

THE  
STATUTE LAW  
OF  
KENTUCKY;

WITH NOTES, PRELECTIONS, AND OBSER-  
VATIONS ON THE PUBLIC ACTS.

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IN THREE VOLUMES.

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BY WILLIAM LITTELL, ESQ.

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*SIC VOS NON VOBIS, &c.—VIRGIL.*

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VOLUME III.

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TO WHICH IS ADDED,

AN APPENDIX,

COMPREHENDING ALL THE

ACTS OF VIRGINIA,

ESTABLISHING AND REGULATING TOWNS, ACADEMIES, FERRIES,  
AND INSPECTIONS, IN THE DISTRICT OF KENTUCKY, AND THE  
ACT GRANTING LAND TO RICHARD HENDERSON AND CO.

TOGETHER WITH

A TABLE OF REFERENCE

TO THE CASES ADJUDICATED IN THE COURT OF APPEALS,  
SINCE OCTOBER TERM, 1809.

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FRANKFORT, (KEN.)

PRINTED FOR WILLIAM HUNTER,

*By JOHNSTON & PLEASANTS.*

1811.

## XIV. YEAR OF THE COMMONWEALTH.

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ney collected from the turnpike ; and such turnpike keeper and commissioner, shall each be also liable to an action on his bond, as before directed.

1805.

Every act or part of an act coming within the purview of this act, shall be, and is hereby repealed.

Repealing clause.

This act shall commence and be in force from and after the first day of May next.

To commence

### CHAPTER CCXCIII.

*An ACT to confirm the proceedings of the County Court of Henderson.*

Approved December 23, 1805.

They had laid the levy in an improper month: this act confirmed the proceeding.

### CHAPTER CCXCIV.

*An ACT authorising the County Court and Circuit Court of Fayette, to sit in any House in Lexington, until the erection of a new Court-House, and for other purposes.*

Approved December 23, 1805.

### CHAPTER CCXCV.

*An ACT incorporating the Frankfort Water Company.*

Approved December 23, 1805.

WHEREAS it is represented to this general assembly, that by subscription a fund was raised, and thereby water carried in pipes from the Cedar Cove Spring into Frankfort, at about three miles distance, which is found useful to the citizens, and all others who have occasion to be in Frankfort ; that the expense thereof hath been great, and the fund thereby exhausted ; that sundry subordinate improvements remain to be done ; that the necessary repairs must from time to time be done ; all which will require further funds ; that abuses occasionally take place, whereby the improvements, the use thereof, and the citizens aforesaid, and others, are injured ; and it is supposed those evils may be measurably remedied, by incorporating the persons interested therein, and vesting them with proper powers : wherefore,

Preambles

Sec. 1. *Be it enacted by the general assembly, That John Brown, William Trigg, and Achilles Sneed, be,*

Regulators appointed, & their duty.

1805.

and they are hereby appointed regulators of the Frankfort Water Company, who, or any two of them, shall determine what sum shall be a share, and shall then divide the subscriptions into shares accordingly: *Provided, however,* that if any subscription shall be of a sum too small to be a share, it shall be so provided for by them, as to have a due and equitable effect, in proportion to the shares; they shall fix on a time and place for holding an election for five of the shareholders to act as directors, of which they shall give such notice as they shall deem reasonable; the said election shall be held under the direction of the said regulators, or their majority, in which each shareholder shall be entitled to a vote for each share he shall hold; provided he shall not exceed ten votes: and for the purpose aforesaid the said regulators are hereby vested with power to make rules, determine difficulties, and do such other things as may be necessary to give operation to the design aforesaid, according to the true intent thereof. And the said election being complete, the said regulators shall deliver over their books and papers relative thereto, to the said directors, and then the duties of the said regulators shall cease.

Directors to form a board, and choose a president.

Company incorporated.

Its name and style.

Powers.

Sec. 2. Within ten days after the election aforesaid, the five directors, or a majority thereof, shall meet and choose one of their own members to act as president, and from thenceforth the said company shall be a body politic and corporate, in deed and in law, and shall be styled and known by the name of the President and Directors of the Frankfort Water Company, and by the same name shall have perpetual succession, and enjoy all the privileges incident to a corporation, and shall be capable of taking and holding as tenants in common, their capital stock, and the increase and profits thereof; and all such lands and tenements as shall or may be necessary for carrying the plan into complete operation, and by the name and style of the president and directors of the Frankfort Water Company, may sue and be sued, or do and perform every other matter or thing which a corporation or body politic may lawfully do.

Rotation in which the directors are to go out of office.

Sec. 3. The said president and directors shall be divided into two classes, three in one class, and two in the other, one of which classes shall go out of office in every year, on the first Monday in January, and it shall be

determined by lot which class shall first go out, and afterwards it shall be alternate; the directors who shall thus go out of office, may nevertheless be re-elected, subject to the exception herein after mentioned.

1805.

Sec. 4. On the first Monday in January aforesaid, an election shall be held under the direction of the remaining directors, who are in office, for the purpose of electing directors of the shareholders to fill the vacancy thus made, which shall be held at such place in Frankfort, as the president and directors, by their by-laws, shall direct; in which election, the shareholders shall be entitled to votes, as in the first section of this act is directed; and in all elections under this act, the persons having the greatest number of legal votes, shall be the persons elected; but in case two or more have an equal number of votes, it shall be determined by lot.

Elections of directors regulated, and when to be held.

Sec. 5. In case shareholders do not attend to elect as aforesaid, on the day hereby appointed, the directors who remain in office may fill the vacancy; but in such case they shall not re-elect more than one of the persons who are just gone out of office.

Provisions in case elections are not held.

Sec. 6. The said president and directors shall have power to choose such officers as they may find necessary, who shall be removable at pleasure; they shall also have full power to ordain and put in execution such by-laws and regulations as they shall deem necessary and convenient for the government, safe keeping, repairing and amending said water-works, and to dispose of the use of the water in such manner as they may think best adapted to the security, maintenance and advantage of the same: *Provided* they do not violate any of the laws of the commonwealth.

Powers of the president & directors to appoint officers.

To make by-laws, and to what effect.

Sec. 7. The said directors may fill vacancies which may take place in their own body between the times of election as aforesaid; and if at any time one or more or all of the directors should be out of office, the corporation shall not be thereby destroyed, but such directors (if any) as remain in office may fill the vacancies; or if all are out of office, then the shareholders, or such of them as shall attend, may at any time elect five directors, who may choose their president and proceed; and, moreover, if at any time they shall be without a president, they may elect one of their own members to act as such; and if on any occasion the president cannot attend, they

Vacancies how filled.

Directors may elect a president *pro tem*.

1805. may among themselves choose one *pro tem.* and any three shall be a quorum to do business.

Acts and by-laws to be recorded.

Sec. 8. They shall cause all their acts and by-laws to be fairly entered in a book for that purpose, and signed by the president for the time being.

This act shall be in force from and after its passage.

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## CHAPTER CCXCVI.

### *An ACT for the relief of Polly Hauskins.*

Approved December 23, 1805.

She was allowed a divorce from her husband, Jesse Hauskins, on a Jury's finding that he had abandoned her, and lived in reputed adultery with Polly Smith, and that he had treated her cruelly—provided she had been guilty of no manner of misconduct towards her said husband

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## CHAPTER CCXCVII.

*An ACT to amend the act entitled "an act concerning the Town of Maysville, in the County of Mason," passed December the 1st, 1803.*

Approved December 23, 1805.

SECTION 1. *BE it enacted by the general assembly,* That every owner of a ferry and ferryman, who resides in the town of Maysville, in the county of Mason, shall be bound to work on the streets, and such roads as other titheables are bound to do, who reside in the said town, and be subject to the same penalties for neglect or refusal, as other persons are; any law to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That the ninth section of the said recited act shall be, and is hereby repealed.

Sec. 3. *And be it further enacted,* That the trustees of the said town of Maysville shall have full power to execute deeds or conveyances of any lots in said town, any law to the contrary notwithstanding. All laws coming within the purview of this act, shall be, and the same are hereby repealed.

This act shall commence and be in force from and after the passage thereof.