1798.

CHAPTER LXXXVI.

An ACT authorising John Bailey to locate certain vacant Lands.

Approved February 10, 1798.

This act authorised John Bailey to locate not exceeding 1000 acres of land in Logan county, for the purpose of obtaining timber from it to support his Bloomery, paying thirty dollars per hundred acres.

CHAPTER LXXXVII.

An ACT authorising Jacob Myers, & Co. to locate certain vacant Lands.

Approved February 10, 1798.

By this act, Jacob Myers, & Co. were authorised to locate not exceeding 2000 acres of land in Lincoln county, for the purpose of procuring timber from it for the Iron-works they were erecting, paying therefor, thirty dollars per hundred acres.

CHAPTER LXXXVIII.

An ACT establishing Bethel Academy, and incorporating the Trustees thereof.

Approved February 10, 1798.

Trustees.

SECTION 1. *BE it enacted by the General Assembly*, That the reverend Francis Paythress, John Knobler, Nathaniel Harris, John Metcalf, Barnabas M'Henry, James Crutcher, James Hord and Richard Masterson, shall be and they are hereby constituted a body politic and corporate, to be known by the name of Trustees of Bethel Academy, and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure; and as such shall be authorised to execute all powers and privileges that are enjoyed by trustees, governors or visitors of any college or university within this state, not herein limited or otherwise directed.

Their privileges and powers.

Annual meetings to be held;

Sec. 2. The said trustees, or a majority of them, shall hold two stated, annual sessions in a year, or more, if to them it should seem necessary, at said academy.

Further powers.

Sec. 3. The said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold, to them and their successors, any lands, tenements, goods and chattels, of what kind soever, which shall be given or devised to, or purchased by them for the use of the said academy, and shall sell and dispose of the same in such manner as shall seem most conducive to the interest of the said academy.

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May sue or be sued.

Sec. 4. The said trustees may sue or be sued, plead or be impleaded, in any court of law or equity.

May establish by-laws.

Sec. 5. They shall have power, from time to time, to establish such by-laws, rules and ordinances, not contrary to the constitution or laws of this commonwealth, as they shall deem necessary for the government of the said academy, and form general rules by which it may be determined when any trustee shall have vacated his seat.

President.

Sec. 6. The president of said academy shall be a man of the most approved abilities in literature.

Trustees to elect officers & fill vacancies.

Sec. 7. The trustees shall elect their president, treasurer and clerk, and so many professors, tutors or masters as may be necessary; and upon the death, resignation or legal disability of any of the said trustees, president, or other officers of the said academy, or any removal from office, the board of trustees shall, by appointment, supply the vacancy occasioned thereby; and all trustees and officers of said academy, shall be elected by ballot.

How meetings to be called.

Sec. 8. The chairman of the trustees shall have power to call a meeting of the trustees, and it shall be his duty, on the request of any three of them, to do the same, whenever cases of emergency require it; but upon any called meeting the chairman shall give at least ten days notice from the date of his circular letter or publication of said meeting, and the business that required the call shall be communicated and particularly specified.

Majority to form a board.

Sec. 9. A majority of the whole number of trustees in service, shall constitute a board to do business, and a voice of the majority of the whole number present, shall decide any question, motion, resolution or appointment.

Sec. 10. The treasurer, clerk and other subordinate officers, shall be subject to the direction of the board.

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

CHAPTER LXXXIX.

An ACT for the Division of Mason County.

Approved February 10, 1798.

County formed.

SECTION 1. *BE it enacted by the General Assembly*, That from and after the first day of March next, all that

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part of the county of Mason included within the following bounds, to wit: Run a line south from the court-house of Mason county to the North Fork of Licking, thence up the North Fork nine miles, when reduced to a straight line; at this point make the beginning; thence a straight line to the mouth of the Flat Fork of Johnston; thence to the mouth of Fleming a straight line, unless it strike Fleming, in that case, down Fleming to the mouth, and up Licking to the head thereof, and with the line of Montgomery county to the Virginia line; thence with the said line to that branch of Sandy which divides this state from the state of Virginia; thence down the said branch till it intersects a line drawn from the beginning as follows, to wit: From the beginning up the North Fork to the head of the South Fork thereof; thence with the dividing ridge between the waters of Licking and the Ohio, until it strikes the waters of Sandy; thence down such branch, east, to Sandy; to be called and known by the name of Fleming.

Boundary.

Name.

Sec. 2. After the said division shall take place, the courts for the county of Fleming shall be held on the second Monday in every month, and the courts of quarter sessions shall be held annually in the months of March, May, August and November, in such manner as is provided by law in respect to other counties within this state.

Courts when held.

Sec. 3. The justices named in the commission of the peace for the said county of Fleming, shall meet at the house of John Faris, in Flemingsburg, in the said county, on the first court day after the said division shall take place; and having taken the oaths prescribed by law, and the sheriff being duly qualified, the court shall proceed to appoint and qualify their clerk, and fix on a place for the seat of justice for the said county, and proceed to erect the public buildings at such place: *Provided always*, that the place for the permanent seat of justice, shall not be fixed, nor shall a clerk be appointed (except *pro tempore*) unless a majority of the justices of the court for which the clerk is to be appointed, concur; but shall be postponed until such majority can be had.

Where and when justices to meet, and for what.

Proviso.

Sec. 4. It shall be lawful for the sheriff of the county of Mason to make distress for any public dues or officers' fees, unpaid by the inhabitants within the bounds of the said county of Fleming at the time such division shall take place; and he shall be accountable in like manner as if this act had not been passed.

Power of the sheriff of Mason.

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Sec. 5. The courts of Mason county shall have jurisdiction in all actions and suits depending therein at the time of said division, and they shall try and determine the same, issue process and award execution thereon.

Court of Mason to retain suits.

Sec. 6. Until an enumeration be made, agreeable to the constitution, the said county of Fleming shall be entitled to one representative in the general assembly; and the said county of Mason shall retain the remaining three.

Fleming to have a representative.

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

CHAPTER XC.

An ACT ascertaining the line between the Counties of Logan and Warren.

Approved February 6, 1798.

WHEREAS doubts have arisen respecting a part of the line dividing Warren and Logan counties, and as it appears evident from the petition praying the said division, that the settlement called the Georgia settlement was intended to be and continue in the county of Logan; therefore,

Be it enacted by the general assembly, That all that settlement known by the name of the Georgia settlement, shall from henceforward be within the bounds and considered a part of the county of Logan; and that the surveyors of the counties of Warren and Logan do, and they are hereby expressly directed to run one direct line from opposite Col. James Duggan's to the Tennessee line, so as to leave the said Georgia settlement within the county of Logan, as before recited, any law to the contrary notwithstanding.

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

CHAPTER XCI.

An ACT to amend an act entitled "an act to vest the Estate of Joseph Barnett, deceased, in Commissioners, for the benefit of his Creditors."

Approved February 3, 1798.

Vide Vol. I, Chap. 286.

This act requires the commissioners to advertise for a general meeting of the creditors, and on a deficiency of assets, to apportion the payments, considering all debts as of equal dignity.

Ll of Representatives

THE

STATUTE LAW

OF

KENTUCKY;

WITH NOTES, PRÆLECTIONS, AND OBSERVATIONS ON THE PUBLIC ACTS.

IN THREE VOLUMES.

BY WILLIAM LITTELL, ESQ.

SIC VOS NON VOBIS, &c.—VIRGIL.

VOLUME II.

TO WHICH IS ADDED,

AN APPENDIX,

COMPREHENDING ALL THE

ACTS OF PARLIAMENT AND OF VIRGINIA,

OF A GENERAL NATURE,

REMAINING IN FORCE IN THE STATE OF KENTUCKY,

WHICH HAVE NOT BEEN INSERTED IN THE FIRST VOLUME OF THIS WORK.

TOGETHER WITH

A TABLE OF REFERENCE

TO THE CASES ADJUDICATED IN THE COURT OF APPEALS, SINCE OCTOBER TERM, 1808.

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1810.

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