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ACTS^c

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED AT

DECEMBER SESSION, 1846.

PUBLISHED BY AUTHORITY.



FRANKFORT:
A. G. HODGES:.....STATE PRINTER
1847.

CHAPTER 396.

1847

AN ACT for the benefit of Jeff. Evans, of the county of Greenup.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Jeff. Evans, of Greenup county, to go before any Circuit Judge of this Commonwealth, and move for a change of venue in the matter of an information now pending against said Evans, as an attorney at law in the Carter Circuit Court; and, upon said Evans making such oath before said Judge as would be required on an application for a change of venue in a chancery cause, it shall be the duty of said Judge to grant a change of venue in said information to the Lewis Circuit Court.

SEC. 2. That, upon the filing of such affidavit, together with the order of any Circuit Judge of this Commonwealth granting such change of venue, with the Clerk of the Carter Circuit Court, said Evans shall have the right to demand a transmission of all the papers, and a transcript of all the orders, touching the matter of said information to the Clerk's office of the Lewis Circuit Court, in the same manner as the same are transmitted on a change of venue in a chancery cause; and when the same shall be filed with the Clerk of the Lewis Circuit Court, the Judge of said Court shall have all the power and jurisdiction in said matter which the Judge of the Carter Circuit Court now has.

Approved March 1, 1847.

CHAPTER 397.

AN ACT for the benefit of A. J. Divine, deputy Sheriff of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be and he is hereby directed to issue his warrant upon the Treasurer, in favor of A. J. Divine, deputy Sheriff of Bourbon county, for the sum of twenty three dollars and eighteen cents, for his services in conveying Robert Turner, from Paris, Bourbon county, Kentucky, to Lancaster, Garrard county, Kentucky; the said Turner having been indicted in said county of Garrard for perjury.

Approved March 1, 1847.

CHAPTER 398.

AN ACT to incorporate the Hopkinsville Water Works Company.

WHEREAS, it is represented that there are four springs within about one half mile of the Court House in Hopkinsville, affording a sufficient quantity of water for the protection and necessities of the town of Hopkinsville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That D. S. Hays, Geo. Poindexter, James Moore, Ben. S. Campbell, John McCarroll, James F.

1847

Corporators
names, style
of corporation,
and its powers

Buckner, and Benj. Shackelford, be and they are hereby declared a body corporate; they and their successors to be styled the Hopkinsville Water Works Company, and by such name and style to have perpetual succession, to sue and be sued, to plead and be impleaded, in any Court of law or equity in this Commonwealth; and to keep a common seal; and be invested with all and every power necessary to a corporation for the purposes hereinafter stated.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three thousand dollars, divided into shares of twenty five dollars each.

Books for
subscription of
stock to be
opened.

SEC. 3. *Be it further enacted*, That the above named persons, or any three of them, from and after the 1st day of April, 1847, may open books in the town of Hopkinsville, and any other place, for the subscription of stock, first giving ten days' notice in a public paper, of the time and place of opening the same, and may receive the subscriptions of individuals or corporations for the amount of stock.

Stockholders
to meet and
elect officers.

SEC. 4. *Be it further enacted*, That it shall be the duty of the said Commissioners, who may thus open books, after the sum of six hundred dollars shall have been subscribed, to call a meeting of the stockholders, first giving notice for ten days of said meeting, who shall proceed to elect a President and six Directors, to govern, direct, and manage, the affairs of said company, who must each be the owner of at least one share of the stock in said company; and each stockholder shall be entitled to one vote for each share he may own; which said President and Directors shall hold their office for one year, or until their successors shall be duly elected and qualified.

Term office.

SEC. 5. *Be it further enacted*, That after the first election, then, on the first Monday in January in each year, there shall be an election for a President and six Directors, to govern said company, who shall hold their office until their successors are duly elected and qualified, the President first giving ten days' notice of the same.

May hold real
estate.

SEC. 6. *Be it further enacted*, That it shall and may be lawful for said corporation to buy and hold, in fee simple, all such real estate as may be necessary; and on which they shall have power to erect such machinery, houses, and reservoirs, as may enable the said company to supply the town of Hopkinsville with water in every part thereof.

May lay pipes
to furnish wa-
ter to citizens
Hopkinsville.

SEC. 7. *Be it further enacted*, That it shall and may be lawful for the said company to construct and lead their pipes through any of the streets and alleys of said town of Hopkinsville, doing no damage to the same; and may furnish water to each and every citizen, at such price or for such sum as the said company and said individuals may mutually agree upon; and such contracts shall be obligatory in law, and shall and may be enforced in any Court in this Commonwealth: *Provided, nevertheless*, It shall be obligatory on said corporation, as a compensation for the use of those privileges, to fur-

nish to the town of Hopkinsville a sufficient supply of water in fifteen places in said town, to be designated by the town council, free of charge, to be used by the town of Hopkinsville in case of fire, and to cleanse the streets and alleys, in those cases only.

Sec. 8. *Be it further enacted,* That it shall be the duty of said corporation to appoint a Treasurer and Clerk; and to make all needful by-laws for their own government; and to declare a dividend of the profits of said company, once in each and every year, and pay the same over to the stockholders.

Sec. 9. *Be it further enacted,* That it shall and may be lawful for the town of Hopkinsville, by and with the consent of the town council, to subscribe for five hundred dollars of the capital stock of said company.

Sec. 10. *Be it further enacted,* That all the powers incident to banking, are expressly prohibited to the company by this charter created.

Town of
Hopkinsville
may take stock

Banking pro-
hibited.

Approved March 1, 1847.

CHAPTER 399.

AN ACT to regulate the tolls on the Madison fork of the Wilderness road.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, the gate keeper on the Madison fork of the Wilderness road, is hereby required to pay over to Aaron Johnson, of the county of Laurel, and Wallace Gilbert, of the county of Knox, jointly, the sum of fifty dollars, annually, to be paid half yearly—the first payment to be due six months after the passage of this act: and said Johnson and Gilbert are appointed Commissioners, whose duty it shall be to expend the said money in improving the Moore road in the counties of Laurel and Knox; and upon the gate keeper failing or refusing to pay the said amount over to said Commissioners he shall be liable to be sued by them.

Gate-keeper
to pay Com'rs
on Moore road
\$50 annually.

Sec. 2. That the gate keeper is hereby required to pay over to said Johnson and Gilbert, at the rate of fifty dollars per annum, for the time he has failed to pay over the tolls required to be paid him by an act of the General Assembly, entitled, an act to improve the Moore road in the counties of Laurel and Knox, approved February the 16th, 1844; and it shall be the duty of said Commissioners to expend the same in the improvement of said road; and upon the said gate keeper failing to pay the same over within six months from the passage of this act, he shall be liable to be sued by said Commissioners.

Gate-keeper
to pay \$50 per
annum for the
time he has
failed to pay.

Sec. 3. That the said gate keeper, in paying over said money to said Commissioners, shall take from them a receipt, which shall be a voucher for said gate keeper to settle with the Commissioners of the Madison fork of the Wilderness

Gate-keepers
to take receipt
from Com'rs.