City of Burkesville

Burkesville, Kentucky 42717

864-4141

May 29, 1981

RECEIVED
JUN 03 1981
SECRETARY OF STATE
COMMONWEALTH OF KY.

M. E. Combs, Director
Division of County Municipal Accounting
Department of Finance
Frankfort, Kentucky 40601

Dear Sir:

The City of Burkesville is a fifth class city incorporated in May, 1846. Enclosed is a map indicating the annexation which occurred the 24th. day of September 1979.

Cumberland County
Feb. 23, 1846

Sincerely,

Mayor

Ky. Acts 1845-46

1846.

CHAPTER 348.

AN ACT to incorporate the town of Burksville, and for other purposes.

Citizens to elect Trustees annually.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the free white male inhabitants of the town of Burksville, in Cumberland county, the limits of which shall hereafter be one half mile in every direction, the river being the limits east of the court house in said town. The free white male citizens of said town, who have attained the age of twenty one years, shall, on the first Monday in May, 1846, and on the same day in every year thereafter, meet at some convenient place in said town, and elect five Trustees for said town, who shall hold their office for one year, or until their successors are duly elected and qualified. The first election shall be conducted by, and under the direction of, M. L. Stoner, or some other Justice of the Peace for said county, who shall act as Judge therein; and said Trustees shall take an oath, before some Justice of the Peace for said county, truly and faithfully to perform the duties enjoined on them by law as Trustees.

Trustees & successors incorporated:—powers.

SEC. 2. That said Trustees, and their successors, shall be a body corporate, and by the name and style of the Trustees of the town of Burksville, may sue and be sued, plead and be impleaded, in any court of law or equity of this Commonwealth. They shall have power to pass all necessary ordinances and by-laws for the improvement, regulation and advancement of the interests and morals of said town, not inconsistent with the constitution of the United States, or the constitution and laws of this State.

May receive conveyances of lots for public houses—assess taxes, &c.

SEC. 3. That said Trustees shall have power to receive a conveyance by donation, or purchase any lot or lots of ground in and near said town, for the purpose of the erection of a meeting house, or any other necessary or needful public buildings; and may order, provide for, and contract for their erection. They shall have power to assess a poll tax on the tytheables of said town, not to exceed one dollar a head, and levy an ad valorem tax on the real and personal property within said town, now taxed by the revenue laws of this Commonwealth, not to exceed ten cents on each one hundred dollars worth of property. They shall have power to contract for the sinking of wells, the improvement of springs, the grading and improvement of streets and alleys, and the paving of side walks of said town. They shall have power to levy and collect from the owner or managers of all exhibitions of animals, or shows of all and every description, that shall be exhibited within the limits of said town, any amount that shall be ordered by the Board of Trustees, not to exceed the sum of twenty dollars; and shall have power to pass by-laws to prevent racing or running horses within the limits of said town, or to prevent any person or persons from leading, or riding, or hitching their horses on the side walks, and the suppression of all other disorderly conduct or practice within the same.

1846.

Extent of jurisdiction.

Sec. 4. That the Trustees of the town of Burksville shall have jurisdiction for one half mile, in all directions, over all shows and showmen of every description, pedlers and auctioneers, and all exhibitions and performances where money is charged for admittance to a sight thereof, under such penalties as they may choose to impose; and it shall be the duty of all Justices of the Peace in Cumberland county to take jurisdiction of all offences against the provisions of this act, or against the laws and ordinances of the Board of Trustees, made by authority thereof, and to render judgment and award execution thereon; and all fines and penalties imposed by this act, or by the by-laws and ordinances of the Board of Trustees, shall be recoverable in the name of the Trustees of the town of Burksville, and shall be applied by them in such manner as they deem of most importance to the general welfare of the citizens and the improvement of the town.

President of board.

Sec. 5. That the said Trustees shall appoint one of their own body as President, who shall sign the record and proceedings of each meeting; who shall have power to call meetings of the board at any time, preside over the meetings, keep order, &c. It shall require a majority of said board to do business. All fines and forfeitures that shall be recovered, and taxes which may be assessed and collected, by said Trustees, shall be by them appropriated to the purchases and improvements before directed.

Clerk: his duties.

Sec. 6. The said Trustees shall elect a Clerk, who shall continue in office one year, and until another is duly appointed; whose duty it shall be to preserve and safely keep all papers belonging to, or filed with, said board; and shall attend the meetings of said board, and record all their proceedings, in a book to be procured by said board for that purpose; and shall copy and certify all records and ordinances that may be necessary, and to record a map of said town, if the Trustees require it, in said book, when made out and furnished.

Assessor: his duties.

Sec. 7. The said Trustees shall appoint an Assessor, to assess the property and persons within said town, liable to taxation; and upon the performance thereof, said Trustees shall fix and direct the payment of his compensation.

Collector:—his powers.

Sec. 8. Said board shall have power and authority to appoint a Collector, who shall have power and authority to collect, by distress or otherwise, the tax levied upon persons and property in said town, as before directed.

Collector to give bond, &c.

Sec. 9. That said Collector shall, before he proceeds to perform the duties prescribed in the eighth section of this act, execute bond before the said Trustees, in such penalty as the board shall direct, with sufficient security, to be approved of by them, payable to said Trustees, conditioned for the faithful collection of said tax, and the payment of the same over to said Trustees, or to such person or persons as they shall direct; and for a breach of the condition of such bond, said Trustees shall have power and authority to move against said Collect-

Ky. Acts 1845-46

1846.

or, either by suit on said bond, or motion in the Cumberland Circuit Court; and by a judgment of said court, recover against said Collector, and his securities, any amount of money that may be found due from him, with twenty per centum thereon, and shall have execution therefor against them; and the Clerk of said court shall endorse thereon that no security of any kind shall be taken.

Treasurer—duties—to give bond, &c.

SEC. 10. That said board shall have power to appoint a Treasurer, who shall keep the funds of said board safe, and pay the same over by order of said board, or the President thereof, to such person or persons as he shall be directed; and said board may require bond and security of said Treasurer, conditioned as aforesaid; and for a breach of such bond shall be subject to the same proceedings and to the same penalties that are prescribed in the ninth section of this act against delinquent collectors.

Governor to appoint Police Judge: his tenure, duties, jurisdiction, &c.

SEC. 11. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer, to be styled the Police Judge of the town of Burksville, who shall be commissioned as such, during good behaviour; and who shall, before he enters upon the duties of his office, take an oath before some Justice of the Peace, faithfully and impartially to discharge the duties of his office to the best of his skill and ability, without favor, affection or partiality—together with such other oaths as are usually required to be taken by judicial officers. The said Police Judge shall have jurisdiction, within the limits of said town, of all causes, civil and criminal, in which Justices of the Peace have jurisdiction; he may sit as a court of enquiry in criminal cases, in which he shall have the jurisdiction now given by law to two Justices of the Peace, and shall proceed in like manner as two Justices of the Peace are required to proceed in criminal cases; he shall have jurisdiction of all offences under the by-laws of said town, and shall have power to enter judgment and award execution accordingly; he shall have full power and authority to grant injunctions, restraining orders, *writs of ne exeat* and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain Justices of the County Courts to grant injunctions, *writs of ne exeat* and *habeas corpus*; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace; he shall have power to issue summonses for witnesses, to give evidence in cases pending before him, to compel their appearance; he shall have power to issue compulsory process; he shall have power to fine for contempt, not exceeding ten dollars in any case; he shall have power to order the Assessor or Marshal to summon a jury, in any case cognizable before him, where a jury would be required before a court or Justice of the Peace; he shall have power to take and certify depositions to be read as evi-

dence in any case pending in any court in this Commonwealth; he shall be entitled to the same fees that are now allowed by law to officers for the same services, to be paid in advance or collected as other fees; and in every case in which an injunction, *ne exeat*, or restraining order, shall be granted, the fees shall be charged in the bill of costs against the defendant, unless such injunction, *ne exeat*, or restraining order, shall have been discharged. For a peace warrant, or warrants for riot, rout, or unlawful assembly, or breach of the peace, forty cents: for issuing a warrant for a violation of the by-laws of said town, or in any case where the Trustees are plaintiffs, twenty five cents: for swearing a jury, presiding over the trial in any case, except forcible entry and detainer, thirty cents; for taking a recognizance to keep the peace, the same fees as are now allowed by law, to be charged to the applicant and collected as other fees are now collected by law. That upon all judgments rendered by said Police Judge, each party shall have the right to appeal from such judgment, in the same manner that appeals are taken from judgments of Justices of the Peace in similar cases.

Trustees shall continue in office until their successors are elected.

SEC. 12. That in case of a failure to hold the annual elections for Trustees on the day specified in this act, the corporation shall not be dissolved on that account. The Trustees, for the time being, shall continue in office until their successors shall be duly elected. It shall be lawful, where, from any cause, the election was not held on the day specified, to hold an election for the election of a Chairman and Trustees at any time within sixty days after the day for the annual election; and the chairman and Trustees, so elected, shall hold their offices until the next regular annual election. All acts, or parts of acts, concerning the town of Burksville, coming within the purview of this act, shall be and the same are hereby repealed; and this act shall be in force from and after the election of the Board of Trustees and appointment of a Police Judge under its provisions.

Repealing clause.

Trustees Eddyville may assess a tax for benefit of said town.

SEC. 13. *Be it further enacted*, That the Trustees of the town of Eddyville, in Caldwell county, shall have power to raise a sum not exceeding five hundred dollars per annum, by assessing a tax on the property, real and personal, belonging to or situated within the limits of said town; which sum, when collected, shall be appropriated for the use and benefit of said town, under the discretion of the Trustees.

Trustees may sell lots for taxes.

SEC. 14. That if any person or persons, non-residents of this State, shall fail, for the term of two years, to pay the tax on any lot or lots which he, she or they may own or claim title to in said town, it shall be lawful for the Trustees of said town to cause such lots to be advertised, in two established newspapers of this Commonwealth for the term of three months, and upon such person or persons still failing to pay the tax due on said lot or lots, it shall be lawful for the Trustees of said town to file a bill in chancery, in the Caldwell

1846. Circuit Court, and obtain a decree for the sale of said lot or lots, or so much thereof as will pay off the tax due thereon; and at such sale, it shall be lawful for the Trustees of said town to purchase in, for the use and benefit thereof, any lot or lots so sold; and said lot or lots shall be redeemable, by the owner or owners paying to the purchaser or purchasers the purchase money, together with all costs arising in said suit, necessary to procure the same to be sold, together with ten per cent. on the whole amount.

Approved February 23, 1846.

CHAPTER 349.

AN ACT to incorporate the South Frankfort Bridge Company.

Corporators and style of corporation.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Shannon, John Baltzell, James Burnes, Thomas S. Theobald, Richard Knott, Henry Wingate, and O. G. Cates, be and they are hereby created a body corporate and politic, by the name and style of "The South Frankfort Bridge Company," for the purpose of erecting and constructing a permanent bridge across the Kentucky river, from the town of Frankfort to the town of South Frankfort, at or near the end of Ann street, to the opposite bank of said river; and they, and those who become stockholders, as hereinafter provided, and their successors, shall continue

With perpetual succession.

and have perpetual succession, and by that name and style are hereby made capable in law as natural persons, to contract

Powers.

and be contracted with, to sue and be sued, to plead and be impleaded in this Commonwealth, and elsewhere, in all courts of law or equity: and to make, have and use a common seal, and the same to break, alter or amend, at pleasure. They shall also have the power to purchase and hold as much real estate as will be needed for the site of said bridge, or the sites of the abutments, piers, toll houses, and suitable avenues leading to the same. They shall have the right to borrow money, not

May borrow money, &c.

exceeding the capital stock hereinafter named; but not to have or exercise the privilege of loaning money or issuing bills or notes on banking principles. They shall have power to establish such by-laws, ordinances and regulations as shall be necessary for the good government of said corporation, not inconsistent with the laws and constitution of this State or the United States.

Amount of stock: number and rate of shares.

SEC. 2. The capital stock of said company shall consist of four hundred shares, of one hundred dollars each, to be subscribed for or sold in the manner hereinafter named. And the persons named as aforesaid, or a majority of them, shall cause a public advertisement to be made of the time and place

Books to be opened.

of opening books for the subscription of stock; which books shall be kept open until at least one hundred shares are subscribed. And when one hundred shares are subscribed, the

OVERSIZE MAP INCLUDED WITH SUBMISSION.

To research the map, contact the Office of Secretary of State or the County Clerk.