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ACTS^c

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 MON-
DAY, THE SECOND DAY OF DECEMBER, 1867.

J. D.

PUBLISHED BY AUTHORITY.

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§ 2. The said company, for the purpose of paying its debts, may, and shall have power to, sell any or all of its capital stock not subscribed for, either at public or private sale, and on such terms as may be deemed advisable: *Provided*, That the capital stock so sold shall not, with the capital stock subscribed for, exceed the capital stock now authorized to be issued by said company: *Provided, however*, That a majority of the stockholders in interest, by vote, agree to the same.

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

Approved March 9, 1868.

CHAPTER 1142.

AN ACT to incorporate the Newport and Covington Water-works Company.

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

§ 1. That M. J. King, P. Walsh, John P. Jackson, William H. Lape, George R. Fearons, H. D. Helun, Daniel Wolf, Amos Shinkle, William Ernst, and Jesse Wilcox, and their associates, successors, and assigns, shall be, and they are hereby, created a body politic and corporate, by the name and style of the "Newport and Covington Water-works Company," and by that name and style shall be as capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules and regulations, for the government of said company, and for the management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the Constitution and laws of this State or of the United States.

§ 2. That the business and operations of said company shall consist in furnishing and selling to the corporate authorities and citizens of either or both of the cities of Newport and Covington, water for municipal and domestic or manufacturing and other purposes, according to such terms as may be agreed upon between said company and the parties furnished with water. The capital stock of said company shall be seven hundred thousand dollars, in shares of fifty dollars each, with liberty to increase the same, from time to time, by a vote of the majority in interest of the stockholders, as the necessities of the company in the extension of its works may require. The said company may purchase and hold as much land as may be required for its offices, residences of officers, agents, and

laborers, and sites for its water-works, engines, reservoirs, and the customary ornamental grounds and gardens attached, and may sell and exchange the same as may be necessary or convenient for the operations and business of said company.

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§ 3. That the city councils of the cities of Newport and Covington are each hereby empowered to grant, within their respective jurisdictions, unto the said Newport and Covington Water-works Company, all the privileges required to enable said company to carry out its business as aforesaid; and to convey and carry to the said company the exclusive or other right to lay pipes for conveyance of water through all the streets, lanes, alleys, squares, and public wharves of said cities, the company to repair any streets, alleys, &c., in which they may lay said pipes, so far as they may have injured the same from time to time.

§ 4. That all the rights of way and other privileges requisite for laying pipes and building water-works are hereby granted and secured unto the said Newport and Covington Water-works Company, in so far as the jurisdiction of the State of Kentucky extends over the beds, margins, and waters of the Ohio river and Licking river, in or bordering upon the counties of Campbell and Kenton.

§ 5. That the corporators individually before named, or a majority of them, shall have power to solicit and receive subscriptions to the capital stock of said company; and when the same shall have been received to the extent of not less than one hundred thousand dollars, they shall, by advertisement of not less than ten days in at least one of the newspapers published in Newport, Covington, or Cincinnati, call a meeting, and superintend the same, of all persons who shall have become subscribing stockholders in said company, who shall thereupon, by themselves or by their proxies, elect seven directors, all of whom shall be stockholders in said company; and in said election, and at all other elections, each share of stock represented shall be entitled to one vote. The said directors shall thereupon elect, by ballot, one of their own members as president; and the said president and board of directors shall serve for one year or until their successors are elected, and shall have power to fill vacancies in their own board when caused by death, resignation, or otherwise. To the said president and board of directors shall be intrusted the care and management of the property and affairs of the company under the by-laws which may be made from time to time by the stockholders, at their regular meetings, or by said directors.

§ 6. That the corporators named in the first section of this act, or any two of them, may open books of subscription to the capital stock of the company, at such times and

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places as may be convenient. All payments for dues and assessments on the capital stock shall be made only in lawful funds, at such periods and in such sums as the directors may prescribe from time to time.

§ 7. That the directors shall have power, and they are hereby invested with full power and authority, to call on the stockholders, from time to time, to pay up such portions of their capital stock subscribed to by them, or held or owned by them, as said directors may see fit, not exceeding, however, twenty per centum at any such call, provided thirty days' notice be first given to comply with such demands; said notice to be published in one, at least, of the newspapers published in Newport, Covington, or Cincinnati, for ten days. If the owner of any land necessary for the site of the reservoirs, buildings, water-works, gardens, and ornamental grounds, and avenues leading thereto and therefrom, shall refuse to sell said land at such price as the board of directors may think proper and reasonable, it shall be lawful for said board to apply to the mayor of the city of Newport, or the presiding judge of the Campbell county court, for a writ of *ad quod damnum* to issue, and which may be issued, directed to the sheriff of said county, requiring him to summon a jury of freeholders of the county, who shall be disinterested; and the said jurors shall be sworn by the said sheriff well and truly to inquire the value of the land to be condemned, and the damage thereby resulting to the owner thereof, according to the facts and evidence submitted to them by the parties. The verdict of the jury, when rendered, signed and sealed by said jury, shall be forthwith returned to said mayor or said judge; and if no legal and valid exception be taken thereto, the same shall be entered of record by him; and if, [at] any time within one year thereafter, the amount so assessed shall be paid, the title to the land applied for and thus condemned shall vest in said company, and the mayor or judge aforesaid, who has issued said writ, shall make a record of the proceedings had thereon, and shall execute a deed of conveyance thereof, which shall pass the legal title to said company. That said company shall also have power and authority to extend its water-pipes and operations outside of the cities of Newport and Covington, to supply water and to build works and reservoirs to and in other adjacent localities, on such terms as said company and the legal authorities and representatives of such localities, be they corporate or private, may hereafter arrange and agree upon between themselves.

§ 8. The said company shall furnish all water needed for extinguishing fires in the cities aforesaid, free of charge or cost; and for the purpose of receiving the same, the

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city councils in the respective cities shall have power to locate fire plugs in said cities at such points as may be by them deemed necessary, and provide the necessary water-pipes, and lay down the same to said points. The real estate held and owned by said company and used for reservoirs, engine-houses, fuel sheds, stables, offices, and ornamental grounds connected with said water-works and used for that purpose, shall not be liable to any city or State taxes whatever.

§ 9. That the company may borrow money by their issue of bonds or otherwise, if required at any time to extend the works and grounds; but shall not have the right to exercise any banking privileges.

§ 10. If any person or persons shall willfully, by any means whatever, injure or destroy any portion of the water-pipes, hydrants, or fixtures, or any part of the pumps, engines, buildings, or reservoirs of said company, or shall willfully let on the water, or open any communication to allow the water to flow, after it has been stopped by the said company, or shall throw filth or dirt into, or otherwise injure the water used by said company, such person or persons, upon conviction thereof before the proper authorities, shall be liable to the company for all damages occasioned by such act or acts; and shall furthermore be considered guilty of a misdemeanor, and shall be fined at the discretion of the jury in any sum not exceeding five hundred dollars, or be imprisoned not exceeding one year; but this section shall not be considered as changing the law in regard to arson or house-burning, or willful setting fire to any buildings of the company.

§ 11. The said company shall organize within three years from the passage of this act; and shall, in each year thereafter, lay at least one mile of main water-pipe (if the same shall be required) until the necessary main pipe shall be laid.

§ 12. This act to take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 1143.

AN ACT to incorporate the Covington Hotel Company.

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

§ 1. That John Kearney, Jas. B. Casey, Vincent Shinkle, Chas. Giesbauer, C. G. Wallace, William Ernst, John L. Scott, John Todd, J. M. Clarkson, and those they associate with them, and their successors and assigns, be, and they are hereby, created a body politic and corporate for ever,