



**The Kentucky Law Reporter; A Monthly Magazine, Devoted to the Interests of the Legal Profession at Large and Particularly of the Kentucky Bar Volume 29**

*Kentucky. Court of Appeals*

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1907 edition. Excerpt: ... street that increased the value of her property, because to do so would permit her to reap the benefits of the improvements without 682 OHIO VALLEY ran. oo. v. err! or LOUISVILLE. contributing anything thereto. and would be a fraud upon the rights of the persons who made them upon the faith of her dedication of the street and its use by the public during this long period of time. A married woman may be estopped under circumstances such as are shown in this record from denying the dedication to public purposes of a public way, and may be divested by her conduct of so much of the right, title and interest in the street as is necessary for the use of the public. As the children of Mrs. Dulaney can not occupy a better position than she would, if living, the judgment of the lower court is affirmed. OHIO VALLEY TELEPHONE CO. v. CITY OF LOUISVILLE. (Filed June 13, 1906---Not to be reported.) Fairleigh, Strauss & Fairleigh for appellant. A. E. Richards for appellee. Appeal from Jefferson Circuit Court, Chancery Branch, First Division. 1 Chief Justice Hobson delivered the following dissenting opinion: For lack of time the reasons for this dissent may only be outlined. The cardinal error in the opinion of the court, it is submitted, is in the assumption that the tax on franchises is a new tax originating with the act of 1892. By article 170 of the Constitution certain property is not subject to taxation. By section 171 taxes must be uniform upon all property subject to taxation within the territorial limits of the authority levying the tax. By section 166 of the Constitution all acts incorporating cities and towns then in force continued in force under the Constitution until the general assembly provided by general law for the...

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