

ette Hospital from time to time, as may be ordered by said corporation, the progress made in the sale of tickets, or in the drawing of the said lottery. And it shall be their duty to pay over all or any money which shall be raised in the manner heretofore authorised, to the order of the contributors of the Fayette Hospital, or to such person or persons as may be authorised by said corporation to receive the same, to be applied as directed in the first section of this act.

Managers made liable to the contributors.

§ 3. *Be it further enacted*, That if the said managers should sell or dispose of the whole scheme of the lottery hereby authorised, or any class thereof, which they are hereby authorised to do, so as to raise the proposed sum, the said managers, or such as may act, are hereby made responsible to the contributors of the Fayette Hospital for the amount of said sale; and the said contributors of the Fayette Hospital are hereby authorised to demand, sue for, and recover the same in behalf and for the use of the said corporation, for the purposes specified in the first section of this act.

CHAP. CCXCVII.

*An ACT for the benefit of John Poage, of Greenup County.*

APPROVED February 4, 1818.

Preamble.

WHEREAS it is represented to the present general assembly, that John Poage and John Terrill, in the year 1806, became the securities of Reuben Rucker, as sheriff of Greenup county, and the said Rucker having failed to pay ninety-eight dollars eighty-two cents of the revenue for the year 1807, the auditor of public accounts [in] 1816 gave notice to said Poage that he would move for a judgment, which was accordingly rendered against him in 1817, for debt, interest, damages and costs; and at the time the said Poage paid the same, which was in August 1817, it amounted to the sum of two hundred sixty-eight dollars ninety-two cents. It is further represented, that

the said other security, Terrill, has removed from the county of Greenup, and the said Rucker has removed to the state of Tennessee or Mississippi territory, where he has become insolvent. It is further represented, that if the auditor of public accounts had brought suit in a reasonable time against the said Rucker, that he would have been solvent, and the said Poage not compelled as security to pay the same: Now for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Poage shall be, and he is hereby authorised to call upon the auditor of public accounts for a warrant on the treasury for one hundred and one dollars and thirty cents, the damages which he paid to the sergent of the court of appeals, upon an execution in favor of the commonwealth against him as security for Reuben Rucker, a former sheriff in Greenup county; and the auditor is hereby directed to issue his warrant on the treasury for the same, upon the application of said John Poage.

Auditor to issue warrant on the treasury.

CHAP. CCXCVIII.

*An ACT to establish a Town at the Court-House in the County of Greenup*

APPROVED February 4, 1818.

WHEREAS it is represented to the present general assembly, that colonel Robert Johnson, since deceased, in his lifetime did in part lay off a town on the upper side of the mouth of Little Sandy, in the county of Greenup, and gave it the name of Greenupsburg, and sold out a few lots, and conveyed to the justices of said county two acres for public purposes; and that the seat of justice for the said county has been fixed thereon, and a court-house and jail erected, and that many persons have settled at the said place; but that it is not practicable to get the same established as a town, under the act entitled "an act concerning the establishing of towns," from the following circumstances, to wit: The site of the

Preamble.

said town is part of a tract of 1000 acres of land entered by John Craig, since deceased, on the 22d day of May 1780, who on the 26th day of April, in the year 1791, conveyed that tract amongst others to the said Robert Johnson and Elijah Craig, in trust for certain purposes, but more particularly for the payment of certain debts, and about the year 1792 the said trustees exposed the said 1000 acres of land to sale, under the said deed of trust, and the said Robert Johnson became the purchaser, and obtained a deed from Elijah Craig for the same, under a provision in the said deed of trust contained, that where one trustee was interested, the other should convey; and the said Robert Johnson laid off the town as before stated in part under the title derived to him by the said purchase and deed; that some time about the year 1803, the said John Craig commenced a suit in the Fayette circuit court against the said Robert Johnson and Elijah Craig, for the purpose of setting aside the said deed of trust, and some of the sales made under it, and particularly that of the said 1000 acres of land, which, with other suits then depending between the said Craig and Johnson, the said Elijah Craig then having departed this life, was depending until the chancery term of the Fayette circuit court in January 1814, when in consequence of a compromise agreed upon and entered into between the parties, a final decree was pronounced, by which the following provision was made respecting the said town of Greensburg: That the said Robert Johnson should re-convey to the said John Craig, one equal undivided moiety of the same, excepting the public ground conveyed as aforesaid to the justices of the county, and some lots the said Johnson had then sold, estimated at five or six; and the said Robert Johnson did in consequence of the said compromise and decree, on the 7th day of February 1814, convey, amongst other tracts of land, the said undivided moiety of the said town, with the reservation aforesaid, to the said John Craig, and by the said compromise and decree retained to his own use the other undivided moiety; after which the said

John Craig, in consequence of an agreement long before entered into with James Hughes, did, on the 15th day of September 1815, convey to the said James Hughes one undivided fourth part of his said undivided moiety of the said town; and the said Robert Johnson has departed this life intestate, and the title to his undivided moiety has become vested in his heirs and representatives; and the said John Craig has also departed this life, having first made and published his last will and testament in writing, by which he devised his real estate to his executor, in trust, to sell the same, or part thereof, for the payment of his debts, and to divide the residue into seven parts, of which he devised one seventh part to his widow, Sarah Craig; one seventh part to his son-in-law, Thomas M. Prentiss; and the residue to be equally divided between his two sons, John Hawkins Craig and Lewis Craig; and appointed his sons, John Hawkins Craig and Lewis Craig, and his nephew, John Craig, son of Toliver Craig, his executors, of whom John Hawkins Craig only has qualified and acts. But the said Lewis Craig sets up a claim to the said town, under an unrecorded deed executed to him by the said John Craig, during the pendency of the before mentioned suit between the said John Craig and Robert Johnson and Elijah Craig, and before the compromise, decree and re-conveyance aforesaid, and whilst the title was in the said Robert Johnson, the validity of which claim the other claimants do not admit, and suits in chancery are now depending in the Greenup circuit court, in which the said James Hughes and the said Lewis Craig and the other heirs of John Craig, and John Hawkins Craig, the executor, and the heirs and representatives of Robert Johnson, deceased, are parties; which suits were brought to adjust and settle the question of title, and for a division of the said property. And whereas during the pendency of the said suits, unless the title to lots shall be secured to purchasers by law, those desirous to purchase and settle will be discouraged from so doing: For remedy whereof,

Boundaries of the town. § 1. *Be it enacted by the General Assembly, That* all that part of the bottom, above the mouth of Little Sandy, which is within the following boundaries, to wit: Beginning at the original beginning corner of John Craig's survey of 1000 acres, standing on the point between the Ohio and Little Sandy; thence up the river and binding thereon to a poplar at the mouth of a gut, generally called Hood's corner; thence south 38° west, with a line supposed to have been run by colonel Robert Johnson for Andrew Hood, to the foot of the hill; thence westwardly with the foot of the hill to the road leading from the town to the falls of Little Sandy; thence across the said road a north-west course, until the same will strike Craig's original north-west line; thence with the said north-west line north-eastwardly, to the beginning; shall be, and is hereby vested in Francis Warring, John Hockaday, Martin Smith, Thomas B. King and Horatio Catlett, gentlemen, and their successors, to be by them, or any three of them, laid off into lots of one quarter of an acre each, with convenient streets, in such manner as not to interfere with the lots sold by the said Robert Johnson before the compromise, decree and reconveyance before recited, or with the public ground conveyed by him to the justices of the county court, and having regard, as far as may be, to the convenience of the present settlers; and the same shall be, and is hereby established a town by the name of Greenupsburg.

Trustees.

Town established, &c.

Trustees to sell the lots, &c.

On a credit.

§ 2. The said trustees, or a majority of them, shall, within six months after they have laid the same off into lots and streets, expose the lots to sale by public auction, for the best price that can be got for them, at the door of the court-house, having given two months previous notice, by pasting up a notice thereof two months at the door of the court-house of Greenup county, and by advertising the same for eight weeks successively in some public newspaper printed in Frankfort, Lexington and Washington.

§ 3. They shall sell the said lots on twelve months credit, and shall take bonds with good and sufficient security for the payment of the pur-

chase money, payable to themselves, for the benefit of the proprietor or proprietors; in the condition of which bonds the number of the lot for the purchase of which the said bond is given, shall be inserted, and the holder shall always retain a lien on the said lot for the purchase money, until the same is paid.

Condition of bonds, &c.

§ 4. The said bonds shall be returned to the clerk's office of the Greenup circuit court, to be there safely kept, and shall be assigned to the proprietor or proprietors, by the said clerk, when directed by a decree or order of the said circuit court; which assignment shall transfer the property of the said bond to the assignee, and enable him to maintain a suit thereon in his own name. But if a proprietor shall become a purchaser of a lot or lots, he shall be entitled to receive the assignment of his own bond or bonds, to the extent of his interest in the town, when the question of right shall be settled.

Bonds, how to be disposed of.

§ 5. The said trustees shall convey the lots so sold to the purchaser or his assignee, in fee simple, as soon as the purchase money is paid.

Trustees to convey lots.

§ 6. Whenever any of the said trustees shall remove out of the county, die or resign, the vacancy or vacancies shall be filled by the county court of Greenup, who shall possess all the powers and qualifications that those do who are appointed by the provisions of this act.

Vacancies in the board may be filled.

CHAP. CCXCIX.

An ACT concerning the Town of Versailles.

APPROVED February 4, 1818.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky, That* it shall be lawful for the trustees of the town of Versailles, a majority of them concurring therein, to sell and convey by deed, the title to Richard B. Bohannon, to that part of Greens treet in said town, lying west of Water street, at such price as shall be fixed by two or more respectable house-keepers, who shall be appointed by said trustees for that pur-

Trustees empowered to sell and convey a lot.

Price, how to be fixed.

**ACTS**

**PASSED AT THE FIRST SESSION**

**OF THE**

**TWENTY-SIXTH GENERAL ASSEMBLY**

**FOR THE**

**COMMONWEALTH OF KENTUCKY,**

**BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-  
DAY THE FIRST DAY OF DECEMBER 1817, AND OF THE  
COMMONWEALTH THE TWENTY-SIXTH.**

**GABRIEL SLAUGHTER,**

**LIEUTENANT GOVERNOR, AND ACTING GOVERNOR.**

**PUBLISHED BY AUTHORITY.**

**FRANKFORT:**

**PRINTED BY KENDALL AND RUSSELLS,  
PRINTERS TO THE STATE:**

**1818.**

**COMMONWEALTH OF KENTUCKY  
STATE LAW LIBRARY**