

**ACTS**

**OF THE**

**GENERAL ASSEMBLY**

**OF THE**

**COMMONWEALTH OF KENTUCKY,**

**PASSED AT THE**

**ADJOURNED (JANUARY, 1873) SESSION OF THE GENERAL  
ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE  
CITY OF FRANKFORT ON MONDAY, THE  
4TH DAY OF DECEMBER, 1871.**

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**PUBLISHED BY AUTHORITY.**

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**1873.**

amount of stock held and owned by each stockholder, and the amount paid in; also a book in which shall be kept a full and faithful account of the proceedings, elections, rules, and by-laws, and acts of said company, except its accounts and contracts with individuals.

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§ 8. The president and directors may make such by-laws as they may deem proper, prescribing the times, places, and manner of holding elections, the transferring of stock, the time and manner of payment, the duties [of] officers, agents, and employees, their authority and powers, filling vacancies in office, the character, kind, and amount of business, and all such as may be necessary for the proper prudential and effective management of the property and business of the corporation, and the objects and interests of its creation: *Provided*, The same are not repugnant to this act, the Constitution and laws of this State and of the United States.

Board to make  
by-laws, &c.

§ 9. Said company shall have power to take, acquire, and hold such lands, mines, and mining rights, as they may deem necessary for the uses of said company, and such personal property, machinery, boats, floats, &c., as may be necessary, and to dispose of, for the use of the company and stockholders, any or all of the same.

Company may  
acquire property  
& dispose of same.

§ 10. The company shall have power to build and construct one or more wagon roads, tramways, or railways, from and to their mines and lands, and from said mines and lands to any tram or railway now built, or which may hereafter be built, in or through the county of Boyd, or to the Ohio river, at any point between Ashland and Catlettsburg: *Provided*, For the condemnation of the right of way or lands for said purposes, the same proceeding shall be had as prescribed by the Revised Statutes for the condemnation of lands for the use of turnpike and plank roads.

May condemn  
right of way for  
roads.

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

Approved April 16, 1873.

## CHAPTER 801.

AN ACT to incorporate the Henderson Water-works Company.

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

§ 1. That Joseph Adams, E. L. Starling, jr., John C. Stapp, T. M. Jenkins, John H. Barret, David Clark, L. C. Dallam, Ben. Harrison, Jacob Held, sr., F. W. Rentlinger, V. M. May, sr., and their associates and successors, are hereby made and declared a body-corporate, by the name of the Henderson Water-works Company, with power

Corporators'  
names.

Name and style.

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Corporate powers.

and authority to contract and be contracted with, sue and be sued; to have and use a common seal and change it at pleasure, and may act without a seal; and to construct and maintain within the city of Henderson, or within any distance convenient or suitable therefor, such reservoirs, pools, aqueducts, mains, pipes, wells, engines, and other machinery, apparatus, and other structures, as may be necessary or useful for the purpose of supplying the city of Henderson and its inhabitants with water.

Capital stock.

May issue bonds and secure same by mortgage.

§ 2. The capital stock of said company shall not be more than two hundred thousand dollars, divided into shares of one hundred dollars each. Said company may issue mortgage bonds, having not more than twenty years to run, bearing not more than ten per cent. interest per annum, payable semi-annually; and may sell said bonds at a discount, and may execute a mortgage or mortgages upon any lands, property, franchises, or water rents belonging to said company to secure said bonds and the interest thereon; but the amount of said mortgage bonds shall not exceed in their par aggregate the sum of one hundred thousand dollars.

Affairs to be controlled by directors—their term of office and duties.

§ 3. The affairs of the company shall be controlled by six directors and a president, all of whom shall be stockholders in the company; and a majority of the directors shall be residents of the city of Henderson. The directors shall be chosen annually, by vote of the stockholders, at such time and place as may be provided by the by-laws of the company. The directors may fill vacancies occurring in their board, and shall choose a president of the company from among the stockholders or directors; and may appoint such officers and agents as the business of the company may require. The directors shall hold their offices until their successors are elected and qualified; and a majority of the directors shall constitute a quorum to transact business. At all elections of directors, or stockholders' meetings, the stockholders may vote in person or by proxy duly authorized in writing; and each share of stock, upon which the regular calls and assessments have been paid, shall be entitled to one vote.

May purchase and dispose of property.

General and specific corporate powers.

§ 4. Said corporation may purchase, take, and hold, in fee-simple or for any less estate, any lands necessary for the objects and purposes of said company, 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 where it may be necessary to lay the same; and may erect, establish, and maintain such buildings, machinery, engines, reservoirs, and the like, as may be necessary or convenient for the purposes aforesaid; may purchase, lease, or otherwise acquire the use and control of such springs, brooks, or wells as may

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be necessary or convenient for the purposes of said corporation; and may take water from the Ohio river, or any other stream or source, for all the purposes of said corporation. If the proprietors of any lands which said corporation may need for any of the purposes aforesaid, or for like purposes, or for the right of way for laying pipes and aqueducts, do not agree with the company upon the price or compensation therefor, or for any reason fail to agree, then the said company shall have the right to acquire such land or lands, or easements or rights, by proceedings under a writ of *ad quod damnum*, in the same manner as is provided by the charter of the Louisville Water Company, approved March 6, 1854, and the acts amendatory thereto.

§ 5. The said company is hereby authorized to collect the water from springs, wells, creeks, the Ohio river, or any other stream or source, into one or more reservoirs, and may lay pipes or aqueducts under or over any railroad, public way, road, or street; but the same shall be done in such manner as not to obstruct or impede the passage thereon. In laying the pipes or aqueducts across or along any public way, road, or street, and in repairing such pipes or aqueducts, from time to time, said corporation shall not unnecessarily obstruct such public way, road, or street; and in case of the removal of any earth or pavement in such public way, road, or street, by said company, for purposes of such construction or repair, the said company shall cause such earth or pavement to be replaced or renewed in such manner as to put the public way, road, or street in as good condition as before the removal or excavation.

§ 6. In laying or constructing pipes or aqueducts in the city of Henderson, the same shall be done with especial reference to the furnishing an abundant supply of water for the extinguishment of fires; and the company shall furnish water to the corporate authorities of the said city for the use of its fire department, and for cleaning streets and other public purposes, upon such terms as may be agreed by said company, through its president and board of directors and the mayor and common council of said city; and said company shall have the exclusive right, as against any other corporation, to furnish water by pipes, reservoirs, and aqueducts to the inhabitants of the city of Henderson, if the authorities of said city shall agree thereto, and upon such terms and for such time as may be agreed upon.

§ 7. The said company is hereby empowered to sell the privilege of using the water which may be conducted through its pipes or aqueducts to any individual or corpo-

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ration; and said company may make all reasonable rules and regulations as to the manner and the times when such water may be used.

City of Henderson may subscribe for stock, issue bonds to pay for same, & levy tax to meet same.

Question of subscription of stock to be submitted to people.

§ 8. The city of Henderson may subscribe to the capital stock of said company in such amount as the directors may agree to accept, and issue the bonds of the city to pay for the stock so subscribed, the bonds to run not exceeding twenty years, and to bear interest not exceeding ten per cent. per annum, payable semi-annually, and levy and collect a tax sufficient to pay the interest on the bonds, the tax to be levied and collected as the regular annual tax assessed and collected for ordinary city purposes, but this tax shall be in addition to the ordinary revenue: *Provided*, That no such subscription shall be made by the corporate authorities of the city of Henderson until the question of such subscription shall have been first submitted to a vote of the qualified voters of said city, and authorized by the vote of a majority of the voters voting upon said question, at an election held for that purpose, in pursuance of an order of the common council, fixing the time and place of holding such election, and the manner of conducting the same, and the notice to be given thereof.

Penalty for injuring machinery, &c., or corrupting water.

§ 9. If any person shall willfully or maliciously corrupt or make impure any water used by said company, or destroy or injure any pipe, aqueduct, machinery, or other property of said company, such person, and all who shall aid and abet therein, shall forfeit to the use of said company treble the amount of damages caused thereby, recoverable by action in the Henderson circuit court, or other court of said county of competent jurisdiction, and shall further be liable to a fine of not exceeding one thousand dollars, and imprisonment in the work-house of the city of Henderson for not more than twelve months; such fine and imprisonment may be imposed or amerced in the Henderson circuit court, or in the Henderson city court.

May appoint officers to take care of property, and their powers as police.

§ 10. The said company may appoint and employ agents to care for and protect its property, and may notify the mayor and common council of the city of Henderson of such appointments; and the agents and employees of said company shall have power as policemen to prevent any intrusion upon the grounds and inclosures of the company, or injuring the property of said company, or defiling the water supply, reservoirs, or wells of said company; and they may arrest any one so trespassing or wrong-doing, and deliver him to the police authorities of the city of Henderson, to be dealt with according to law.

Council to pass laws to protect company.

§ 11. The mayor and common council of the city of Henderson shall have power to pass and enact such ordi-

nances as may be necessary or proper to protect the property of the company hereby incorporated.

§ 12. The city of Henderson 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 should do so, it shall be entitled exclusively to all the privileges and franchises, and exercise all the powers granted by this act, and shall be subject to all the duties as herein prescribed with regard to said company, and shall proceed to execute the purposes and objects of this act; and the said city may issue and sell its bonds, running not exceeding twenty years, and bearing not exceeding ten per cent. interest per annum, payable semi-annually, for a sum sufficient to cover the cost of the water-works, and said water-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 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, and such interest on the bonds as the net proceeds of the water rents may be insufficient to pay, the mayor and common council of the city of Henderson shall have power to levy, and cause to be collected, an annual tax upon the real and personal property, subject to taxation in said city for city purposes, sufficient for that purpose. All taxes so levied shall be ad valorem, and shall be levied and collected with the taxes regularly and annually assessed and collected for ordinary city purposes; but shall be, in addition to the annual tax for ordinary revenue, and the assessment, levy, and collection thereof shall be subject to the same laws, regulations, liabilities, and remedies as in the assessment, levy, and collection of the ordinary city tax: *Provided*, That no such subscription shall be made by the city of Henderson, or its corporate authorities, nor shall said city take upon itself the building of said water-works as herein provided, until the question of such subscription and undertaking shall have been first submitted to a vote of the qualified voters of said city, and authorized by the vote of a majority of said qualified voters voting upon said question, at an election held for that purpose, in pursuance of an order of the common council of said city, fixing the time and place of holding such election, and the manner of conducting the same, and the notice to be given thereof: *Provided further*, That if, at the first election held for that purpose, a majority of the votes cast upon that question shall not be in favor of authorizing such subscription and undertaking, a second elec-

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City of Henderson may take all the stock and issue bonds to erect works.

May levy tax to pay off said bonds.

Such question shall also be submitted to people.

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If city undertakes said works, their franchises, &c., to vest in said city.

Council to appoint water-works commissioners, fix their duties and powers.

§ 13. If the city of Henderson shall be authorized, as provided in the last preceding section, to make said subscription and undertake the building of said water-works, then all the franchises, powers, rights, privileges, and duties of the corporation or company hereby incorporated, together with the management and control of said water-works, shall be vested in and devolve upon the city of Henderson; and the mayor and common council of said city shall appoint a board of five commissioners, to be styled "The Water Commissioners;" said commissioners to hold their office for one year, and until their successors are duly appointed and qualified. The said board shall manage and control said water-works, subject to such rules and regulations as may be prescribed by ordinance; they shall report all their actings and doings to the common council every three months, and oftener if so required by ordinance. A majority of the commissioners shall constitute a quorum to transact business. The common council shall have power to remove any commissioner, and to fill all vacancies occurring in the board; and shall appoint one of the commissioners to act as chairman of the board. The whole affairs of said water-works shall be managed and controlled by said board of commissioners, subject to the rules and regulations which may be prescribed by ordinance passed by the common council. The city of Henderson is hereby authorized and empowered to do any and all things for the building and operating the said water-works in the manner and for the purposes herein provided.

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

Approved April 16, 1873.