

ACTS

OF THE

17

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

# 79

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS  
BEGUN AND HELD IN THE CITY OF FRANKFORT ON  
MONDAY, THE FOURTH DAY OF DECEMBER, 1871.

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Corporate powers.

§ 5. So soon as said company is organized by the election of a president and directors, they shall be a body-politic and corporate, under the name and style aforesaid, and have all the privileges of such, and generally do and perform all acts lawful for a corporation to effect the object for which said corporation was created; and of holding by gift, purchase, or otherwise, anything necessary for the prosecution of their work or the object of this corporation.

§ 6. Said corporation shall fix and regulate the grade of said road, its width, and amount of stone or gravel covering the same. They may designate the place for toll-gates, fix the rates of toll not exceeding the rates allowed by general law, and regulate or change the same. They shall have power, after one mile of road is completed, to erect a gate and collect toll.

§ 7. That as soon as said road is organized, they shall be authorized to receive the written consent of any of the landholders through or near whose land the road may pass of the right of way or grant of material for the construction of said road, or for keeping the same in repair, which consent, when given, shall be valid and binding according to the terms of the same. If, in any instance, they cannot agree with the owner or owners of lands for the right of way or for material necessary for the construction of said road, then the president shall apply to the county court of the county in which said land lies for a writ of *ad quod damnum* to assess the damages which the owner thereof may sustain by the construction of said road over the land or the taking of material for the construction of the same; and upon the payment or tender of the damages assessed it shall be lawful for the company to open and make said road, and do all the work pertaining thereto.

May have writ to condemn land, &c., for use of road.

§ 8. The company shall have the right to occupy any public highway as it may be necessary for the construction of said road; and upon the construction of said road all public highways, whose use has been superseded by the same, shall be discontinued.

Notices to be given of calls on stock.

§ 9. The president and directors shall give notice, as they may deem proper, of the amount of call on each share of stock, and of the time and place of its payment. The unpaid portion of all subscriptions shall be a lien upon the stock subscribed for, and the stock of any defaulting stockholder may be sold at public auction for cash by the president of said company, in the town of Florence, after ten days' notice posted in three public places on the line of said road; and the company shall have the right to sue for and recover any balance that may remain after the sale of said stock, with interest at the rate of ten per cent. per annum from the time the same may have become due.

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Directors to appoint other officers, and their duties.

§ 10. The president and directors may annually appoint a secretary, superintendent, engineer, and treasurer, or such of them as they may deem necessary, of whom the treasurer shall give bond and security, in such sum as they may prescribe, to pay over all sums in hands to the order of the board.

May issue bonds to complete road.

§ 11. The president and directors may, if they shall find it necessary for the completion of the road, issue and sell the bonds of the road for any amount necessary for the completion of said road, not exceeding one half the amount of the stock actually subscribed and paid in, bearing interest at any rate not exceeding ten per cent. per annum, and running for any length of time not exceeding twenty years, as they may deem best for the interest of the company. And the said bonds shall, from the time the same are issued and sold, be a lien upon the said road, which lien may be enforced by any court of competent jurisdiction in case of default of payment of either principal or interest as the same may become due.

§ 12. This act shall take effect from and after its passage.

Approved February 5, 1872.

CHAPTER 190.

AN ACT to charter the town of Kuttawa, in Lyon county.

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

§ 1. That the town of Kuttawa, in Lyon county, be, and the same is hereby, incorporated, with such boundaries, streets, alleys, squares, parks, and other public grounds, as may be laid out and defined by the trustees in a plat and survey of said town, which said survey and plat shall be recorded in the Lyon county clerk's office.

Town incorporated.

§ 2. That Charles Anderson, A. Latham Anderson, Thos. C. Skinner, Andrew P. Conant, and Andrew J. Martin, are hereby appointed trustees of said town, who shall hold their office until the first Monday of April, in the year A. D. eighteen hundred and seventy-three, at which time, and biennially thereafter, there shall be an election by the qualified voters of said town of five trustees, to serve for two years, and until their successors shall be duly elected and qualified.

Trustees' names.

Election of trustees, and term of office.

§ 3. That previously to entering upon the duties of their office, the said trustees shall take an oath before some justice of the peace for Lyon county that they will faithfully, and to the best of their ability, perform the duties of trustees of said town, in addition to the oath required by the Constitution of this State.

Trustees to take oath.

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Trustees to  
have plat made  
and recorded.

§ 4. That the trustees shall cause a survey and plat of said town to be made out, defining the limits of said town, the streets, alleys, walks, parks, and any other public grounds, as they may determine on; one copy of which shall be recorded in the Lyon county clerk's office, as before ordained, and at least one other copy shall be retained and carefully preserved in the custody of the trustees.

Police judge  
and marshal to  
be elected.Said officers to  
take oath, and  
marshal to give  
bond.

§ 5. That on the same days that the election for trustees as aforesaid shall be held, the qualified voters of said town shall also elect a police judge and a town marshal, who shall also be the collector for said town. Before entering upon the duties of their respective offices, they shall each take the same oath hereinbefore prescribed for the trustees; and the marshal shall also execute a bond to the satisfaction of the board of trustees, with approved security, conditioned for the faithful discharge of his duties.

Jurisdiction of  
police judge.

§ 6. That the said police judge shall have jurisdiction within said town of civil causes to the same extent that justices of the peace now have in this Commonwealth; and shall have the same jurisdiction of crimes and misdemeanors committed within said county of Lyon that justices of the peace now have; and in criminal and civil cases he shall have the jurisdiction now given to two justices of the peace within said county; and shall have full jurisdiction within said town of all offenses against the by-laws, ordinances, rules and regulations, of said town; and shall have power to enter judgments and issue executions for all fines and penalties for such offenses; and his executions may be served by the marshal of said town in any part of said county, or by the proper officers in any county of this Commonwealth; and in general, the said police judge may fully exercise all the powers granted or authorized by the laws of this State to its justices of the peace; and may also charge and collect the like fees for his services: *Provided*, That all process issued by said police judge shall run in the name of the Commonwealth of Kentucky.

Power & duties  
of marshal.

§ 7. That it shall be the duty of the said marshal to execute all process directed to him by the police judge of said town; to preserve order therein; have a care over all shade or ornamental trees in the streets, walks, parks, or other public grounds, and over the market-places and other property of the town; to arrest by warrant, or on his view of the actual commission of any violation of public order, or of any of the by-laws or ordinances of said town; to collect the taxes imposed by the board of trustees upon the inhabitants of said town, and duly to pay over the same to the treasurer at the times and in the modes prescribed by the rules, regulations, by-laws, or ordinances enacted and established by the board of trustees.

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After having, as hereinbefore prescribed, duly qualified by the proper bond and oath, he shall also have the general powers of a constable, and shall be likewise subject to all the legal liabilities attaching to the duties of that office. In collecting the taxes of said town, he shall have the powers, and be subject to the responsibilities, of a sheriff in the collection of the State revenue, and shall receive therefor a ratable compensation with them; in all other cases, he shall receive the same fees as a constable.

§ 8. Whenever a vacancy may occur in said office, or in that of the police judge, or in any other office created by this act, it shall be the duty of the board of trustees to fill it at their next session, by appointment, until the vacancy shall be filled by election, as provided in the second section of this act; and which appointment shall operate to invest the appointees, to all intents and purposes, with all the rights, duties, and liabilities of their respective offices, as if the same had been originally filled in the mode herein generally provided.

Board may fill  
all vacancies  
in said offices.

§ 9. That the boundaries of the said town of Kuttawa may be extended and established in the manner prescribed in the fifth article of chapter one hundred of the Revised Statutes of Kentucky, with the exception of section three. In lieu of which, it is hereby enacted, that the order of court shall vest in the public all the rights of way and other uses, easements, and franchises, which are commonly appurtenant to the streets, alleys, walks, parks, and other public grounds of towns and cities; and shall vest in the said board of trustees the same rights of jurisdiction and authority over such addition or additions, which are hereby established within and over the same portion of the original town: *Provided*, That in all cases the rights of the proprietors of the land, as well in the matter of its fee simple as its equitable title, shall remain unchanged and undisturbed by these acts, although the same shall be expressly subject to the rights, uses, franchises, easements, jurisdiction, and authority of the general public, and of the trustees hereinbefore created and defined.

Trustees vested  
with power  
over streets, al-  
leys, &c.

§ 10. That the said trustees, and their successors in office, shall be a body-politic and corporate, and known by the name and style of the "Board of Trustees of the Town of Kuttawa;" and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth; that said trustees may have and use a common seal, which they may alter at pleasure; and in addition to the powers and privileges, and the duties and liabilities herein granted and imposed, they shall also, and in so far as the same may be consistent

Corporation  
name and style  
and powers.

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herewith, have and enjoy all the powers and privileges, and shall be also subject to all the duties and liabilities contained in, or intended by, the second, third, fourth, sixth, and seventh articles of chapter one hundred, of the Revised Statutes of Kentucky, being parts of the general law in relation to town incorporated in this Commonwealth.

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

Approved February 5, 1872.

CHAPTER 191.

AN ACT to organize and establish a system of public schools in the town of Madisonville, county of Hopkins.

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

§ 1. That all the territory now embraced within the limits of the town of Madisonville shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees, appointed by the chairman and board of trustees of said town, as hereinafter directed.

Town of Madisonville made a school district.

§ 2. The board of trustees of said town shall, at their first regular meeting in the month of June of each year, appoint five suitable persons, resident citizens of said town, as school trustees; and the persons so appointed shall constitute and be styled "The Board of Trustees of the Madisonville Public Schools," and by that name shall be known as a body-politic and corporate; and may buy and sell and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever.

Trustees of town to appoint school trustees.

School trustees to be body corporate, & their powers and privileges.

§ 3. The said trustees so appointed shall take an oath faithfully to discharge their duties; and shall, within one month after their appointment, meet and organize. The chairman of the board of the trustees of said town shall be president of said board. In case of his absence or inability to act, a majority of said board shall elect one of their number as chairman to preside and discharge the duties of president *pro tempore*.

Said trustees to take oath.

§ 4. The said board shall appoint some suitable person as secretary and treasurer, who shall hold his office for two years, and until his successor is appointed and qualified, and shall perform such duties as generally pertain to the position of secretary and treasurer, and all such duties as may be prescribed by the said board.

Secretary and treasurer to be appointed.

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§ 5. All vacancies in said board shall be immediately filled by the chairman and board of trustees of said town by the appointment of some suitable person; but no person shall, at the same time, be a member of the board of the trustees of said town and a member of said board, except the chairman. The removal of a member from said town shall vacate his position.

Vacancies in board to be filled by trustees of town.

§ 6. The control and management of the public schools of the town of Madisonville, and the property and funds belonging thereto, and which may accrue in any way to them, or for their establishment, management, or maintenance under this act, or otherwise, shall be vested in the said board of trustees and their successors in office.

Control of schools & property to be vested in school board.

§ 7. The said board of trustees shall have power to make sub-districts, and all by-laws and rules for the government of themselves or their appointees, and for the dispatch of business, and for the management, control, and government of the schools, and to enforce such by-laws and rules, by suitable fines and penalties, to be recovered in any court having jurisdiction of the amount.

May make by-laws, rules and regulations.

§ 8. A majority of the members of said board shall constitute a quorum for the transaction of business. They shall meet at least once in every month, and shall fix the time of their meeting, and may meet as often as to them may seem necessary for the transaction of business. A majority of those present may transact any business, except in the making of a contract for the purchase or sale of real estate, for the erection of any building, or for the paying out of money, in which case a majority of the entire board must concur, and the yeas and nays shall be polled and recorded in the journal.

Quorum and meetings.

§ 9. Said board shall cause to be kept a regular and correct journal of their proceedings in a well-bound book, which, at all times, shall be open to the inspection of any member of said board, or any of the members of the board of trustees of said town, or any committee appointed by the board of trustees of said town.

Journal of proceedings to be kept.

§ 10. The board of trustees of said public schools shall appoint all teachers and other persons necessary to carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries, and may dismiss or suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools, grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons applying for admission to the schools; and they may fix the bounds of sub-districts for each public school within which the children shall be entitled to admission.

Board to appoint all teachers, & fix their compensation.

Shall prescribe studies, &c.