

Kentucky Laws, 1865
ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

SESSION OF THE GENERAL ASSEMBLY WHICH WAS BEGUN AND HELD
IN THE CITY OF FRANKFORT, ON MONDAY, THE
FOURTH DAY OF DECEMBER, 1865.

PUBLISHED BY AUTHORITY.

FRANKFORT, KY.:
PRINTED AT THE STATE PRINTING OFFICE.
GEORGE D. PRENTICE, STATE PRINTER.
1866.

1866.

§ 8. No banking privileges are allowed by this charter; nor shall the directors have power to establish any by-law or regulation inconsistent with the Constitution or laws of the United States or of the State of Kentucky.

§ 9. Nothing in this act contained shall be construed so as to exempt the corporation hereby created from the conditions, limitations, or restrictions which may be imposed upon similar corporations by any general laws of this Commonwealth.

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

Approved February 7, 1866.

CHAPTER 433.

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, etc., within said town or elsewhere, as may be necessary for the purposes of supplying said town and its inhabitants with water.

Company incorporated.

§ 2. The capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of fifty dollars each.

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.

Corporate powers.

§ 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

May take water from Big Barren river, lay pipes, &c.

1866.

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.

Water to be supplied for extinguishment of fires.

§ 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.

May sell privilege of using water.

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

Commissioners to open book—when.

§ 7. That S. A. Barclay, George Lehman, William Cook, T. C. Calvert, D. J. Williams, Elijah Claypool, and George C. Rogers, 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 any newspaper 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 are 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.

President and directors to be elected.

To be shareholders, stock how voted, and term of office.

Vacancies.

Penalty for defiling water.

§ 8. If any person shall 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 if done willfully and maliciously, shall, in addition to said damages, be liable to a fine not exceeding one thousand dollars, or to imprisonment in the county jail not exceeding one year.

§ 9. 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 corporation.

§ 10. 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.

§ 11. 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.

§ 12. The town of Bowling Green, through its chairman and board of trustees, may subscribe for stock in said corporation, and, if it deems best and proper, shall have the power and privilege of subscribing the whole amount of stock necessary for the building and putting in successful operation the water-works contemplated in this act; and if it does so, 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 and sell her bonds, with coupons attached, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually at the office of the chairman of said board of trustees, or at any bank in said town or elsewhere as they may elect, for a sum sufficient to cover the cost of the water-works, and the said works shall stand pledged to secure the payment of the bonds; and the nett 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 or tax of sufficient amount, in such manner as they may deem most equitable; such assessment to have the force and be collected as town taxes: *Provided*, That the chairman and board of trustees shall not subscribe said stock and assume the privileges, rights, franchises, and duties as set out in this section, until they shall first submit an ordinance for such 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 said voters as to the propriety of the town assuming the rights, privileges, franchises, and duties as aforesaid, 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, giving at least ten days' notice thereof: *And provided further*, That if said town does not hold said election, and assume and undertake to build and operate said water-works, as in this act provided for, within one year from the passage of this act, then the corporators named in the 7th section hereof may proceed to open books, receive subscriptions of stock,

1866.

May sue and be sued.

May re-open books.

Certificates of stock to be issued.

Bowling Green may subscribe stock, &c.

1866.

organize said company, and build and carry on said works as prescribed in this act: *Provided further*, That if, when said ordinance is first submitted to the voters of said town, a majority of the voters thereof fail to vote in favor of the town taking upon itself the building of said water-works as herein provided, or shall vote against it, said ordinance may again be submitted as the first time within the period of one year hereinafter fixed; and if at said second election a majority of the voters of said town vote in favor of the town assuming and undertaking said water-works as before prescribed, then the town shall proceed to execute the purposes of this act, as though a majority of said voters had voted therefor at the first election.

Who to manage if town takes all the stock.

§ 13. If the town of Bowling Green shall assume the franchises, privileges, rights, and duties of this corporation, as provided for in the next preceding section of this act, 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 all their actings and doings.

Corporators may sell bonds.

§ 14. If said company is organized by the corporators as hereinbefore named and prescribed, then, after such organization, the company may issue and sell its bonds for a sufficient amount to cover the cost of the water-works, and the said works shall stand pledged to secure their payment. The company may fix the denomination of said bonds, what rate of interest they shall bear, and when and where payable.

§ 15. This act shall be in force from its passage.

Approved February 7, 1866.

CHAPTER 434.

AN ACT to incorporate the Kentucky River Lead, Mining, and Manufacturing Company

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

§ 1. That J. D. Guthrie, J. S. Newberry, Frank Guthrie, and T. C. Coleman, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of the "Kentucky River Lead, Mining, and Manufacturing Company," for the term of thirty years, with all the powers and authority incident to corporations for the purpose hereinafter named.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, not exceeding in value fifty thousand dollars, for mining and manufacturing lead and other minerals and substances, and preparing same in all its branches for marketable use.