

ACTS
OF THE
GENERAL ASSEMBLY
OF THE
COMMONWEALTH OF KENTUCKY,

PASSED AT THE
REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT, ON
FRIDAY, THE THIRTIETH DAY OF DECEMBER,
EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

26790

VOLUME 1.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.
THE CAPITAL OFFICE, JOHN D. WOODS, PUBLIC PRINTER AND BINDER.
1888.

CHAPTER 451.

AN ACT to incorporate the town of Cerulean Springs, in the county of Trigg.

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

ARTICLE I.

§ 1. That the town of Cerulean Springs, in Trigg county, State of Kentucky, be, and the same is hereby, incorporated, with the following boundary, to-wit: Beginning at the Lime Stone spring on the bluff of Muddy Fork of Little river, below the Sulphur spring; thence on a line to J. M. Bearfield's spring; thence to D. C. Wood's stable, about seventy-five yards west of said Wood's dwelling-house; thence to T. J. Guthrie's stable, fifty yards south of said Guthrie's dwelling-house; thence to a point in the Hopkinsville road, corner of D. R. Turner, W. J. Elliott and J. R. Woosley, near a pond on said road, including J. R. Woosley's improvements; thence to a point fifty yards southeast of R. R. Turner's, to and including the railroad; thence down the east side of said railroad to Muddy Fork of Little river; thence to the Sulphur Spring, including said spring; thence down Muddy Fork to the beginning. That a copy of said boundary be kept by the citizens of said town, and that said copy be at all times subject to inspection by the citizens of said town. That said trustees cause another copy to be filed in the office of the county court clerk of said Trigg county for record.

ARTICLE II.

§ 1. That the municipal government of said town shall consist of the board of trustees of Cerulean Springs, composed of five persons, one of whom shall, at the first regular meeting of said board, be by them chosen in such manner as they, or a majority

of them, shall determine, to preside over their meetings; and he shall be styled "Chairman of the Board of Trustees of Cerulean Springs;" and the following named persons, to wit: J. S. White, B. F. Felix, J. T. Mitchell, W. H. Nolen, and J. M. Bearfield, are hereby appointed and constituted such board of trustees, who shall hold their office until the first Saturday in May, 1889, and until their successors are duly elected and qualified, as hereinafter prescribed.

§ 2. That the said board of trustees and their successors shall be a body-politic and corporate, and shall be known and called by the name and style of "The Board of Trustees of Cerulean Springs;" and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts and places; and of taking, holding, leasing, and conveying such real, personal, and mixed estate as the town requires, within or without the limits afore-mentioned; they may or may not have a corporate seal. Said trustees herein mentioned shall, before they enter upon the duties of their office, be duly sworn by some justice of the peace of said county, or other officer of the town or county authorized to administer an oath, that they shall faithfully discharge the duties of said office.

§ 3. That all the legislative powers of said town, together with the fiscal, prudential, and municipal concerns thereof, and the government and control of the same, shall be vested in said board of trustees.

§ 4. That the other officers of said town shall be as follows: a town clerk, a police judge, and a marshal, and such other officers as the board of trustees may from time to time direct and appoint. The following named persons are hereby appointed and constituted officers: B. A. P. Pool, clerk; T. J. Guthrie, police judge; J. C. Puckett, marshal. Said officers to hold

their respective offices until the first Saturday in May, 1889, and until their successors are duly elected and qualified.

Election police and judge. § 5. That an election shall be held in said town on the first Saturday in May, 1889, and on said day of said month in every year thereafter, except for police judge, who shall be elected every two years at such place as the board of trustees may appoint, of which ten days previous public notice shall be given, in printed or written notices, posted in three prominent places in said town by the town clerk.

Election trustees and marshal. § 6. That at the said election there shall be elected, by the qualified voters of said town, five trustees, a police judge, a marshal and a town clerk, and the person or persons having the highest number of votes cast at said election for either of said offices shall be declared elected.

Removal from office. § 7. That every person appointed to office by the board of trustees, or elected by the people, may be removed from office by a vote of a majority of all the members of the board of trustees; but no officer, who has been elected by the people, shall be removed except for cause, unless first furnished with the charges and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the board of trustees may declare the office vacant.

Vacancies. § 8. That whenever any vacancy shall happen by the death, removal, resignation or otherwise of any officer elected by the people, such vacancy shall be filled by a new election within ten days after the happening of such vacancy. Any vacancy occurring by the death, removal, resignation or otherwise, of any officer appointed by the board of trustees, may be filled by the appointment of the trustees.

§ 9. That all citizens living in the town, who are qualified to vote and hold office under the Constitution and laws of Kentucky, who have been citizens of the town six months prior to the election, are entitled to vote and hold office in said town.

§ 10. That when two or more candidates for any elective office shall have an equal number of votes cast for the same office, the election shall be determined by a majority of the board of trustees.

§ 11. That the board of trustees shall, before every town election, appoint suitable persons as officers of election—two persons as judges, one as sheriff, and one as clerk; but no person who is a candidate for election to any office which is to be voted for in said election shall be an officer of said election. Officers of town elections shall perform similar services, and be entitled to like pay as officers of State elections, and shall be governed in all matters not inconsistent with this act, and be liable to the penalties imposed by the laws of this Commonwealth.

§ 12. That all elections by the qualified voters of the town shall be held between the hours of 7 A. M. and P. M.

§ 13. That all laws in force in this Commonwealth punishing illegal voting in the State elections shall apply to illegal voting in the town of Cerulean Springs for any officer, subject, however, to all the provisions of this act touching the qualifications of voters.

§ 14. That the board of trustees shall judge of the qualifications, elections and returns of its members in cases of contested elections for any town officer elective by the people; shall be heard and determined by the board of trustees under such rules as may be prescribed by the by-laws or ordinances.

§ 15. That the poll-books of all elections in the town shall be returned by the sheriff of election to the clerk of the town, who shall keep them on file as a part of the records of his office, examine and com- Compared.

Certificates.

pare the same, and issue certificates to the officers elected; which certificates shall, before being delivered, be spread on the records of the board of trustees.

ARTICLE III.

Powers and Duties of Officers.

§ 1. That every person elected or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take an oath before the presiding judge of the Trigg county court, justice of the peace for said county, or other officer authorized to administer an oath; the oath of office prescribed by the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

Chairman.

§ 2. The chairman of the board of trustees shall preside over the meetings of the board of trustees, and take care that the laws of the Commonwealth, and the by-laws and ordinances of the town, are duly enforced, respected and obeyed, and that all the other executive officers of the town discharge their respective duties. The chairman shall likewise have the power to perform the duties of the police judge in all criminal and penal actions, in cases where, from a vacancy in the office of police judge, or from absence or sickness or other cause, the police judge can not act; and he shall have the same fees therefor as the police judge is allowed; but he shall account for and pay over to the town treasurer, when required by said officer, all fines or other moneys received by him in his judicial capacity.

Police judge.

Clerk.

§ 3. That the clerk shall keep the corporate seal, if there be one, and make and keep a true record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees

certified by him, shall be evidence in all courts. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose.

§ 4. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of receipts and expenditures in such manner as the board of trustees may direct. All money shall be drawn from the treasury by a warrant from the chairman or acting chairman of the board of trustees, countersigned by the clerk. Such warrants shall specify for what purpose the amount specified therein shall be paid. The treasurer shall exhibit to the board of trustees, on the first Saturday in May of each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last report, and also the state of the treasury, which account shall be filed in the office of the clerk.

Treasurer.

§ 5. That it shall be the duty of the marshal to attend all the sessions of the police court. He shall execute all processes, civil and criminal, issued, and to him directed by the chairman of the board of trustees, the police judge, the presiding judge of the Trigg county court, or any justice of the peace. He shall possess the power and authority of the constable under the statutes of this Commonwealth; and his powers for discharging his duties shall be co-extensive with Trigg county. He shall be entitled as compensation to the same fees allowed by law to constables and sheriffs for similar services, to be collectable in the same manner as constables' and sheriffs' fee-bills are; or other services he shall be entitled to such fees and compensation as the board of trustees may designate by by-laws or ordinance. He shall be liable in the same cases, way and manner, and to the same extent, as constables are.

Marshal.

Marshal's fees.

§ 6. That it shall be the duty of the marshal to collect all taxes and assessments which may be levied by

Tax collector.

the board of trustees, and perform such other duties as may be herein prescribed or required by the board of trustees. That it shall further be the duty of the marshal to promptly pay over all moneys so collected to the treasurer of the town.

§ 7. That the police judge, marshal, treasurer and clerk shall severally, before they enter upon the duties of their respective offices, execute a bond, payable to the board of trustees of Cerulean Springs, in such sums, with such conditions and sureties, as the board of trustees may approve. Said bonds to be filed and carefully kept with the clerk of the Trigg county court.

Breach official
bond.

§ 8. That the board of trustees of Cerulean Springs, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or motion against said officer by whose breach of duty they have been injured.

Turn over papers
to successors.

§ 9. That if any person, having been an officer in said town, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay for the use of the town one hundred dollars (\$100), besides all costs and damages caused by his neglect or refusal so to deliver.

ARTICLE IV.

Police court.

§ 1. That there shall be established in this town a court, to be styled "The Cerulean Springs Police Court," who shall be elected as is hereinbefore provided.

Jurisdiction.

§ 2. That the Cerulean Springs police court shall have exclusive jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, without the intervention of a jury, and concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town.

Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court to appear and answer the same, that the circuit courts have like power to take the bond as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same, and shall have the power of a justice of the peace as an examining court.

§ 3. That the judge of said court shall be a ^{Conservator of} conservator of the public peace, and may order arrests for all offenses against the laws of the Commonwealth or by-laws and ordinances of the town; and for those committed within his presence may order arrests without warrant. The person is to be dealt with according to the laws of the Commonwealth or the by-laws and ordinances of the town; and if any person against whom a penalty or fine is assessed in said police court for a violation of the by-laws or ordinances of said town shall fail to pay the same, said police judge shall have authority to direct the confinement of such person in town prison-house or lock-up, or work him upon the streets of said town until said fine be paid, at the rate of one dollar per day for each day confined or worked. Said person, while confined or worked, shall be under the direction of, and control and care of, the marshal, whose duty it shall be to see that the person so imprisoned or worked is properly cared for while so confined or worked, and the marshal shall have power, if found necessary for the safe-keeping of any prisoner, to place upon said prisoner a ball and chain.

§ 4. That the police court shall be a court of record, ^{Court of record} and the judge thereof shall act as clerk; and certified records of said court, or copies thereof over the signature of the judge, shall be evidence in any court of this Commonwealth; and that any justice of the peace, whose residence is within the corporate limits of said town, may, by virtue of his office, act as police judge until the first Saturday of May, 1889;

and said acting police judge shall be required to give a separate bond to the board of trustees in such amount as may be required by them for the faithful discharge of his duties of said office.

Process.

§ 5. That all proceedings in and processes from the police court shall be in the name of the Commonwealth of Kentucky. The processes shall be made returnable to the police court, and may be directed to the town marshal, but the judge may direct the processes to any constable, sheriff, jailer, coroner or policeman, and the person executing the process of said court shall be entitled to the fees for the like services and to the like remedy for the collection thereof as the constables and sheriffs of this Commonwealth, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

Fines, etc.

§ 6. That the fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky, and those in favor of the town of Cerulean Springs or of the board of trustees of Cerulean Springs, are hereby granted to the town of Cerulean Springs.

Fines, etc.

§ 7. That all fines and forfeitures recovered in the police court are to be collected by the marshal, or other officer to whom the execution of *capias pro fine* is directed, and to be paid by him to the town treasury; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of police court, who shall pay the same to the town treasury.

Replevin.

§ 8. That the defendant shall have a right, at any time, to replevy for (3) three months, any judgment, fine, or forfeiture of the police court, or execution, or other final process thereon, by giving bond with good surety, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

Police court always open.

§ 9. That the police court shall always be open for hearing and determining such penal and criminal

cases as are within its jurisdiction, and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties, and a prompt administration of justice.

§ 10. That the provisions of the Criminal Code of Practice shall regulate the proceedings of said court in criminal and penal cases, and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

§ 11. That the fees of said judge shall be the same in all cases as are now or may hereafter be given by law to officers performing like services, and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having same jurisdiction.

ARTICLE V.

§ 1. That the board of trustees shall have stated meetings, and the chairman may call meetings by notice to each member of the board of trustees, either oral or written. A majority of the persons elected as trustees shall constitute a quorum.

§ 2. That the board of trustees shall have the management and control of the finances and all property belonging to the corporation; and shall have power to contract and be contracted with for and on behalf of said town, and shall have power to provide for the erection and repair of all needful public buildings for the town, and shall likewise have power within the jurisdiction of said town, by by-law or ordinance—

1. To restrain and prohibit all descriptions of gambling and fraudulent devices, and all playing cards, dice and other games of chance, whereat any thing of value is bet, won or lost.

2. To regulate the tax for the selling of any ardent spirits or other intoxicating, fermented, vinous or malt liquor, by any hotel, tavern or innkeeper or merchant.

of said town, under and by virtue of the present statutory laws of this Commonwealth: *Provided*, That in addition to the present State tax, the tax (under this act if such traffic be tolerated in this town) upon licensed hotel, tavern or innkeeper, shall not exceed one hundred dollars (\$100), nor be less than fifty dollars (\$50) per year; the tax upon licensed merchant or merchants shall not exceed fifty dollars (\$50), nor be less than twenty-five dollars (\$25) per year. Said merchant or merchants shall not sell in less quantity than one quart.

License tax.

3. To prohibit the giving away of any spirits or other vinous, malt or intoxicating liquors to any minor or apprentice without the written consent of his or her guardian, parent, master or mistress.

License tax.

4. To license, tax and regulate, suppress and prohibit billiard tables, nine or ten-pin alleys, ball alleys and shooting galleries; and to punish, by fine or imprisonment, all reckless or useless discharging of fire-arms within the corporate limits.

5. To authorize the chairman of the board of trustees, or other proper officers of the town, to grant and issue license, and direct the time and manner of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year, and not less than one dollar shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed fifty cents.

Riots, routs and
breach of peace.

6. To prevent and suppress any riot, rout or breach of the peace, noise, disturbance, or disorderly assemblage.

7. To prevent horse-racing, immoderate riding or driving in the town, and to authorize persons immoderately riding or driving to be stopped by any person, and to compel persons to fasten or secure their horses, mules, oxen or other animals while attached to vehicles or otherwise standing or remaining in the streets.

8. To prevent any obscene, indecent or profane exhibition or conduct.

9. To restrain and punish vagrants and prostitutes.

10. To have exclusive power over the streets, sidewalks and alleys, and to remove and abate any obstructions therein or thereon.

11. To abate and remove nuisances, and to punish the authors thereof, by penalties of fine and imprisonment, and to define and declare what shall be a nuisance, and authorize the summary abatement thereof.

12. To appoint watchmen and policemen, and pre-
scribe their duty, power and pay. Watchman and policeman.

13. That said trustees shall have power to purchase, acquire and hold, by deed, gift or lease, any lot or lots of any parcels of land, building or buildings necessary for the use of the town; and may lease or erect a good and sufficient building to be used as a lock-up for said town, for the confinement of persons convicted in the police court of said town for the violation of the ordinances or by-laws of said town, or for the temporary keeping of other lawful prisoners until they can be removed to the county jail, or to any other county jail that they may belong.

ARTICLE VI.

§ 1. That the board of trustees shall have power to levy a tax on all persons living in said town, or owning property within the corporate limits, not exceeding twenty cents (20 cts.) or less than ten cents (10 cts.) on the one hundred dollars (\$100) *ad valorem*; also power to impose a poll-tax of not less than one dollar (\$1) or more than two dollars (\$2) on each male citizen twenty-one years of age and over (except ministers of the gospel residing, or that may hereafter reside, within the corporate limits of said town, who are hereby exempted from payment of poll-tax), all to be applied to meet the expenses incident to said corporation, such as payment of salaries, street re-

Levy taxes.

pairs, etc., etc.; and all fines and forfeitures are to be applied by the trustees in such manner as will be beneficial to the town.

Who labor on streets.

Penalties for not working streets.

§ 2. That the board of trustees shall have power to require, and it is hereby made the duty of every able-bodied male citizen of said town over sixteen and under fifty years of age, except ministers of the gospel, to faithfully labor three days in each year upon the streets of said town, under the supervision of the street commissioner, to be appointed by said board of trustees to furnish such tools as the trustees may require; but every person may, at his option, instead of laboring, pay into the town treasury at the rate of one dollar per day for each day he may be so required to labor: *Provided*, Such payment be made before the first of the three days the person may be notified to labor. In default of payment as aforesaid, the sum of two dollars per day and costs of proceeding may be recovered against each person in default by the said board of trustees by action before said police judge, and all persons who may be so required to labor shall be exempt from working on all other, or any roads in Trigg county, outside the boundary of said town, as designated by this act.

Money applied.

§ 3. That all money levied or collected by virtue, or in pursuance of this act, including all fines, forfeitures and penalties imposed and collected under this act, or the State laws, or the by-laws of the said town, and all taxes and assessments, and all money collected for licenses, shall be for the use of said town, and paid into the treasury thereof.

§ 4. That this act shall take effect from and after its passage.

Approved March 9, 1888.

CHAPTER 452.

AN ACT to incorporate the Fairfield and Beech Fork Turnpike Road Company.

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

§ 1. That a company is hereby created a body-politic and corporate, by the name and style of the Fairfield and Beech Fork Turnpike Road Company, for the purpose of making a turnpike road along or near to the present public road from Fairfield towards Springfield, commencing near John Briggs' residence in the edge of the Bardstown, Stringtown and Beech Fork pike, and terminating by connecting with the Bardstown and Plum Run Turnpike now proposed for construction.

§ 2. That the capital stock of said company be divided into shares of twenty-five dollars each. The books for subscription of stock may be opened by W. D. Huston, Thos. H. Briggs, S. F. Wilkinson, Wm. Wilkinson and John Briggs. When the sum of twenty-five hundred dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the persons above named, or some one of them, to give notice, in such manner as may be deemed proper, for a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president and three directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the president and directors, and a majority of the board shall be competent to transact business.

§ 3. Said company shall be capable of holding, by purchase or gift, all such lands, tenements, and personal property as may be necessary for the prosecution