

Richard Taylor & Others

CHAPTER CCLXVII

AN ACT for the benefit of Richard Taylor and others.

Approved, January 22, 1830.

WHEREAS, by an act of Assembly, approved December twenty-six, one thousand eight hundred and twenty, it was made the duty of the surveyor of the lands set apart for the satisfaction of the legal bounties of the officers and soldiers of the Virginia line, on State establishment, situated west of the Tennessee River, by himself or deputies, to procure chain carriers and markers, and to survey, without delay, all entries made in his office prior to the first of May, seventeen hundred and ninety-two: and whereas, it is represented that William Croghan, deceased, late surveyor of said lands, and Richard Taylor, the present surveyor of said lands, have, by themselves and deputies, complied with the requisitions of said act, at much expense, being required to make the surveys before the owners of entries had advanced or secured the fees allowed by law for executing surveys; **and whereas**, said surveyors, to prevent a forfeiture of the lands surveyed, for a failure to register the plats and certificates of survey, in the time prescribed by law, have, as is represented to this General Assembly, registered the plats and certificates of surveys executed by them, and the owners have not, in many cases, paid the fees, and the retention of the plats and certificates would have been no security for the fees in case the surveyors had permitted them to be forfeited, and it is deemed reasonable that said surveyors or their representatives, should be secured in their fees allowed by law, and which are owing by non-residents, who cannot otherwise be made responsible:

Therefore, Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for said surveyors or their representatives respectively, by bill in chancery, to subject each tract of land surveyed by them, to the payment of the fees due for surveying the same: **provided**, such tract is still owned by the person or persons for whom the same was originally surveyed, and such person or persons are non-residents: **provided also**, the suit herein allowed shall be instituted in the circuit court of the county in which the land lies.

Section 2. **Be it further enacted**, That the court before which any such proceeding may be had, shall appoint three commissioners, who, after being duly sworn to act impartially, shall value the land intended to be subjected to the payment of any such fees, and report the value thereof to the court; and no land shall be sold under any decree or proceeding hereby authorized, unless it brings at least two-thirds of such its appraised value; and no more of any tract shall be sold than will be necessary for the payment of the amount due, and the costs of the proceeding. No decree shall be rendered because of taking any bill for confessed, but every thing necessary to a recovery for any of the services in the preamble to this act mentioned, shall be established by evidence.

Ref: "Acts of the Kentucky General Assembly", 1830, pgs 88-89.

