worked by contract as herein provided, or by county convicts, as now or hereafter provided by law in such cases. The County Court shall, at regular quarterly session, as provided in the first section of this Act, by resolution adopted and entered upon the minutes of said court, designate specifically what road or roads shall be established as county highways, and provide for laying out, building, and working said highways. The County Court shall appoint a committee, to consist of the County Judge or Chairman of the County Court and four other citizens of said county, who shall be authorized to let out by contract, to the lowest responsible bidder, all or any part of the county highways, under provisions adopted by the County Court, when, in their judgment, it is deemed advisable. After advertisement, sealed proposals to make and keep the county highways in repair for one year, may be submitted from each section of the highway. The County Judge or Chairman of the County Court shall open all bids submitted in the presence of the County Highway Commissioners, and the contracts shall be awarded to the lowest responsible bids; *Provided,* the County Highway Commissioners may reject any and all bids, if in their judgment, they are excessive or otherwise unsatisfactory. Contractors shall execute bond for the faithful perform-

ance of duty, and shall supply, at their own expense, all tools, material, etc., for use on their section of highway; or, if no satisfactory bid is received, the County Highway Commissioners may employ labor and purchase materials for repairing and maintaining highways. This committee may employ a man skilled in road making to supervise and direct the working of county highways, and to do such other work as the commission may see fit to assign him. His compensation shall not exceed two dollars per day for the time he is actually occupied in the discharge of the duties assigned him. All repairs and work done upon the county highways shall be under the direction of the committee herein provided for, and the individual employed by them to superintend. The County Commissioners herein provided shall receive the same compensation as Justices of the Peace for time actually given to the duty of supervising work and contracting for the maintenance of county highways, not to exceed twelve days in one year. The County Judge, as Chairman of the County Court, shall receive no additional compensation for the duties imposed by this Act. All bridges and ferries shall be built and maintained by the County Court, as now provided by law.

Special tax for county highways.

SEC. 12. *Be it further enacted,* That for the establishment and maintenance of county highways (as provided in Section 11 of this Act) the County Courts of this State shall levy each year a special *ad valorem* tax of not more than twenty cents on the hundred dollars on all the taxable property in their respective counties, outside of incorporated cities, towns, and taxing districts, and assign for road duty on these highways, under the supervision of County Highway Commissioners, all hands living upon or adjacent to said highways. (Any contractor or person employed to supervise and direct the working of highways, employed under the provisions of Section 12 of said Act, failing to perform faithfully any duty or duties required of him in said Act, shall be guilty of a misdemeanor, and the grand juries of the counties shall have inquisitorial powers over all offenses under this Act, and shall investigate and make presentment thereof.—Acts 1903, Chapter 242).

This Act applies to Maury County.

SEC. 13. *Be it further enacted,* That the provisions of this Act shall not apply to counties having a population of less than 42,000 or over 45,000 inhabitants by the Federal Census of 1900, or any subsequent Federal Census.

SEC. 14. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be, and they are hereby, repealed; and that this Act shall take effect from and after January 1, 1906, the public welfare requiring it.

Passed April 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 542.

HOUSE BILL No. 1028.

AN ACT to authorize Davidson County to issue bonds in a sum not to exceed fifty thousand dollars, in addition to those heretofore authorized, for the benefit of the Peabody Educational Fund; Provided, the Peabody Normal School is located in said county, and to levy and collect taxes for the payment of said bonds and interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Davidson County, in the State of Tennessee, be, and it is hereby, authorized and empowered to issue negotiable coupon bonds, not to exceed the sum of fifty thousand dollars, in addition to those heretofore authorized, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and being evidenced by appropriate interest coupons attached to each of said bonds. Said bonds shall be issued in such denominations as the County Court of said county in quarterly session shall determine, and shall be payable in any legal tender money of the United States of America. Said bonds may be made redeemable by the county, at its option, before their maturity upon a specified notice to the holders. Said bonds or their proceeds shall be used and

appropriated for the benefit of said Peabody Educational Fund, and for no other purpose.

SEC. 2. *Be it further enacted,* That if said county shall issue said bonds it shall have the power to levy and collect all taxes necessary for the payment of said bonds and the interest thereon.

SEC. 3. *Be it further enacted,* That the power and authority hereby conferred upon said county shall be exercised through the County Court of said county at any quarterly session thereof by a majority of the Justices attending, provided there be a quorum present. Said court shall determine in what denomination said bonds shall be issued, the length of time said bonds shall run, whether they shall be redeemable before maturity, and if so what time, and upon what notice, and shall also determine the rate of interest which they shall bear, and designate the person or persons by whom the bonds and coupons shall be executed in the (interest) of the county, and by whom delivered.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

CHAPTER 543.

HOUSE BILL No. 901.

A BILL to be entitled An Act to establish a special School District, to be known as the Twenty-sixth School District of Davidson County, composed of parts of the Nineteenth, Twentieth, and Twenty-second Civil Districts of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the School District formerly established by the County Court of Davidson County, composed of parts of the Nineteenth, Twentieth, and Twenty-second Districts of said county, and formerly known as the Twenty-sixth School District of said county, be hereby re-established with the same boundaries as formerly set out by said court, except that the part of the Nineteenth District to be included shall be bounded by a line beginning at the northwest corner of the Dickson Pike and the J. C. Gleaves farm; thence eastwardly to the northeast corner of said farm; thence northeasterly to the line between the Nineteenth and Twentieth Districts at the forks of Dry Creek, and the same shall be known as the Twenty-sixth School District of said county.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

HOUSE RESOLUTIONS.

HOUSE RESOLUTIONS.

NUMBER 1.

Be it resolved by the House of Representatives, That the rules of the House of Representatives of the Fifty-Third General Assembly be adopted for the government of this House until the Committee on Rules makes its report.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 2.

Be it resolved by the House of Representatives, That the Speaker of the House be, and he is hereby authorized to appoint a Chaplain of the House of Representatives, a Journal Clerk, a Doorkeeper, and four Porters, and one or more Assistant Engrossing Clerks, if needed, who shall enter upon their several duties when deemed necessary and called for by the Speaker of the House of Representatives, and whose compensation shall be fixed and provided for in the general appropriation bill.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 3.

Be it resolved by the House of Representatives, That the Clerk is hereby authorized and empowered to have printed two thousand copies of the Governor's message for the use of members of the House, and that the cost of said printing be included in the general appropriation bill.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 4.

WHEREAS, The room heretofore used as a cloak room for the members of this House has been appropriated for the use of the Pension Board; therefore

Be it resolved by the House of Representatives, That Col. Porter, Superintendent of the Capitol, be, and is hereby directed and authorized to select a suitable place, and provide fixtures, etc., for depositing the cloaks and hats of the members of this House, and the expense of the same be included in the general appropriation bill.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 5.

Be it resolved by the House of Representatives, That the Clerk be directed to prepare a weekly calendar, which shall show the status of all bills and resolutions, and that the same be placed upon the desk of each member every Monday morning.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 6.

Be it resolved by the House of Representatives, That the "gavel" just presented by Col. Porter, the Superintendent of the Capitol, be accepted, and the thanks of this body be, and are hereby returned to the donors—the Edgefield and Nashville Manufacturing Co., and George R. Calhoun, Jewelers—and be it further ordered and directed that no use shall be made of same but the governance in the hands of the Speaker of the proceedings of the House of Representatives at the session.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 8.

Be it resolved by the House of Representatives, That the hief Clerk be and he is hereby directed to prepare a roster : the officers and members of the House, and to have rinted two hundred copies of the same, and that the cost f printing same be included in general appropriation bill.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 9.

Be it resolved by the House of Representatives, That a pecial committee of three be appointed to ascertain and eport the value of all public buildings the property of the State, and what insurance is carried upon the same, and what insurance should be placed thereon, if none is carried, ogether with the cost thereof. And said committee is here- y authorized, after making proper inquiry, to report a roper bill whereby said property would be protected from oss in event of destruction, for consideration of this House.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 11.

Be it resolved by the House of Representatvies of the Fifty-fourth General Assembly, That the following amounts are due the following persons for services incident to the opening of the House:

Talton Turrentine	$16 00
Ike Oldham	12 00
Robert Wyatt	12 00
Emmet Webb	12 00

Be it further resolved, That the Treasurer is authorized by the House to pay the foregoing amounts to the persons named.

Be it further resolved, That this item shall be included in the General Appropriation bill.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 12.

WHEREAS, an allwise Providence has removed from the scenes of active life the father of our fellow Representative, Hon. J. N. King; therefore

Be it resolved, that the House extend him its sympathy and condolence in this the hour of his bereavement, and that a copy of these resolutions be spread upon the Journal of the House, and an enrolled copy be furnished Representative King.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 13.

Be it resolved, That the chairmen of the different committees be requested to announce just before adjournment each day the time and place of meeting, and what bills will be considered at the announced meeting of their respective committees.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 16.

Be it resolved by the House of Representatives, That the Secretary of State furnish to the House of Represen-

tatives six copies of Shannon's Code and supplements, taking receipt therefor, said books to be returned to the Secretary of State at the expiration of the present session.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 17.

Be it resolved by the House of Representatives, That the hour for the address to be delivered by Hon. Thos. M. Owen and Hon. Dunbar Rowland, by invitation of House by Resolution No. 3, be fixed as a special order for Tuesday, January 10th, at 11 A. M.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 18.

Be it resolved by the House of Representatives of the Fifty-fourth General Assembly, That the Sergeant at Arms of the House be directed to erect a bulletin board at some suitable place in the House to be used by the several committees of the House to state the time and place of the meeting of each committee, and the cost of same be included in the general appropriation bill.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 19.

WHEREAS, It has heretofore been customary for the hats and coats of the members to be taken care of in one of the rooms inside the bar of the House, and

WHEREAS, Now they are to be cared for outside the bar of the House; therefore

Be it resolved, That the Speaker of the House is hereby empowered and instructed to appoint a porter whose sole duty shall be to take charge of and care for the coats and hats of the members, and that the money for his compensation be included in the general appropriation Act.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 20.

Be it resolved by the House of Representatives, That it is the sense of the body that its porters be paid at the rate of $2.50 per day, each, for their services, the same to be included in the general appropriation bill.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 21.

WHEREAS, The House has learned with heart-felt sorrow of the death of Hon. J. W. Richardson, of Houston County, who was a member of the Forty-sixth General Assembly, therefore

Be it resolved, by the House of Representatives, that in the death of Hon. J. W. Richardson, the State has lost an honorable and upright citizen, one who was a faithful Representative of his people in the former Legislature, and we extend to his family and relatives our profound sympathies in this their sad bereavement.

Resolved, That this resolution be spread upon the Journal of the House, and a copy be furnished the family of the deceased.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 25.

WHEREAS, Our Heavenly Father, in his wisdom, has seen cause to remove from the walks of life during this session of the Legislature, Honorable L. W. Morgan, of Gibson County, who represented that county so ably in this body in 1901 and 1903.

Be it resolved by the House of Representatives, That in the death of Mr. Morgan the State of Tennessee has lost a worthy citizen and an honorable Christian gentleman;

Be it further resolved, That this body extend to his noble and lovable wife and sweet children, in their bereavement, our sincere sympathy, and that a copy of these resolutions be mailed to them by the Clerk of this House.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 26.

Resolved, That 200 copies of each House Bill No. 142 and No. 146 be printed.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 27.

WHEREAS, We have learned with profound sorrow and regret of the serious sickness of our efficient Comptroller and esteemed citizen, the Hon. Frank Dibrell, be it

Resolved by the House of the Fifty-fourth General Assembly of the State of Tennessee, That we extend to him our sincerest sympathy in his affliction, and the earnest hope that he will soon recover from his present illness and be permitted to return to his post of duty, so successfully filled during his past administration.

Be it further resolved, That these resolutions be spread upon the Journal of the House as a token of our respect for him.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 28.

Be it resolved by the House of Representatives of Tennessee, That we tender our thanks to the Hon. Walter P. Brownlow for the copies of Constitutional Manual and Digest presented by him to this body, and that a copy of this resolution be mailed the Hon. Walter P. Brownlow.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 29.

WHEREAS, several bills have been introduced in this House creating new judicial circuits, therefore

Be it resolved by the House of Representatives, That the Chairman of the Judiciary Committee be instructed to appoint a committee of ——, from each Grand Division of the State, to investigate, and, if necessary, draft a bill which will relieve the congested condition of the Circuit Courts in this State.

Amend so as not to include bills introduced as to circuit for Shelby County.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 31.

WHEREAS, Divine Providence has seen fit to take from us Mr. Y. W. Jones, who is a brother-in-law of our fellow member, Mr. Geo. W. Peay, therefore

Be it resolved by the House of Representatives, That we extend to Mr. Peay, and the members of his family, the sympathy of this House.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 32.

WHEREAS, We have been reliably informed that, owing to the arc light of the House has been a part of the general circuit of the City of Nashville, and that light cannot be turned on before 4 o'clock P. M., and inasmuch as light is necessary in order to read the Journal and transact business;

Be it resolved, That the Superintendent of the Capitol be directed to have a direct connection with power house made, so that light can be turned on; *provided,* said direct connection with the power house will not cost anything.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 33.

Be it resolved by the House of Representatives, That the Chairman of the Committee on Charitable Institutions be allowed to appoint one Assistant Sergeant at Arms to accompany said committee on their trip, and to work with said committee while they are at work, and that he be paid in the same proportion that he is now paid, and that this item be included in the general appropriation bill.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 35.

WHEREAS, By resolution No. 12 of the last session of this body, the Sergeant at Arms was ordered and directed to purchase a copy of Shannon's Code of Tennessee for the use of the Judiciary Committee; and,

WHEREAS, It appears that the same was done, and it was further ordered in said resolution that at the close of the session, said code should be turned over to the Superintendent of the Capitol for safe keeping, which appears has not been done, therefore

Be it resolved, That the Clerk of this House and the Sergeant at Arms be directed to ascertain what disposition was made of said book after the adjournment of the last Legislature, and where the same is at the present, if such information can be procured, also to get possession of said code, and bring same into this House to be used and disposed of as may be hereafter directed.

Adopted.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 36.

WHEREAS, Hon. L. E. Anderson, one of the Representatives of Shelby County, has been seriously ill for the past ten days, and is now threatened with pneumonia; and

WHEREAS, the absence of Representative Anderson is a matter of regret to his colleagues of the House, and particularly of the Shelby delegation, on account of his genial nature and wise counsel,

Be it resolved, That the House hereby express its sorrow for the illness of Representative Anderson, with the hope of his speedy recovery and return to his seat.

Adopted January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 37.

Resolved, That Hon. W. E. Latture be sworn in as the Joint Representative for Hawkins and Sullivan Counties on his *prima facie* case made by the returns from said counties, pending the investigation as to the reason why no election was held in the Wallace precinct of the seventh district of Hawkins county.

Adopted January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 38.

A resolution relating to the illness of Representative Mayo,

WHEREAS, Our efficient fellow member, the Hon. T. D. Mayo, of Weakley County, is unable to meet with us on account of illness; therefore,

Be it resolved by the House of Representatives, That we tender to him our sympathy and wish for his speedy recovery.

Adopted January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 39.

Be it resolved by the House of Representatives, That the Clerk of the House be, and is hereby authorized, to have printed 1,000 copies of the Governor's inaugural address for the use of the House, and that the cost of same be included in the appropriation bill.

Adopted January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 40.

Be it resolved by the House of Representatives, That the Speaker of the House be, and is hereby authorized, to appoint the Sergeant at Arms and one of his assistants to remain in charge of hall of the house of Representatives during the recess, and that said officers of the House are required to perform any other duties that may be required of them by the members of committees working during the recess.

Adopted January 27, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 41.

WHEREAS, We learn with profound sorrow of the sickness of our fellow members, Hon. W. T. Wilson, and Hon. L. E. Anderson, who are now confined at their homes and unable to be in attendance on the floor of the House of Representatives in the discharge of their official duties; therefore,

Be it resolved by the House of the Fifty-fourth General Assembly of the State of Tennessee, That we extend to said fellow members our sincere sympathy, with the hope that they may soon recover from their present illness and be permitted to attend our sessions.

Be it further resolved, That this resolution be spread upon the Journal of the House as a token of our respect and esteem for them.

Adopted January 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 43.

WHEREAS, It appears from the books and accounts of the Superintendent of the Capitol that the present cost for lighting the Capitol and grounds is from a hundred to a hundred and forty dollars per month; therefore,

Be it resolved, That reference be had to the Committee on Public Grounds and Buildings to investigate, and ascertain whether or not some cheaper method or company can be adopted or procured for said purpose, and that said committee be required to report the result of their action in the premises, to this body at an early date as practicable.

Adopted February 1, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 44.

Be it resolved by the House of Representatives, That the Engrossing Clerk of the House, and her assistant, be directed to remain during the recess a sufficient time to finish all the work in their hands.

Adopted February 2, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 46.

Be it resolved by the House of Representatives, That they learn of the death of the Hon. Jno. H. Reagan, of Texas, with profound sorrow. That in his death the country has lost one of its great statesmen, the South has lost a loyal son and the cause of the common people a staunch friend.

Resolved further, That the Clerk of the House cause a copy of this resolution to be delivered to the family of the illustrious deceased.

Resolved further, That the House do now stand adjourned until tomorrow morning out of respect to his memory.

Adopted March 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 47.

Be it resolved by the House of Representatives of the General Assembly of the State of Tennessee, That a committee of seven from the House, Peay, Lipscomb, Cooper, Boyle, Carter, Toncray and Hilliard, be appointed by the Speaker to act in conjunction with a similar committee appointed by the Senate, to draft and report appropriate resolutions in regard to the death of Senator Bate.

Passed March 10, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 48.

WHEREAS, Providence has seen fit to remove from the walks of men our beloved and honored fellow-citizen, Gen. W. B. Bate, at the time of his death the Senior Senator from the State of Tennessee in the Congress of the United States, we, the members of the House of Representatives of the Fifty-fourth General Assembly of the State of Tennessee, feel that we should give an expression of the loss we have sustained and our appreciation of his high character as a patriot, soldier, statesman and citizen; therefore be it

Resolved, That in the death of Senator Bate the State has lost a Senator who always had at heart the interest of the whole people whom he served and who on all occasions exhibited a marked ability in choosing a line of policy on questions affecting the public welfare; that the State has lost a citizen who by the exhibition of all the qualities that make men great had won the love and admiration of the whole people; that viewed in whatever phase of his life, whether as a soldier, Senator in Congress, the Governor of a great State, or as a private citizen, he has left to us the heritage of a character so high as to be an ornament to the history of our time; that as a last testimonial of our appreciation of our distinguished friend a copy of these resolutions be entered upon the Journal of the House, and a copy be furnished his family.

Passed March 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 49.

WHEREAS, Hon. T. Bun Carson, a member of this House, has been seriously ill for several days and unable to attend the meetings of this House; therefore be it

Resolved, That we extend to him our sincere sympathy and hope for him a speedy recovery.

Adopted March 15, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 50.

WHEREAS, We have learned with profound sorrow of the death of the father of our fellow-Representative, Hon. James M. Cox, of Smith County; therefore be it

Resolved, That we extend to him our sympathy in his deep affliction and bereavement; be it further

Resolved, That a copy of these resolutions be forwarded to the family of the deceased.

Passed March 16, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 51.

WHEREAS, More than half the time allowed the General Assembly by the Constitution has elapsed, and as the House calendar is liable to become congested and block some important legislation; therefore

Be it resolved, That the House hold night sessions on Tuesday and Thursday nights of each week, commencing Thursday night, March 23, 1905, for the consideration of local bills only, thus leaving the day sessions of the House for general bills.

Adopted March 21, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 52.

Be it resolved by the House of Representatives, That no member be allowed to ask a speaker on the floor a question in debate, unless it be a question for information, and that no running debate be allowed.

Adopted March 28, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

NUMBER 55.

WHEREAS, The House of Representatives of the State of Tennessee has learned with deepest regret of the affliction which Representative Albert Benham, of Shelby County, has sustained in the loss of his brother, Leon Benham;

Be it resolved, That the sympathy of the House be extended to Representative Benham in his bereavement.

Passed March 24, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 57.

WHEREAS, The Hon. Jere Baxter, a Senator of the Fifty-third General Assembly of Tennessee, has, by the final and inexorable decree of Providence, been taken from the walks of men; and

WHEREAS, He was a citizen, the peer of any who had preceded him, and a public servant of great integrity and acknowledged ability, a man who was burdened with ceaseless activity in the upbuilding of his native State, and who guarded with strict fidelity the interests of the people whom he served; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That we, the Representatives of the people of Tennessee, revere his memory, and publicly acknowledge the great debt of gratitude due Jere Baxter for these splendid and heroic achievements which are a blessing to one and all.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 58.

Resolved, That when members absent themselves from sessions of the House that the names of such members be furnished the State Treasurer by the Speaker, and that said Treasurer is hereby instructed to withhold the per diem of such absentees for the days upon which they are not in attendance.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 60.

WHEREAS, We learn with sorrow of the illness of our fellow-member, Capt. A. A. Lipscomb, who is unable to sit at this time in the deliberations of this body; therefore, be it

Resolved by the House of Representatives, That we extend to him our sincere sympathy in his afflictions, hoping that he may speedily recover and be able to resume his seat with us on the floor of the House.

Passed April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 61.

Resolved, That the clerk is instructed to have 500 copies of the report of the Penitentiary Investigating Committee printed, and that said report be printed in the Journal of the House.

Adopted April 6, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 62.

WHEREAS, T. R. Brooks, a member of this House, has been seriously ill with appendicitis, and has been unable to attend the meetings of this body, and will be unable to finish the term out with his fellow-members; therefore, be it

Resolved, That we extend to him our sincere sympathy in his sickness, and that we hope for him a speedy recovery.

Adopted April 7, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 63.

WHEREAS, Divine Providence has seen fit to remove from the walks of men our distinguished fellow-citizen and former Representative from McMinn County, Hon. J. D. Porter; therefore be it

Resolved by the House of Representatives, That in the death of Hon. J. D. Porter the State has lost one of her most useful and enterprising citizens; and be it further

Resolved by the House of Representatives, That we extend to his family our sincere sympathy in the hour of

their bereavement, and that a copy of this resolution be spread upon the Journal of the House, also an enrolled copy be furnished the family of the deceased.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 64.

WHEREAS, The State of Tennessee and City of Nashville will have as guests tomorrow the Hon. Champ Clark and the Hon. C. N. Grosvenor, two of the most distinguished statesmen of America; therefore be it

Resolved, That a cordial invitation is hereby extended to these gentlemen to address the House of Representatives Thursday, April 13, at such hour as suits their pleasure, and that a committee be appointed by the Speaker to extend this invitation.

W. K. ABERNATHY,
Speaker of the House of Representatives.

NUMBER 65.

Resolved by the House of Representatives, That the Chairmen of all committees are directed to return at once all bills in their possession to the Clerk of the House, and that hereafter no other bills be referred to committee.

W. K. ABERNATHY,
Speaker of the House of Representatives.

HOUSE JOINT RESOLUTIONS.

HOUSE JOINT RESOLUTIONS.

NUMBER 1.

Be it resolved by the House of Representatives, the Senate concurring, That a committee of six, three from the House and three from the Senate, be appointed by the Speaker of the House and Senate respectively, to wait upon the Governor and notify him the Senate and House of Representatives are now organized for business, and ready to receive any communication he may desire to transmit to the two bodies.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 11, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 3.

WHEREAS, The Hon. Thomas M. Owen and Dunbar Rowland, archivest respectively of Alabama and Mississippi, have been invited by the Tennessee Historical Society to visit Nashville on January 10th and 11th; and

WHEREAS, The object of this visit is to discuss the best method for the collection and preservation of the public record and State's history; therefore, *be it resolved*

1. That these distinguished gentlemen be invited to address a joint meeting of the Senate and House of Representatives at such an hour as may be fixed by the joint action of the two bodies, on the morning of January 10th.

2. That a joint committee from the Senate and House of Representatives be appointed by the respective chairs

to notify these gentlemen of the wishes of the two bodies, and to make such arrangements as to carry out the object of the resolution.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 11, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 4.

Be it resolved by the General Assembly of the State of Tennessee, That Governor-elect, Hon. James B. Frazier, be inaugurated on Tuesday, January 24, 1905, and that for this purpose the two bodies meet in joint convention in the hall of the House of Representatives at 11 o'clock A. M., on said date.

That a joint committee of three on the part of the House, and three on the part of the Senate, be appointed by the respective Speakers of said Houses upon inaugural ceremonies, with full powers and authority to make all proper and necessary arrangements for the inauguration.

Passed January 17, 1905.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 5.

Be it resolved by the General Assembly of the State of Tennessee, That on Tuesday, the 10th day of January, 1905, the House of Representatives and Senate, sepa-

rately, in pursuance of an Act of Congress of date July 26, 1866, will openly, by *viva voce* vote of each member present, proceed to name a person for the position of Senator in the Congress of the United States from the State of Tennessee, to succeed the Hon. William B. Bate, whose term as Senator expires March 4, 1905.

Be it further resolved, That on Wednesday, the 11th day of January, 1905, at 12 o'clock M., the Senate will meet the House of Representatives in the hall of the House of Representatives, in general assembly, for the purpose of comparing the vote cast for said position in the Senate of the United States in each House on the day preceding, and to declare the result thereof, and in case it be then ascertained that no election was made by the vote of the two Houses, in separate session, for said senatorial position, that then the General Assembly of the two Houses proceed to choose by *viva voce* vote of each member present for the position and term of office aforesaid.

Be it further resolved, That in case there be no election on the Wednesday above named for said senatorial term, then said General Assembly shall meet at 12 o'clock M. in the same place on each succeeding day during the current session of the Legislature, and in the manner above named, and take at least one ballot for said senatorial position and term until an election has been made for the same.

Passed January 9, 1905.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved:

JAMES B. FRAZIER,
Governor.

NUMBER 6.

WHEREAS, The Governor, through his message, has called the attention of this body to the present congested condition of the Capitol building, and which we are ad-

vised is now inadequate to properly accommodate the officers of the State; and,

WHEREAS, The Chief Executive has suggested that it is possible by making all available space in the building, to bring partial and temporary relief; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the standing committee on Public Grounds and Buildings be instructed to carefully inspect the Capitol building with a view to utilizing all available space for office room, and also to fully investigate as to the necessity and report upon the advisability of constructing an annex to the Capitol building, or what additions and improvements should be made.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

NUMBER 7.

Be it resolved by the House of Representatives, the Senate concurring, That the Treasurer be authorized to pay to each member of the General Assembly the sum of $5 for stamps, and that the same be included in the general appropriation bill.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 11, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 8.

Be it resolved by the House of Representatives, the Senate concurring, That the Treasurer be authorized to

ay to each member of the General Assembly the sum of 5 for stamps, and that the same be included in the general appropriation bill.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

NUMBER 9.

Be it resolved by the House of Representatives, the Senate concurring, That a committee of three, two from the House and one from the Senate, be appointed by the Speaker of the respective Houses, to investigate the office of the State Board of Health.

Passed January 9, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 10.

Be it resolved by the House of Representatives, the Senate concurring, That the Senate and the House of Representatives meet in the hall of the House of Representatives on Thursday, the 12th day of January, 1905, to canvass the returns for Governor and declare the result.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

NUMBER 11.

Be it resolved by the General Assembly of the State of Tennessee, That the presidential electors, chosen in the election in November, 1904, be allowed four dollars ($4) per day for three days' services, and same rate of mileage now allowed by law to the members of the General Assembly, and the Comptroller is authorized and empowered to draw his warrant to the respective electors for amount due each, and that the same shall be included in the general appropriation bill, but this shall only apply to those in actual attendance.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

NUMBER 12.

Be it resolved by the House of Representatives, the Senate concurring, That the thanks of this General Assembly be tendered to the Hon. Thos. M. Owen, of Alabama, and the Hon. Dunbar Rowland, of Mississippi, for the scholarly, instructive, and eloquent addresses delivered before this Assembly on January 10, 1905, on the subject of State Archives and History.

Passed January 12, 1905.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

NUMBER 13.

WHEREAS, Various counties report insane patients, and for whom there is not room in the Asylum; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the committee on Charitable Institutions investigate these conditions and report to this General Assembly the needs, if any, of extension of this institution for the accommodation of these patients.

Passed January 13, 1905.

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 18, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 15.

Be it resolved by the General Assembly of the State of Tennessee, That a joint committee of two from the Senate, and three from the House, be appointed by the respective Speakers to investigate the office books and accounts of the Secretary of State, and that for that purpose said committee have power to employ an expert accountant at a salary not to exceed $5 per day.

Passed January 13, 1905

WILL K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

JAMES B. FRAZIER,
Governor.

NUMBER 16.

Be it resolved by the House of Representatives, the Senate concurring, That both Houses of the General As-

sembly, take a recess from Saturday, February 4, 1905, at noon, until Tuesday, March 7, 1905, at 10 o'clock A. M.

Passed January 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

NUMBER 17.

Be it resolved by the House of Representatives of the Fifty-fourth General Assembly, the Senate concurring, That the various investigating committees hereinafter named shall be composed of the number named herein, and shall have the time allotted to them that is named herein.

Committee on Charitable Institutions.—Five members from the Senate, including the Chairman; seven members from the House, including the Chairman. Time limited to actual necessity for doing the work, not to exceed twenty days.

Committee on Education and Common Schools.—Four from the Senate, including Chairman; six from the House, including Chairman. Time limited to actual necessity for doing the work, not to exceed fifteen days.

Committee on Penitentiary.—Four from the Senate, including Chairman; six from the House, including Chairman. Time limited to actual necessity for doing the work, not to exceed twenty days.

Committee on Agriculture.—Four from the Senate, including Chairman; six from the House, including Chairman. Time limited to actual necessity for doing the work, not to exceed ten days.

Passed January 19, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.
J. I. COX,
Speaker of the Senate.

Approved January 26, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 18.

Be it resolved by the House of Representatives, the Senate concurring, That a committee of two from the House and one from the Senate be appointed to investigate the Land Register's Office for the Middle District of Tennessee.

Passed January 19, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved January 27, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 20.

Be it resolved by the House of Representatives, the Senate concurring, That the Treasurer be directed to pay the following amounts:

Joy & Son (Flowers)	$ 12 00
Finley Dorris (Carriages)	12 00
Pellettieri Bros. (Music)	44 00
E. H. Hyman (Decorations)	75 00
Marshall & Bruce (Invitations)	22 00
Brad. Nichol (Rent of chairs)	30 00
Total.	$195 00

the same being the expenses incurred by the Joint Inaugural Committee in the inauguration of the Governor of the State; and that the same be included in the general appropriation bill.

Passed January 31, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

NUMBER 22.

Be it resolved by the House of Representatives, the Senate concurring, That Judge Ben. B. Lindsey, of Denver, Col., be invited to address the General Assembly on February 1, 1905, at 11 o'clock A. M., in the Hall of the House of Representatives, on the subject of "Juvenile Courts and Laws Pertaining Thereto."

Passed January 30, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved.

JAMES B. FRAZIER,
Governor.

NUMBER 24.

Be it resolved by the General Assembly of the State of Tennessee, That the special committees heretofore appointed to investigate and examine the various departments and offices of the State Government located in the State Capitol, and also the various visiting committees hereafter to be appointed to visit the various State institutions, be, and are hereby, authorized, empowered, and instructed to make a thorough and complete investigation of each of said departments and institutions; that the said special and visiting committees are specially appointed to examine and visit with the view of ascertaining whether or not any of said departments can be abolished or consolidated, or the force or forces employed in any of said departments or institutions can be reduced or dispensed with, without impairing the public service.

Resolved further, That each of said committees are hereby required to report the number of employes in each department or institutions to examines or visits and the salary paid to each, and with such recommendations to the

General Assembly as each of said committees may deem right and just to the State and the people.

Adopted February 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 25.

Be it resolved by the House of Representatives, the Senate concurring, That we extend to Judge B. B. Lindsey, of Colorado, our sincere and heartfelt thanks for his able and eloquent address that he delivered today on "Juvenile Courts."

Adopted February 3, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 29.

Be it resolved by the House of Representatives, the Senate concurring, That the Special Penitentiary Committee appointed and selected to visit and examine the State Prison during the recess be, and is hereby, authorized and instructed to look into the advisability of connecting the Capitol with the electric plant at the main prison, with the view of furnishing the Capitol with electric lights from

said plant; ascertain the cost of said connection and report the result of its findings to the General Assembly.

Adopted February 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 31.

Be it resolved by the House of Representatives, the Senate concurring, That the Joint Committee of the House and the Senate be appointed to investigate insurance rates in Tennessee be authorized to employ a stenographer, if in the judgment of the committee, one is deemed necessary.

Adopted March 8, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 33.

WHEREAS, Under and by virtue of Senate Joint Resolution No. 8, a joint committee of the Senate and House of Representatives has been engaged during the recess in the investigation of matters pertaining to insurance in Tennessee; and,

WHEREAS, Said Joint Resolution provided that said committee should report not later than March 10, 1905; and,

WHEREAS, Said committee has examined a large number of witnesses, a considerable portion of whose testimony has not been transcribed by the committee stenographers, for lack of time, and said committee has also collected a large volume of evidence in the form of printed schedule and tariffs and other documental evidence pertaining to fire insurance rates, which will require considerable time to properly examine and consider; therefore be it

Resolved by the House of Representatives, the Senate concurring, That the time within which the said committee shall make its report be extended to March 28, 1905.

Passed March 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 34.

House Joint Resolution with reference to the death of General Bate.

WHEREAS, We have just learned with profound sorrow of the death of General William B. Bate, Senior Senator from the State of Tennessee, in Washington, at 6:30 o'clock this morning; and,

WHEREAS, Senator Bate was a greatly beloved citizen of our State, an eminent soldier and statesman, whose death will be greatly deplored throughout the State he has served so well in war and in peace; therefore be it

Resolved by the General Assembly of Tennessee, That the Speaker of the House be authorized and directed to appoint a committee of ten from the House, and the Speaker of the Senate, a committee of eight from the Senate, whose duty it shall be to make such funeral arrangements as may be agreeable to the family of the illustrious deceased, and such as his distinguished public services deserve; be it further

Resolved, That as a further mark of our appreciation of the high character and distinguished services of General Bate, that the General Assembly adjourn until 10 o'clock tomorrow morning.

Passed March 9, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 36.

Be it resolved by the House of Representatives, the Senate concurring, That the Treasurer be, and is hereby, directed to pay to E. Hyman, decorator, the sum of two hundred dollars for decorating the House for funeral services, and that the same be included in the Appropriation Bill.

Adopted March 20, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 22, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 38.

WHEREAS, A dispute exists between the States of North Carolina and Tennessee as to the true location of the State line between said States at or near the headwaters of Tellico River, said line being the line separating the counties of Cherokee and Graham, North Carolina, from the County of Monroe, Tennessee; and

WHEREAS, Said line was run and marked in 1821 by A. Smith, Isaac Allen, and Simeon Perry, Commissioners on the part of Tennessee, and James Mebane, M. Stokes, and R. Love, Commissioners on the part of North Carolina, and report thereof was made to both of said States by said Joint Commissioners showing the exact location of said line as run and marked by them under authority from the said two States; and

WHEREAS, The report of said Commissioners was adopted and approved by both of said States by Acts of their respective Legislatures passed in the year 1821; and

WHEREAS, The original report of said Commissioners made to the State of North Carolina was reported to have been lost or destroyed by fire when the capitol of said State was burned; and

WHEREAS, The original report of said Commissioners made to the State of Tennessee and the map accompanying the same have been lost or mislaid until recently, but are now found, and owing to the reported loss of these reports and maps, so that it was hard to tell certainly the exact location of this line, both of said States have for some time been claiming jurisdiction over a large and valuable territory included between the line as claimed by Tennessee and that claimed by North Carolina, and thus causing great trouble in enforcing the law of either State on this territory; and

WHEREAS, The original report and map accompanying the same made to the State of Tennessee, which seems were for a time lost or mislaid, have been found to show the true location of said line to be where Tennessee has always claimed it to be;

Now, therefore, to the end that said dispute shall be forever and finally settled,

Be it resolved by the House of Representatives of the State of Tennessee, the Senate concurring, That the Governor of the State be, and is hereby, authorized and instructed to forthwith open communications with the proper authorities of the State of North Carolina and procure from said State, if possible, such official recognition of said line, as shown in the report and map of the aforesaid Commission, as will definitely, finally, and forever settle and fix said line as shown by said report and map, and to this end the Governor is authorized and empowered to take all such steps as may be necessary to settle said dispute and locate said line according to the report and map of said

Commission, and whatever expenses may be incurred on this behalf will be provided for in the General Appropriation Bill.

Adopted March 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 30, 1905.

JOHN I. COX,
Governor.

NUMBER 39.

WHEREAS, Nearly all the taxpayers of Montgomery County are tobacco growers and belong to the Tobacco Growers' Association, and said Association has petitioned the General Assembly of the State of Tennessee to suspend and remit all costs, fines, penalties, and forfeitures on all taxes due March 1, 1905, and extend the time for paying said taxes until June 1, 1905, on account of the condition that now exists in said county due to the fact that the Tobacco Trust has for the past three years dictated the price of tobacco, and in consequence of this the price of said tobacco is below the cost of production; and

WHEREAS, The said farmers and taxpayers of said county are holding their tobacco and fighting the Trust in order to obtain a living price for their tobacco, and by reason of these conditions the taxpayers of said county have not now the money to pay their taxes, and cannot obtain the same without a great sacrifice of their interests; therefore

Be it resolved by the House of Representatives, the Senate concurring, That the relief asked for be granted; that the Comptroller of the State be directed to authorize the Trustee of said county to suspend all fines, costs, penalties, and forfeitures due the State on all taxes March 1, 1905, until June 1, 1905, and the time for paying said taxes be

extended until June 1, 1905, at which time said Trustee shall proceed with the collection of said taxes.

Passed March 24, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

NUMBER 40.

To grant the Knoxville Power Company the right to dam the Little Tennessee River.

SECTION 1. *Be it resolved by the General Assembly of the State of Tennessee,* That the Knoxville Power Company, of Knoxville, Tennessee, be, and is hereby, authorized to construct a dam or dams across the Little Tennessee River above Tallassee Ford for the purpose of furnishing power for lighting, manufacturing, and other purposes.

SEC. 2. That said company, in the construction and operation of said dam or dams, shall conform to all the conditions and requirements that may be made by the Secretary of War.

SEC. 3. That before beginning the work the Knoxville Power Company shall file with the Secretary of War the plans, drawings, specifications, and so forth, to be used in connection with the construction of the said dam or dams, and shall have his approval thereof, and until such approval is given such structures shall not be commenced.

SEC. 4. That said works shall be constructed as heretofore provided, in accordance with the conditions and requirements made by the Secretary of War, and the said company shall be responsible for any damages or injuries caused by failure of said company to comply with such conditions and requirements. Litigation arising from these causes may be tried in the courts of the United States for the district in which said works are situated; *Provided further,* that should the works at any time, and for any cause whatever, become an unreasonable obstruc-

tion to navigation, the Secretary of War shall have authority to direct and compel the Knoxville Power Company to make such changes as may be necessary to obviate such construction at the expense of the said Knoxville Power Company.

SEC. 5. That this resolution shall be null and void if construction of the works be not commenced within one year and be in operation within five years from the date thereof.

Passed March 22, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

J. I. COX,
Speaker of the Senate.

Approved March 27, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 41.

WHEREAS, The members and officials of the Tennessee World's Fair Commission rendered valuable and patriotic services to the State in connection with the Louisiana Purchase Exposition, held at St. Louis April 30 to November 30, 1904; therefore be it

Resolved by the General Assembly of the State of Tennessee, That a vote of thanks be, and is hereby, tendered to the members and officials of said Commission for their services to the State, and that a copy of this resolution, suitably engrossed, engraved, or printed, be forwarded to each member and officer of said Commission by the Secretary of State.

Adopted April 5, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 7, 1905.

JOHN I. COX,
Governor.

NUMBER 44.

WHEREAS, Numerous complaints are being made over the State in reference to the inferior quality of illuminating oils, which are supplied at various times to the consumers within the State; and

WHEREAS, The laws of the State provide for the appointment of inspectors, and prescribe a method for testing illuminating oils; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That a joint committee, two from the House and one from the Senate, be appointed by the respective Speakers of the two Houses, for the purpose of ascertaining, if possible, wherein lies the cause of said complaints, whether in the fact of a defective or inferior method of testing or because of negligence in the inspectors or their agents.

Be it further resolved, That within sixteen days the committee report to the General Assembly the result of their investigation, together with such recommendations as they think will, if adopted, tend to correct the evil.

Adopted March 28, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

NUMBER 45.

Be it resolved by the House of Representatives, the Senate concurring, That we extend an invitation to Gen. Stephen D. Lee, Commander in Chief of the United Confederate Veterans and Commissioner of Vicksburg Nation-

al Park, to address the Legislature at 11 o'clock tomorrow, March 24, 1905.

Passed March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved March 29, 1905.

JOHN I. COX,
Governor.

NUMBER 46.

Be it resolved by the House of Representatives, the Senate concurring, That the thanks of the General Assembly of the State of Tennessee be tendered Gen. Stephen D. Lee for his eloquent and instructive address delivered by him in the interest of the Vicksburg National Park, on March 24, 1905.

Adopted March 28, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

NUMBER 47.

Be it resolved by the House of Representatives, the Senate concurring, That a joint committee of the Senate and the House be appointed to inquire into the feasibility of purchasing the portrait of Gen. B. F. Cheatham, now hanging in the State Library and to ascertain for what amount said portrait can be purchased. Said committee

will report the result of its investigation to the Senate and House as soon as practicable.

Adopted March 28, 1905.

J. J. BEAN,
Speaker pro tem of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

NUMBER 49.

Be it resolved by the General Assembly of the State of Tennessee, That the election by the Board of Trustees of the University of Nashville of Gates P. Thruston, J. W. Bonner, and John M. Gaut as Trustees to fill vacancies on said Board be, and the same is hereby, confirmed.

Passed April 4, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 8, 1905.

JOHN I. COX,
Governor.

NUMBER 50.

WHEREAS, by a joint resolution of Congress, approved February 28, 1905, it was ordered that certain Confederate flags should be returned to the State of Tennessee; and

WHEREAS, In obedience to said order the Secretary of War has forwarded to His Excellency, James B. Frazier,

late Governor of Tennessee, the following Tennessee flags —to wit:

First Battalion.
First Regiment Infantry.
Sixth Regiment Infantry.
Seventh Regiment Infantry.
Fourteenth Regiment Infantry.
Twenty-third Regiment Infantry.
Forty-fourth Regiment Infantry; and,

WHEREAS, There is no appropriate place for the safe-keeping of said flags, and they are by the order of the Governor in the State Library; and,

WHEREAS, Governor Frazier has recommended that appropriate cases should be made for their safe-keeping, and in such way that they may be inspected by the public; and,

WHEREAS, Said flags are priceless, and represent to us the splendid history of a gallant army, whose heroic devotion to the cause they loved became the admiration of the world; and,

WHEREAS, The friends who were once its foes have generously returned them to Tennessee, and have thus given evidence that there is no North, no South, but that we dwell in peace under a flag that all love, and that all would defend as gallantly as each defended his cause during the sixties; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That a committee of one from the Senate and two from the House be appointed to forthwith have made suitable cases for the preservation and display of said flags, the cost of same to be included in the general appropriation bill, and that said committee also prepare and submit a resolution of thanks to Congress for the return of these cherished and historic relics.

Adopted March 23, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX,
Governor.

NUMBER 57.

Be it resolved by the General Assembly of the State of Tennessee, That the Attorney General of the State be, and he is hereby, directed to examine into and report to the next General Assembly:

SECTION 1. What property, including real estate and money invested in stocks, bonds, or mortgages, is owned by the University of Tennessee, or of which said University is the beneficiary.

SEC. 2. The same from which said property was derived and in whom the title thereto is now vested.

SEC. 3. The manner in which the Trustees of said University are now chosen, and whether the people of the State have the right to participate in the selection of said Trustees.

Adopted April 12, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

NUMBER 60.

WHEREAS, The General Assembly, by proper resolution, passed at the earlier part of the session, named four men on the part of the Senate and six on the part of the House to act as a joint visiting and investigating committee to the State educational institutions; and

WHEREAS, By error six men were taken on said committee from the House, exclusive of the Chairman; and

WHEREAS, After the discovery of the said error only three men were used from the Senate instead of four, the fourth Senator from the Senate (Senator Schubert) giving his place or proxy to another, so that the number of

this Joint Committee did not exceed the number contemplated and ordered in the original resolution; and

WHEREAS, Said Joint Committee so composed performed all the duties assigned them and within the number of days and within the appropriation allowed for their work; therefore be it

Resolved, That we ratify the arrangement above made and allow the proper expenses and charges of said committee so constituted, three from the Senate and seven from the House.

Adopted April 13, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 13, 1905.

JOHN I. COX,
Governor.

NUMBER 61.

Be it resolved by the House of Representatives, the Senate concurring, That we extend our thanks to the Hon. Charles Grosvenor, of Ohio, and Champ Clark, of Missouri, for the delightful entertainment afforded in accepting the invitation to address us, and we congratulate ourselves that our country has two typical Americans who would honor any nation of the civilized world.

Passed April 14, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 15, 1905.

JOHN I. COX,
Governor.

NUMBER 65.

Be it resolved by the House of Representatives, the Senate concurring, That the Fifty-fourth General Assembly adjoin *sine die* Monday, April 17, 1905, at twelve o'clock noon.

Passed April 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

NUMBER 67.

WHEREAS, By Sub-section 8, of Section 5756 of Shannon's Code, it is made the duty of the Superintendent of the Capitol to furnish the Attorney General and Reporter with an office in the Capitol; and

WHEREAS, No office has been furnished the Attorney General and Reporter in the Capitol; and

WHEREAS, The public interests require that the chief law officer of the State should have an office in the Capitol, and as accessible to the Supreme Court room as may be possible; therefore be it

Resolved by the General Assembly of the State of Tennessee, That the Superintendent of the Capitol and the Capitol Commission are hereby directed to provide and furnish under his direction a suitable and proper office on the first floor in the Capitol for the Attorney General and Reporter of the State.

Adopted April 17, 1905.

W. K. ABERNATHY,
Speaker of the House of Representatives.

E. RICE,
Speaker of the Senate.

Approved April 17, 1905.

JOHN I. COX,
Governor.

SENATE RESOLUTIONS.

SENATE RESOLUTIONS.

NUMBER 1.

Authorizing the Speaker to appoint an Assistant Engrossing Clerk.

Resolved by the Senate, That the Speaker is hereby authorized to appoint an Assistant Engrossing Clerk at such time as the business of the Senate shall require such appointment.

Adopted January 3, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 2.

Authorizing the Speaker to appoint a Doorkeeper of the Senate.

Be it resolved by the Senate, That the Speaker is authorized and empowered to appoint a Doorkeeper of the Senate to serve during the present session.

Adopted January 3, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 4.

Requiring the Secretary of State to furnish members of Senate with Shannon's Code and Supplement thereto.

Be it resolved by the Senate, That the Secretary of State be and is hereby required to furnish to each member of the Senate a copy of Shannon's Code of Tennessee and Supplement thereto for his use during the session of the Fifty-fourth General Assembly.

Adopted January 4, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 5.

Be it resolved by the Senate, That the Assistant Clerk is hereby authorized and instructed to prepare a roster of the officers and members of the Senate and to have 200 copies of the same printed for the use of the Senate, and that the cost of the same be included in the general appropriation bill.

Adopted January 5, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 6.

Be it resolved by the Senate, That the Sergeant-at-Arms is hereby authorized and directed to procure five dollars' worth of stamps for the use of each member of the Senate, and that the cost of same be included in the general appropriation bill.

Adopted January 5, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 9.

Resolved, That the thanks of the Senate be given the Hon. W. P. Brownlow for copies of the Constitution, Rules and Manual, edition of 1903, furnished the several members of this body.

Be it further resolved, That the Clerk be directed to furnish Mr. Brownlow a copy of this resolution.

Adopted January 10, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 10.

WHEREAS, On a former day of the present session of the Senate a resolution was adopted, directing the purchase of Codes for the use of the members of the Senate; and

WHEREAS, The Secretary of State, under a misconstruction of said resolution, has purchased one Code and Supplement thereto for the use of each member of the Senate; and

WHEREAS, No appropriation was provided for the same in said resolution, and there being no appropriation available for that purpose;

Be it resolved by the Senate, That the Secretary of State be and he is hereby directed to return all of said Codes and Supplements thereto, except five copies of each, which will be kept for the use of the Senate, the cost of which will be placed in the general appropriation bill.

Adopted January 10, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 11.

WHEREAS, We have learned with profound sorrow and regret of the serious sickness of our efficient Comptroller and esteemed citizen, the Hon. Frank Dibrell; be it

Resolved by the Senate of the Fifty-fourth General Assembly of the State of Tennessee, That we extend to him our sincerest sympathy in his afflictions, and the earnest hope that he will recover from his present illness and be permitted to return to his post of duty so successfully filled during his past administration.

Be it further resolved, That these resolutions be spread upon the Journal of the Senate as a token of our respect for him.

Adopted January 11, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 13.

Be it resolved by the Senate, That the Secretary of State, in procuring copies of Shannon's Code and Supplement thereto for each member of the Senate, acted strictly within the instruction contained in Senate Resolution No. 4, passed January 4th instant, and he is hereby tendered

the thanks of the Senate for his promptness in complying with the same.

Resolved further, That Senate Resolution No. 10, passed January 10th instant, was not intended by the Senate to state that said Resolution No. 4 was misconstrued by the Secretary of State, but the misconstruction was by the Senate.

Resolved further, That a copy of this resolution be furnished by the Clerk of the Senate to the Secretary of State.

Adopted January 12, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 14.

WHEREAS, There seems to be a demand for the creation of additional Judges to relieve the congested dockets of the Courts in some portions of the State; and

WHEREAS, Many bills have been or will be introduced asking for the creation of said new circuits; and

WHEREAS, It is the first duty of the Senate to so consider the question that needed relief may be given at the lowest cost possible to the State;

Be it resolved, That no bill on this subject will be considered by the Senate unless introduced within two days after expiration of recess, and that all pending bills and those introduced in the time specified shall be referred to a committee of five, to be selected by the Chairman of the Judiciary Committee, which shall consider the question of redistricting and report a general bill, which will afford the relief needed, or if this is not possible, report such of the pending bills as they may deem best.

Adopted January 20, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 16.

WHEREAS, The Senate has received from Miss Pauline Sherwood Townsend, "Instructor in Expression," a com-

munication couched in choicest Shakespearean language, extending an invitation to attend a play to be presented at Belmont College by the young ladies of that university; and

WHEREAS, A committee has been appointed by the Speaker, composed of "a youthful parcel of noble bachelors" (All's Well That Ends Well) and "observant widowers" (Henry VI.);

Resolved, That the following letter of acceptance be addressed to Miss Townsend:

SENATE CHAMBER, January 20, 1905.

GRACIOUS LADY (Cymbeline):

The Senators (of Tennessee), with one consent (Timon of Athens), give most fair return of greeting (Hamlet).

A gentle scroll (Merchant of Venice) to bid us welcome (Macbeth) to fair Belmont (Merchant of Venice), where underneath melancholy boughs (As You Like It), fairies haunt the ground (Cymbeline) (nor is the wide world ignorant of her worth) (Merchant of Venice), we have received at the latest minute of the hour, a time too short (Love's Labor Lost) for silken dalliance in a wardrobe (Henry V.); but our wagon is prepared (All's Well That Ends Well) and like a rat without a tail, we'll do, we'll do, we'll do (Macbeth) to furnish us forth to Belmont (Merchant of Venice) (and its rosebud garden of girls).

The play's the thing will lend us wings as swift as meditation or thoughts of love (Hamlet), for now sits expectation in the air (Henry V.).

Health and long life to you (Henry IV.).

With the Senate's courtesy (Coriolanus),

SENATE COMMITTEE:
T. W. POPE,
JOHN B. BLAKE,
W. P. HICKERSON,
HILLARY E. HOWSE,
J. E. FOUST,
JNO. S. MCMURRAY.

Be it further resolved, That the thanks of the Senate be tendered Miss Townsend, and that the Clerk be directed to furnish her a copy of this resolution, signed by the Speaker.

Adopted January 23, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 17.

WHEREAS. From various sections of the State pressing demands are being made for better public road legislation; and

WHEREAS, The question of good roads is of as much, if not more, importance, perhaps, than any other that will come before the present Legislature;

Be it resolved by the Senate, That a committee of five be appointed from the Senate by the Chairman of Committee on Public Roads to draft and report a bill as soon as practicable to enact such road law as will best subserve the welfare of the people of the State.

Adopted January 23, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 18.

Be it resolved by the Senate, That the Sergeant-at-Arms may accompany the Penitentiary Investigating Committee in its work during the recess at the discretion of the Speaker for the purpose of summoning witnesses and performing such duties as may be required of him.

Adopted January 27, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 21.

WHEREAS, It appears from the books and accounts of the Superintendent of the Capitol that the present system of lighting the building and grounds costs the State about the sum of $1,500 per annum; therefore be it

Resolved by the Senate, That a reference be had to the Committee on Public Buildings and Grounds, together with the said Superintendent, to ascertain whether or not some cheaper method can be found for lighting up the Capitol building and grounds, and also whether or not it would be practicable to have the same lighted by making connection with the lighting plant now located at the State Penitentiary and the cost of same, and also the proximate

cost of erecting an electric plant within the Capitol grounds at or near the location of the present power house; said committee is hereby directed to make this investigation and report the result of their action in the premises at as early a date after the reassembling of this body as practicable.

Adopted February 2, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 23.

WHEREAS, The two porters of the Senate, Dock Beackin and Sylvanus Martin, have faithfully and efficiently discharged their duties; and,

WHEREAS, They are in need of the money and may not resume their duties after the recess; therefore be it

Resolved by the Senate, That the Treasurer is hereby authorized to pay each of said porters the sum of one hundred and nineteen ($119.00) dollars, and that the amounts be included in the general appropriation bill.

Adopted February 4, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 24.

WHEREAS, It has been learned through the newspaper dispatches that Judge John H. Reagan, sole surviving member of the Confederate Cabinet, died at Palestine, Tex., on the morning of March 6, 1905;

WHEREAS, Deceased was one of the most highly honored and venerable statesmen in the South, as well as an able jurist; therefore be it

Resolved by the Senate of Tennessee, That in the death of Judge Reagan the Southern States have lost one of their most patriotic, noble and unanimously beloved citizens; be it further

Resolved, That a copy of these resolutions be mailed to the family of deceased; be it further

Resolved, That, out of respect to the memory of Judge Reagan, the Senate adjourn until tomorrow morning at 10 o'clock.

Adopted March 7, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 25.

WHEREAS, It is conducive to the public welfare that the State Prison operation be thoroughly investigated by legislative authority every two years; and,

WHEREAS, The time granted has been too short to complete such investigation; therefore be it

Resolved by the Senate, That the Senate members of the Penitentiary Investigating Committee, composed of Senators Tollett, Garrett, May, and Pope, be granted such additional time, not exceeding ten days, as will enable them to make such further investigation as the best interest of the State may demand, and that they be authorized to continue the services of their expert accountants during such time, and that the Sergeant-at-Arms be directed to continue his services with the committee when the Senate is not in session, and that no compensation shall be allowed the members of the committee and the Sergeant-at-Arms, other than their usual per diem as members of the Senate.

Adopted March 8, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 26.

WHEREAS, It has just been learned that the Senior Senator from Tennessee, General William B. Bate, departed this life at Washington at 6 o'clock this morning, where he was in the discharge of his official duties; and,

WHEREAS, The news of his death has been heard with great regret and profound sorrow by the people of the State of Tennessee, and the members of the State Senate; therefore be it

Resolved by the Senate of the State of Tennessee, That a committee of five be appointed by the Speaker of the Senate to draft and offer appropriate resolutions with reference thereto, and that this resolution be spread on the Journal.

Adopted March 9, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 27.

WHEREAS, Sylvanus Martin, a former porter of the Senate, has served this Senate as porter for eight days since the recess; therefore

Be it resolved, That the Treasurer be directed to pay said Sylvanus Martin the sum of $28 for said services, the same to be included in the General Appropriation Bill.

Adopted March 16, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 28.

WHEREAS, Martin Buford served as porter on March 6, 1905, in clearing up the Senate Chambers; and

WHEREAS, Doc Bratton was out of the city and it became necessary for Sylvanus Martin to have an assistant; therefore

Be it resolved, That the Comptroller is hereby directed to pay Martin Buford $3.50 for said services, and that said Comptroller is authorized to draw his warrant for said sum on the Treasurer of the State, and that said sum be included in the General Appropriation Bill.

Adopted March 18, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 29.

Be it resolved by the Senate of the General Assembly of the State of Tennessee, That the Sergeant-at-Arms be authorized to purchase the necessary desks and furnishings for the accommodation of the Engrossing Clerk and her assistants; and

That Sergeant-atArms be authorized to draw on Treasurer for same.

Adopted March 17, 1905.

J. I. COX,
Speaker of the Senate.

NUMBER 31.

WHEREAS, The Honorable James B. Frazier, elected to and duly inducted into office on Tuesday, the 24th day of January, 1905, has been elected by the General Assembly of the State of Tennessee to the high and honorable station of Senator in the Congress of the United States, to fill out the unexpired term of the lamented William B. Bate; and

WHEREAS, Said Hon. James B. Frazier has resigned the office of Governor of the State of Tennessee in order to enter upon the discharge of the duties of the office of United States Senator, to which he has been elected; and

WHEREAS, Upon the resignation of Governor Frazier the powers and duties of the office of Governor have devolved upon the Hon. John I. Cox, who, at the time of said resignation, was Speaker of the Senate, and who has duly qualified and entered upon the discharge of the duties and powers of the office of Governor; and

WHEREAS, There is some conflict of opinion since the resignation of the then Governor of Tennessee, the Hon. James B. Frazier, whether or not the Hon. John I. Cox, Speaker of the Senate, became acting Governor merely or whether he is clothed with all the authority of that office; and

WHEREAS, The question now confronts the Senate as to whether or not the office of Speaker of the Senate became vacant upon the acceptance by the Hon. John I. Cox of the office of Governor and his induction into such office; and

WHEREAS, The Constitution provides that all bills shall be signed in open session by the Speakers of the respective branches of the General Assembly, but if the office of Speaker of the Senate is vacant, and no new Speaker elected, this constitutional provision cannot be complied with, which would result in all bills hereafter passed being of doubtful constitutionality; and

WHEREAS, There are now pending before the Senate many bills of the gravest public importance, among which are the General Legislative Appropriation Bills, the Revenue Bill, the Assessment Bill, and many other bills of like importance; and

WHEREAS, if said bills are not enacted in constitutional form, our charitable institutions must close, our courts cease, our State officers go without the compensation intended by law, and the whole affairs of State be plunged into hopeless confusion; now, therefore,

Be it resolved by the Senate of the State of Tennessee,

(1) That the Attorney General of the State be, and he is hereby, requested to render to the Senate an opinion as to whether the office of Speaker of the Senate became vacant when, upon the resignation of the office of Governor by the Honorable James B. Frazier, the Honorable John I. Cox, Speaker of the Senate, took the oath of office and assumed the powers and duties of the office of Governor under the Constitution.

(2) That the Attorney General be also requested to submit said question to the Judges of the Supreme Court for their opinion thereon for the advice and guidance of the Senate in the premises, which opinion of said Supreme Court shall be submitted in writing to this Senate.

Adopted March 27, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 32.

Resolved, That when upon the resignation of the Hon. James B. Frazier of the office of Governor, the powers and duties of that office devolved upon the Hon. John I. Cox, Speaker of the Senate, and he took the oath of office and assumed the powers and duties of the office of Governor, the office of Speaker of the Senate became vacant.

Resolved further, That the Senate do now proceed to the election of Speaker to preside over their body.

Adopted March 28, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 33.

WHEREAS, The Hon. John I. Cox, Speaker of the Senate, upon the resignation of James B. Frazier, has assumed the duties of Governor of Tennessee, thereby severing his connection with this Senate as its presiding officer; and

WHEREAS, Said John I. Cox, while presiding over the Senate as its Speaker, has done so with uniform courtesy and fairness to all, and has filled said position with distinguished ability and credit to himself and the entire State; therefore

Be it resolved by the Senate, That the thanks of this body are hereby tendered him as an expression of sincere appreciation and regard.

Adopted March 28, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 34.

Be it resolved by the Senate, That the appointment made by the Governor of Gates P. Thruston and William Collier as Commissioners of the Watkins Institute of Nashville be, and the same is hereby, ratified and confirmed by the Senate of the Fifty-fourth General Assembly of the State of Tennessee.

Adopted March 30, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 37.

Be it resolved by the General Assembly of the State of 'ennessee, That the election by the Trustees of the Tenessee School for the Blind of Overton Lea to fill the acancy caused by the death of John M. Lea and the elec.on of William W. Berry to fill the vacancy caused by ıe death of Edward H. East be, and the same is hereby, onfirmed.

Adopted April 3, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 38.

Be it resolved by the Senate, That no member of the Senate shall be entitled to draw his *per diem* for any day ıbsent, unless excused by the Speaker.

Adopted April 7, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 40.

WHEREAS, The charter of the University of Tennessee provides that upon the death, resignation, or removal from the State of any of the Trustees of the said institution, the vacancy thereby occasioned shall be supplied by the remaining Trustees electing some other person, which election shall remain until the expiration of the next term of the General Assembly, within which time the General Assembly shall confirm such election or supply such vacancy; and

WHEREAS, Since the last meeting of the General Assembly vacancies have been caused in the Board of Trustees of said university by the deaths of J. W. Gant, of the

Second Congressional District; William C. Dismukes, of the Fourth Congressional District; and Hugh L. Craighead, of the Sixth Congressional District, which vacancies have been filled by the election of John L. Rhea, of the Second Congressional District; W. W. Ogilvie, of the Fifth Congressional District; and W. C. Tatom, of the Sixth Congressional District; and the said persons so elected having qualified and acted as such Trustees in accordance with the provisions of said charter; therefore be it

Resolved by the General Assembly of the State of Tennessee, That John L. Rhea, W. W. Ogilvie, and W. C. Tatom be, and are hereby, confirmed as Trustees of said institution, and that the said persons be, and are hereby, invested with full power and authority as Trustees of said institution under its charter and all succeeding laws of this State.

Adopted April 12, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 42.

WHEREAS, There is a report in the public press that the Hon. Thad Pope, a member of this body, was assaulted in the lobby of the Tulane Hotel last night by Prison Commissioner W. H. Hartford; and

WHEREAS, The motive for said attack announced by the said Hartford was that the report of the Sub-Penitentiary Committee of the Senate (the Hon. Thad Pope being a member of such committee) had lied; therefore be it

Resolved, That a committee of five be appointed to investigate this reported assault and make immediate return of its findings. This committee is given the power to subpoena witnesses and swear the same to the end that the truth of this report may be ascertained, that the proper action may be taken by this body.

Adopted April 14, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 43.

Resolved, That W. H. Hartford be, and is hereby, cited o appear before the bar of the Senate at ten o'clock A.M. Monday, April 17, 1905, to answer the charge of assault nd battery committed upon Senator Pope, a member of his body, on the 12th inst.

Resolved further, That the Sergeant-at-Arms of the Senate be, and is, ordered to arrest said Hartford and have him present to answer said charge as set out in the resolution.

Resolved further, That a copy of this resolution, attested by the Clerk and signed by the Speaker of the Senate, shall be the authority of the Sergeant-at-Arms, or warrant of arrest, for the execution of this resolution.

Adopted April 15, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 44.

Be it resolved by the Senate, That the Comptroller and Treasurer of the State are hereby directed to keep separate accounts of the operations of the Main Prison and Brushy Mountain Prison both as to receipts and disbursements.

Be it further resolved, That no warrant shall be issued by the Comptroller for the labor prescribed by the monthly pay rolls unless the pay roll shall contain a certificate from the Commissioner or Commissioners in charge that the pay roll embraces all moneys due all employes, and that there are no accounts due the State from said employes more than thirty days old.

Adopted April 17, 1905.

E. RICE,
Speaker of the Senate.

NUMBER 45.

WHEREAS, the reporters of the press of the State—namely, Messrs. J. R. Wilson, W. Sheridan Kane, of Nashville; Leonidas Polk, of Memphis; T. R. Rankin, of Chattanooga—have been very kind and courteous to the Senate, and have at all times been impartial in their reports of the proceedings of this body; therefore be it

Resolved by the Senate, That we extend to them our sincere thanks for the fair and impartial manner in which they have at all times reported the proceedings of this body, and the courteous manner in which they have at all times conducted themselves while in the discharge of their duties.

Adopted April 17, 1905.

E. RICE,
Speaker of the Senate.

SENATE JOINT RESOLUTIONS.

SENATE JOINT RESOLUTIONS.

NUMBER 1.

Be it resolved by the General Assembly of the State of Tennessee, That a committee of two from the Senate and three from the House be appointed by the Speakers of the respective Houses to investigate, and report as early as practicable, the condition of the offices of the Treasurer and Comptroller;

Be it further resolved, That the committee is authorized to investigate transactions between either of said offices, and any other office or person in the State relating to the business of the State; and

Be it further resolved, That said committee is authorized to employ, for the purpose of said investigation, an expert accountant, at five dollars per day, and any other assistants necessary, at four dollars per day, in order that prompt and thorough investigation may be made, and a report of the result be made to this body, at the earliest possible date.

Adopted January 6, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 11, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 4.

WHEREAS, The furniture, fittings and appointments of the chambers of the Senate and House of Representatives are unsuitable and out of repair; therefore,

Resolved by the Senate and House of Representatives, That a committee of three from each House be appointed

to ascertain what furniture and appointments are needed for each of said chambers and the cost of same and to report to each of said Houses within ten days from this time.

Adopted January 6, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 11, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 5.

WHEREAS, In many parts of this State, through the press of the State and otherwise, complaints are made and have been current for many months that excessive charges are made by the Cumberland Telephone & Telegraph Company, and other like companies doing business in the State, and that manifest injustice is done in many localities by said companies in the service given the public and in the charges therefor; therefore,

Be it resolved by the Senate, the House of Representatives concurring, That a committee of nine members, four on the part of the Senate and five on the part of the House, be and the same is hereby appointed, whose duty it shall be to fully investigate the matter of complaint specified in this resolution, and to report at the earliest day practicable, their findings, together with such bill or bills as they may think proper to meet the demands of justice.

That said committee shall have power to send for witnesses and compel their attendance, to inquire into the earnings of said company, the amount of gross earnings, the expenses incurred of running said business, amount of dividends declared by such companies, to the end that the Senate may know whether such companies are making or losing money in this State.

Provided further, That said committee shall make a report in detail of their findings, with all the proof taken by

said committee, which report shall be made not later than the 10th day of March, 1905.

Adopted January 23, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 27, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 7.

Resolved by the Senate, the House of Representatives concurring, That it indorse and encourage the efforts of the Cotton Growers' Convention to be held in New Orleans the 24th, 25th and 26th of this month and urge the attendance of all delegates; that it is a step in the right direction and will, no doubt, be a great benefit to the whole South if the objects of the convention are carried out.

Adopted January 24, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved January 27, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 10.

Be it resolved by the General Assembly of the State of Tennessee, That the Chairman of the Joint Committee authorized by House Joint Resolution No. 17 to inspect, investigate and report the condition of the State's penal institutions be and he is hereby empowered and directed to employ for the purpose of such investigation an expert accountant and an assistant in order that a thorough ex-

amination be made; said accountant to be paid at the rate of $5.00 per day and said assistant $4.00 per day and their necessary expenses.

Adopted February 2, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 4, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 12.

Be it resolved by the Senate, the House concurring, That the joint committees appointed to investigate insurance and telephone rates under former resolution passed, are authorized to make their investigation during the recess.

Adopted February 2, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved February 4, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 14.

Be it resolved, That the Telephone Investigation Committee heretofore appointed be, and are hereby, authorized and directed to employ a stenographer to take down and transcribe for the use of the Senate and House, or any committee of the same, a complete report of said investi-

gation, and that said stenographer be paid for his services by the proper appropriation out of the State Treasury.

Adopted February 2, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 10, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 15.

Resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

WHEREAS, A large number of the State Legislatures have at various times adopted memorials and resolutions in favor of the election of United States Senators by popular vote; and

WHEREAS, The National House of Representatives has, on several occasions recently, adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

WHEREAS, Article V. of the Constitution of the United States provided that Congress, on the application of the Legislatures of two-thirds of the several States, shall call a convention for the proposed amendments; and

WHEREAS, Believing there is a general desire upon the part of the citizens of the State of Tennessee that the United States Senators should be elected by a direct vote of the people; therefore

Be it resolved, if the House concur, That the Legislature of the State of Tennessee favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a constitutional convention be called for the purpose

of proposing an amendment to the Constitution of the United States, as provided for in Article V. of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by direct vote of the people.

Be it further enacted, That a copy of this joint resolution and application to Congress for calling of the convention be sent to the Secretary of State of each of the United States, and that a similar copy be sent to the President of the United States, to the Speaker of the House of Representatives, to each of the United States Senators from Tennessee, and our Representatives in Congress.

Adopted March 14, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 22, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 17.

Be it resolved by the Senate of the State of Tennessee, the House of Representatives concurring, That it is the sense of the General Assembly that the body of our Senator William B. Bate shall lie in state in the Capitol for the period of one day, and that suitable arrangements to this end be made by the Committee on Funeral Arrangements heretofore appointed.

Adopted March 10, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 17, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 19.

Be it resolved by the General Assembly of the State of Tennessee, That on Tuesday, the 21st day of March, 1905, the Senate and House of Representatives separately, in pursuance of an Act of Congress, dated July 26, 1866, will openly by *viva voce* vote of each member present proceed to name a person for the position of Senator in the Congress of the United States from the State of Tennessee, to fill the unexpired term of the late Hon. William B. Bate, deceased.

Be it further enacted, That on Wednesday, March 22, 1905, at 12 o'clock M., the Senate will meet the House of Representatives in the hall of the House of Representatives in General Assembly for the purpose of comparing the vote cast for said position in the Senate of the United States in each House on the day preceding, and to declare the result thereof, and in case it be then ascertained that no election was made by the vote of the two Houses in separate session for said senatorial position, that then the General Assembly of the two Houses proceed to choose by *viva voce* vote of each member present (a person) for the position and term of office aforesaid.

Be it further resolved, That in case there be no election on the Wednesday above named for said senatorial term, the said General Assembly shall meet at 12 o'clock M., in the same place on each succeeding day during the current session of the Legislature, and in the same manner above named, and take at least one ballot for said senatorial position and term until an election has been made for the same.

Adopted March 20, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 23, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 21.

Be it resolved by the Senate, the House concurring, That the two Houses when in joint convention on Wednesday, March 22, 1905, shall, after all proceedings are had with reference to the election of United States Senator, proceed to the election of a Secretary of State, State Comptroller, and State Treasurer.

Adopted March 21, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 23, 1905.

JAMES B. FRAZIER,
Governor.

NUMBER 25.

Be it resolved by the General Assembly of the State of Tennessee, That the election by the Board of Trustees of the University of Nashville of Gates P. Thruston, J. W. Bonner, and John M. Gaut as Trustees to fill vacancies on said Board be, and the same is hereby, confirmed.

Adopted April 4, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 8, 1905.

JOHN I. COX,
Governor.

NUMBER 33.

Be it resolved by the Senate, the House concurring, That the State of Tennessee hereby grants to the County of Davidson the right to lay out and work a public road across the east end of the field on Richland Creek, in which is located the penitentiary pumping station, said right of way to be sixty feet wide and about three hundred yards long, and the same being granted on condition said county shall erect a substantial fence on the west side of the road and put in a gate at a point convenient for the use of the State in going to and from said pumping station.

This, however, shall not be done without the consent and approval of the Prison Commissioners and on such terms as seem right to them.

Adopted April 17, 1905.

E. RICE,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved April 17, 1905.

JOHN I. COX,
Governor.

STATE OF TENNESSEE,
OFFICE OF SECRETARY OF STATE.

I, John W. Morton, Secretary of State, do hereby certify that I have carefully collated the foregoing Acts of the Fifty-fourth General Assembly of the State of Tennessee, and have compared them with the originals now on file in my said office, and I find them correctly printed.

Witness my hand, at office, in the City of Nashville, this June 1st, 1905.



Secretary of State.

DOMESTIC CORPORATIONS.

DOMESTIC CORPORATIONS.

Organized under Chapter 142, Acts 1875, and acts amendatory, published herein by direction of Section 30 of said Act, covering the period from April 1, 1903, to March 31, 1905, inclusive.

Name of Corporation.	County where registered.	When registered in Secretary of State's office.	Book	Page
A				
Andys Ridge Coal Co.	Anderson	April 18, 1903	U 5	188
Annesdale Park Co	Shelby	April 18, 1903	Q A	69
Aid and Relief Society No. One	Haywood	May 20, 1903	O 3	4
American Chewing Gum Co.	Davidson	June 6, 1903	J 5	117
Alabama Lumber and Shingle Co	Shelby	Sept. 29, 1903	U 5	273
Automatic Valve Grinding Machine Co.	Knox	Oct. 16, 1903	J 5	175
Armour Hotel Co., The	Madison	Oct. 17, 1903	U 5	183
Association of Cash Buyers, The	Hamilton	Oct. 20, 1903	J 5	184
Ambrust-Smith Co	Washington	Nov. 16, 1903	J 5	199
Auto Company of Nashville	Davidson	Nov. 25, 1903	J 5	206
Alton Park Social Club, The	Hamilton	Nov. 27, 1903	O 3	88
Ahler Plumbing Co., A. H.	Knox	Dec. 20, 1903	U 5	314
Anderson Wagon Co., J. J.	Davidson	Dec. 29, 1903	J 5	226
Anshe-Sphard	Shelby	Jan. 6, 1904	O 3	43
Alderson Neill & Co	Hawkins	Jan. 12, 1904	J 5	240
American Lava Co	Hamilton	Mar. 1, 1904	J 5	269
Arnold Grocery Co	Shelby	Mar. 16, 1904	U 6	49
American Hard Wall Finish Co	Knox	April 12, 1904	J 6	2
Arthur Machine Co., The	Marshall	April 14, 1904	J 6	3
American Steam Laundry Co., The	Hamilton	April 29, 1904	J 6	10
Advance Printing Co	Campbell	May 3, 1904	U 6	78
Athens Woolen Mills, The	McMinn	May 4, 1904	P 3	217
Akin Co., A. T.	Madison	May 31, 1904	J 6	19
Appalachian Fair Association, The	Cocke	June 1, 1904	U 6	101
Appalachian Institute	Johnson	July 9, 1904	O 3	64
Anderson Coal Co	Knox	July 26, 1904	J 6	55
American Slate Co	Knox	Oct. 22, 1904	J 6	99
Arnold Lumber Manufacturing Co.	Hamilton	Oct. 27, 1904	J 6	100
American Art Wood Manufacturing Co	Shelby	Nov. 21, 1904	J 6	115
Allen Panel Co	Washington	Dec. 6, 1904	U 6	199
Alamo Milling Co.	Crockett	Dec. 16, 1904	J 6	120
American Wood Fiber Plaster Co	Knox	Dec. 20, 1904	P 3	370
Adams Storage and Warehouse Co	Robertson	Mar. 3, 1905	U 6	288
Adams Planing Mills Co.	Robertson	Mar. 3, 1905	U 6	289
Ambrose & Bostleman Co	Davidson	Mar. 6, 1905	U 6	290
Alexander Land Co	Shelby	Mar. 10, 1905	Q A	102
B				
Bank of Trezevant	Carroll	April 10, 1903	Vol. 1	270
Bank of Trenton	Gibson	April 17, 1903	Vol. 1	272
Bank of Bradford, The	Gibson	April 27, 1903	Vol. 1	274
Bank of Mason, The	Tipton	Aug. 10, 1903	Vol. 1	286
Bank of Auburn	Cannon	Sept. 2, 1903	Vol. 1	287
Bank of Trenton, Amendment	Gibson	Jan. 18, 1904	P 3	119
Bank of Waynesboro, The	Wayne	Feb. 16, 1904	Vol. 2	12
Bank of Halls, Amendment	Lauderdale	Mar. 19, 1904	P 3	175
Bank of Friendship	Crockett	Mar. 21, 1904	Vol. 2	18
Bank of Orlinda	Robertson	April 23, 1904	Vol. 2	22
Bank of Cedar Hill, Tenn	Robertson	May 23, 1904	Vol. 2	28
Bank of Smyrna	Rutherford	June 27, 1904	Vol. 2	29
Bank of Adamsville	McNairy	July 12, 1904	Vol. 2	31
Bank of Southside	Montgomery	July 13, 1904	Vol. 2	32

DOMESTIC CORPORATIONS—*Continued.*

NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
Bank of Millington	Shelby	July 14, 1904	U 6	124
Bank of Culleoka	Maury	July 28, 1904	Vol. 2	37
Bank of Erin, (amendment)	Houston	July 29, 1904	P 3	326
Bank of Hickman	Smith	Aug. 12, 1904	Vol. 2	41
Bank of Hornbeak	Obion	Sept. 6, 1904	Vol. 2	43
Bank of Elkton	Giles	Sept. 16, 1904	Vol. 2	48
Bank of Brazil	Gibson	Oct. 13, 1904	Vol. 2	51
Bank of Dyer	Gibson	Nov. 10, 1904	Vol. 2	52
Bank of Southside (amendment)	Montgomery	Dec. 5, 1904	P 3	365
Bank of Charlotte	Dickson	Jan. 12, 1905	Vol. 2	56
Bank of West Nashville	Davidson	Jan. 25, 1905	Vol. 2	57
Bank of Commerce	Madison	Feb. 24, 1905	Vol. 2	62
Bank of Watertown	Wilson	July 13, 1903	P 3	37
Bank of Gibson	Gibson	Nov. 17, 1903	Vol. 2	2
Bank of Collierville	Shelby	Mar. 9, 1905	P 3	409
Bankers Savings Bank & Trust Co	Shelby	Mar. 14, 1905	Vol. 2	66
Baldwin Feed and Implement Co	Washington	July 6, 1903	U 5	240
Banks Grocery Co	Shelby	Sept. 28, 1903	U 5	271
Barton-Nuchols Hardware Co	Washington	Dec. 29, 1904	U 6	226
Banning Lumber Co	Shelby	Jan. 13, 1905	U 6	252
Big South Fork Coal & Lumber Co	Scott	May 13, 1903	J 5	108
Bethel Springs Bank	Henderson	May 18, 1903	Vol. 1	277
Belle Meade Mercantile Co	Davidson	Aug. 14, 1903	J 5	154
Bonicord Gin Company, The	Dyer	Sept. 25, 1903	J 5	171
Buck's Big Bargain Co	Shelby	Oct. 16, 1903	U 5	260
Beaver Creek Lumber Co	Carter	Dec. 12, 1903	J 5	215
Benedict, Warren & Davidson Co. (amendment)	Shelby	Feb. 11, 1904	P 3	129
Beene, J. C., & Co	Marion	Mar. 24, 1904	U 6	58
Big Swan Phosphate Co	Maury	April 9, 1904	J 5	285
Bedford County Fair Association	Bedford	April 26, 1904	U 6	75
Big Three Mining & Manufacturing Co	Anderson	May 4, 1904	J 6	12
Bedford, French & Goodwin Co	Shelby	May 25, 1904	U 6	96
Bishop, Dean & Chapter of St. Mary Cathedral of the Protestant Episcopal Church in the Diocese of Tennessee	Shelby	June 2, 1904	P 3	310
Berry Lumber & Stave Co	Hamilton	June 7, 1904	J 6	26
Bell Ave. Presbyterian Church (amendment)	Knox	June 13, 1904	P 3	194
Bethany Presbyterian Church U. S. A	Hancock	Aug. 29, 1904	O 3	70
Behr-Cole Grocery Co	Shelby	Sept. 27, 1904	U 6	175
Bethel Springs Gin Co., The	McNairy	Oct. 19, 1904	J 6	97
Big Block Coal Co	Campbell	Dec. 12, 1904	J 6	194
Bear Creek Coal Co	Scott	June 31, 1905	J 6	161
Benevolent Society of the African Methodist Church	Giles	Feb. 23, 1905	O 3	89
Belmont Heights Co., The	Davidson	Feb. 23, 1905	Q A	169
Bells Real Estate and Investment Co	Crockett	Mar. 10, 1905	Q A	103
Blue Ridge Lumber Co	Davidson	May 23, 1903	J 5	111
Blackman Stock Remedy Co	Hamilton	June 5, 1903	J 5	116
Bowling Coal Co., The H. B.	Roane	June 23, 1903	J 5	125
Blackwell Company, The F. J	Haywood	Aug. 31, 1903	P 3	82
Board of Sunday School & Young People's Work	Davidson	Sept. 12, 1903	O 3	29
Board of Trustees of Cumberland University	Wilson	Sept. 24, 1903	P 3	65
Bolivar Truck Farm	Hardeman	Oct. 2, 1903	U 5	275
Bond & Hamilton Transfer Co. (amendment)	Davidson	Nov. 11, 1903	U 5	293
Blackman Stock Remedy Co. (amendment)	Hamilton	Nov. 21, 1903	P 3	83
Black Gem Coal Co	Knox	Mar. 25, 1904	J 5	280
Borches, J. E	Knox	May 14, 1904	U 6	85
Bluff City Abstract Co. (amendment)	Shelby	Oct. 21, 1904	P 3	357
Black, R. J. Co	Shelby	Oct. 28, 1904	Q A	87
Boardman Electric Co	Shelby	Dec. 12, 1904	U 6	206
Blanchard Co., N. C	Rhea	Jan. 5, 1905	J 6	145
Bluff City Livery and Boarding Stables	Shelby	Jan. 16, 1905	J 6	151
Blue Seal Ice Cream Company, The	Shelby	Feb. 7, 1905	U 6	271
Black Company, R. J. (amendment)	Shelby	Feb. 8, 1905	P 3	393
Bynum Infirmary for Osteopathy, The	Shelby	April 8, 1903	U 5	181
Broadway Coal & Ice Co	Shelby	May 1, 1903	J 5	103
Burns Company, T. E	Knox	May 12, 1903	U 5	210
Brothers of Love	Haywood	July 20, 1903	O 3	22
Burke & Co	Hamilton	Sept. 10, 1903	J 5	168
Butler Coal Mining Co	Morgan	Oct. 19, 1903	J 5	188
Burns Barry Co., The	Shelby	Oct. 23, 1903	J 5	187
Burges Lime Co	Hamilton	Jan. 19, 1904	J 5	246
usby Co., B. I	Shelby	Feb. 19, 1904	U 6	37

DOMESTIC CORPORATIONS—*Continued.*

NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
Broadway Investment Co.	Shelby	Mar. 1, 1904	U 6	40
Brownsville Dry Goods Co. (amendment)	Haywood	Mar. 10, 1904	P 3	173
Business Men's Co.	Montgomery	Mar. 21, 1904	U 6	54
Brownsville Cotton Oil Co.	Haywood	May 10, 1904	P 3	218
Brevard and Woods Stave Co.	Carroll	May 18, 1904	U 6	90
Buck Lumber Co., The J. M.	Washington	June 4, 1904	P 3	191
Bristol Furniture & Mantel Co.	Sullivan	June 6, 1904	J 6	25
Broens, Schabel Co.	Shelby	June 15, 1904	J 6	32
Burke's Creek Land and Coal Co.	Cumberland	July 28, 1904	J 6	55
Bransford Lumber Co.	Obion	Aug. 26, 1904	U 6	154
Bristol Abstract & Title Guaranty Co.	Sullivan	Sept. 28, 1904	J 6	88
Bridgeport Stave Co.	Hamilton	Oct. 11, 1904	J 6	89
Brittain Tobacco Works	Maury	Dec. 23, 1904	J 6	138
Brick's Big Bargain Co., (amendment)	Shelby	Feb. 16, 1905	P 3	398
Bryan Cleaning Co., The Fred A.	Hamilton	Feb. 20, 1905	J 6	176
C				
Century Distilling Co.	Shelby	Aug. 6, 1903	U 5	236
Century Distilling Co. (amendment)	Shelby	Sept. 26, 1903	P 3	49
Carthage Tobacco Works, The	Smith	Sept. 5, 1903	P 3	54
Carter & Grubb Co.	Hamblen	Sept. 24, 1903	P 3	66
Carthage Ferry Co., The	Smith	Nov. 4, 1903	J 5	198
Campbell & Dann Co., The	Carter	Nov. 4, 1903	J 5	102
Central Land Co.	Shelby	Nov. 5, 1903	U 5	290
Caney Creek Coal Co.	Davidson	Nov. 24, 1903	J 5	203
Catoosa Mineral Water & Bottling Co.	Hamilton	Dec. 18, 1903	J 5	219
Central Lumber Co.	Davidson	Dec. 29, 1903	J 5	227
Caruthers-Jones Shoe Co. (amendment)	Shelby	Jan. 6, 1904	P 3	94
Central Drug Co.	Campbell	Feb. 5, 1904	U 6	18
Card Lumber Co., J. M. (amendment)	Hamilton	Mar. 1, 1904	P 3	171
Central Lumber Co. (amendment)	Davidson	Mar. 23, 1904	P 3	176
Caney Fork Oil & Mining Co.	DeKalb	May 17, 1904	U 6	86
Campbell Tobacco Co., The	Greene	June 9, 1904	J 6	28
Capital Grain Co.	Davidson	July 22, 1904	J 6	52
Cambria Southern Railway Co.	Knox	Aug. 15, 1904	S S	124
Cannon & Yates Co. (amendment)	Shelby	Sept. 26, 1904	P 3	347
Central Brokerage Co., The	Shelby	Dec. 22, 1904	U 6	218
Carthage Hoop & Lumber Co.	Smith	Feb. 15, 1905	J 6	171
Calumet Club of Chattanooga, The	Hamilton	Mar. 10, 1905	O 3	117
Clifty Creek Lumber Co., The	Grundy	April 5, 1903	J 5	92
Chickasaw Lumber & Manufacturing Co.	Shelby	April 18, 1903	J 5	94
Chickamauga Quarry & Construction Co.	Hamilton	April 13, 1903	U 5	189
Chicago Oil, Gas & Mining Co.	Hawkins	April 17, 1903	J 5	99
Clear Fork Jellico Coal Co.	Campbell	April 18, 1903	J 5	101
Childress & Welbourne Stove Co.	Shelby	April 22, 1903	P 2	484
Chilhowee Mining Company, The	Knox	May 9, 1903	J 5	107
Chattanooga Coal Co.	Hamilton	May 28, 1903	J 5	118
Chosen Friends of the World, Night School	Davidson	July 16, 1903	O 3	20
Cleveland Coffin & Casket Co.	Bradley	July 28, 1903	P 3	44
City Street Railway Co.	Shelby	Aug. 26, 1903	S S	103
Chattanooga Paint Company	Hamilton	Sept. 18, 1903	J 5	104
Clear Fork Coal & Coke Co.	Claiborne	Sept. 19, 1903	J 5	168
Clarksville Home Telephone Co.	Montgomery	Sept. 23, 1903	P 3	63
Club Catering Co., The	Davidson	Oct. 15, 1903	J 5	176
Clifty Creek Coal & Coke Co.	White	Oct. 19, 1903	J 5	177
Citizens Bank	Humphreys	Oct. 19, 1903	Vol. 2	291
Civic Federation of Knoxville	Knox	Oct. 23, 1903	O 3	35
Chattanooga Abattoir Co.	Hamilton	Nov. 25, 1903	J 5	207
Citizens Bank	Crockett	Dec. 23, 1903	Vol. 2	5
Chickasaw Real Estate Co. (amendment)	Shelby	May 22, 1903	P 2	490
Chickasaw Stone Co.	Shelby	June 27, 1903	J 5	187
Clark Bottling Co., The C. C.	Weakley	June 29, 1903	U 5	223
Citizens Opera House Co.	Lincoln	Sept. 14, 1903	U 5	248
Citizens Telephone Co.	Hamblen	Dec. 9, 1903	P 3	85
Citizens Bank	Crockett	Dec. 23, 1903	Vol. 2	5
Citizens Bank	Hardin	Feb. 10, 1904	Vol. 2	12
Chickamauga Knitting Mills	Hamilton	May 4, 1904	P 3	183
Citizens Bank, Hardeman County	Henderson	May 16, 1904	Vol. 2	26
Chattanooga Medicine Dispensatory	Hamilton	May 27, 1904	U 6	98
Chattanooga District Bureau of Immigration	Hamilton	June 1, 1904	O 3	57
Chattanooga Mill & Mine Supply Co.	Hamilton	June 7, 1904	U 6	104
Citizens Milling Co.	Lauderdale	June 16, 1904	J 6	84

DOMESTIC CORPORATIONS—*Continued.*

NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
Charlotte Stave & Lumber Co	Dickson	Aug. 28, 1904	J 6	62
Church Union Society	Madison	Sept. 13, 1904	O 3	71
Charlotte Roller Mill Co	Dickson	Sept. 19, 1904	J 6	77
Cherokee Manufacturing Co	Blount	Oct. 8, 1904	J 6	88
Cleveland Land & Improvement Co	Bradley	Nov. 15, 1904	Q A	99
Citizens Telephone Co. (amendment)	Hamblen	Nov. 15, 1904	P 3	160
Citizens Telephone Co	Henry	Jan. 2, 1904	U 5	215
Chattanooga Sash & Door Co	Hamilton	Jan. 5, 1904	J 5	223
Clayton's Hardware Co. (amendment)	Marshall	Jan. 8, 1904	P 3	95
Chattanooga Engineering Co	Hamilton	Feb. 2, 1904	J 5	236
Clifton Ice Co	Wayne	Feb. 18, 1904	U 6	24
Citizens Bank of Huntingdon	Carroll	Mar. 2, 1904	Vol. 2	15
Citizens Bank of Bristol	Sullivan	Mar. 14, 1904	Vol. 2	17
Climax Coal Co	Roane	Mar. 17, 1904	J 5	274
Chattanooga Buggy Co	Hamilton	Mar. 30, 1904	J 5	283
Chilhowee Woolen Mills	McMinn	April 11, 1904	J 5	295
Clarksville Button Works	Montgomery	April 12, 1904	J 6	1
Citizens State Bank of Rutherford	Gibson	April 13, 1904	Vol. 2	20
Citizens Bank of Big Sandy	Benton	April 25, 1904	U 6	74
Chickamauga Fishing Club	Hamilton	April 29, 1904	O 3	55
Chattanooga Waft Co	Hamilton	May 19, 1904	U 6	91
Chattanooga Medicine Dispensatory	Hamilton	May 28, 1904	U 6	98
Chattanooga Medicine Dispensatory (amdt)	Hamilton	June 28, 1904	P 3	113
Clark Grocery Co	Shelby	June 25, 1904	U 6	115
Chester County Bank	Chester	July 9, 1904	Q A	81
Clinton Iron Works	Anderson	Aug. 12, 1904	J 6	50
Chattanooga & Montlake Railroad Co	Hamilton	Sept. 7, 1904	S S	125
Citizens Bank of Waverly (amendment)	Humphreys	Oct. 18, 1904	P 3	254
Clinton Nurseries Co., The	Anderson	Dec. 20, 1904	U 6	213
City Street Railway Co., The	Shelby	Dec. 22, 1904	P 3	271
Chattanooga Land & Coal Co	Hamilton	Dec. 27, 1904	Q A	98
Cleveland Ice & Cold Storage Co	Bradley	Dec. 27, 1904	J 6	139
Chattanooga Iron & Wire Works	Hamilton	Jan. 13, 1903	U 6	247
Chattanooga Implement & Manufacturing Co	Hamilton	Jan. 28, 1903	P 3	288
Chavannes Lumber Co. (amendment)	Knox	Jan. 31, 1903	P 3	289
Chattanooga Aerie, F. O. E. No. 945	Hamilton	Feb. 7, 1903	O 3	86
Chattanooga-O'Neill Institute	Hamilton	Feb. 16, 1903	J 6	173
Chattanooga Fruit Co	Hamilton	Feb. 17, 1903	J 6	174
Chickasaw Stone Co. (amendment)	Shelby	Feb. 17, 1903	P 3	291
Chattanooga Chair Co	Hamilton	Feb. 28, 1903	J 6	184
Chattanooga Blast Furnace Co	Hamilton	Mar. 7, 1903	U 6	294
Chattanooga Red Cross Medical Association	Hamilton	Mar. 24, 1903	O 3	119
Copola Co	Hamilton	April 14, 1903	U 5	191
Coca-Cola Bottling Works of Nashville	Davidson	June 11, 1903	U 5	218
Copeland Creek Coal Mining Co	Knox	June 13, 1903	J 5	127
Consumers Coal & Coke Co	Knox	June 15, 1903	J 5	139
Commercial Bank of Obion, The	Obion	June 16, 1903	Vol. 1	261
Coal Creek Cemetery Co	Anderson	July 9, 1903	O 3	15
Coal Creek Academy	Anderson	Aug. 15, 1903	O 3	24
Coca-Cola Bottling Works of Indianapolis	Hamilton	Aug. 27, 1903	J 5	169
Columbia Training School, The	Maury	Sept. 15, 1903	U 5	252
Collier-Hall Horse & Mule Co	Shelby	Sept. 21, 1903	U 5	254
Coal Creek Jellico Shipping Agency	Knox	Nov. 21, 1903	J 5	291
Comer Medicine Co	Hamilton	Jan. 19, 1904	U 5	233
Colored Orphan's Home & Industrial School	Davidson	Jan. 20, 1904	O 3	44
Corbett, Webb & Talbot Co	Davidson	Mar. 1, 1904	P 3	179
Columbia Military Academy	Davidson	Mar. 1, 1904	O 3	50
Cooper-Johnson Drug Co	Davidson	Mar. 31, 1904	U 6	61
Columbia Base Ball Association, The	Maury	May 10, 1904	U 6	82
Columbia Military Academy, The	Maury	May 31, 1904	O 3	56
Corbett-Redpath Advertising Syndicate	Shelby	June 16, 1904	J 6	38
Condon Company, The S. P	Knox	June 30, 1904	J 6	117
Coca-Cola Bottling Works of Evansville	Hamilton	July 30, 1904	J 6	43
Contractors Supply Co	Davidson	July 15, 1904	J 6	46
Corner Realty Co	Davidson	July 21, 1904	U 6	125
Coca-Cola Investment Co	Hamilton	July 22, 1904	Vol. 2	24
Cookeville Library	Putnam	Aug. 19, 1904	O 3	61
Courier Publishing Co	Sullivan	Aug. 19, 1904	U 6	145
Coulter Mill & Lumber Co., W. F.	Montgomery	Sept. 24, 1904	J 6	80
Covington Spoke Co	Tipton	Oct. 15 1904	J 6	95
Continental Baking Powder Co	Davidson	Oct. 29, 1904	J 6	102
Consolidated Telephone Co	Hardin	Nov. 28, 1904	U 6	159
Collierville Mercantile Co	Shelby	Dec. 20, 1904	U 6	215

Domestic Corporations—*Continued.*

Name of Corporation.	County where registered.	When registered in Secretary of State's office	Book	Page
Cottage Grove Bank & Trust Co	Henry	Jan, 10, 1905	Vol. 2	55
Co-Operative Building Co	Shelby	Jan. 25, 1905	U 6	261
Coca-Cola Bottling Works of Cincinnati	Hamilton	Feb. 1, 1905	J 6	164
Chattanooga Cooperage Stock Manufacturing Co.	Hamilton	Jan. 6, 1905	P 3	374
Coca-Cola Bottling Works of New York	Hamilton	Feb. 1, 1905	J 6	166
Dorum Telephone Co., The	Wilson	Mar. 1, 1905	U 6	287
Co-Operative Dental Co., The	Davidson	Mar. 9, 1905	U 6	296
Coca-Cola Bottling Works of Jackson	Bradley	Mar. 21, 1905	J 6	196
Crossville Mercantile Co	Cumberland	April 31, 1908	U 5	179
Cumberland Stone Co	Cumberland	May 30, 1908	J 5	115
Crump & Rehkopf Co	Shelby	June 10, 1903	U 5	216
Cumberland Tobacco Works	Davidson	July 31, 1908	J 5	150
Cumberland City Fair Association	Stewart	Oct. 15, 1908	U 5	252
Cumberland Baking Co	Davidson	Oct. 30, 1903	U 5	287
Craggie Hope Hotel Co	Davidson	Nov. 4, 1903	U 5	264
Cumberland Cement & Paving Co	Davidson	Nov. 12, 1903	U 5	294
Cumberland Gap Woolen Mills	Claiborne	Dec. 30, 1903	J 5	228
Cumberland Gap Telephone Co	Claiborne	Jan. 9, 1904	J 5	235
Cummins-James Co	Shelby	Feb. 4, 1904	U 6	12
Cruze, Sterling Co	Knox	Feb. 15, 1904	U 6	23
Cumberland City Bank	Stewart	Mar. 10, 1904	Vol. 2	16
Cullen & Co., Chas. C	Knox	Mar. 11, 1904	U 6	45
Cumberland Foundry & Manufacturing Co	Davidson	May 23, 1904	P 3	187
Cunningham & Co	Hickman	June 15, 1904	J 6	21
Cumberland River Coal & Coke Co. (amendment)	Davidson	June 28, 1904	P 3	316
Crump & Rehkopf Co	Shelby	June 28, 1904	P 3	317
Crockett Gin Co	Crockett	Aug. 11, 1904	U 6	186
Cumberland Telephone Journal Co	Davidson	Aug. 19, 1904	U 6	144
Crippen Shoemate Co	Knox	Sept. 2, 1904	U 6	158
Cumberland City Fair Association (amendment)	Stewart	Sept. 26, 1904	P 3	346
Cumberland Plateau Corporation	Hamilton	Oct. 15, 1904	J 6	98
Cumberland Manufacturing Co	Davidson	Oct. 31, 1904	J 6	105
Crouch Realty Co	Washington	Nov. 17, 1904	Q A	91
Cumberland Oil Co	Roane	Jan. 17, 1905	J 6	149
Crown Lumber & Manufacturing Co	Knox	Jan. 12, 1905	U 6	243
Crawford Medicine Co., Dr	Shelby	Jan. 13, 1905	U 6	251
Curtis Transportation Co	Madison	Feb. 28, 1905	U 6	281
Cumberland Title Co	White	Feb. 28, 1905	U 6	286
Curtis-Coleman Lumber Co	Lewis	Mar. 22, 1905	J 6	198
Cummins-Kirkman Co. (amendment)	Davidson	Mar. 23, 1903	P 3	253
Crescent Tobacco Co	Davidson	Mar. 23, 1903	J 6	199
D				
Dixon Springs Bank	Smith	Nov. 24, 1903	Vol. 2	4
Dixie Pure Food Co	Davidson	Dec. 9, 1903	P 3	86
Diamond Coal Co	Hamilton	Aug. 13, 1903	J 6	61
Decatur Phosphate Co	Decatur	Nov. 11, 1903	J 6	108
Dickson Union Cemetery	Dickson	Nov. 17, 1903	O 3	79
Dahnke-Walker Milling Co	Obion	April 10, 1903	P 2	478
Deutche Reformierte Kirchzen, Hohenwald, Tenn	Lewis	May 9, 1903	O 3	2
Dixie Paper Box and Printing Co	Hamilton	May 23, 1903	J 5	112
Decherd Milling Co	Franklin	June 6, 1903	J 5	120
Darling Saw Mill Co	Shelby	June 10, 1903	J 5	124
Darling Steam Logging & Manufacturing Co	Shelby	June 10, 1903	J 5	125
DeKalb County Oil & Mining Co	DeKalb	Sept. 9, 1903	U 5	270
Dixie Trunk Co	Knox	Oct. 23, 1903	J 5	189
Dixie Coal Co	Campbell	Nov. 24, 1903	J 5	204
Dixie Pure Food Co	Davidson	Dec. 9, 1903	P 3	86
Dixon Springs Tobacco Works	Smith	Jan. 29, 1904	J 5	254
Dayton Milling Co	Rhea	Mar. 1, 1904	J 5	270
Davis Brothers Co	Knox	Mar. 12, 1904	U 6	47
Dayton Light & Power Co	Rhea	Mar. 17, 1904	U 6	52
Dickson Brick & Manufacturing Co	Dickson	April 28, 1904	J 6	8
Davis Hosiery Mills	Hamilton	June 25, 1904	J 6	39
Davidson-Benedict Co., The	Davidson	July 14, 1904	J 6	47
Dixie Land Co	Shelby	July 23, 1904	U 6	127
Dixie Coal Co., The	Knox	Sept. 7, 1904	J 6	73
Dabney Furniture Co	Madison	Sept. 19, 1904	U 6	170
Dixie Coal Co. (amendment)	Knox	Oct. 13, 1904	P 3	352
Dixie Mills, The (amendment)	Loudon	Nov. 18, 1904	P 3	361
Denaux Co., The	Shelby	Dec. 9, 1904	J 6	121
Day Lumber & Manufacturing Co	Knox	Dec. 9, 1904	J 6	122

DOMESTIC CORPORATIONS—*Continued.*

NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
Dame Mantel Co	Roane	Dec. 20, 1904	J 6	132
Davies Piano Co	Davidson	Dec. 31, 1904	U 6	232
Dixie Coal & Coke Co	Anderson	Jan. 13, 1905	J 6	189
DeSoto Land & Brick Co. (amendment)	Shelby	Mar. 9, 1905	P 3	467
Draughons Practical Business College Co	Davidson	April 11, 1903	U 5	157
Dukedom Roller Mill Co	Weakley	April 20, 1903	U 5	194
Dyersburg Compress Co	Dyer	Aug. 3, 1903	U 5	362
Dowlais Blue Gem Co	Knox	Sept. 17, 1903	J 5	463
Duke Machine Works, J. G	Shelby	Feb. 4, 1904	P 2	127
Dyersburg Hardware Co. (amendment)	Dyer	Feb. 13, 1904	P 3	139
Dyersburg Compress Co. (amendment)	Dyer	April 12, 1904	P 3	179
Dodd Manufacturing Co., The	Davidson	April 25, 1904	J 6	7
Dunlap Milling Co., The (amendment)	Montgomery	June 13, 1904	P 3	335
Donaghy Co., The C. B	Knox	June 30, 1904	U 6	113
Ducktown Banking Co	Polk	July 18, 1904	Vol. 2	36
Dyer County Building and Loan Association	Dyer	July 21, 1904	X	7
Dossetta Land and Improvement Co	Anderson	Sept. 22, 1904	J 6	78
Domestic Coal Co	Roane	Nov. 19, 1904	J 6	109
Dyersburg Northern Railroad Co	Dyer	Dec. 22, 1904	S S	169
Dover Furnace Co	Stewart	Dec. 22, 1904	J 6	137
Durham Mercantile Co	Lauderdale	Dec. 28, 1904	U 6	225
Dukedom Bank	Weakley	Jan. 3, 1905	Vol. 2	58
Duncan Company, John G	Knox	Jan. 10, 1905	U 6	236
Duck River Valley Canning Co., The	Bedford	Jan. 25, 1905	U 6	269
Duncan Hotel Co. (amendment)	Davidson	Mar. 8, 1905	P 3	408
E				
Engleville & Salem Turnpike Co. (amendment)	Rutherford	April 3, 1903	P 2	475
Empire Marble Co	Knox	April 25, 1903	U 5	391
Erin Presbyterian Church	Knox	May 1, 1903	O 2	148
Eureka Coal Co	Hamilton	May 8, 1903	J 5	106
Early-Mack Co	Davidson	July 17, 1903	J 5	144
Edgefield-Nashville Mfg. Co. (amendment)	Davidson	Aug. 13, 1903	P 3	42
Empire Chair Co	Carter	Aug. 31, 1903	P 3	83
Expositor Printing Co	White	Sept. 19, 1903	J 5	255
Electric Candy Machine Co	Davidson	Oct. 23, 1903	J 5	228
Easterly Nursery Co	Bradley	Oct. 24, 1903	U 2	302
Emory Valley Railroad Co	Morgan	Nov. 3, 1903	S S	165
Eastland Lumber Co	White	Dec. 2, 1903	J 5	309
Eczema Medicine Co	Hamilton	Dec. 16, 1903	J 5	219
Edenton, Co., J. C	Madison	Dec. 28, 1903	U 5	313
Early, W. C. Co	Shelby	Jan. 6, 1904	J 5	233
Electric Supply Co. (amendment)	Shelby	Jan. 18, 1904	P 3	130
Eckle, Helm, Phillips Co., The	Hamblen	Jan. 20, 1904	J 5	247
Einsel Land & Live Stock Co	Rutherford	Feb. 5, 1904	U 6	14
Elite Coal Co	Campbell	Feb. 24, 1904	J 5	288
Ewing and Jefferson College	Blount	Mar. 1, 1904	O 3	49
East Tennessee Railway Co	Meigs	May 16, 1904	S S	121
Elk Produce Co., The	Lincoln	May 14, 1904	U 6	85
Eason Norwood Co	Loudon	May 21, 1904	U 6	92
Early-Mack Co. (amendment)	Davidson	June 11, 1904	P 3	314
Eberhart Building & Mfg. Co., A	Shelby	June 23, 1904	J 6	38
East Tennessee Dairy Co	Hamilton	Aug. 22, 1904	U 6	151
Eagle Bluff Springs Hotel Co	Campbell	Aug. 29, 1904	U 6	157
Ehrman Kober Halle Co	Shelby	Oct. 11, 1904	P 3	351
Electric Lumber Co	Loudon	Oct. 19, 1904	J 6	96
Eastland Land Co	Davidson	Oct. 31, 1904	Q A	88
Evan Shelby Hospital	Shelby	Nov. 1, 1904	U 6	183
East Tennessee Land and Industrial Co	Cocke	Nov. 12, 1904	Q A	89
Edison Male and Female Academy or College	Gibson	Dec. 9, 1904	O 3	80
Empire Chair Co	Carter	Dec. 31, 1904	P 3	373
Erin Banking Co	Houston	Jan. 30, 1904	Vol. 2	339
Electric Street Ry. of Clarksville (amendment)	Montgomery	Jan. 30, 1905	P 3	339
Eberhart Building & Mfg. Co. (amendment)	Shelby	Mar. 9, 1905	P 3	406
Ely-Luckett-Cannon Co	Shelby	Mar. 21, 1905	U 6	302
East Tennessee Tobacco Co	Greene	Mar. 21, 1905	U 6	303
East Tennessee Dairy Co	Hamilton	Mar. 21, 1905	U 3	298
Evansville Coal Co	Hamilton	Mar. 26, 1905	J 6	236
F				
Farmers Gin Co	Lauderdale	April 28, 1903	U 5	204
First Presbyterian Church of Allardt	Fentress	May 19, 1903	O 3	3
Flat Top Mineral Co,, The	Maury	June 5, 1903	J 5,	117

DOMESTIC CORPORATIONS— *Continued.*

NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
First German Evangelical Lutheran Church (amd.)	Knox	June 10, 1903	P 2	494
Fitzgerald-Litchford Co	Davidson	June 19, 1903	U 5	221
Farmers & Merchants Bank, The	Tipton	July 3, 1903	P 3	32
First Church of Christ, Scientist	Carroll	July 10, 1903	O 3	17
Farmers Gin Co	Lauderdale	Aug. 10, 1905	J 5	152
Fashion Garment Co	Shelby	Aug. 14, 1905	U 5	237
First Church of Christ, Scientist of Knoxville, Tenn	Knox	Sept. 6, 1903	O 3	28
Fairview Telephone Co. (amendment)	Gibson	Nov. 16, 1903	P 3	77
Florida Heights Land Co	Shelby	Dec. 8, 1903	U 5	305
Famous, The	Madison	Dec. 10, 1903	U 5	306
Florida Tank Line Co	Hamilton	Jan. 16, 1904	J 5	244
Farmers and Merchants Bank of Tiptonville	Lake	Jan. 21, 1904	P 3	124
Fite Music Co., Frank	Davidson	Feb. 19, 1904	U 6	26
Feeney & Wright Hardware Co	Lincoln	Feb. 20, 1904	U 6	28
Farrell & Witherspoon Co	Hamilton	Mar. 10, 1904	U 6	44
Farmers Mercantile Co., of Halls, Tenn., The	Lauderdale	Mar. 31, 1904	U 6	60
Flat Branch Coal & Coke Co., The	Grundy	April 5, 1904	J 5	284
Fenton Construction Co	Knox	May 2, 1904	J 6	11
Farmers & Traders Bank	Loudon	May 10, 1904	Vol. 2	23
Farmers Exchange Bank	Gibson	May 21, 1904	Vol. 2	27
Fleck Lumber Co., The Paul W	Sullivan	July 21, 1904	J 6	51
Farmers Bank (Cornersville)	Marshall	July 26 1904	Vol. 2	36
Farmers & Merchants Bank	Benton	Aug. 8, 1904	Vol. 2	40
Farmers Gin Co	Dyer	Aug. 29, 1904	J 6	59
Farmers Union Bank (amendment)	Tipton	Sept. 7, 1904	P 3	342
Farmers & Merchants Bank (White Bluff)	Dixon	Sept. 14, 1904	Vol. 2	167
Florence & Clifton R. R. Co., The	Hamilton	Sept. 19, 1904	S S	126
Fleck Lumber Co., Paul W. (amendment)	Sullivan	Oct. 31, 1904	P 3	358
Fayetteville & Columbia Turnpike Co. (amend't)	Lincoln	Dec. 14, 1904	P 3	367
First Church of Christ, Scientist of Nashville, Tenn	Davidson	Dec. 29, 1904	O 3	81
Farmers Supply Co	Dyer	Dec. 23, 1904	U 6	220
Fisher Decorative Co	Davidson	Feb. 4, 1905	U 6	368
Fayette County Bank (amendment)	Fayette	Feb. 15, 1905	P 3	397
Farmers Union Warehouse Co	Robertson	Feb. 27, 1905	U 6	284
Fifth Avenue Baptist Church of Nashville	Davidson	Mar. 1, 1905	O 3	114
Farmers & Merchants Bank	Claiborne	Mar. 6, 1905	Vol. 2	64
Fruit Growers Bank	Weakley	Mar. 9, 1905	Vol. 2	65
First Savings Bank and Trust Co	Davidson	Mar. 27, 1905	Vol. 2	68
Folz, S. & Levy Clothing Co	Shelby	July 31, 1903	U 5	239
Fruit & Vegetable Growers of Lauderdale County, State of Tennessee	Lauderdale	Aug. 25, 1903	O 3	26
Ford Tobacco Works, W. W	Davidson	Nov. 24, 1903	J 5	205
Forsdick-Brantley Bros. Hat Co	Shelby	Jan. 4, 1904	J 5	230
Fulcher Brick Co	Davidson	Feb. 13, 1904	U 6	31
Fraternal Mutual Aid Ass'n., of Cleveland, Tenn.	Bradley	April 12, 1904	O 3	54
French Coal Co	Knox	May 21, 1904	J 6	16
Forest Park Land & Improvement Co	Davidson	Sept. 6, 1904	Q A	86
Frankland Carriage Company	Madison	Sept. 6, 1904	U 6	160
Fruit Grower Publishing Co., The	Hamilton	Dec. 16, 1904	U 6	211
Forked Deer Hardware Co	Dyer	Dec. 19, 1904	U 6	212
Franklin Lumber Co	Shelby	Jan. 12, 1905	U 6	244
Forsdick Hat Co., H. J	Shelby	Jan. 13, 1905	U 6	248
Ford Tobacco Works, W. W. (amendment)	Davidson	Feb. 9, 1905	P 3	394
Foster Co., B. L	Davidson	Feb. 17, 1905	U 6	279
G				
Germanie Savings Bank and Trust Co	Shelby	May 16, 1903	Vol. 1	276
George & Parker Dry Goods Co	Knox	Sept. 23, 1903	U 5	258
Gibson County Fair Association	Gibson	Oct. 10, 1903	U 5	279
Ginner & Miller Pub. Co	Shelby	Oct. 14, 1903	U 5	280
Girls Industrial Home & School, Grace Nettleton's Memorial	Claiborne	Feb. 19, 1904	U 3	48
Gates Banking & Trust Co	Lauderdale	May 21, 1904	Vol. 2	26
Glass Bridge Telephone Co., The	Greene	June 2, 1904	U 6	102
Gardner Sammons Moore Co	Knox	Oct. 31, 1904	U 6	182
Gent Furniture Co., The	Hamilton	Nov. 9, 1904	J 6	107
Germania Cedar Co., The	Davidson	Dec. 1, 1904	J 6	119
Garland, Weaver Brick Co	Knox	Jan. 24, 1905	J 6	156
Gallatin Buggy & Implement Co	Davidson	Jan. 27, 1905	U 6	264
Gibson White Co	Hamilton	Feb. 27, 1905	J 6	167

DOMESTIC CORPORATIONS—*Continued.*

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Gaither Millinery Co. (amendment)	Shelby	Feb. 28, 1905	P 3	497
Greenfield-Talbot-Finney-Battle Co	Davidson	Mar. 17, 1905	J 6	124
Good Health Drink Co.	Hamilton	July 9, 1903	J 5	16
Gordon Company, The Charles D.	Hamilton	July 16, 1903	P 3	9
Globe Clothing Co.	Dyer	Sept. 20, 1903	U 5	387
Glee Social Club, The	Shelby	Sept. 30, 1903	O 3	8
Goldsmith, Sons Co., J.	Shelby	Jan. 6, 1904	J 5	224
Golden Star Club (amendment)	Davidson	May 31, 1904	P 3	190
Gonce Lock & Manufacturing Co., The	Hamilton	June 31, 1904	J 6	24
Golden Hill Cemetery	Montgomery	June 4, 1904	U 6	186
Goodlander Robertson Lumber Co. (amendment)	Shelby	Aug. 6, 1904	P 3	339
Golden Rule Stove Co.	Blount	Sept. 2, 1904	J 6	79
Goodstock Dimension Co.	Cumberland	Jan. 24, 1905	J 6	115
Glass Drug Co.	Haywood	Jan. 27, 1905	U 6	389
Greenfield Bank, The	Weakley	April 14, 1903	P 2	481
Gulf & Chicago Railway Co.	Hardeman	April 23, 1903	S S	8
Gray & Dudley Hardware Co. (amendment)	Davidson	June 4, 1903	P 2	488
Grisard-Carmack Drug Co.	Franklin	June 15, 1903	U 5	228
Grundy Publishing Co.	Grundy	July 7, 1903	U 5	262
Greenfield-Talbot Furniture Co.	Davidson	July 13, 1903	P 3	8
Grand Chapter of the Nu Sigma Gamma Fraternity Club	Franklin	Sept. 26, 1903	O 3	2
Great Northern Lumber Co., The	Maury	Oct. 23, 1903	J 6	128
Grant University, U. S. (amendment)	Hamilton	Nov. 16, 1903	P 3	73
Graham Company, L. B.	Hamilton	Nov. 27, 1903	J 5	250
Grand Lodge of Tennessee A. F. & A. M. (col)	Hamilton	Dec. 31, 1903	O 3	41
Grace Nettleton Memorial Girls Industrial Home and School	Claiborne	Feb. 19, 1904	O 3	6
Graysville Mercantile Co.	Rhea	April 12, 1904	U 6	6
Greenville Broom Factory	Greene	April 29, 1904	J 6	9
Greenwood Advertising Co.	Knox	June 9, 1904	J 6	29
Greystone Telephone Co.	Greene	June 16, 1904	U 6	169
Grisham Steele & Co.	Obion	July 25, 1904	U 6	135
Gwynne-Treadwell Cotton Co.	Shelby	Jan. 13, 1905	U 6	250
Granitoid Construction Co.	Davidson	Jan. 6, 1905	J 6	146
Gramm Specialty Co.	Franklin	Feb. 8, 1905	U 6	287
Grand Fountain of Knights, Daughters & Juveniles of Industry of America	Shelby	Feb. 9, 1905	O 3	98
Greenback Railroad Co.	Knox	Feb. 28, 1905	S S	113
H				
Harms Milling Co.	Lincoln	April 10, 1903	P 2	479
Hall & Donahue Coffin Co. (amendment)	Knox	May 1, 1903	P 2	487
Hardeman County Truckers & Fruit Growers Ass.	Hardeman	May 25, 1903	O 3	5
Hamilton Telephone & Power Co.	Hamilton	June 12, 1903	J 5	13
Hancock County Bank	Hancock	Oct. 7, 1903	Vol. 1	39
Halls Canning Co.	Lauderdale	April 27, 1903	U 5	358
Harriman Knitting Mills	Roane	Oct. 16, 1903	J 5	178
Hardeman County Savings Bank (amendment)	Hardeman	Oct. 21, 1903	P 3	2
Hassell-Hughes Timber Co.	Wayne	Feb. 16, 1904	J 5	280
Halls Drug Co.	Lauderdale	Mar. 21, 1904	U 6	56
Hamilton Ice & Cold Storage Co.	Hamilton	Mar. 23, 1904	J 5	270
Hamilton Lumber Co.	Hamilton	April 2, 1904	U 6	68
Hamilton Printing Company	Hamilton	April 9, 1904	U 6	6
Harriman & Oliver Springs Ry. Co.	Roane	April 18, 1904	S S	167
Hamilton Amusement Co.	Hamilton	May 6, 1904	J 6	13
Hall Co., L. S.	Knox	May 7, 1904	U 6	27
Harman-Hamlin Lumber Co., The	Washington	July 11, 1904	J 6	6
Hardin County Telephone Co.	Hardin	July 13, 1904	U 6	128
Hart Saddlery Co.	Shelby	Aug. 20, 1904	U 6	147
Harley Furniture Co.	Davidson	Aug. 22, 1904	U 6	149
Hall-Melton Hardware Co.	Hamilton	Aug. 26, 1904	U 6	338
Harris Lumber Co., The R. F.	Lauderdale	Sept. 15, 1904	J 6	75
Harbison Drug Co.	Knox	Oct. 6, 1904	U 6	177
Hartzell Handle Co.	Davidson	Nov. 14, 1904	J 6	111
Hale, The G. D. Co.	Hawkins	Dec. 2, 1904	U 6	186
Hamner-Ballard Drug Co.	Shelby	Dec. 16, 1904	U 6	258
Hamilton Buggy & Implement Co.	Hamilton	Dec. 30, 1904	U 6	228
Hoguewood-O'Daniel Co.	Gibson	Jan. 6, 1905	U 6	257
Halls Box Co.	Lauderdale	Jan. 9, 1905	J 6	147
Harrison Dry Goods Co., The (amendment)	Gibson	Jan. 10, 1905	P 3	217
Harriman Construction Co.	Roane	Jan. 20, 1905	U 6	287

DOMESTIC CORPORATIONS—*Continued.*

NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
lardy Bros. & Sherrill	Obion	Feb. 7, 1905	U 6	272
lickman County Hay Press Co	Hickman	April 18, 1903	U 5	192
ill City Lodge 245, I. O. O. F	Hamilton	June 12, 1903	O 3	11
lickman Land and Mining Co	Hickman	Sept. 9, 1903	J 5	161
lickman County Bank	Hickman	Nov. 24, 1903	Vol. 2	3
ighcliff Canning Co	Campbell	Feb. 27, 1904	U 6	36
enry County Telephone Co., The	Henry	Feb. 29, 1904	U 6	38
er-Ma-No Chemical Co	Davidson	Mar. 26, 1904	J 5	281
enderson County Fruit Growers Ass'n., The	Henderson	April 4, 1904	U 6	64
elme-McCallum Manufacturing Co	Knox	April 11, 1904	J 5	288
elenwood Presbyterian Church	Scott	June 9, 1904	O 3	59
erron-Brady Pump & Foundry Co. (amendment)	Hamilton	July 22, 1904	P 3	319
ill Trunk Co. (amendment)	Davidson	Aug. 6, 1904	P 3	329
inton Laundry Co	Knox	Sept. 7, 1904	U 6	164
ill City Improvement Co. (amendment)	Hamilton	Nov. 17, 1904	Q A	92
erron Pump & Foundry Co. (amendment)	Hamilton	Mar. 4, 1905	P 3	404
enry Co., J. N	Knox	Mar. 28, 1905	U 6	308
owell Turner Co	Shelby	April 18, 1903	P 2	482
olston Zinc Co	Knox	June 16, 1903	J 5	131
ome Benefit Society of Memphis	Shelby	July 6, 1903	O 3	14
ohenwald Bank & Trust Co	Lewis	July 20, 1903	Vol. 1	282
olland Printing Co., T. V	Shelby	Oct. 21, 1903	U 5	284
ome Grocery Co	Shelby	Mar. 16, 1904	U 6	51
oggins Manufacturing Co., The	Davidson	May 31, 1904	J 6	20
oliand Printing Co., T. V. (amendment)	Shelby	June 10, 1904	P 3	193
ogan Grain Co	Davidson	July 19, 1904	U 6	125
ome Finance & Trust Co. (amendment)	Shelby	Aug. 9, 1904	P 3	331
ome Fire Insurance Co., of Memphis, Tenn	Shelby	Oct. 3, 1904	O 3	75
ome Company, The	Hamilton	Dec. 22, 1904	U 6	217
untland Telephone Co	Franklin	Nov. 3, 1903	U 5	288
untsman Brothers Co	Sullivan	Dec. 14, 1903	J 5	216
ughes Ross Co	Hardin	Feb. 26, 1904	U 6	34
untingdon Tobacco Works	Carroll	June 16, 1904	U 6	108
yndS Shoe Manufacturing Co., J. G	Davidson	July 1, 1904	J 6	42
umboldt Marble Works, The	Gibson	June 25, 1905	J 6	158
ughes College, Frank	Wayne	Feb. 1, 1905	U 6	264
umboldt Mill & Elevator Co	Gibson	Feb. 15, 1905	J 6	172
I				
rby & Gilliland Co., The	Shelby	Jan. 20, 1904	U 5	324
ndependence Telephone Co., The	Wilson	May 13, 1904	U 6	83
ndependent Brothers & Sisters of Consolation, The	Giles	Sept. 13, 1904	O 3	72
nterstate Realty Co	Shelby	Dec. 27, 1904	Q A	95
ndependent Pole Bearers Society of Fayette County, No. 14	Fayette	Jan. 16, 1905	O 3	88
ndependent Pole Bearers No. 14, U. S. A	Shelby	Mar. 1, 1905	O 3	115
ndustrial & Educational Ass'n. of Memphis, Tenn	Shelby	Mar. 14, 1905	O 3	118
rwin Leatherman Cotton Co	Shelby	Sept. 26, 1905	U 6	173
nternational Paste & Polish Co. (amendment)	Knox	Dec. 19, 1905	P 3	369
J				
ohnson's Dime Savings Bank & Trust Co	Davidson	May 27, 1903	Vol. 1	279
ackson Oil Co	Jackson	June 8, 1903	J 5	121
ellico & Scott County Coal Co.	Scott	Sept. 25, 1903	J 5	172
ellico Powder Works	Campbell	Oct. 14, 1903	P 3	73
ellico Grocery Co	Campbell	Dec. 3, 1903	U 5	304
ackson & Kansas City Railroad Co	Madison	Dec. 9, 1903	S S	118
acobs-Dews Co., Limited	Davidson	Dec. 18, 1903	J 5	220
ellico Ice Co	Campbell	Dec. 28, 1903	J 5	225
ones & Hopkins Manufacturing Co	Davidson	Mar. 21, 1903	U 6	53
ames Land & Investment Co., Chas. B	Shelby	May 27, 1903	Q A	79
acob-Hubbard Co., The	Shelby	Aug. 15, 1904	U 6	138
ellico Lumber Co	Campbell	Aug. 23, 1904	J 6	65
acobi Pharmacy	Shelby	Sept. 8, 1903	U 6	164
ohnson, Hayley & Armstrong Co	Shelby	Sept. 19, 1903	U 6	172
ackson Amusement Co., The	Madison	Oct. 3, 1903	J 6	84
ohnston & Vance Co	Shelby	Oct. 6, 1903	P 3	349
ames Grocery Co	Shelby	Nov. 11, 1903	U 6	185
ordan, Gibson & Baum, Inc	Shelby	Dec. 20, 1904	U 6	214
ohnson City Sewerage Co	Washington	Dec. 29, 1904	U 6	227
ohnson's Dime Savings Bank & Trust Co. (amd.)	Davidson	Jan. 14, 1905	P 3	381
ackson Coal Co	Knox	Jan. 19, 1905	J 6	158

DOMESTIC CORPORATIONS—*Continued.*

NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
Jackson Club	Shelby	Feb. 7, 1905	O 3	85
Jackson Red Cross Medical Ass'n	Madison	Feb. 21, 1905	O 3	95
Jackson Dowell Co	Madison	Feb. 28, 1905	U 6	205
Johnson City, Bakerville & Southern Ry. Co	Washington	Mar. 10, 1905	S S	128
Jackson Grocery Co	Madison	Mar. 20, 1905	U 6	201
K				
Kenton Ginning Co	Obion	June 25, 1903	U 5	225
Kelley Mercantile Co	Jackson	Aug. 17, 1903	U 5	284
King Mountain Coal Co	Claiborne	Sept. 18, 1903	J 5	167
Kendrick-Runyon Tobacco Warehouse Co., The	Montgomery	Sept. 22, 1903	J 5	170
Kerrville Oil & Prospecting Co	Shelby	Feb. 3, 1904	U 6	11
Keeling Gin & Mercantile Co	Haywood	Feb 6, 1904	U 6	15
Kimberly Lumber Co	Campbell	April 1, 1904	J 5	282
Kingston and Emory Gap Railway Co	Roane	May 21, 1904	S S	108
Kaline Company, The	Davidson	June 30, 1904	J 6	41
Keelin-Williams Printing Co	Davidson	July 7, 1904	U 6	130
Kappa Chapter of the Kappa Sigma Fraternity	Davidson	Aug. 2, 1904	O 3	68
Kimble Oil Company	Knox	Sept. 28, 1904	J 6	87
Kimberly Coal Company	Knox	Nov. 15, 1904	J 6	111
Kennedy Co., J. D	Shelby	Feb. 16, 1905	U 6	273
King & Co., Dr	Shelby	Mar. 7, 1905	U 6	292
Kind Words Club	Davidson	Mar. 21, 1905	O 3	97
Knoxville Slate Co	Knox	April 16, 1903	J 5	98
Knoxville, LaFollette & Jellico R. R. Co (amd.)	Knox	June 25, 1903	P 3	18
Knoxville Lumber Co	Knox	July 30, 1903	J 5	149
Knoxville, LaFollette & Jellico R. R. Co. (amd)	Knox	Sept. 17, 1903	P 3	57
Knoxville Knitting Mills Co. (amendment)	Knox	Oct. 3, 1903	P 3	68
Knickerbocker Club, The	Davidson	Nov. 4, 1903	O 3	37
Knoxville Printing & Publishing Co., The	Knox	Nov. 21, 1903	J 5	202
Knoxville Typewriter & Phonograph Co., The	Knox	Jan. 15, 1904	U 5	222
Knoxville, LaFollette & Jellico R. R. Co. (amd.)	Knox	Feb. 5, 1904	P 3	128
Knoxville Business College	Knox	May 21, 1904	U 6	93
Knoxville Woolen Mills (amendment)	Knox	July 20, 1904	P 3	318
Kreigner Tobacco Co., Otto	Hamilton	Nov. 21, 1904	J 6	114
Knoxville Pottery Co	Knox	Dec. 6, 1904	J 6	123
Knoxville Lumber & Mfg. Co	Knox	Dec. 20, 1904	J 6	133
Knoxville Suspender Co., The	Knox	Jan. 3, 1905	J 6	142
Knoxville Foundry and Machine Co	Knox	Feb. 28, 1905	J 6	183
Knoxville & Sevierville Railway Co	Knox	Mar. 27, 1905	S S	129
L				
Laborers Club & Union, The	Haywood	April 13, 1903	U 5	188
Lebanon Steam Laundry	Wilson	April 25, 1903	U 5	209
Lookwood Tanning Co., O. L	Hamilton	May 23, 1903	U 5	211
Lexington Normal School & Commercial College	Henderson	June 1, 1903	O 3	8
Lawton Medicine Co	Hamilton	June 12, 1903	U 5	219
Lake County Bank, The	Lake	July 20, 1903	Vol. 1	284
Life & Casualty Insurance Co. of Tennessee	Davidson	Sept. 8, 1903	U 5	289
Lauderdale Telephone Co., The	Lauderdale	Sept. 16, 1903	U 5	254
Lacey-Buck Iron Co	Hamilton	Sept. 29, 1903	P 3	6
Lawrenceburg College	Lawrence	Dec. 8, 1903	O 3	30
Lipscomb Contracting Co	Campbell	Jan. 28, 1903	J 5	256
Lee Lumber Co. (amendment)	Shelby	Feb. 13, 1904	P 3	131
LaRue-Malone-Moore Co., The	Sumner	Feb. 25, 1904	U 6	37
Little Brushy Mountain Coal Co	Roane	Feb. 29, 1904	J 5	262
Leidy & Co	Shelby	Mar. 2, 1904	U 6	41
Lane & Field Lumber Co	Knox	April 19, 1904	J 6	5
Linwood Telephone Co	Wilson	May 4, 1904	U 6	70
Lacey-Buck Co. (amendment)	Hamilton	May 17, 1904	P 3	188
Lenoir Car Works	Loudon	June 4, 1904	J 6	24
Lion Spoke Works	Hamilton	June 13, 1904	J 6	27
Leath Orphan Asylum (amendment)	Shelby	Aug. 13, 1904	P 3	194
Littlefield, Steere and Sanders	Knox	Aug. 13, 1904	P 3	195
LaFollette News Publishing Co	Campbell	Aug. 17, 1904	U 6	113
Lake County Gin Co	Lake	Aug. 20, 1904	U 6	146
LaFollette Times Co	Campbell	Aug. 22, 1904	U 6	150
Lauderdale County Gin and Seed Co	Lauderdale	Sept. 2, 1904	P 3	340
Lewis Transfer and Storage Co	Shelby	Sept. 7, 1904	U 6	161
Labor Monitor Publishing Co., The	Hamilton	Sept. 9, 1904	U 6	165
Lancaster Banking Co., The	Smith	Dec. 16, 1904	Vol. 2	52
Lovejoy Sanitarium, The Dr	Hamilton	Dec. 17, 1904	U 6	209

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NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
Lewis Lumber Co., The	Grainger	Jan. 4, 1905	J 6	144
Lebanon Planing Mill and Lumber Co	Wilson	Jan. 24, 1905	U 6	259
Laurel Railway Co	Johnson	Jan. 25, 1905	S S	110
LaFollette Mill and Grain Co., The	Campbell	Feb. 27, 1905	J 6	182
Little Sisters of the Poor, Home for the Aged, Nashville, The	Davidson	Mar. 27, 1905	O 3	120
Lightfoot Nursery Co	Hamilton	April 1, 1903	J 5	90
Loeb Shoe Co., Henry	Shelby	Jan. 9, 1903	U 5	116
Latt & Bauer Lumber Co	Knox	April 8, 1903	J 5	98
Logan & Maphet Lumber Co	Knox	Dec. 2, 1903	P 3	150
Longtown Gin Co., The	Fayette	Dec. 14, 1903	U 5	399
Log Mountain Coal & Coke Co	Campbell	Feb. 24, 1904	J 5	262
Lookout Land Co	Hamilton	May 27, 1904	U 6	99
Log Mountain Coal & Coke Co. (amendment)	Campbell	Aug. 18, 1904	P 3	332
Lovell Furniture Co., John B	Davidson	Aug. 26, 1904	U 6	152
Lockett Jones & Co	Washington	Sept. 19, 1904	U 6	171
Lockett-Reeves Company	Sullivan	Oct. 31, 1904	U 6	187
Lookout Inn Co	Hamilton	Jan. 2, 1905	U 6	231
Lynch Manufacturing Co., The G. R	Hamilton	Dec. 22, 1903	J 5	224
Luppert Lumber Co	Carter	Aug. 8, 1904	J 6	57
Luehman Hotel Co., The	Shelby	Jan. 24, 1905	U 6	258
M				
Madisonville Flouring Mill	Monroe	April 5, 1903	U 5	185
Market Square Drug Co	Knox	April 18, 1903	U 5	193
Marshall & Maury Milling Co	Maury	May 29, 1903	J 5	114
Maddox Seminary for Young Ladies	Shelby	June 6, 1903	U 5	215
Maury-Rawlings Co	Shelby	June 20, 1903	U 5	223
Manufacturers and Producers Ass'n., of Knoxville	Knox	June 23, 1903	O 3	12
Maer Manufacturing Co	Shelby	July 6, 1903	U 5	290
Manix Dry Goods Co., The J. E. (amendment)	Davidson	July 23, 1903	P 3	43
Mayfield Manufacturing Co., J. C	Davidson	Aug. 15. 1903	J 5	155
Maury Grocery Co	Maury	Aug. 28, 1903	U 5	269
Mahannah Lumber Mfg. Co., of New South Memphis	Shelby	Dec. 1, 1903	U 5	362
Maury Grocery Co	Maury	Dec. 31, 1903	P 3	92
Marshall Milling Co., The	Marshall	Feb. 2, 1904	J 5	257
Martin Clothing Co., The	Henry	Feb. 23, 1904	U 6	30
Marion Trust & Banking Co	Marion	Mar. 24, 1904	Vol. 2	19
Maury-Rawlings Co. (amendment)	Shelby	June 4, 1904	P 3	312
Maxwell Bros. Grocery Co	Putnam	June 13, 1904	U 6	106
Mahoney-Cox Company (amendment)	Sullivan	July 25, 1904	P 3	326
Matthews Land Co	Shelby	July 26, 1904	Q A	64
Mammoth Livery, Boarding and Sales Stables	Shelby	July 27, 1904	J 6	54
Marshall & Bruce-Polk Co	Davidson	Sept. 17, 1904	U 6	168
Maas Grocery Company	Shelby	Sept. 27, 1904	U 6	174
Masons Agency	Davidson	Nov. 14, 1904	U 6	186
MacGowan-Cooke Printing Co	Hamilton	Dec. 24, 1904	U 6	221
Manufacturers Distributing Co. (Inc.)	Shelby	Jan. 4, 1905	U 6	234
Major Lumber Company, S. C	Shelby	Jan. 11, 1905	U 6	240
Masonic Fraternity Association	Knox	Feb. 8, 1905	U 6	273
Manogue-Pidgeon Iron Co	Shelby	Mar. 16, 1905	U 6	298
Mahoney Lipscomb Mfg. Co	Sullivan	Mar. 29, 1905	J 6	201
McMinnville, Woodbury & Nashville Railroad Co.	Davidson	July 31, 1903	S S	102
McTeer Clothing Co., J. T	Knox	Oct. 28, 1903	J 5	190
McMinnville, Woodbury & Nashville Railroad Co. (amendment)	Davidson	Nov. 19, 1903	P 3	82
McCroskey Mining and Mfg. Co	Knox	Jan. 23, 1904	J 5	251
McCowat-Mercer Printing Co	Madison	May 18, 1904	U 6	89
McLemore Ave. Presbyterian Church	Shelby	July 27, 1904	P 3	321
McKenzie Water Co	Carroll	Aug. 18, 1904	U 5	11
McGraw, Perkins & Webber Co. (amendment)	Shelby	Sept. 26, 1904	P 3	346
McGehee Grocery Co., W. E	Shelby	Dec. 20, 1904	U 6	216
McCaslin & Jones	Monroe	Dec. 27, 1904	U 6	228
McMillan & Hagan Co	Knox	Dec. 31, 1904	U 6	230
McLaughlin Land Co	Shelby	Jan. 4, 1905	J A	98
McTeer Clothing Co., The George P	Knox	Feb. 24. 1905	U 6	282
McTeer Clothing Co., The George P. (amendment)	Knox	Mar. 4, 1905.	P 3	403
Memphis News Publishing Co	Shelby	April 7, 1903	P 2	477
Memphis Paving & Tile Co., The	Shelby	April 17, 1903	J 5	98
Memphis Hydraulic Stone Co., The	Shelby	May 6, 1903	J 5	104
Mechanics Bank & Trust Co., of Chattanooga, Tenn	Hamilton	May 20, 1903	Vol. 1	278

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NAME OF CORPORATION.	County where registered.	When registered in Secretary of State's office	Book	Page
Memorial Training School, The	Davidson	June 1, 1903	O 3	7
Mississippi Bond and Investment Co	Shelby	June 1, 1903	U 5	213
Miller Store Company	Hamilton	May 30, 1903	U 5	214
Memphis Drug Company, The	Shelby	June 30, 1903	U 5	230
Memphis Bar Association	Shelby	July 13, 1903	O 3	10
Memphis Bridge Co	Shelby	July 17, 1903	J 5	145
Memphis & State Line Railroad Co	Shelby	July 21, 1903	S S	101
Memphis Real Estate Investment Co	Shelby	July 22, 1903	P 3	42
Methodist Benevolent and Fraternal Ass'n., The	Davidson	Aug. 25, 1903	O 3	25
Memphis Shoe Co	Shelby	Aug. 26, 1903	U 5	246
Metcalfe Star Laundry Co	Shelby	Sept. 22, 1903	P 3	62
Meltons Bank	Cannon	Oct. 7, 1903	Vol. 1	290
Memphis Tropical Fruit and Rubber Co	Shelby	Dec. 9, 1903	J 5	272
Mitchell-Ashley Hardware Co	Maury	Jan. 5, 1904	U 5	218
Memphis Sash and Door Co	Shelby	Jan. 9, 1904	J 5	289
Mee Stock Farm Co	Bradley	Jan. 22, 1904	J 5	288
Milan Enterprise Stock Co	Gibson	Jan. 27, 1904	U 6	5
Mechanics Savings Bank & Trust Co	Shelby	Mar. 2, 1904	Vol. 2	14
Memphis Heating Co	Shelby	Mar. 11, 1904	U 6	46
Mineral Oil Soap Co	Shelby	April 1, 1904	U 6	62
Memphis Wholesale Brokerage Association	Shelby	April 9, 1904	O 3	53
Memphis Millinery Co	Shelby	May 2, 1904	U 6	77
Mississippi Valley Life Insurance Co	Shelby	May 4, 1904	U 6	80
Memphis Macaroni Co	Shelby	May 16, 1904	P 3	184
Miller-Burns Fire Brick Co	Hamilton	May 27, 1904	P 3	189
Memphis Land & Building Co	Shelby	June 13, 1904	Q A	81
Memphis Detective Bureau, The	Shelby	June 17, 1904	O 3	111
Memphis Buggy Co	Shelby	June 20, 1904	J 6	37
Memphis Queensware Co	Shelby	July 16, 1904	P 3	197
Merchants Delivery Co	Davidson	July 19, 1904	J 6	51
Mentor Southern Railway Co	Knox	Aug. 15, 1904	S S	123
Memphis Dry Color Co	Shelby	Aug. 20, 1904	J 3	326
Memphis Sash & Door Co. (amendment)	Shelby	Oct. 3, 1904	P 3	248
Merchants Custom Gin Co	Dyer	Oct. 5, 1904	J 6	85
Memphis Ginning & Cotton Huller Co	Shelby	Nov. 18, 1904	P 3	268
Mercantile Laundry Co	Montgomery	Nov. 28, 1904	U 6	190
Merchants Trust Co	Shelby	Jan. 6, 1905	Vol. 2	54
Memphis Trust Co. (amendment)	Shelby	Jan. 13, 1905	P 3	280
Memphis Pure Milk Co	Shelby	Jan. 13, 1905	U 6	246
Medina Banking Co	Gibson	Jan. 28, 1905	Vol. 2	58
Memphis Grain & Hay Association	Shelby	Feb. 8, 1905	O 3	87
Memphis Street Railway Extension Co., The	Shelby	Feb. 20, 1905	P 3	246
Merchants Tobacco Mfg. Co	Greene	Feb. 22, 1905	J 6	178
Memphis Red Cross Medical Association	Shelby	Mar. 7, 1905	O 3	196
Midway Oil Co	Fentress	Mar. 15, 1905	U 6	297
Mirror Publishing Co	Wayne	Mar. 16, 1905	U 6	280
Miller Pants Manufacturing Co	Shelby	Mar. 22, 1905	J 6	197
Memphis Country Club, The	Shelby	Mar. 30, 1905	P 3	88
Moffatt Gin Co	Obion	April 24, 1903	U 5	200
Monarch Coal Mining Co	Cumberland	May 13, 1903	J 5	109
Montlake Coal Co	Hamilton	June 6, 1903	J 5	119
Monterey Bottling Works	Putnam	June 20, 1903	U 5	222
Monroe Harding Memorial Orphanage, The	Davidson	Sept. 17, 1903	P 3	59
Monterey Bottling Works	Putnam	Oct. 8, 1903	P 3	69
Mt. Pleasant Land & Improvement Co	Maury	Dec. 5, 1903	Q A	76
Mt. Pleasant Land & Improvement Co	Maury	Dec. 14, 1903	Q A	77
Monterey Coal Co	Putnam	Jan. 1, 1904	J 5	250
Morgan & Hardy Bros. (amendment)	Obion	Jan. 12, 1904	P 3	153
Montcagle & Pelham Turnpike Co	Grundy	Jan. 23, 1904	S S	106
Montgomery Furniture & Mfg. Co. (amendment)	Davidson	Feb. 24, 1904	P 3	132
Morristown Produce & Ice Co	Hamblen	Feb. 29, 1904	J 5	265
Modern Order of Deerman	Dyer	Mar. 8, 1904	O 3	52
Mountain City Baseball Association	Hamilton	June 18, 1904	U 6	112
Mook & Block Co	Shelby	Aug. 15, 1904	U 6	130
Morristown Trunk Co	Hamblen	Aug. 24, 1904	J 6	67
Mountain City Banking Co	Hamilton	Aug. 29, 1904	U 6	42
Morgan-Hardy Grain Co. (amendment)	Obion	Jan. 10, 1905	P 3	276
Morristown Department Store Co	Hamblen	Jan. 12, 1905	U 6	243
Monterey Oil Co	Putnam	Mar. 2, 1905	J 6	185
Murfreesboro Bottling Works, The	Rutherford	April 25, 1903	U 5	208
Mutual Realty Co	Shelby	June 10, 1903	J A	72
Murfreesboro & Bradyville Turnpike Co. (amd.)	Cannon	June 20, 1903	P 2	13
Mutual Aid Association of the U. S. of America	Giles	Oct. 22, 1903	O 3	34

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Mutual Aid Society of Chattanooga, Tenn	Hamilton	Oct. 27, 1903	O 3	36
Murphy Land Co. (amendment)	Davidson	Nov. 19, 1906	P 3	8
Murphy-Smith-Brown Lumber Co	Campbell	Mar. 7, 1904	U 6	42
Munford Savings Bank and Trust Co	Tipton	May 10, 1904	Vol. 2	24
Murphy Furniture Co., The	Shelby	Dec. 5, 1904	U 6	198
Murfreesboro Investment & Savings Co	Rutherford	Dec. 13, 1904	Q A	98
N				
Nashville Coffee Mfg. Co. (amendment)	Davidson	April 3, 1906	P 2	476
National Cotton Seed Products Co	Shelby	April 13, 1906	U 5	190
National Manufacturing & Supply Co	Shelby	April 16, 1903	J 5	97
Nashville Building Co., The	Davidson	May 1, 1903	U 5	207
Nashville Land Improvement Co.(amendment)	Davidson	April 24, 1903	P 2	48
New Market Zinc Works	Knox	May 8, 1903	J 5	105
Nunley Ridge Coal Co	Grundy	June 9, 1903	J 5	122
Nashville Railway & Light Co. (organization)	Davidson	June 26, 1903	P 3	30
New Chattanooga Furnace Co	Hamilton	June 30, 1903	J 5	138
Nashville Railway & Light Co. (amendment)	Davidson	July 9, 1906	P 3	35
Nashville Choral and Symphonic Society	Davidson	July 11, 1903	O 3	18
New Chattanooga Furnace Co. (amendment)	Hamilton	July 29, 1903	P 3	45
Nashville Glass & Sundry Co	Davidson	Aug. 18, 1903	P 3	48
Nashville Spoke & Handle Mfg. Co., The	Davidson	Aug. 24, 1906	J 5	158
Nalve-Spillers Company of Gallatin, Tenn	Sumner	Aug. 27, 1903	P 3	50
National Home Security Co	Hamilton	Sept. 21, 1903	J 5	169
National Credit Register Co	Hamilton	Sept. 24, 1906	U 5	272
National Fertilizer Co. (amendment)	Davidson	Oct. 7, 1903	P 3	70
Nitroline Mfg. Co	Shelby	Oct. 14, 1903	U 5	281
Nashville Tennis Club	Davidson	Oct. 21, 1903	O 3	32
Nashville Spoke & Handle Co. (dissolved)				
National Coal & Coke Co	Davidson	Nov. 7, 1903	J 5	195
National Importing Co	Shelby	Nov. 11, 1903	U 5	291
Nashville Lodge No. 72, B. P. O. Elks	Davidson	Nov. 12, 1903	O 3	91
North Memphis Savings Bank	Shelby	Nov. 19, 1903	Vol. 2	2
Nashville Filtered Water Co	Davidson	Nov. 30, 1903	U 5	301
Nashville Ice and Cold Storage Co. (dissolution)	Davidson	Dec. 15, 1903	P 3	90
Nichols Moreland Co	Jefferson	Dec. 21, 1903	U 5	311
National Life & Accident Ins. Co. (amendment)	Davidson	Dec. 29, 1903	P 3	91
Nashville Boys Club & Aid Society	Davidson	Jan. 4, 1904	O 3	42
Newson Crushed Rock & Quarry Co	Davidson	Jan. 4, 1904	U 5	217
Nashville Street Steam Heating Co	Davidson	Jan. 15, 1904	P 3	117
Nelson Iron Works, The H. O	Knox	Jan. 18, 1904	J 5	245
Nashville Street Steam Heating Co. (amendment)	Davidson	Jan. 19, 1904	P 3	121
Nashville Builders Supply Co	Davidson	Jan. 26, 1904	U 6	2
National Toilet Company, (amendment)	Henry	July 20, 1903	P 3	40
Nashville Union Stock Yards Co	Davidson	Mar. 18, 1904	J 5	275
Nashville Hardwood Flooring Co. (amendment)	Davidson	April 30, 1904	P 3	215
Nashville Waste Paper Receptacle Co., The	Davidson	June 29, 1904	J 6	40
Neal & Ogilvie Co	Davidson	July 6, 1904	U 6	119
New Rocs Medicine Co	Knox	Aug. 16, 1904	U 6	141
Niota Milling Co	McMinn	Oct. 29, 1904	J 6	101
North Nashville Baptist Church	Davidson	Nov. 1, 1904	O 3	78
North Nashville Milling Co	Davidson	Nov. 1, 1904	U 6	184
Nashville Transportation Co	Davidson	Nov. 29, 1904	U 6	193
North Nashville Mercantile Co	Davidson	Dec. 6, 1904	U 6	200
Nashville Chemical Co. (amendment)	Davidson	Dec. 16, 1904	P 3	308
News Publishing Co., The	Anderson	Jan. 6, 1905	U 6	286
National Mfg. & Supply Co. (amendment)	Shelby	Jan. 13, 1905	P 3	879
New Spring City Leather Co	Rhea	Jan. 19, 1905	J 6	152
Nashville Red Cross Medical Association, The	Davidson	Jan. 21, 1905	O 3	84
Nashville & Huntsville Railway	Davidson	Feb. 7, 1905	S S	111
Nashville Home Telephone Co	Davidson	Feb. 9, 1905	U 6	274
New Era Cement Roofing Co	Davidson	Feb. 9, 1905	J 6	170
National Employers Protective Association	Putnam	Feb. 17, 1905	J 6	175
Newman & Co., S. B.	Knox	Feb. 18, 1905	U 6	280
Nashville Belting Co	Davidson	Mar. 6, 1905	J 6	187
Nichols & Clagett Co. (amendment)	Obion	Mar. 9, 1905	P 3	405
Newbern Canning Co	Dyer	Mar. 18, 1905	U 6	309
Nance Company, O. J	Madison	Mar. 25, 1905	J 6	200
Nunley Ridge Coal Co. (amendment)	Grundy	Mar. 30, 1905	P 3	414
O				
Olympian Publishing Co. (amendment)	Davidson	April 3, 1903	P 2	474
Ozark Oil Company	Hamilton	June 20, 1903	P 3	14

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Orgill Bros. & Co	Shelby	July 7, 1903	P 3	34
Obion Mill & Elevator Co., The	Obion	Sept. 10, 1903	U 5	258
Oakdale Stock Farming Co	Fayette	Sept. 22, 1903	U 5	257
One Cent Savings Bank	Davidson	Jan. 9, 1904	Vol. 2	7
Oakfield Fruit Growers Association	Madison	Jan. 16, 1904	J 5	242
Owings Harwood & Co	Giles	Jan. 30, 1904	U 6	8
Ocean Candy Mfg. Co., The	Shelby	Feb. 8, 1904	U 6	17
Owings-Harwood & Co	Giles	Feb. 10, 1904	U 6	29
Our Store Company	Bledsoe	Feb. 12, 1904	U 6	21
Ocean Candy Mfg. Co., The	Davidson	Feb. 13, 1904	U 6	22
Oliver Springs Banking Co	Anderson	Feb. 25, 1904	Vol. 2	13
O'Neill Institute	Shelby	Mar. 15, 1904	J 5	273
Overton County Railroad Co	Overton	Mar. 22, 1904	S S	129
Overton County Railroad Co. (amendment)	Overton	May 17, 1904	P 3	219
Orange Grove Lumber & Mfg. Co	Hamilton	June 2, 1904	J 6	23
Odd Fellows Hall Association	Davidson	June 10, 1904	O 3	65
Old Ladies Home, The	Hamilton	Sep. 26, 1904	O 3	74
Oneida Coal Co. The	Scott	Oct. 20, 1904	J 6	98
Obion Lighting Co	Obion	Dec. 8, 1904	U 6	204
Obion Cooperage Co	Obion	Dec. 16, 1904	U 6	207
Open Lake Sporting Club	Lauderdale	Jan. 12, 1905	U 6	241
Old Hickory Oil Co	Fentress	Jan. 28, 1905	J 6	159
Orion Publishing Co	Davidson	Feb. 4, 1905	U 6	269
Oakland Deposit Bank	Fayette	Feb. 15, 1905	Vol. 2	61
P				
Paul & Douglass Co	Shelby	June 11, 1903	U 5	217
Peoples Savings Bank	Haywood	July 24, 1903	Vol. 1	263
Patton Coal Co	Davidson	Sep. 2, 1903	J 5	160
Pease & Dwyer Co	Shelby	Sep. 16, 1903	P 3	57
Peoples Bank of Lewisburg	Marshall	Oct. 19, 1903	P 3	75
Peoples Drug Co	Knox	Dec. 28, 1903	U 5	318
Paint Rock Coal Mining Co	Roane	Jan. 16, 1904	J 5	243
Pebble Hill Fruit Farm & Nurseries	Franklin	Jan. 29, 1904	U 6	7
Patterson-Armstrong Mfg Co	Shelby	Jan. 29, 1904	J 5	255
Paris Transfer Co	Henry	Feb. 27, 1904	U 6	37
Pettit Hugh Co	Shelby	Mar. 1, 1904	U 6	35
Peurhyn Slate Co	Knox	Mar. 22, 1904	J 5	277
Peoples Savings Bank & Trust Co of Hails	Lauderdale	Apr. 21, 1904	Vol. 2	21
Pardue Company, H. W	Washington	May 30, 1904	U 6	100
Peoples Exchange Bank of Gadsden	Crockett	Sept. 15, 1904	Vol. 2	48
Patton Drug Co	Washington	Oct. 17, 1904	U 6	179
Patton Black Mfg. Co	Madison	Oct. 31, 1904	U 6	104
Paris Telephone Co	Henry	Dec. 21, 1904	J 6	186
Perryville Gravel and Ballast Co	Decatur	Jan. 30, 1905	J 6	169
Pensacola, Alabama & Western R. R. of Tenn	Shelby	Feb. 10, 1905	S S	112
Peoples Bank of Cookeville, Tenn	Putnam	Feb. 11, 1905	Vol. 2	260
Park Drug Co	Davidson	Mar. 7, 1905	U 6	208
Peoples Laundry Co	Shelby	Mar. 28, 1905	U 6	207
Planters Journal, The	Shelby	June 23, 1903	U 5	224
Phebus & Co., W. L	Obion	Sept. 11, 1903	U 5	251
Pine Fountain College	DeKalb	Jan. 9, 1904	U 5	321
Piney Flats Mfg. & Canning Co	Sullivan	Mar. 22, 1904	J 5	276
Phœnix Cotton Oil Co. (amendment)	Shelby	June 10, 1904	P 3	192
Pickett County Bank & Trust Co	Pickett	July 25, 1904	Vol. 2	35
Planters Packet Co	Shelby	Aug. 6, 1904	U 6	134
Phillips & Buttorff Mfg. Co. (amendment)	Davidson	Jan. 26, 1905	P 3	367
Pneumatic Cotton Harvester Co	Shelby	April 2, 1903	J 5	91
Poor Valley Oil Co	Hawkins	April 14, 1903	J 5	95
Pyroligneine Company	Franklin	April 20, 1903	U 5	195
Pulaski Commercial Club	Giles	June 8, 1903	O 3	9
Poplar Creek Coal Co. (amendment)	Morgan	Aug. 29, 1903	P 3	251
Portland Bank	Sumner	Oct. 30, 1903	Vol. 2	1
Poplar Boulevard Land Co	Shelby	Nov. 11, 1903	U 5	292
Prather-Walker Manufacturing Co	McMinn	Nov. 17, 1903	J 5	300
Price-Cavce-Little Transfer Co	Davidson	May 26, 1903	U 6	97
Pulaski House Building Association	Giles	June 11, 1903	Q A	80
Pruden Coal & Coke Co	Claiborne	June 16, 1903	J 6	36
Polk County Bank	Polk	Sept. 13, 1904	Vol. 2	46
Poor Peoples Aid Society of Fayette Co., The	Fayette	Sept. 14, 1904	O 3	73
Pythian Period Co., The	Davidson	Oct. 14, 1904	J 6	91
Porter Medicine Co., The	Henry	Dec. 17, 1904	U 6	210
Proctor Furniture Company	Knox	Jan. 14, 1905	P 3	382
Pulaski Commercial Club	Giles	Jan. 19, 1905	P 3	386

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Q				
aker Marble Co., of Tennessee	Loudon	Mar. 6, 1905	J 6	186
R				
alty Investment Co	Shelby	May 14, 1903	Q A	70
ce Bureau, The	Davidson	Oct. 10, 1903	J 5	174
ch Mountain Coal & Coke Co	Campbell	Oct. 19, 1903	J 5	187
al & Personal Estate Ass'n., Lewisburg, The	Marshall	Oct. 20, 1903	U 5	261
chardson Lumber Co., W. J	Perry	Nov. 6, 1903	J 5	194
d Store Company	Rhea	Dec. 19, 1903	U 5	210
pley Brick Co	Lauderdale	Jan. 28, 1904	J 5	250
ichland Medicine Co., The	Giles	Jan. 26, 1904	U 6	1
al & Personal Estate Association of Globe, Tenn	Marshall	Feb. 8, 1904	U 6	16
ead Supply Co	Haywood	Feb. 27, 1904	U 6	85
etail Grocers & Butchers' Ass'n., of Memphis	Shelby	April 18, 1904	U 6	71
ichmond & Bond Co	Hamilton	May 23, 1904	P 8	186
ector Coal Co	Knox	June 18, 1904	J 6	80
idge View Land Co	Shelby	Aug. 12, 1904	U 6	137
ival Manufacturing Co	Knox	Aug. 12, 1904	J 6	60
etail Grocers' & Butchers' Association	Davidson	Aug. 20, 1904	O 3	68
edford Book Co., The	Davidson	Aug. 29, 1904	U 6	155
eliable Furniture and Carpet Co	Shelby	Sept. 7, 1904	U 6	162
emy Coal Co	Campbell	Nov. 28, 1904	J 6	116
and Powder Co. of Tennessee	Anderson	Jan. 2, 1905	J 6	141
ed Water Oil & Mining Co	Henry	Jan. 4, 1905	J 6	143
ipley Savings Bank & Trust Co. (amendment)	Lauderdale	Jan. 17, 1905	P 8	384
iverside Planing Mills	Maury	Feb. 1, 1905	J 6	168
ichland Valley Phosphate Co., The	Giles	Feb. 24, 1905	J 6	181
ichland Realty Co	Davidson	Mar. 9, 1905	Q A	101
oaring Spring Telephone Co., The	Greene	April 20, 1903	U 5	196
ock City Spoke Co	Davidson	June 15, 1903	J 5	129
yan & Son Plumbing Co	Davidson	July 17, 1903	U 5	234
oberts-Buford Dry Goods Co	Williamson	July 21, 1903	P 3	41
odgers Cotton Cleaner & Gin Co	Shelby	Aug. 15, 1903	J 5	156
od Armstrong Co., The	Hawkins	Sept. 12, 1903	U 5	253
ourke Co., M. F	Knox	Nov. 28, 1903	U 5	300
oaring Fork Telephone Co., The	Greene	Dec. 2, 1903	U 5	303
owland Dyer Soap Co	Knox	Dec. 5, 1903	J 5	210
oddy Williams & Co	Davidson	Jan. 8, 1904	U 5	319
ockwood Ice & Bottling Co	Roane	Jan. 27, 1904	J 5	252
Rockbridge Tobacco Works	Davidson	Feb. 23, 1904	U 6	29
Ripley Steam Laundry	Lauderdale	Feb. 23, 1904	U 6	32
Royal Oil Co	Knox	Mar. 22, 1904	U 6	57
Rockwood Brick and Tiling Co	Roane	Mar. 23, 1904	J 5	278
Roane Construction Co	Roane	June 27, 1904	U 6	116
Rockford Electric Co	Knox	Sept. 2, 1904	U 6	157
Rockwood Bank & Trust Co	Roane	Sept. 10, 1904	Vol. 2	44
Robertson Furniture Co	Davidson	Oct. 6, 1904	U 6	178
Rockdale Iron Co. (amendment)	Maury	Oct. 19, 1904	P 8	356
Roy Lock Company	Davidson	Nov. 12, 1904	J 6	109
Rogersville Electric Co	Hawkins	Nov. 18, 1904	P 3	363
Ryman Line	Davidson	Dec. 10, 1904	U 6	205
Robinson & Howard Co	Madison	Dec. 28, 1904	U 6	224
Rogersville Mercantile Co	Hawkins	Feb. 3, 1905	U 6	366
Rutherford County Sale Association, The	Rutherford	Feb. 22, 1905	J 6	179
Rogers, Moore & Nance Co	Knox	Mar. 10, 1905	J 6	189
Rutherford Ginning Co	Gibson	Mar. 29, 1905	J 6	202
Sartin Drug Co., The (amendment)	Marion	May 11, 1903	P 2	489
Savannah Oil & Mineral Co	Hardin	July 10, 1903	J 5	143
Sardis Bank	Henderson	Sept. 29, 1903	Vol. 1	288
Sazerac Catering Co	Shelby	Nov. 14, 1903	U 5	297
Safety Gasoline Stove & Empire Cooker Co	Knox	April 12, 1904	J 6	1
Sardis Presbyterian Church, The	Cocke	July 5, 1904	O 3	63
Sardis Electric Co	Shelby	July 11, 1904	J 6	44
Savannah, Shiloh Park & Corinth Ry. Co	Hardin	Oct. 21, 1904	S S	127
Scott County Lumber & Improvement Co	Knox	June 20, 1903	J 5	134
Shultz-Howard Co., The	Knox	Jan. 12, 1904	J 5	288
Scott Car Co. (amendment)	Knox	Mar. 10, 1904	P 3	172
Scott County Bank, The	Scott	Aug. 5, 1904	Vol. 2	88
Scott & Oliver Mfg Co. (amendment)	Knox	Sept. 10, 1904	P 3	343
Scott, Alex A., Brick Co	Knox	Dec. 14, 1904	J 6	127

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Shaw Chapman Co	Haywood	April 9, 1903	U 5	186
Sisters of Faith and Hope	Lauderdale	May 4, 1903	O 3	1
Security Finance & Realty Co	Shelby	May 14, 1903	Q A	71
Sharpe & Mills Furniture Co. (amendment)	Davidson	Sept. 17, 1903	P 3	61
Shelby County Traction Co	Shelby	Oct. 26, 1903	S S	104
Shanks, Phillips & Co	Shelby	Dec. 21, 1903	J 5	226
Security Bank & Trust Co., of Chattanooga, The (amendment)	Hamilton	Jan. 5, 1904	P 3	92
Security Savings Bank & Trust Co	Davidson	Jan. 12, 1904	Vol. 2	7
Sisters of Hope	Davidson	June 17, 1904	O 3	61
Sewanee Coal Coke & Land Co. (amendment)	Coffee	June 22, 1904	P 3	196
Shipley Hardware & House Furnishing Co	Washington	Sept. 19, 1904	J 6	78
Shaw-Graves Co	Haywood	Nov. 28, 1904	U 6	192
Sewanee Grocery Co	Franklin	Nov. 28, 1904	U 6	194
Seat, Glenn L. Co	Dyer	Dec. 8, 1904	U 6	201
Shelbyville Auditorium Co	Bedford	Jan. 17, 1905	U 6	255
Shaw Co., James M	Hamilton	Feb. 2, 1905	U 6	285
Sloan-Trawick Tobacco Co	Davidson	July 30, 1903	U 5	241
Smith-Neal & Co	Knox	April 11, 1904	U 6	66
Sledge & Norfleet Co	Shelby	May 26, 1904	P 3	188
Shells Remedy Co., Dr. J. R	Knox	June 17, 1904	U 6	110
Smith, Herrin & Baird Mfg Co	Davidson	Dec. 31, 1904	J 6	149
South Chattanooga Co	Hamilton	April 17, 1903	Q A	68
Sparta Knitting Mills, The	White	April 18, 1903	J 5	100
Sperry, Handley & Walsh Hat Co. (amendment)	Davidson	April 29, 1903	P 2	486
Springfield Woolen Mills Co., The	Robertson	April 30, 1903	U 5	205
Sparta Boat Co., The	White	April 30, 1903	U 5	206
Southern Wall Paper Co	Shelby	May 6, 1903	U 5	208
Southern Disconnt Co	Hamilton	May 27, 1903	Vol. 1	280
Sons of the Union & the Daughters of Zion, The	Montgomery	May 30, 1903	O 3	6
Spink-Center Brick Co	Hamilton	June 18, 1903	J 5	138
Spring Creek Mining Co	Hickman	June 25, 1903	U 3	10
Spurlock-Neal Co	Davidson	Aug. 14, 1903	P 3	47
Societade Mutuo Soccerso Vittorio Emanuel III	Shelby	Aug. 15, 1903	O 3	23
Southern School of Photography	Warren	Aug. 27, 1903	U 5	247
Sons & Daughters of Abraham	Davidson	Sept. 8, 1903	P 3	55
Southwestern Mining & Mfg Co	Montgomery	Sept. 26, 1903	J 5	173
Socraties Society, The	Davidson	Sept. 28, 1903	O 3	31
Stapp Lumber Co	Shelby	Oct. 2, 1903	U 5	275
Sneedville, Town of	Hancock	Oct. 6, 1903	P 3	71
outhern Coffin & Casket Co	Knox	Oct. 14, 1903	P 3	74
Southern Novelty Mfg Co	Shelby	Oct. 16, 1903	J 5	180
Southern Industrial Daily	Shelby	Nov. 10, 1903	J 5	197
Southern Publishing Co	Shelby	Nov. 13, 1903	U 5	295
Southern Medicine Publishing Co	Hamilton	Dec. 11, 1903	U 5	308
Stacy Co., L. C	Shelby	Dec. 15, 1903	J 5	217
Southern Mill, Mine & Railway Supply Co	Davidson	Dec. 19, 1903	J 5	222
Southern Agriculturist Co	Davidson	Jan. 4, 1904	U 5	316
Southern Bottlers Association	Rutherford	Feb. 3, 1904	O 3	45
Southern Hardwood Co., The	Davidson	Feb. 9, 1904	U 6	19
Southern Cereal Mill Co	Davidson	April 11, 1904	J 5	267
Southern Iron Works	Hamilton	April 15, 1904	J 6	4
Southern Electrical Co	Davidson	April 21, 1904	U 6	72
Southwestern Publishing Co	Knox	May 23, 1904	U 6	94
Southern Handle Co., The	Shelby	June 8, 1904	J 6	36
Southern Summer School of the South	Knox	June 17, 1904	O 3	60
South Pittsburg Real Estate & Building Co	Marion	June 20, 1904	Q A	82
Social Benevolent Society	Hardeman	June 21, 1904	O 3	62
Southern Lumber & Box Co. (amendment)	Davidson	June 23, 1904	P 3	315
Southern Baking Powder Co	Davidson	July 11, 1904	J 6	46
Southside Bank	Montgomery	July 13, 1904	Vol. 2	12
Southern Music Co	Hamilton	Aug. 2, 1904	U 6	131
Southern Hardwood Lumber Co	Shelby	Aug. 5, 1904	U 6	132
South Pittsburg Realty Co	Davidson	Aug. 29, 1904	Q A	85
Southern Oak Extract Co. (amendment)	Knox	Sept. 2, 1904	P 3	341
Southern Optical Co	Knox	Sept. 7, 1904	J 6	72
Southern Shade Tree Co	Shelby	Oct. 19, 1904	U 6	189
Sons & Daughters of Charity	Davidson	Oct. 26, 1904	O 3	77
Southern Stave Mills	Gibson	Nov. 19, 1904	J 6	113
Southern Tile & Brick Co. (amendment)	Madison	Nov. 21, 1904	P 3	364
Spring City Lumber Co	Rhea	Dec. 8, 1904	J 6	130
Southside Bank (amendment)	Montgomery	Dec. 5, 1904	P 3	365
Southern Timber & Mineral Land Co	Davidson	Dec. 8, 1904	U 6	203

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tandard Handle Co	Knox	July 7, 1903	U 5	238
tewart-Watson Furniture Co	Davidson	Aug. 19, 1903	U 5	245
traight Creek Coal & Coke Co	Claiborne	Sept. 18, 1903	J 5	165
tandard Coal & Coke Co	Claiborne	Sept. 18, 1903	J 5	167
tanton Bank, The	Haywood	Sept. 22, 1903	Vol. 1	287
trong Land Co	Shelby	Oct. 7, 1903	Q A	75
tanton Telephone Co. (amendment)	McNairy	Nov. 27, 1903	P 3	84
tandard Lumber & Box Co	Davidson	Dec. 9, 1903	J 5	211
teward Manufacturing Co., D. M	Hamilton	Jan. 5, 1904	J 5	231
taley, Geo. P., Co	Davidson	Jan. 27, 1904	U 6	8
tate Trust Co., The	Davidson	Jan. 29, 1904	Vol. 2	10
t. Peters Syrian Benevolent Society	Davidson	Feb. 6, 1904	O 3	47
tandard Furniture Co. (amendment)	Davidson	Feb. 24, 1904	P 3	132
tandard Grocery Co	Carter	Feb. 29, 1904	J 5	267
turla Hotel Co., The	Shelby	Mar. 16, 1904	U 6	50
tandard Electric Co	Davidson	May 14, 1904	U 6	84
tanley Coal Co	Roane	Aug. 9, 1904	J 6	58
tevens Co., The J. H	Knox	Aug. 22, 1904	U 6	149
outhern Fuel Co	Hamilton	Dec. 13, 1904	J 6	125
outhern Skein & Foundry Co	Hamilton	Dec. 14, 1904	J 6	126
cott Brick Co., Alex A	Knox	Dec. 14, 1904	J 6	127
tony Creek Sulphur Co	Davidson	Dec. 16, 1904	J 6	128
outhside Milling Co	Montgomery	Dec. 21, 1904	J 6	135
tandard Clothing Co. (amendment)	Knox	Jan. 13, 1905	P 3	382
pringer & Lester Co	Knox	Feb. 1, 1905	J 6	163
now, Church & Co	Davidson	Feb. 8, 1905	J 6	169
outhern Cereal Mill Co. (amendment)	Davidson	Feb. 25, 1905	P 3	399
outhern Sundry Co	Shelby	Feb. 27, 1905	U 6	283
outhwestern Registry Co	Shelby	Mar. 9, 1905	J 6	188
outhwestern Brokerage & Investment Co	Shelby	Mar. 10, 1905	J 6	190
outhern Womans Educational Association	Hamilton	Mar. 11, 1905	J 6	192
outhern Automobile Co	Davidson	Mar. 17, 1905	J 6	194
outhwestern Dixie Telephone Co	Carroll	Mar. 29, 1905	U 6	309
word Medicine Co	Giles	Nov. 24, 1903	J 5	298
ummittville Lime Co., The (amendment)	Coffee	Dec. 10, 1903	P 3	87
umner Training School, The	Sumner	Mar. 1, 1904	U 6	39
umner County Fair & Sale Association	Sumner	April 22, 1904	U 6	73
upreme Camp of United Workmen	Hardeman	Oct. 24, 1904	O 3	76
upreme Lodge Independent Order of Immaculates	Davidson	Dec. 13, 1904	P 3	336
unset Park of Davidson County, Tenn., The	Davidson	Dec. 22, 1904	Q A	94
ummers-Parrott Hardware Co	Washington	Dec. 30, 1904	U 6	229
uburban Land Co	Shelby	Jan. 4, 1905	U 6	235
weetwater Hosiery Mills (amendment)	Monroe	Feb. 8, 1905	P 3	392
T				
ennessee & Colorado Land & Mining Co	Shelby	April 21, 1903	U 5	197
ennessee Supply Co., The	White	April 22, 1903	U 5	198
ennessee Ice & Cold Storage Co	Shelby	May 8, 1903	J 5	110
ennessee Western Railway	Davidson	July 3, 1903	S S	100
empleman, J. H., Co	Davidson	July 6, 1903	P 3	53
ennessee Club, The	Hamilton	July 17, 1903	O 3	21
ennessee Blue Rock Phosphate Co	Davidson	July 30, 1903	J 5	148
ennessee Timber and Lumber Co	Gibson	Aug. 12, 1903	J 5	153
ennessee Cotton Co	Dyer	Oct. 5, 1903	U 5	277
ennessee Mantel Mfg Co	Knox	Oct. 19, 1903	J 5	182
ennessee Granite Brick Co	Shelby	Nov. 10, 1903	J 5	196
ennessee Marble Co	Knox	Nov. 25, 1903	J 5	208
ennessee Industrial Railroad Co., The	Dickson	Dec. 21, 1903	S S	119
ennessee Hydrated Lime Co	Davidson	Jan. 12, 1904	J 5	239
ennessee Society of Public Accountants, The	Shelby	Feb. 8, 1904	O 3	46
ennessee Carbonating & Supply Co	Davidson	Feb. 26, 1904	J 5	265
ennessee Brick Co. (amendment)	Shelby	Mar. 14, 1904	O 3	174
ennessee & Louisiana Land Co	Shelby	April 28, 1904	J 6	6
ennessee Railway Co	Scott	May 17, 1904	S S	122
ennessee Petroleum Co., The	Franklin	May 28, 1904	J 6	17
ennessee Fai Association	Maury	June 14, 1904	U 6	107
ennessee Coffin and Casket Co	Hamilton	July 25, 1904	J 6	53
ennessee Hardware & Specialty Co	Obion	Aug. 16, 1904	U 6	185

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Tennessee Oil & Lumber Co	Dickson	Aug. 20, 1904	J 6	62
Tennessee Ginseng Co., The	Knox	Sept. 22, 1904	J 6	79
Tennessee & Kentucky Land & Mineral Co.	Claiborne	Oct. 7, 1904	J 6	85
Tennessee Stove Works	Hamilton	Oct. 10, 1904	J 6	87
Tennessee Trust Co	Shelby	Oct. 17, 1904	P 3	388
Tennessee Packing & Provision Co	Davidson	Nov. 26, 1904	J 6	117
Tennessee Fencing Co	Benton	Dec. 20, 1904	J 6	134
Tennessee Talc Co	Hamilton	Dec. 16, 1904	J 6	129
Tennessee Game and Fish Protective Ass'n.	Davidson	Dec. 21, 1904	O 3	92
Tennessee Wood Fiber Plaster Co	Knox	Dec. 29, 1904	P 3	389
Tennessee Cotton Harvester Co., The	Shelby	Jan. 13, 1905	U 6	265
Tennessee Lodge No. 1701, Grand United Order of Odd Fellows	Maury	Feb. 21, 1905	O 3	94
Tennessee Marble Lime Co	Knox	Feb. 22, 1905	J 6	177
Tennessee Mill Supply Co	Knox	Mar. 9, 1905	U 6	295
Tennessee Granite Brick Co	Shelby	Mar. 18, 1905	P 3	410
Tennessee Power Co	Warren	Mar. 20, 1905	P 3	411
Tennessee Sales Co	Davidson	Mar. 31, 1905	U 6	310
Thacher Medicine Co	Hamilton	April 18, 1903	P 2	493
Tri-State Milling Co	Davidson	April 24, 1903	U 5	199
Truth & Love	Lauderdale	June 8, 1903	O 3	19
Tennessee Blue Rock Phosphate Co	Davidson	July 30, 1903	J 5	142
Tri-State Automobile & Supply Co., The	Shelby	Oct. 20, 1903	J 5	155
Thompson-Neal Shoe Co	Hamilton	Nov. 4, 1903	U 5	205
Tennessee Marble & Monument Co	Knox	July 20, 1903	J 5	146
Taylor & Co	Obion	Jan. 23, 1904	J 5	249
Thompson, W. L., & Co	Knox	Jan. 27, 1904	U 6	4
Turnbull Stave & Mfg Co	Dickson	Mar. 7, 1904	J 5	271
Tyner Milling Co	Hamilton	Mar. 10, 1904	J 5	272
Tuscumbia Mercantile Co	Davidson	April 13, 1904	U 6	68
Tipton Cotton Mills (amendment)	Tipton	April 13, 1904	P 3	183
Tennessee State Druggists Association (amendment)	Maury	April 22, 1904	P 3	214
Train Order Protector & Signal Lock Co	Davidson	May 7, 1904	J 6	14
Trent Printing Co	Knox	May 16, 1904	U 6	87
Tracy City Electric Light & Power Co	Grundy	May 30, 1904	J 6	18
Tri-State Milling Co	Davidson	June 2, 1904	P 3	133
Taylor Paper Co	Shelby	June 8, 1904	U 6	105
Tennessee Fair Association	Maury	June 14, 1904	U 6	107
Tennessee Printing Co	Shelby	June 21, 1904	U 6	113
Trade Presbyterian Church	Johnson	July 9, 1904	O 3	105
Tennessee Hoop Co	Shelby	July 12, 1904	U 6	121
Taluzer & Co., E. E.	Shelby	July 18, 1904	J 6	49
Taylor, A. R., Co	Shelby	July 27, 1904	U 6	130
Trawick-James Tobacco Co	Davidson	Aug. 3, 1904	P 3	327
Tucker Sheet Feed Co	Shelby	Aug. 5, 1904	U 6	132
Tibbs Gin Co	Haywood	Aug. 24, 1904	J 6	66
Tipton County Bank	Tipton	Aug. 24, 1904	Vol. 2	41
Talley-Bates Construction Co	Shelby	Sept. 6, 1904	U 6	159
Tri-State Telephone Co., The	Shelby	Sept. 12, 1904	U 6	168
Tipton County Savings Bank & Trust Co	Tipton	Sept. 12, 1904	Vol. 2	45
Trawick-James Tobacco Co. (amendment)	Davidson	Sept. 17, 1904	U 6	169
Trenton Machine Works & Supply Co	Gibson	Oct. 10, 1904	J 6	58
Trades Union Savings Bank & Trust Co	Shelby	Oct. 11, 1904	Vol. 2	49
Terrell-Hedges Co	Hamilton	Nov. 28, 1904	U 6	192
Tennessee Talc Co	Hamilton	Dec. 16, 1904	J 6	130
Thompson-Neal Shoe Co	Hamilton	Dec. 22, 1904	P 3	372
Trimble & Corbett Co., The Frank	Shelby	Dec. 29, 1904	Q A	97
Trotter Scott & Co	Montgomery	Jan. 10, 1905	U 6	239
Towner & Co. (incorporated)	Shelby	Jan. 19, 1905	U 6	256
U				
Union Railway Co. (amendment)	Shelby	June 25, 1903	P 3	16
United States Stave & Lumber Co	Maury	Aug. 7, 1903	J 5	151
Universal Fire Insurance Co. of Memphis Tenn.	Shelby	Mar. 27, 1903	U 6	305
United Labor Journal Publishing Co. (amendment)	Shelby	May 22, 1903	P 2	491
Union City Business College	Obion	June 27, 1903	U 5	227
Union Sand Co	Shelby	Aug. 6, 1903	U 5	243
United Labor Journal Building & Publishing Co.	Shelby	Nov. 13, 1903	U 5	296
Union City Cooperage & Lumber Co	Obion	Dec. 14, 1903	J 5	214

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Union City Bank & Trust Co	Obion	Jan. 15, 1904	Vol. 2	8
Union Bank & Trust Co. of Pulaski, Tenn	Giles	Jan. 23, 1904	Vol. 2	9
Union Lumber Co., The	Davidson	Feb. 19, 1904	J 5	261
Ullathorne, Joe L., Seed Co	Shelby	Feb. 25, 1904	J 5	264
Union City Opera House Co	Obion	Mar. 15, 1904	U 6	48
Union Land & Improvement Co	Shelby	Mar. 23, 1904	Q A	78
United Brothers of Friendship & Sisters of the Mysterious Ten	Davidson	May 3, 1904	P 3	216
Union Land & Improvement Co. (amendment)	Shelby	Aug. 22, 1904	P 3	337
Union Bank & Trust Co. of Jackson (amendment)	Madison	Jan. 17, 1905	P 3	385
Union Mfg Co. (amendment)	Knox	Feb. 11, 1905	P 3	396
Union Academy	Greene	Feb. 13, 1905	O 3	98
United States Mineral Co., The	Giles	Mar. 17, 1905	J 6	195
V				
Vance Hardware Co., The	Hamilton	April 11, 1903	P 2	480
Volunteer State Life Insurance Co	Hamilton	Oct. 9, 1903	U 5	279
Vaughn, A., Co. (amendment)	Davidson	Dec. 24, 1903	P 3	151
Victor Coal & Coke Co	Knox	April 29, 1904	U 6	76
Valley Mill Co	Marshall	May 17, 1904	J 6	15
Volunteer Disc Plow Co	Hamilton	June 18, 1904	J 6	36
Vibrator Instrument Co	Hamilton	July 14, 1904	U 6	128
Valley Phosphate Co	Maury	Aug. 22, 1904	J 6	64
Vaughn Mfg Co	Maury	Dec. 17, 1904	J 6	130
Virginia-Tennessee Hardware Co	Sullivan	Jan. 16, 1905	U 6	254
Versus Ills. Co	Roane	Feb. 16, 1905	U 6	277
Vitalis Medicine Co., The	Gibson	Feb. 22, 1905	J 6	180
Vanderbilt University Athletic Association	Davidson	Mar. 3, 1905	O 3	116
Venn Real Estate Co	Shelby	Mar. 22, 1905	Q A	104
W				
Waverly Stave & Tie Co	Humphreys	April 11, 1903	U 5	178
Walton-Cantrell Co	Davidson	May 8, 1903	U 5	209
Wakeman Distilling Co., The	Hamilton	June 15, 1903	J 5	128
Webster-Womock Chemical Co	Shelby	June 25, 1903	U 5	226
Waverly Normal Institute, The	Humphreys	June 29, 1903	O 3	18
Watson Cotton Co	Carroll	July 29, 1903	J 5	147
Walter Hill, Town of	Rutherford	July 20, 1903	P 4	583
Warren-Yarbrough Paint & Glass Co	Davidson	Sept. 8, 1903	U 5	239
Watauga Wooden Ware Co	Carter	Sept. 12, 1903	P 3	56
Washington Card Co	Davidson	Oct. 6, 1903	U 5	200
Waldrop Photographic Co	Hamilton	Oct. 17, 1903	U 5	283
Wauchula Land Co	Jefferson	Feb. 1, 1904	U 6	9
Wabash Land Co	Shelby	Feb. 2, 1904	U 6	10
Watson Cotton Co., The	Carroll	July 29, 1904	P 3	325
Waldrum Drug Co	Giles	Aug. 15, 1904	U 6	140
Wall & Morrison Mfg & Repair Co	Tipton	Sept. 7, 1904	J 6	74
Waverly Hay Press Co	Humphreys	Oct. 15, 1904	J 6	94
Whitman Concrete Mfg Co	Tipton	Nov. 4, 1904	J 6	106
Waldrop Co., The	Hamilton	Jan. 14, 1905	U 6	253
Walling Power Co	Warren	Jan. 16, 1905	U 6	249
Ward Iron Co	Johnson	Jan. 25, 1905	J 6	157
Wauchula Mfg Co	Jefferson	Mar. 25, 1905	J 6	192
West Tennessee Real Estate Co	Dyer	Aug. 18, 1903	Q A	74
Winfield Coal Co	Roane	Aug. 24, 1903	J 5	159
Whitwell Mercantile Co., The	Marion	Oct. 2, 1903	U 5	274
Wemyss-Wood Grocery Co	Davidson	Oct. 15, 1903	J 5	175
West Tennessee Fair Association	Obion	Dec. 10, 1903	U 5	306
Winkelman Baking Co	Shelby	Jan. 9, 1904	U 3	320
White-Wilson-Drew Co	Shelby	Jan. 28, 1904	U 6	6
White Novelty Mfg Co., The C. D	Obion	Feb. 9, 1904	U 6	18
Williams & Seyforth Co	Shelby	Feb. 18, 1904	J 5	259
Winkler, The J. W., Co	Shelby	Mar. 9, 1904	U 6	48
Williams Shoe Co	Davidson	Mar. 21, 1904	U 6	55
Weil Bros. & Fish Co. (amendment)	Davidson	Mar. 24, 1904	P 3	177
Whig Publishing Co., The	Madison	Mar. 25, 1904	U 6	59
Whiting Mfg Co	Carter	April 11, 1904	J 5	389
Wilcox-Carter Furniture Co. (amendment)	Hamilton	April 18, 1904	P 3	180
Wilcox Plumbing & Supply Co., Tom	Hamilton	Feb. 13, 1905	U 6	275
Western Dixie Telephone Co	Benton	April 14, 1904	U 6	70
Willodine Land Co	Shelby	June 25, 1904	Q A	88

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Webb-Hancock-McNeill Dry Goods Co., The	Shelby	June 25, 1904	U 6	114
Whitelaw, C. N., & Co	Madison	July 27, 1904	U 6	139
Williams-Hurt Co	Davidson	Aug. 26, 1904	P 3	289
Williams & Seyforth & Co. (amendment)	Shelby	Sept. 26, 1904	P 3	305
White Haven Gin Co	Shelby	Oct. 11, 1904	J 6	99
Westbourne Coal Co. (amendment)	Knox	Oct. 13, 1904	P 3	332
Willard Tobacco Co	Trousdale	Oct. 14, 1904	J 6	92
Williams Co., S. A. (amendment)	Hamilton	Oct. 15, 1904	P 3	198
Widows Home Protection	Shelby	Oct. 22, 1904	O 3	92
Willard Park Cemetery Co	Roane	Dec. 2, 1904	U 6	197
Whiteville Supply Co	Hardeman	Dec. 2, 1904	U 6	196
White Marble Life	Knox	Jan. 10, 1905	J 6	144
Webster Locke Milling Co	Maury	Jan. 31, 1905	J 6	168
White Trunk & Bag Co., (amendment)	Davidson	Feb. 9, 1905	P 3	338
Weakley County Hardware & Implement Co	Weakley	Feb. 16, 1905	U 6	276
Webster Womack Chemical Co. (amendment)	Shelby	Mar. 4, 1905	P 3	402
White Creek Land & Coal Co	Cumberland	Mar. 6, 1905	J 6	221
Womans Hospital of the State of Tennessee, The	Davidson	June 19, 1903	P 4	672
Woodlawn Land Co	Sullivan	June 20, 1903	Q A	23
Wood Knitting Co	Hamblen	Feb. 3, 1904	J 5	256
Woods-Harris Iron & Supply Co. (amendment)	Shelby	Mar. 28, 1904	P 3	178
Wright, C H., Stave Co. (amendment)	Carroll	July 27, 1904	P 3	253
Wright Institute, A. B	Morgan	Aug. 25, 1904	O 3	99
Woodland Cemetery	Campbell	Oct. 8, 1904	U 6	176
Womans Christian Association (amendment)	Shelby	Jan. 13, 1905	P 3	328
Woodard Land Co	Davidson	Feb. 18, 1905	Q A	99
X				
X-Ray Mutual Mining Co	Cumberland	April 20, 1903	J 5	108
Y				
Young & Thompson Drug Co	Davidson	July 6, 1903	J 5	141
Young Mens Social Club	Shelby	Aug. 28, 1903	O 3	27
Yule-Sanders Co. (limited)	Knox	Dec. 18, 1903	J 5	221
Yellow Cliff Land & Improvement Co. (amendment)	Scott	Feb. 27, 1904	P 3	166
Yarbrough-Davis Real Estate Co. (amendment)	Davidson	April 21, 1904	P 3	219
Yhen Ten Chemical Co	Knox	Sept. 2, 1904	J 6	71
Young Womans Christian Association of Nashville (amendment)	Davidson	Oct. 10, 1904	P 3	350
Young Bridge Co., W. T	Davidson	Nov. 19, 1904	U 6	187
Yeargin Soap Co	Davidson	Jan. 20, 1905	J 6	154
Z				
Zechini Coal Co	Campbell	Nov. 12, 1903	J 5	298

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FOREIGN CORPORATIONS.

Charters of Foreign Corporations filed under provisions of Chapter 31, *Acts of* 1877, *Chapter* 122, *Acts of* 1891, *and Chapter* 81, *Acts of* 1895, *amendatory thereto, from April* 1, 1903, *to March* 31, 1905.

American Cigar Box Lumber Co., Maine, July 8, 1903.
Avery & Sons, B. F. (Amd.), Kentucky, July 14, 1903.
Atlanta-Birmingham Fire Insurance Co., Alabama, October 20, 1903.
American Mortgage Co., of Scotland, Scotland, October 2, 1903.
Adams Bros. Co., Incorporated, Virginia, November 24, 1903.
American Credit Indemnity Co. of New York, New York, February 3, 1904.
Alabama Phosphate Co., Alabama, March 15, 1904.
American Central Life Insurance Co., Indiana, March 16, 1904.
Assurance Company of America, New York, May 3, 1904.
Alabama Phosphate Co. (Amd.), Alabama, June 7, 1904.
American Steel and Wire Co., New Jersey, July 7, 1904.
American Storage and Delivery Co., New Jersey, July 15, 1904.
American Car and Foundry Co., New Jersey, July 23, 1904.
Armenia Insurance Co., Pennsylvania, September 9, 1904.
American Fidelity Co., Vermont, March 8, 1905.

Burial League of the United States, New Jersey, April 27, 1903.
Bush & Gerts Piano Co., Illinois, June 3, 1903.
Big Brushy Coal and Coke Co., Georgia, August 26, 1903.
Bass Foundry and Machine Co., New Jersey, September 26, 1903.
Burt Manufacturing Co., West Virginia, November 25, 1903.
Booth and Company, A., Illinois, December 18, 1903.
Bry-Black Mercantile Company, Missouri, June 3, 1904.
Brier Hill Collieries, The, Maine, September 24, 1904.
Breese Bros. Co., The, Ohio, January 14, 1905.

Case Lumber Co., Indiana, May 5, 1903.
Covington Compress and Warehouse Co., Maine, May 5, 1903.
Coker Creek Mining & Milling Co., South Dakota, June 12, 1903.
Century Phosphate Co., Kentucky, September 1, 1903.
Consolidated Phosphate Co., New Jersey, September 25, 1903.
Casualty Company of America, New York, October 20, 1903.
Cranwell, James H., Company, Delaware, November 6, 1903.
Chattanooga Trust Co., Delaware, December 15, 1903.
Continental Tobacco Co., New Jersey, January 13, 1904.

NOTE.—This list is not published by authority of law, but merely for convenience to the public.
JOHN W. MORTON, *Secretary of State.*

Case, J. I., Threshing Machine Co. (Amd.), Wisconsin, May 16, 1904.
Cumberland Mountain Coal & Timber Co., New Jersey, June 20, 1904.
Crossville Lumber Co., Delaware, July 20, 1904.
Chesterton Cooperage and Lumber Co., New Jersey, August 20, 1904.
Concordia Mutual Fire Insurance Co., Wisconsin, September 12, 1904.
Carnegie Mercantile Co., District of Columbia, December 17, 1904.
Crane Company, Illinois, January 4, 1905.
Coweta Fertilizer Co., Georgia, February 2, 1905.
Colonial Insurance Co. of New York, New York, February 9, 1905.
Chicago, Rock Island & Pacific R. R. Co., Illinois, April 23, 1904.
Crystal Ice Co., Georgia, March 21, 1905.
Citizens Life Insurance Co., Kentucky, March 25, 1905.

Douglass Land Co., The, New York, July 21, 1903.
DuPont, E. I. Company, Delaware, November 17, 1903.
Dark Tobacco District Planters Assn. of Kentucky and Tennessee, Kentucky, December 22, 1904.

Embree Iron Co., New York, April 27, 1903.
Empire State Surety Co., New York, November 25, 1904.
Emory River Coal Co., Georgia, December 12, 1904.
Empire State Surety Co., The (Amd.), New York, February 16, 1905.

Forcite Powder Co. (Amd.), New Jersey, November 4, 1903.
Federal Insurance Co., New Jersey, November 14, 1903.
Farmers Educational and Co-operative Union of America, Texas, June 22, 1904.
Fall Creek Collieries, The, Maine, December 5, 1904.
Fulton Company, The, Maine, December 21, 1904.
Florence Pump & Lumber Co., Maine, December 21, 1904.

Galloway-Pease Co., Michigan, May 23, 1903.
Guyton & Harrington Mule Co., Missouri, June 19, 1903.
Guaranty Trust Co. of New York, New York, July 14, 1903.
Guirl-Stover Lumber Co., Delaware, August 19, 1903.
Gilman, William D. Co., New Jersey, November 9, 1903.
Globle Phosphate Co., New Jersey, March 24, 1904.
Goyer-Alliance Refining Co., Delaware, June 6, 1904.
General Conference of Free Baptists, Maine, June 22, 1904.
Grab-Boll Cotton Cleaner & Machinery Co., Oklahoma, August 20, 1904.

Houck, O. K. & Co. (Amd.), Illinois, September 2, 1903.
Hubbard Co., The D. B., New Jersey, September 28, 1903.
Howard Grocery Co., South Carolina, February 8, 1904.
Hazel Creek Lumber Co., West Virginia, May 7, 1904.
Hastings Industrial Co., The, Illinois, June 6, 1904.
Hughes Warehouse & Elevator Co., Alabama, July 6, 1904.

Illinois Egg Case & Box Co., Illinois, October 19, 1903.
Interstate Cooperage Co., The, New York, February 15, 1904.
Iowa Grain & Milling Co., Iowa, August 15, 1904.
Imperial Tobacco Co. of Kentucky, The, Kentucky, October 3, 1904.
Interstate Live Stock Insurance Co., District of Columbia, December 13, 1904.
Indianapolis Brewing Co., The, Indiana, February 4, 1905.
Imboden Coke Co., New York, July 30, 1903.
Imboden Coal Co., New York, July 30, 1903.

Johnson Land Co., The, Delaware, September 7, 1903.

Kennedy & Morelock Stave Co. of Wayne, Ark., Arkansas, February 3, 1904.
Knights of Columbus, Connecticut, June 28, 1904.
Kentucky Stave Co., Kentucky, July 23, 1904.
Kentucky-Tennessee Property Co., Kentucky, December 23, 1904.

Lumber Mutual Fire Insurance Co. of Boston, Mass., Massachusetts, June 28, 1904.
Louisville Engraving & Embossing Co., Kentucky, July 26, 1904.
Louis Montville Construction Co., Mississippi, September 10, 1904.
Louisville & Nashville Railroad Co., Kentucky, December 19, 1904.
Lumber Insurance Co., New York, December 29, 1904.
Lesh & Matthews Lumber Co., The, Illinois, March 2, 1905.

Morris & Company, New Jersey, August 11, 1903.
Missouri Moline Plow Co., Illinois, August 31, 1903.
Memphis Long Distance Telephone Co., Delaware, February 1, 1904.
Missouri State Life Insurance Co., Missouri, February 23, 1904.
Metropolitan Plate Glass Ins. Co. (Amd.), New York, April 9, 1904.
Maer Promotion Co., South Dakota, May 6, 1904.
Montville, Louis, Construction Co., Mississippi, September 10, 1904.
Memphis Motor Carriage Co., District of Columbia, December 28, 1904.
Meacham, E. E. City Lot Co., New York, January 10, 1905.
Michigan Commercial Insurance Co., Michigan, February 2, 1905.
Menter-Rosenbloom Co., New York, March 20, 1905.
McLean Lumber Co., New York, May 27, 1904.

New York Guaranty & Indemnity Co., New York, July 6, 1903.
North American Coal & Coke Co., Maine, September 10, 1903.
Northern Insurance Co. of New York, New York, March 25, 1904.
National Life Ins. Co. of the U. S. of America, Illinois, April 6, 1904.
National Council J. O. U. A. M. of U. S. A., Pennsylvania, April 15, 1904.
New River Coal & Coke Co., New Jersey, April 22, 1904.
New Domain Oil & Gas Co., The, Kentucky, May 18, 1904.
New York Security & Trust Co., Blair & Co., New York, April 30, 1904.
The Cincinnati, New Orleans & Texas Pacific Ry. Co., N. Y., April 30, 1904.
National Insurance Co. of City of Allegheny, Pennsylvania, September 16, 1904.
Nashville Plumbers & Mill Supply Co., New York, November 21, 1904.

Ohio Zinc Mining Co., The, West Virginia, October 12, 1903.
Ocoee Timber Co., New Jersey, November 16, 1903.
Omaha Packing Co., Illinois, January 25, 1904.
Oil Well Supply Co., Pennsylvania, December 5, 1904.

Pioneer Cooperage Co., The, Missouri, June 1, 1903.
Philadelphia Veneer & Lumber Co. (Inc.), New York, January 15, 1904.
Paint Rock Coal Co., New Jersey, April 13, 1904.
Pillsbury-Watkins Co., Minnesota, May 20, 1904.
Pattan Warsham Drug Co., Texas, December 2, 1904.
Paducah Veneer & Lumber Co., Kentucky, December 12, 1904.
Pennsylvania Casualty Co., Pennsylvania, July 13, 1903.
Pelican Biscuit Co., Louisiana, February 25, 1905.

Rock Island Plow Co., Illinois, October 28, 1903.
Reliance Life Insurance Co., Pennsylvania, November 24, 1903.
Rokeby Realty Co., Delaware, May 7, 1904.
Regal Shoe Co., New York, August 13, 1904.
Ricker Land Co., Maine, March 16, 1905.

Smith & Co., J. Allen, Maine-Tennessee, July 7, 1903.
Schwarzschild & Sulzberger Co., New York, August 21, 1903.
Southern Loan & Trust Co., North Carolina, October 10, 1903.
Southern Discount Co., Georgia, November 7, 1903.
Standard Saw Mill Co., New York, November 9, 1903.
Standard Manufacturing Co., Georgia, November 16, 1903.
Supreme Council C. K. & L. of A., Kentucky, December 15, 1903.
South Fork Coal Co., New Jersey, December 22, 1903.
Southern Coke & Coal Co., Kentucky, January 25, 1904.
State Mutual Life Assurance Co., Massachusetts, February 27, 1904.
Southern Sulphur Ore Co., Alabama, March 4, 1904.
Sondheimer Co., E., Illinois, March 30, 1904.
Scott Land Co., New Jersey, April 22, 1904.
Security Fire Insurance Co., Maryland, September 23, 1904.
Selden Breck Construction Co., Missouri, December 10, 1904.
Singer Sewing Machine Co., New Jersey, January 10, 1905.
Southern Biscuit Works, Virginia, February 8, 1905.
Security Trust & Life Insurance Co., Pennsylvania, February 9, 1905.
Sisters of the Blessed Sacrament, Pennsylvania, February 20, 1905.
Swift Fertilizer Works, Illinois, March 25, 1905.

Tennessee Lumber & Coal Co., New York, June 29, 1903.
Tennessee & Indiana Lumber Co., Ohio, July 11, 1903.
Turner, Day & Woolworth Handle Co., Kentucky, September 26, 1904.
Trustees of the Methodist Episcopal Church, Ohio, January 2, 1905.
Thayer & Co., T. W., New York, January 24, 1905.
Tennessee Zinc Co., The, Maine, January 24, 1905.

Underwood Typewriter Co., New York, June 23, 1904.

Virginia Iron, Coal & Coke Co. (Amd.), Virginia, February 13, 1905.

Wilson Lumber Co. (Ltd.), Canada, June 12, 1903.
West Prairie Presbytery of the C. P. Church, Missouri, June 16, 1903.
Whiting Lumber Co. (Amd.), North Carolina, August 10, 1903.
Wheeling Corrugating Co., West Virginia, September 19, 1903.
Wind Rock Coal & Coke Co., Alabama, December 12, 1903.
Wisconsin Hoop Co., Wisconsin, January 30, 1904.
Worth Bros. Co., Pennsylvania, July 1, 1904.
Wood, R. E., Lumber Co., Maryland, February 20, 1905.

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ERRATA.

Chapter 31, page 76, "under," in line seven, should be "render."

Chapter 106, Sec. 8, lines two and seven, the word "fire" should be "five."

Index to county line changes between Shelby and Tipton, repealing Sec. 8 of Chapter 60, Acts 1868, should be indexed "Campbell and Anderson," as said Sec. 8 of Chapter 60, Acts 1868, refers to the last named counties, the caption being misleading.

Chapter 157, page 346, Sec. 2, in line two, the word "year" appears in original bill as introduced after the word "each," but is omitted from the enrolled bill. And in line six, same section, the word "tax" should follow the word "which," both appearing in the bill as introduced in the House, but not in the enrolled bill as signed by Speakers and Governor.

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