

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT ON
MONDAY, THE TWENTY-EIGHTH DAY OF NO-
VEMBER, EIGHTEEN HUNDRED AND
EIGHTY-ONE.

VOLUME I.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.:
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1882.

CHAPTER 333.

AN ACT to incorporate the Lexington Hydraulic and Manufacturing Company.

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

§ 1. That Wm. Preston, R. H. S. Thompson, Gilbert H. King, and their present and future associates, their successors and assigns, be, and they are hereby, created a body-corporate and politic, by the name of the "President and Directors of the Lexington Hydraulic and Manufacturing Company," and are hereby ordained, constituted, and declared to be forever hereafter, a body-corporate and politic in fact and in name; and by that name they and their successors shall, and they may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and also, that they and their successors, by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of said corporation: *Provided*, That the real and personal estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Corporators.

Style.

§ 2. That the capital stock of the said corporation shall be two hundred thousand dollars, and that a share in the said stock shall be one hundred dollars, and that subscriptions to the said capital stock shall be opened and kept open, under the direction of said president and directors, until the whole number of shares subscribed amount to two hundred shares, when the said president and directors may commence operation under this act, and may make thereafter, from time to time, such regulations concerning further subscriptions to stock as to them shall seem proper to enable the said company to enlarge or carry into operation their works; and especially as to when further subscriptions to the capital stock may be opened and made, and what amount of stock, from time to time, may be subscribed, until the whole or any part of said capital stock shall be subscribed.

Capital stock.

Meetings.

§ 3. That the directors shall have power to appoint the time and place of all meetings for the dispatch of business ; to appoint all such officers, agents, clerks, superintendents, and servants as they shall deem necessary for carrying into effect the powers by this act vested in said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents, clerks, superintendents, and servants.

§ 4. That it shall be lawful for the said company, and any person or persons employed by them or acting under their authority, to enter into and upon, and freely to make use of, for the sole purposes contemplated by this act, any land which may be necessary for the purpose of conducting a plentiful supply of pure, wholesome water to the said city for the use of the inhabitants of said city, and to supply reservoirs for extinguishing of fires. Said supply of water shall be obtained from the springs of water and lakes in and about said city. It shall be lawful for said corporation to erect any dam or other works when they shall deem proper for the purpose of raising the water of said springs, and to construct, dig, or cause to be opened any trenches for the conducting the water of said springs, and to raise and construct such dykes, mounds, or reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to said city of Lexington, and to agree with the owner or owners of any lands, tenements, or hereditaments that may be damaged or affected by any of the said operations for and about a reasonable compensation to be made to him, her, or them for such lands, tenements, or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she, or they, or any of them, may sustain, by the employing, diverting, or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising, or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dykes, or mounds as aforesaid ; but in case of any disagreement, or in case the owner of any such lands, tenements, or hereditaments shall be *feme covert*, under age, *non compos mentis*, or out of the State, then it shall be lawful for the judges of the circuit or county court, or court of common pleas of Fayette county, or any one of them, upon the application of either party, to empanel a jury to view, examine, and survey the said lands, ten-

ements, and hereditaments, and to estimate the injuries sustained as aforesaid, and to report thereupon to the said judge or judges without delay; and upon the coming of such reports, and the confirmation thereof by the said judge or judges, the said president, directors, and company shall pay to the said owners respectively the sums mentioned in such report, in full compensation for the said lands, tenements, and hereditaments, or for the injury sustained as aforesaid, as the case may be; and upon such payment, the property so taken and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for each term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the said judge or judges and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such case, then a deposit with the treasurer of the county of Fayette of the amount of money assessed as the valuation or damages in manner as aforesaid, together with a certified copy of the said report, shall be considered equivalent to a payment, or a tender thereof, to the person entitled to the same; and the treasurer of said county shall receive and keep account of all moneys so received into the said county treasury, and shall pay them to the parties entitled thereto, on the order of the said judge or judges, for said county; and such assessment of damages, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person or persons to whom damages were awarded in manner aforesaid, and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed in manner aforesaid. The said jury to be empaneled as viewers, and to appraise the damages as aforesaid, shall receive such compensation for their services as the said judge or judges may, in their discretion, deem proper and just, which shall be paid by the said company upon the order of the said judge or judges; and the said company, and all those who have acted under them, shall be acquitted from and freed from responsibility for or on account of any such injury.

Notice.

§ 5. Whenever application shall be made to the said judge or judges by either party to empanel a jury to view, examine, and survey the said premises as hereinbefore prescribed, for the purpose of ascertaining and assessing said damages, previous notice of such application shall be given to the owner or occupier of such premises, by personal service of such notice ten days before making such application, such notice to describe the lands, tenements, and hereditaments proposed to be taken by said company, or touching which damages are to be assessed, by the section or quarter section, or any other legal subdivision, or if in a city, by the section, block, or number of the lot, or by some suitable or proper description; and evidence of the service of notice, and of all proceedings, may be perpetuated in the manner now provided by law for the perpetuation of records.

§ 6. That it shall be lawful for the said company hereby incorporated, and for all and every person employed by or under them for the purposes contemplated by this act, from time to time, to enter upon any lands contiguous or near to said streams, fountains, aqueducts, dams, or other works, or the places which may be selected for and intended to be used and employed for the same, with carts, wagons, and other carriages, and beasts of draught and burthen, and all necessary tools and implements, both for executing and making and also for altering and repairing said works, or any of them, and to take and carry away timber, stone, gravel, sand, or earth from the same for the making, altering, or repairing of the said works, or any of them, subject always to the making compensation for all actual damages thereby occasioned, either by agreement of parties or in the mode hereinbefore prescribed.

By-laws

§ 7. That it shall be lawful for the president and directors, of said company, from time to time, to make and establish such by-laws and ordinances as they think fit and proper, and as may be consistent with the Constitution and laws of this State and the United States, for conducting and managing the affairs of said company, and for conducting and preserving the said works, and every of them, and for conveying, employing, distributing, and disposing of the water so as to be conducted as aforesaid, and for carrying into effect all the objects and purposes of said corporation; and may also agree with the corporation of the said city of Lexington, the inhabi-

tants of said city, and others choosing to use or take said water, regarding the rates of which the same shall be paid for: *Provided*, That the said company shall, within two years from the passage of this act, furnish and continue, with no unreasonable delay, a supply of pure and wholesome water sufficient for the use of all such citizens dwelling in the said city as shall agree to take it on the terms to be demanded by said company; and in default whereof, the said corporation shall be dissolved.

§ 8. That it shall be lawful for said directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors, and company.

§ 9. That if any person or persons shall willfully do, or cause to be done, any act whatsoever whereby the said works, or any pipe, conduit, canal, water-courses, mound, plug, cock, reservoir, dyke, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of damages sustained by means of such offense or injury, to be recovered by such company, with costs of suit, in any of the courts of this State, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this State where jurisdiction may now be legally entertained under the provision of the law regulating jurisdiction.

§ 10. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend, or repeal this act by a vote of majority of each branch thereof; but such alteration, amendment, or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act.

§ 11. The general meeting of the share-holders of said Lexington Hydraulic and Manufacturing Company may be called at any time in the intervals between the annual meetings by the president and directors, or a majority of them, or by share-holders owning at least one fourth of the whole

stock subscribed, upon giving twenty days' public notice of the time and place of holding the same, which shall be at the place where the principal office of said company is kept named in said advertisements; and when any such meetings are called by share-holders, the advertisement shall specify the objects of the call; and if at any such meeting a majority in value of share-holders are not present in person or by proxy, such meeting shall be adjourned from day to day without transacting business for any time not exceeding three days; and if within that time share-holders holding a majority in value of the stock shall not so attend, said meeting shall be dissolved.

Approved February 27, 1882.

CHAPTER 334.

AN ACT to authorize the Owen county court to levy a tax and issue bonds for turnpike purposes in Owen county, Kentucky.

WHEREAS, The Owen county court has subscribed stock to the amount of seven hundred and fifty dollars for each mile to the following named turnpike roads, to be built and constructed in said county, viz: The Owenton and Grant County Line Turnpike Road Company, the Monterey and New Columbus Turnpike Road Company, the Monterey and Cedar Creek Turnpike Road Company, the Harrisburg and Lusby's Mills Turnpike Road Company, the New Liberty and Sparta Turnpike Road Company, the Lusby's Mills and Corinth Turnpike Road Company, the Cane's Branch and Truesville Turnpike Road Company, the Owenton and Monterey Turnpike Road Company (old subscription); and whereas, said court is desirous of an act enabling it to issue bonds and levy a tax for the payment of said subscription; therefore,

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

§ 1. That the county court of Owen county be, and it is hereby, authorized to issue the bonds of said county, not to exceed thirty-two thousand dollars, for the purpose of paying the stock subscribed by said court in the foregoing named turnpike companies.

§ 2. Said bonds shall bear interest at a rate not exceeding eight per cent. per annum, and shall be due and payable in