

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED

AT THE CALLED SESSION WHICH WAS BEGUN AND HELD IN THE
CITY OF FRANKFORT, ON THURSDAY, THE 17TH DAY
OF JANUARY, 1861. AND ENDED ON FRIDAY,
THE FIFTH DAY OF APRIL, 1861.

PUBLISHED BY AUTHORITY.

FRANKFORT, KY.:
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1861.

1861.

CHAPTER 127.

AN ACT to amend the charter of the town of New Haven, in Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the marshal of said town, in the execution of the ordinances of the trustees, and the judgments of the police judge, and the collection of taxes, shall have all the power of levy and distress now vested by law in the sheriffs of the Commonwealth; the said marshal shall be overseer of the streets, and be required to keep the same in order, under the same regulations now governing surveyors of public highways; and whenever a *capias profine*, issued by the police judge, shall come to his hands, he may arrest and imprison the defendant or defendants in the county jail, until the same be satisfied.

§ 2. This act to take effect from its passage.

Approved February 9, 1861.

CHAPTER 128.

AN ACT for the benefit of certain turnpike road companies in Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fines provided for in sections 25, 26, and 27 of chapter 103 of the Revised Statutes of Kentucky, title Turnpike and Plank Roads, shall be for the use of the turnpike road companies organized under the provisions of the Revised Statutes: *Provided*, That said committee shall prosecute the offenders under said sections.

§ 2. This act shall only apply to the county of Harrison.

§ 3. This act shall take effect from its passage.

Approved February 9, 1861.

CHAPTER 129.

AN ACT to incorporate the Bowling-Green Water-works company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be erected and established, in the town of Bowling-Green, a body politic and corporate, by the name of the Bowling-Green Water-works Company, with power and authority to construct and establish such houses, machinery, &c., within said town, or elsewhere, as may be necessary for the purpose of supplying said town and its inhabitants with water.

Corporate
name and pow-
ers.

§ 2. The capital stock of said company shall not exceed thirty thousand dollars, divided into shares of fifty dollars each; and the only business of said corporation shall be to supply the town of Bowling-Green and its inhabitants with water.

1861.

Capital stock.

§ 3. The said corporation may purchase, take, and hold in fee-simple, or for any less estate, any lands necessary for the objects of this act and for the convenient management of the concerns of the corporation, and may acquire the right to lay their pipes and aqueducts through any land through which it may be necessary to lay the same, and to repair the same when necessary; and may erect and establish such buildings, engines, machinery, and reservoirs as may be required for the purposes aforesaid. If the proprietors of any lands which the said corporation may need for any of the purposes aforesaid, or the right of way which the corporation may require for laying its pipes and aqueducts, do not agree with the company what price shall be paid therefor, then the company may acquire such land or right of way by a writ of *ad quod damnum*, in the same manner that turnpike road companies are authorized to do by the 103d chapter of the Revised Statutes, which took effect on the 1st July, 1852.

May hold real estate, & erect buildings, &c.

§ 4. The corporation is hereby authorized and empowered to take water from Big Barren river, or any other stream, and may lay its pipes or aqueducts under or over any railroad, highway, or street; but the same shall be done in such manner as not to obstruct or impede the passage thereon; and in laying its pipes or aqueducts across or through any highway or street, and in repairing such pipes and aqueducts from time to time, said corporation shall not unnecessarily obstruct such highway or street; and in every case of the removal of any earth or pavement in any such highway or street, the said corporation shall cause the earth and pavement to be replaced, so that the same shall be in as good condition as before the removal.

Where take water from, &c.

§ 5. In the laying and construction of the pipes and aqueducts in the town of Bowling-Green, the same shall be so laid and constructed that an abundant supply of water can be drawn therefrom for the extinguishment of fires; and said corporation shall furnish to the town of Bowling-Green water for the extinguishment of fires and for public use upon such terms as may be agreed between it and the authorities of said town.

In relation to laying pipes, &c.

§ 6. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted through its pipes or aqueducts to any corporation or person; and the said corporation may make all reasonable rules and regulations as to the manner and the times in which said water may be taken and used.

May sell water privilege.

1861.

Commissioners
to open books.

Officers--when
elected.

Directors to
own stock.

Term of office.

Vacancies--
how filled.

Town of Bowling-Green may
subscribe stock
and become ex-
clusive owner.

May levy and
collect tax to
pay for same.

§ 7. That George Lehman, Wm. Cook, A. G. Hobson, James M. Doneldson, T. C. Calvert, G. C. Rogers, S. A. Barclay, G. W. Claypool, D. J. Williams, and John E. Robinson, or any four of them, shall, within three years from the passage of this act, open suitable books in the town of Bowling-Green for the subscription of stock, first giving ten days notice of the time and place of opening the same, and may receive the subscriptions of individuals and corporations for stock; and it shall be the duty of the persons who may thus open the books for subscription, after the sum of five thousand dollars has been subscribed, to call a meeting of the stockholders, first giving public notice for at least ten days in one or more newspapers in Bowling-Green of said meeting, who may proceed to elect a president and six directors to govern and conduct the affairs of the company. Each director and the president shall be owner of at least one share of stock, and each stockholder shall be entitled to one vote for each share of stock he may own in the election of the president and directors, who shall hold their offices for one year and until their successors are elected and qualified; and when the term for which they were elected is about expiring, the president shall give ten days' notice, in a newspaper in Bowling-Green, of the approaching election; and all subsequent elections shall be held as the first. The board may fill any vacancies that may occur during the year, and they may adopt such rules and by-laws for the transaction of business as they may deem proper, not inconsistent with this act and the laws of the land.

§ 8. The town of Bowling-Green, through its chairman and board of trustees, may subscribe for stock in said corporation, and if it deems best, shall have the privilege of subscribing five thousand dollars, when the books of subscription shall be closed; and it shall be entitled exclusively to all the privileges and franchises granted by this act, and shall be subject to all the duties in this act expressed as to said corporation, and shall proceed to execute the purposes and objects of this act; and the said town may issue her bonds for a sufficient amount to cover the cost of the water-works, and the said works shall stand pledged to secure the payment of the bonds, and the net proceeds of the water rents shall constitute a fund to pay the principal and the interest thereof, and shall be devoted to that purpose; and for the purpose of paying the expense of conducting and managing the water-works, and paying for the water used for public purposes, the chairman and board of trustees of said town may assess and collect, from time to time, a water rent of sufficient amount, in such manner as they may deem most equitable, upon all the lands and tenements adjoining or bounded upon any street, alley, square,

1861.

block, public ground, or premises, through which the water pipe may be laid; such assessment to have the force and be collected as town taxes; and no tax or water rent shall be levied or assessed for the purpose of paying for the use of the water for public purposes, or for paying the expense of conducting and managing the works, except upon the lands and tenements in the water district, and a general capitation tax: *Provided*, That the said chairman and board of trustees shall not subscribe said five thousand dollars and assume the privileges, rights, franchises, and duties as set out in this section, until they shall first submit an ordinance for said subscription to the qualified voters of said town, and a majority of the voters in said town shall approve the same; and to ascertain the opinion of the voters of said town as to the propriety of taking stock in said company, an election shall be held for that purpose at such time and place, and in such manner, as said chairman and board of trustees may prescribe.

§ 9. The town of Bowling-Green may, at any time after the organization of the said corporation, purchase of the said corporation, by its consent, its franchises and all its real and personal property, by paying therefor such a sum as, together with its receipts, will reimburse the whole amount expended, with an annual interest of ten per cent., after deducting therefrom any dividends which may have been made before such purchase.

Bowling-Green
may buy out
corporation.

§ 10. If any person shall willfully and maliciously defile, corrupt, or make impure, any water used by said corporation, or destroy or injure any pipe, aqueduct, machinery, or other property of said corporation, such person, and all who shall aid or abet therein, shall forfeit to the use of said corporation treble the amount of damages sustained thereby; and shall be liable to a fine not exceeding one thousand dollars, or to imprisonment in the county jail not exceeding one year.

Penalty for
making water
impure or in-
juring property

§ 11. The said corporation, in its corporate name, may sue and be sued; plead and be impleaded; contract and be contracted with; and do all other acts necessary and proper for the purposes of the incorporation.

May sue and be
sued.

§ 12. If all of the stock is not subscribed when the books are first opened, the president and directors may again open said books for the subscription of stock, or may sell, or otherwise dispose of, said stock.

Books may be
re-opened.

§ 13. Certificates of stock shall be issued to the holders thereof, when the same shall be paid for; and stock in this company shall be considered and pass as personal estate, and shall be transferable on the books of the company, as the president and directors shall, by their by-laws, prescribe.

Certificates of
stock issued.

1861.

Who manage
works, if Bowling-
Green tak's
\$5,000 in stock.

§ 14. If the town of Bowling-Green shall take the five thousand dollars of stock, as provided for in this act, and assume the franchises, privileges, rights, and duties of this corporation, the management and control of the water-works shall devolve upon the chairman and board of trustees of said town; or said chairman and board may elect five persons, who shall be called the water commissioners, and they may control and manage the business as provided in the case of president and directors, and shall hold their office for one year, and shall be subject to the control and direction of said chairman and board of trustees; and they shall make a report every three months to said chairman and board of trustees of all their actings and doings.

§ 15. This act shall take effect from its passage.

Approved February 9, 1861.

CHAPTER 131.

AN ACT creating the Deposit Bank of Greenville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners
to obtain sub-
scriptions.

§ 1. That George W. Short, Edward R. Weir, Sanders Eaves, John S. Eaves, jr., and Jonathan Short, are hereby appointed commissioners to obtain subscriptions to the stock of the corporation hereinafter created, who, or a majority of whom, may meet at some convenient time and place, in the town of Greenville, of which one month's previous notice shall be given, by posting notices at four public places in Muhlenburg county, at which time and place they may open books, and keep them open as long as said commissioners shall deem necessary, or until the stock is taken.

Capital stock.

§ 2. The capital stock of said institution shall not be less than twenty thousand dollars, nor more than fifty thousand dollars, divided into shares of fifty dollars each, which shall be personal estate, and transferable only on the books of the company, in such manner, and subject to such regulations, as the board of directors may prescribe.

When books
may be closed.

§ 3. As soon as twenty thousand dollars shall have been subscribed to the stock of said company, the books of subscription may be closed and delivered over to the subscribers, who shall thereupon constitute a body politic and corporate, with the corporate name of "Deposit Bank of Greenville." They and their successors shall so continue for the term of thirty years; and may contract and be contracted with; sue and be sued; plead and be impleaded; and may exercise all the other powers usually incident to such corporations.

Corporate
name and pow-
ers.