

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
MONDAY, THE THIRTIETH DAY OF DECEMBER,
EIGHTEEN HUNDRED AND EIGHTY-NINE.

26794

VOLUME II.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.:
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1890.

COMMONWEALTH OF KENTUCKY
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be as may be fixed by ordinance, except herein.

city engineer shall have as many assistants as the board of council may prescribe. He shall have the direction and supervision of the improvement and supervision of the improvement of public ways and other public works, including the laying out and making of sewers and drains. He shall determine the grades of all public ways, and keep a record of the same; make and keep correct maps of said streets and public ways; and perform what other duties may be imposed upon him by ordinance. The board of council shall pass all needful ordinances to give efficiency to this department.

General Provisions.

The board of council shall have power to create any office to which it has, under this charter, the right to elect or appoint. For the purpose of this charter Three Forks City is hereby declared to be divided into one district as to schools and school buildings, and one district for taxation as to public bridges, sewers, drains, and for all purposes of a public and public nature.

The provisions for ad valorem taxation in this charter shall not apply to any tools or machinery, or to any raw material, or to any goods manufactured in the city for the space of five years from the date of this act, but the same shall be exempt from taxation for that period.

The board of council may borrow a sum not exceeding ten thousand dollars for the expenses of the city, between the time of its organization and the first year of its first tax, and provide for the payment hereof out of the revenues of the first year of its first tax, but the same shall be necessary, levy a tax during that year for the purpose.

Wherever in this charter the Lee Circuit Court and the Superior Court are referred to, the said

courts, or either of them, shall be construed to be any courts of like or requisite jurisdiction.

§ 116. Every citizen of Three Forks City shall be exempt from working on the county roads of Lee county, and all assessments for road taxes levied upon property of persons within said city shall be expended within the corporate limits of said city, as may be directed by ordinance of the board of council.

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

Approved April 19, 1890.

CHAPTER 908.

AN ACT to incorporate Clay City, in Powell county.

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

§ 1. That all that tract of land contained within the following bounds, to wit: Beginning at the center line of the east abutment of the Kentucky Union Railway bridge, near Waterville, and known as the First Crossing of Red river, and from thence following the line of low water and the meanders of said river up stream to the center of the abutment of the dam across Red river; thence north fifty-three degrees and no minutes, east two thousand three hundred feet, more or less, to a stone planted on the crest of the ridge and marked C. B.; thence south fifty degrees and four minutes, east three hundred and twenty-five feet; thence south thirty-seven degrees and four minutes, east three hundred and fifteen feet; thence south forty-five degrees and four minutes, east three hundred and eighty-five feet; thence south thirty-five degrees and seven minutes, east one hundred and fifty feet; thence south twenty-two degrees and seven minutes, east two hundred and fifty-five feet; thence south

thirty-nine degrees and nine minutes, east six hundred and seventy feet; thence south sixty-five degrees and nine minutes, east eight hundred and fifty feet; thence south twenty-seven degrees and nine minutes, east three hundred and ninety-five feet; thence south nine degrees and ten minutes, east four hundred and fifty-five feet; thence south ten degrees and twelve minutes, east six hundred and fifty feet; thence south twelve degrees and forty-four minutes, east four thousand five hundred and fifty feet, more or less, to low-water mark on the east bank of Red river; thence south seventy degrees and no minutes, west to low-water mark at a point in the same river below; thence with the meanders of said river, and following the line of low water up-stream to the point of beginning, excluding from said boundary any and all farm lands belonging to Charles Russell, Martin Stuart and Robert Flutey and wife, and also any of said lands bordering on or within the bed of Red river, shall be, and hereby is declared to be, a city, and the inhabitants thereof shall be a body-corporate and politic, with perpetual succession, by the name and style of Clay City, with power to govern said city by such ordinances and resolutions, for municipal purposes, as they may deem proper, not in conflict with this charter nor the Constitution of this State nor the Constitution of the United States; to acquire real, mixed and personal property for municipal purposes by purchase or otherwise; to use, manage, improve, sell, convey or lease the same; and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts and places, and in all matters whatsoever; and may have and use a corporate seal, and may change, alter and renew the same at pleasure.

§ 2. The corporate powers of the said city are divided into a legislative, an executive and a judicial department.

Legislative.

§ 3. The legislative power shall be vested in a board of councilmen, to be styled "The Board of Councilmen of Clay City," members of which shall be qualified voters of real estate in said city, *bona fide* residents thereof; shall hold no other civil office, nor be indirectly interested in any saloon, grocery or other place where intoxicating liquor of any kind is sold by retail; nor be directly or indirectly interested in any contract with said city, or application for such contract; nor be in arrears to said city for taxes levied or withheld without settlement or payment therefor. The absence of any of these qualifications shall render a person ineligible as a member of said board, and it shall be the duty of the councilmen to elect and fill the vacancy.

§ 4. The board of council shall be elected on the first Monday in August, one thousand eight hundred and ninety, and biennially thereafter, and the number thereof shall hold his office for a term of four years.

§ 5. The board of council shall elect one of its members mayor of Clay City, who shall also be elected to the office of the board, and in his absence a mayor *pro tempore* shall be elected from among the members. Three shall be a quorum of the board to act, and in the absence of a quorum the board shall have power to adjourn from time to time until a quorum is secured. The board shall have power to fill any vacancies which may occur thereon, and in a tie vote the person for whom the majority of the councilman shall vote shall be elected, and the person so chosen shall hold office until the next municipal election. The board shall meet at such time and place as they shall, by resolution, determine and agree upon; it shall judge of the eligibility of the returns of its members, adopt rules of proceedings and government, and enforce the same, and appropriate fines not exceeding ten dollars.

Legislative.

§ 3. The legislative power shall be vested in five councilmen, to be styled "The Board of Council of Clay City," members of which shall be qualified voters, owners of real estate in said city, *bona fide* residents thereof; shall hold no other civil office, nor be directly or indirectly interested in any saloon, grocery, store or place where intoxicating liquor of any kind is sold by retail; nor be directly or indirectly interested in any contract with said city, or application for said contract; nor be in arrears to said city for money collected or withheld without settlement or quietus therefor. The absence of any of these qualifications shall render a person ineligible as a member of such board, and it shall be the duty of the council so to declare and fill the vacancy.

§ 4. The board of council shall be elected on the first Monday in August, one thousand eight hundred and ninety, and biennially thereafter, and each member thereof shall hold his office for a term of two years.

§ 5. The board of council shall elect one of its members mayor of Clay City, who shall also be chairman of the board, and in his absence a mayor and chairman *pro tempore* shall be elected from the members. Three shall be a quorum of the board with power to act, and in the absence of a quorum two members shall have power to adjourn from time to time until a quorum is secured. The board shall have power to fill any vacancies which may occur therein, and upon a tie vote the person for whom the mayor and one councilman shall vote shall be elected, and the person so chosen shall hold office until the next regular municipal election. The board shall meet at such times and place as they shall, by resolution or ordinance, agree upon; it shall judge of the eligibility and election returns of its members, adopt rules for its proceedings and government, and enforce the same by appropriate fines not exceeding ten dollars for each

and nine minutes, east six hundred
thence south sixty-five degrees and
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bank of Red river; thence south
and no minutes, west to low-water
in the same river below; thence
of said river, and following the
up-stream to the point of begin-
ning said boundary any and all farm
of Charles Russell, Martin Stuart and
his wife, and also any of said lands
within the bed of Red river, shall
be declared to be, a city, and the
city shall be a body-corporate and pol-
itically succession, by the name and style
of power to govern said city by such
provisions, for municipal purposes, as
may be, not in conflict with this charter
of this State nor the Constitution
; to acquire real, mixed and per-
sonal property for municipal purposes by purchase or
lease, manage, improve, sell, convey or
dispose of the same, and as such, by that name, shall be
authorized to contract and being contracted
with, to sue and being sued, of pleading and being
defended in courts and places, and in all matters
may have and use a corporate seal,
and renew the same at pleas-
ure. The powers of the said city are di-
vided into an executive and a judicial

offense; and four members voting affirmatively may, for cause, expel any member.

§ 6. The members of the board of council shall be exempt from jury service and military duty.

§ 7. The board of council shall elect a clerk, who shall keep a complete record of all its proceedings.

§ 8. The record and official proceedings of the board of council are hereby declared to be public records, and shall be preserved and be entitled to full faith and credit as such, and official copies thereof may be read in all the courts of the Commonwealth with like effect as of other public records.

§ 9. No ordinance for the improvement of streets or sidewalks, or for the assessment of any tax, or for the establishing of any license, shall be valid, except the yeas and nays thereon be recorded in the journal of proceedings. Any member of the board of council may call for the yeas and nays on any vote.

Powers of the Board of Council.

§ 10. The board of council, in addition to other powers herein granted, shall have power within Clay City, by ordinance, to levy and collect for municipal purposes an annual *ad valorem* tax not exceeding one dollar on every hundred dollars on real and personal property made taxable by law for State purposes, and in addition, not exceeding twenty-five cents on every hundred dollars of such property for school purposes, and not exceeding twenty-five cents to meet the principal and interest of any bonded debt hereinafter authorized; to levy and collect annually upon every male resident of the city twenty-one years of age or over a head or personal tax of not exceeding two dollars; to borrow money upon the credit of the city, and to pledge its revenues for the payment thereof: *Provided, however,* That the bonded indebtedness of said city shall at no time exceed fifty thousand dollars, and its other indebtedness twenty-five thousand dollars; to appropriate money and provide for the

payment of the debts and expenses of the city; to make regulations to prevent the introduction and spreading of contagious or infectious diseases into the city; to pass quarantine laws for that purpose and to enforce the same within one mile of the city; to establish and regulate hospitals, infirmaries, houses in or outside of the city; to make regulations necessary to secure the general health and safety of the inhabitants of the city, and to regulate the burial of the dead; to prevent and remove physical nuisances at the cost and expense of the owners or occupants, or of the parties liable therefor; to define and regulate what shall be a nuisance within the city, and to punish by fine any person who creates or permits a nuisance either physically or in violation of any ordinance; to provide the city with water and to make necessary contracts with any person or corporation for that purpose; to erect hydrants, cisterns, fountains, and pumps in the streets within or beyond the city; to construct and maintain sewers, drains, culverts, and regulate the use of same; to keep in repair streets, alleys, public ways, and grounds, and to drain the streets and grounds, and to condemn land for draining and other purposes in the same manner and under the same proceedings required in condemning land for the widening or extending streets; to provide for the lighting of the streets, market-houses and public buildings, rooms and offices with gas, in any manner; to erect market-houses and public buildings, and government and regulation thereof; to establish a system of public schools; to fix and regulate the mode of instruction, select and compensate the teachers thereof, provide for the erection or repair of school-houses or public buildings for that purpose; to provide for the inclosing and improvement of public grounds; to license, tax and regulate peddlers, merchants, retailers, stores, peddlers,

members voting affirmatively may, member.

If the board of council shall be peace and military duty.

The council shall elect a clerk, who shall record of all its proceedings.

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Official copies thereof may be obtained of the Commonwealth with like effect as of the records.

For the improvement of streets or for the assessment of any tax, or for the license, shall be valid, except when the reason be recorded in the journal of a member of the board of council.

And no days on any vote.

of the Board of Council.

The council, in addition to other powers, shall have power within Clay County to levy and collect for municipal purposes a tax not exceeding one dollar and fifty cents on real and personal property by law for State purposes, and a tax of twenty-five cents on every acre of land for school purposes, and a tax of twenty-five cents to meet the principal of any bonded debt hereinafter provided to collect annually upon every person twenty-one years of age or over a tax of not exceeding two dollars upon the credit of the city, and to provide for the payment thereof: provided that the bonded indebtedness of the city shall not exceed fifty thousand dollars, and that the bonded indebtedness shall not exceed twenty-five thousand dollars, and to provide for the

payment of the debts and expenses of the city; to make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within one mile of the boundary of the city; to establish and regulate hospitals or pest-houses in or outside of the city; to make all regulations necessary to secure the general health of the inhabitants of the city, and to regulate and provide for the burial of the dead; to prevent and remove physical nuisances at the cost and expense of the owners or occupants, or of the parties upon whose ground they exist, and to define and declare by ordinance what shall be a nuisance within the limits of the city, and to punish by fine any person for causing or permitting a nuisance either physical or moral; to provide the city with water and to make all necessary contracts with any person or corporation for such purpose; to erect hydrants, cisterns, fire-plugs and pumps in the streets within or beyond the limits of the city; to construct and maintain sewers, bridges and culverts, and regulate the use of same; to clean and keep in repair streets, alleys, public ways and public grounds, and to drain the streets and public places, and to condemn land for draining and sewerage purposes in the same manner and under the same proceedings required in condemning lands for opening, widening or extending streets; to provide for the lighting of the streets, market-houses and other public buildings, rooms and offices with gas, or in any other manner; to erect market-houses and provide for the government and regulation thereof; to establish a system of public schools; to fix and establish courses of instruction, select and compensate the teachers thereof, provide for the erection or repair of all needful school-houses or public buildings for the city, and to provide for the inclosing and improving all public grounds; to license, tax and regulate auctioneers, merchants, retailers, stores, peddlers, brokers, pawn-

brokers, tobacco factories, public halls, lectures, concerts and other places of amusement; to license, tax, regulate and suppress lectures, theatrical and other exhibitions, circuses, shows and amusements; to license, regulate, tax, restrain and prohibit billiard-tables, shooting-galleries, skating-rinks, bowling-saloons and ten-pin alleys; to pass ordinances inflicting fines for drunkenness, for keeping gaming-houses or disorderly houses of any kind; to license, tax and regulate wagons, drays, hacks and all kinds of vehicles, livery stables, pork-houses, exchange offices, telegraph offices, insurance offices or the agents keeping the same; express offices or agents for same; real estate agents, hotels, taverns, restaurants, social clubs and public boarding-houses entertaining transient guests. The council shall prescribe, by ordinance, the amount of tax for any license authorized by this charter, and not herein fixed, at any sum they may deem proper in their discretion, not exceeding three hundred dollars; and said council shall have power and authority to prescribe, by ordinance, such penalties as they may deem proper in their discretion against those who may fail to obtain license in any case wherein a license is required by this charter, not exceeding a fine of one thousand dollars. The board of council shall have power to provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; to provide for and elect firemen, prescribe their duties, and fix their compensation; and the volunteer members of such companies, who receive no pay, shall be exempt from serving on juries and paying poll-tax so long as they remain active members of such company. Also to regulate and provide for the sweeping and cleaning of chimneys; to regulate and restrain the erection of wooden buildings, and to provide for the removal of same when built contrary to the ordinances of the city; and to provide for the condemnation and removal of unsafe walls; and to require that all new buildings shall

be erected, as to their safety, subject to the order of the city engineer; to regulate the storage of powder, rosin, tar, pitch, cotton, oil, and explosive and combustible material, and to appoint some suitable person or persons, at seasonable times, to enter and examine such houses as they may be in a dangerous condition in reference to such materials, and to cause such as are in a dangerous condition to be immediately put in a safe order and condition, and to erect and keep in repair accurate public scales, and to appoint a public weigher or weighers to attend the same, and fix fees and compensation for his services; to establish standard weights and measures, and to regulate the weights and measures to be used in all cases where the same are not provided for by law.

§ 11. To erect a work-house, poor-house, house of correction, or any other public building, and to provide for the maintenance and government thereof, and of the property therein, and to provide and regulate the public burial ground; to exact and compel persons to perform such reasonable work as may be necessary and held under a *capias pro fine* from the Court to perform such reasonable work as may be detrimental to health, either in any work-house, station-house, or on the streets of said city, in preparing curbing, rock or other material, or to do any other useful labor on property; to regulate such labor and fix the compensation allowed therefor.

§ 12. To provide for the appointment of police officers of the city, servants and agents of said city, and to fix compensation for their services; to fix by ordinance the penalty for the violation of any provision of this charter, and to enforce the same. The board of council may grant a right of way over the public streets or other public property of said city to any railroad company or street

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§ 12. To provide for the appointment of all officers
 of the city, servants and agents of said city not other-
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 the same. The board of council may grant a right of
 way over the public streets or other public ground of
 said city to any railroad company or street railroad

company for such time, and in such manner, and on such conditions, as to them may seem proper; and shall have a supervising control over the use of the same, and shall regulate the speed of cars, signals, and fare on street cars, and under like condition and supervision may grant right of way that may be necessary to gas companies, water companies, electric light companies, telephone companies, and telegraph companies, or any like companies. The board of council shall have the power to define by ordinance what shall constitute vagrancy, and the penalty therefor.

§ 13. The board of council shall have power by ordinance to license, permit, regulate, restrain, or prohibit the sale of all kinds of vinous, spirituous or malt liquors within the limits of Clay City, and may fix the penalty of a fine for violation of an ordinance under this section at any sum not exceeding one thousand dollars, and no license shall be issued for a sum less than two hundred dollars, and the power to license shall not exist except and when it shall be lawful to sell such liquors in Powell county.

§ 14. The board of directors shall have power by ordinance to prescribe the punishment, by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, of any person who shall molest, damage or interfere with any system of water-works laid in said city, or the pipe and mains, hydrants or any part thereof; and may, subject to the rules of any water company which may establish such a system, select what persons shall have the right to open, tap or make connection with such pipes or mains in streets, alleys or public ways of said city.

Police Force.

§ 15. The board of council shall have power to elect a police force, the number, grades and all regulations thereof to be as provided by ordinance from time to time, whose term of office shall expire four years from

the date of election, subject to suspension or removal in the discretion of said board.

§ 16. No person shall be eligible as a policeman, unless he is not, at the time of his appointment, a citizen of the United States and a resident of Clay City, at least twenty-four years of age, or who has been convicted of a felony, or who can not read and write the English language intelligibly, or who shall, after his appointment, or while a member of the police force, be convicted of any election further than to vote.

§ 17. Every policeman elected shall be commissioned by the mayor; but before receiving his commission he shall take an oath faithfully to perform the duties of his office, and that he will not, while he is a policeman, interfere in elections further than to vote.

§ 18. The chief of police and every policeman shall have power to execute warrants of arrest, subpoenas and attachments for witnesses, and the same be directed to them or not. They, together with the chief of police, shall have power of arrest, with or without a warrant, in any offense against the ordinances or municipal regulations of Clay City, and the power of arrest for any offense against the laws of the Commonwealth of Kentucky that the sheriff is authorized to perform any service under this section they shall be entitled to the fees allowed by law to sheriffs and deputies for such services, and to the same remuneration for the collection thereof.

§ 19. The police jurisdiction of Clay City shall extend to any point in Powell county within the boundary set forth in the first section of this act.

§ 20. Every policeman, before he is appointed, shall give bond, with surety, before the sheriff of the Commonwealth of Kentucky in the sum of one hundred dollars for the faithful performance of his duty, and for any unlawful arrest and any cruel beating in making arrest, he and his surety shall be liable to the person so injured

and in such manner, and on them may seem proper; and control over the use of the speed of cars, signals, and under like condition and right of way that may be gas, water companies, electric companies, and telegraph companies. The board of power to define by ordinance franchise, and the penalty there-

ncil shall have power by ordinance to regulate, restrain, or prohibit the sale of vinous, spirituous or malted liquors in Clay City, and may fix a penalty for violation of an ordinance not exceeding one thousand dollars, and the power to license and when it shall be lawful to sell in all county.

Directors shall have power by ordinance to impose the punishment, by fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, on any person who shall molest, or obstruct, in any system of water-works, the laying of pipe and mains, hydrants or fire hydrants, subject to the rules of the board. The board may establish such a system, and shall have the right to open, and to lay, with such pipes or mains in any street or ways of said city.

Police Force.

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§ 16. No person shall be eligible as a policeman who is not, at the time of his appointment, a citizen of the United States and a resident of Clay City, at least twenty-four years of age, or who has been convicted of a felony, or who can not read and write the English language intelligibly, or who shall, after his election, or while a member of the police force, interfere in any election further than to vote.

§ 17. Every policeman elected shall be commissioned by the mayor; but before receiving his commission shall take an oath faithfully to perform the duties of his office, and that he will not, while he remains a policeman, interfere in elections further than to vote.

§ 18. The chief of police and every policeman shall have power to execute warrants of arrest, process, subpoenas and attachments for witnesses, whether the same be directed to them or not. They, and each of them, shall have power of arrest, with or without a warrant, in any offense against the ordinances or municipal regulations of Clay City, and the same power of arrest for any offense against the laws of the Commonwealth of Kentucky that the sheriff has. For any service under this section they shall be entitled to the fees allowed by law to sheriffs and other officers for such services, and to the same remedies for the collection thereof.

§ 19. The police jurisdiction of Clay City shall extend to any point in Powell county within one mile of the boundary set forth in the first section of this act.

§ 20. Every policeman, before he is commissioned, shall give bond, with surety, before the mayor, to the Commonwealth of Kentucky in the sum of five hundred dollars for the faithful performance of his office; and for any unlawful arrest and any unnecessary or cruel beating in making arrest, he and his bondsman shall be liable to the person so injured on said bond.

§ 21. Persons arrested for any bailable offense shall be placed in the station-house, if necessary, for safe-keeping, until taken before the city court for trial.

Executive Department—Mayor.

§ 22. The board of council shall elect one of their number mayor of Clay City, who shall be chief executive officer of the city and chairman of the board of council.

§ 23. The mayor shall see that the laws and ordinances of the city are duly enforced and observed, and are faithfully executed. He may require information, in writing, from all officers of the city upon any subject relating to the duties of their respective offices.

§ 24. The mayor shall be the head of the police of the city, and may command them in the performance of their duties. He shall be a conservator of the public peace; and when deemed necessary by him to enforce the laws of the city to save life or property, or to quell riots or mobs, he may summon into service any of the citizens, either civil or military, and in such cases he must be present and command in person. The board of council shall, by ordinance, prescribe suitable fines and penalties for disobedience of the mayor's orders and summons.

§ 25. The mayor shall preside at all meetings of the board of council and decide all points of order. He may call special sessions of the board of council by reasonable notice, in writing, whenever, in his judgment, it may be necessary. He shall perform such other duties as may be prescribed by ordinance, not inconsistent with this charter.

§ 26. It shall be the duty of the mayor to sign the proceedings of every meeting of the board of council when the same shall have been correctly written up by the clerk. He shall sign all ordinances and resolutions passed by the board of council.

§ 27. The mayor shall have full power or dismiss any policeman from the force if he may deem sufficient.

Chief of Police.

§ 28. The board of council at its first meeting soon thereafter as practical, and biennially shall elect a chief of police, who shall hold office for the term of two years, subject to the discretion of the board; and the board shall have power to fill a vacancy in said office until the next general election.

§ 29. The chief of police shall be subordinate to the mayor at the head of the police of the city. He shall attend all sessions of the board of council, execute the orders thereof, and maintain order thereat.

§ 30. The chief of police shall attend the sessions of the Clay City Court, and act as the sheriff of the court. It shall be his duty to execute all orders and judgments of said court; and he shall be entitled to the same fees for like services as the sheriff. He shall be entitled to the same remedies for collecting his fees, that the sheriff is entitled to. It shall be lawful for the board of council to pay him a salary, in addition to his fees, not exceeding one thousand dollars per annum when he ceases to hold office.

§ 31. The chief of police shall appoint a deputy, by and with the advice and consent of the board of council, who shall have the same powers, and perform all the duties required of the chief of police, except that he shall not have command over the police of the city.

§ 31. It shall be the duty of the chief of police, or his deputy, to cause proceedings to be taken against any person carrying on any business without any act for which a license is required, and to refuse to issue such license: *Provided*, That no person who is presently residing or doing business in Clay City shall be convicted of such offense without a

arrested for any bailable offense shall be taken before the city court for trial.

Police Department—Mayor.

The board of council shall elect one of their members of Clay City, who shall be chief executive officer of the city and chairman of the board.

He shall see that the laws and ordinances are duly enforced and observed, and that they are executed. He may require information from all officers of the city upon their respective duties.

He shall be the head of the police force and command them in the performance of their duties.

He shall be a conservator of the public peace and when deemed necessary by him to enter the city to save life or property, or to suppress mobs, he may summon into service any persons, either civil or military, and in their absence he shall be present and command in person. The board of council shall, by ordinance, prescribe the duties and penalties for disobedience of his orders and summons.

He shall preside at all meetings of the board of council and decide all points of order. He shall preside at the sessions of the board of council by and through his clerk in writing, whenever, in his judgment, it is necessary. He shall perform such other duties as may be prescribed by ordinance, not inconsistent with this charter.

It shall be the duty of the mayor to sign the minutes of every meeting of the board of council and to see that all shall have been correctly written up. He shall sign all ordinances and resolutions passed by the board of council.

§ 27. The mayor shall have full power to suspend or dismiss any policeman from the force for any cause which he may deem sufficient.

Chief of Police.

§ 28. The board of council at its first meeting, or as soon thereafter as practical, and biennially thereafter, shall elect a chief of police, who shall hold his office for the term of two years, subject to removal at the discretion of the board; and the board shall have power to fill a vacancy in said office until the next general election.

§ 29. The chief of police shall be second in command to the mayor at the head of the police force of the city. He shall attend all sessions of the board of council, execute the orders thereof, and preserve order thereat.

§ 30. The chief of police shall attend the sessions of the Clay City Court, and act as the sheriff of said court. It shall be his duty to execute all the process, orders and judgments of said court; and he shall be entitled to the same fees for like service, and to the same remedies for collecting his fees, that a sheriff is entitled to. It shall be lawful for the board of council to pay him a salary, in addition to his fees, of not exceeding one thousand dollars per annum, to terminate when he ceases to hold office. He may appoint a deputy, by and with the advice and consent of the board of council, who shall have the same powers, and perform all the duties required of the chief of police, except that he shall not have any command over the police of the city.

§ 31. It shall be the duty of the chief of police, or his deputy, to cause proceedings to be instituted against any person carrying on any business or doing any act for which a license is required, without paying such license: *Provided*, That no person permanently residing or doing business in Clay City shall be convicted of such offense without at least three

days' notice in writing to pay said license. The notice shall be over the name of the chief of police, and may be on a form to be prescribed by the board of council.

§ 32. The chief of police and his deputy, if one be appointed, shall execute bond, with good surety, to be approved by the board of council, to the Commonwealth of Kentucky for benefit of whom it may concern, that they will faithfully discharge all the duties of the office, and pay over all sums of money that may come into their hands to the persons entitled thereto.

City Attorney.

§ 33. The board of council at its first meeting, or as soon thereafter as practicable, and biennially thereafter, shall elect a city attorney, who shall hold his office for a term of two years, subject to removal at the discretion of the board; and the board shall have power to fill a vacancy in said office until the next general election.

§ 34. Said attorney shall prosecute all pleas of the Commonwealth, and all warrants or proceedings instituted for violations of the ordinances or municipal regulations in the city court. He shall be entitled to the same fees for like services, and the same percentage of penalties and forfeitures as is given county attorneys and Commonwealth attorneys for similar services. The board of council may pay the city attorney a salary, not to exceed five hundred dollars per annum, in addition to his legal fees. No person shall be eligible for city attorney unless he is a citizen of Clay City, at least twenty-one years of age, and unless he is a practicing lawyer. He shall take the oath required by Commonwealth attorneys, which shall conform to his office.

Judicial Department.

§ 35. The judicial powers of this corporation shall be vested in and exercised by a court styled the "Clay

City Court," which shall be held by a single judge called the "Judge of the Clay City Court," who shall be elected by the board of council of the city at its first meeting, or as soon thereafter as practicable, who shall hold his office for a term of four years, and who shall take the same oath that circuit judges are required by law to take.

§ 36. No person shall be eligible to the office of judge of the city court unless he be a citizen of the city, at least twenty-five years of age, and unless he be a licensed and practicing lawyer.

§ 37. When from any cause the judge of the city court fails to attend, or if in attendance cannot or is unable to preside in a cause pending in such court, the attorneys of the court who are present shall elect one of the members of the bar then in attendance to preside in the stead of the regular judge, to hold the court for the occasion; he shall accordingly preside and adjudicate, having first taken the oath as required for the regular judge by this charter. The court shall be held by the clerk of the court; and if there be no clerk, by the city attorney; and if he be unable to attend, by any member of the bar of that county who may be selected by the members of the bar present may select. The person thus selected, during the period that he shall hold the court, shall have all the power, and be liable to all the duties and liabilities, of the regular judge of said court.

§ 38. The judge of the city court shall be appointed and commissioned by the Governor; he shall be a citizen of the State, and shall be sworn to maintain the public peace, and may order arrests for the same against the laws of the State or ordinances of the City, and for those committed within his jurisdiction. He may order arrests without warrant. He may administer oaths, take depositions, grant injunctions, issue attachments, in the same manner as the judges of the circuit courts, and in the same cases, and subject to the same restrictions, and in the same cases, as the judges are now or may hereafter be authorized to do.

LAWS OF KENTUCKY.

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city attorney shall prosecute all pleas of the law and all warrants or proceedings instituted under the ordinances or municipal laws of the city court. He shall be entitled to receive for like services, and the same per centum on all fines and forfeitures as is given county attorneys for similar services. The board of council may pay the city attorney not to exceed five hundred dollars per annum in addition to his legal fees. No person shall be appointed city attorney unless he is a citizen of the State at least twenty-one years of age, and unless he is a licensed and practicing lawyer. He shall take the oath required of county attorneys, which shall contain

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§ 37. When from any cause the judge of the city court fails to attend, or if in attendance cannot properly preside in a cause pending in such court, the board of council and the attorneys of the court who are present shall elect one of the members of the bar then in attendance, who shall possess the same qualifications prescribed by this charter for the regular judge, to hold the court for the occasion; he shall accordingly preside and adjudicate, having first taken the oath as prescribed for the regular judge by this charter. The election shall be held by the clerk of the court; and in case of a tie he shall give the casting vote; and if there be no clerk, by the city attorney; and if he be not present, by any member of the bar of that court whom the members of the bar present may select. The person thus selected, during the period that he acts, shall have all the power, and be liable to all the responsibilities, of the regular judge of said court.

§ 38. The judge of the city court shall be commissioned by the Governor; he shall be a conservator of the public peace, and may order arrests for all offenses against the laws of the State or ordinances of Clay City, and for those committed within his presence he may order arrests without warrant. He may administer oaths, take depositions, grant injunctions and issue attachments, in the same manner and under the same restrictions, and in the same cases, that county judges are now or may hereafter be authorized by law.

§ 39. The said judge shall be clerk of his own court; but it shall be lawful for him to appoint a deputy clerk, who may perform all the duties of clerk of said court, and who shall take the same oath of office as is required by law of a deputy clerk of a court.

§ 40. The fees of said judge, whether acting as judge or clerk, 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 similar jurisdiction. The board of council shall have power, by ordinance, to pay said judge a salary, in addition to his fees, not to exceed five hundred dollars per annum.

§ 41. It shall be the duty of the said judge, on the first judicial day of each month, to furnish the city treasurer a statement, under oath, of all fines and forfeitures paid to or collected by the chief of police during the month preceding, as may appear from the records of his court.

§ 42. The Clay City Court shall have exclusive original jurisdiction in all proceedings or prosecutions for the violation of ordinances of the city, and concurrent jurisdiction with the circuit court, but exclusive of the justices of the peace and of the county judge, of all violations of the penal laws of this Commonwealth arising within the limits of Clay City, except cases of felony; and said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court to appear and answer to the court, and to take recognizances for good behavior and to keep the peace, the same that the circuit courts have, and like power to take the same as forfeited and pronounce judgment thereon, and to enforce full compliance therewith. Said court shall have the power of a justice of the peace and of a county judge as an examining court; and shall have original concurrent jurisdiction, without the limits of

Clay City and co-extensive with the county, and of all offenses within the jurisdiction of the justices of the peace.

§ 43. The Clay City Court shall have jurisdiction, co-extensive with Powell county, in all actions in which the amount in controversy of interest and costs, does not exceed fifty dollars; which jurisdiction shall be the same as that of any other court in Powell county, within the limits before mentioned.

§ 44. The said court shall have jurisdiction in all cases involving the title of real estate, and in all cases involving the payment of liens thereon; and in all cases, in which it appears that an action is pending in said court, if it appear that an action is pending in question of title to real estate, or in which a lien upon real estate is necessary to the settlement of the controversy, said court shall have an order transferring the action to the circuit court of Powell county, or such court as may be designated like civil jurisdiction, and shall have jurisdiction of original papers in the case, together with copies of all orders made therein, to be filed in the clerk of said court, and the action shall proceed in the last-named court, unless otherwise brought therein.

§ 45. Appeals shall lie from the decisions of said court to the Superior Court of Kentucky, in all cases having like appellate jurisdiction, in which the fine exceeds fifty dollars or the amount in controversy exceeds twenty-five dollars under the provisions prescribed by law for appeals from the decisions of circuit courts; and in cases where the fine does not exceed twenty-five dollars, but does not exceed fifty dollars, an appeal shall lie to the Powell county court, having a right of appeal to the Superior Court of Kentucky, having like appellate jurisdiction, in all cases where the accused, where the fine was in excess of the amount of the ordinance, in order to test the validity of the ordinance. In cases where fines of ten

said judge shall be clerk of his own court; be lawful for him to appoint a deputy who shall perform all the duties of clerk of said court, who shall take the same oath of office as a deputy clerk of a court. The fees of said judge, whether acting as judge or as clerk, shall be the same in all cases as are now or may hereafter be given by law to officers performing such duties; and fees and costs shall be taxed in the same manner as in courts of like jurisdiction. The board of council shall have power, by ordinance, to pay said judge a salary, not to exceed five hundred dollars per annum.

It shall be the duty of the said judge, on the first day of each month, to furnish the city clerk with a statement, under oath, of all fines and costs paid to or collected by the chief of police during the month preceding, as may appear from the records of the court.

The Clay City Court shall have exclusive jurisdiction in all proceedings or prosecutions for the violation of ordinances of the city, and concurrent jurisdiction with the circuit court, but exclusive of the peace and of the county judge, in all cases arising under the penal laws of this Commonwealth within the limits of Clay City, except in cases where the board of council shall have power and authority to take recognizances from persons charged with the violation of said ordinances to appear before the court, and to take recognizances for the peace, the same that justices of the peace have, and like power to take the oaths and pronounce judgment thereon, and to enforce full compliance therewith. Said court shall have the power of a justice of the peace and of a circuit court; and shall have the same jurisdiction, without the limits of

Clay City and co-extensive with the limits of Powell county, and of all offenses within the jurisdiction of justices of the peace.

§ 43. The Clay City Court shall have original jurisdiction, co-extensive with Powell county, in all civil actions in which the amount in controversy, exclusive of interest and costs, does not exceed two hundred dollars; which jurisdiction shall be concurrent with that of any other court in Powell county having jurisdiction within the limits before named.

§ 44. The said court shall have no jurisdiction of cases involving the title of real estate or the enforcement of liens thereon; and in all actions begun in said court, if it appear that an adjudication upon the question of title to real estate, or the enforcement of a lien upon real estate is necessary to a final settlement of the controversy, said court shall at once make an order transferring the action to the circuit court of Powell county, or such court as may have at the time like civil jurisdiction, and shall forthwith cause the original papers in the case, together with a transcript of all orders made therein, to be filed in the office of the clerk of said court, and thereupon the action shall proceed in the last-named court as if originally brought therein.

§ 45. Appeals shall lie from the judgments of said court to the Superior Court of Kentucky, or any court having like appellate jurisdiction, in all cases where the fine exceeds fifty dollars or the imprisonment exceeds twenty-five days under the rules and regulations prescribed by law for appeals from judgments of circuit courts; and in cases where the fine exceeds twenty-five dollars, but does not exceed fifty dollars, an appeal shall lie to the Powell Circuit Court, with a right of appeal to the Superior Court, or any court having like appellate jurisdiction, to either the city or county where the accused, where the fine was imposed under a city ordinance, in order to test the legality of the ordinance. In cases where fines of twenty-five dollars or

less are imposed, or authorized under ordinances, the legality of such ordinance may be tested by the city by an appeal to the Powell Circuit Court, or by the defendant by a writ of prohibition from said court, with a right of appeal by either the city or the accused to the Superior Court, or any court having like appellate jurisdiction.

§ 46. In all civil cases an appeal shall lie to the Powell Circuit Court, or any court having like civil jurisdiction, where the amount involved exceeds twenty-five dollars, exclusive of interest and costs, and under the rules and regulations prescribed by law for appeals from inferior to circuit courts.

§ 47. The Clay City Court shall be a court of record, and have a seal, which shall be provided by the board of council, and kept in the custody of the judge of said court or his deputy clerk if he shall so direct; and copies of the records of said court, certified over the signature of the judge or deputy clerk, shall be evidence in any court of this Commonwealth.

§ 48. The said court shall be holden at such place within the city as the board of council may designate or provide; and in case no place shall be so designated or provided, at such place within the city as the judge may select.

§ 49. The Clay City Court, so far as it is a police court or court of inquiry, shall always be open for the hearing and determining of such cases as are within its jurisdiction; and for the trial of civil cases there shall be a monthly term, to be held on the first Tuesday in each month, and continue as many days as the business may require.

§ 50. The said court shall have power to prescribe rules for the speedy and convenient administration of justice.

§ 51. The proceedings in said court shall be in the name of the Commonwealth of Kentucky when the offense charged is a violation of the laws of the State,

and in the name of Clay City when the offense is a violation of the ordinances of the city. Process shall be in the name of the Commonwealth of Kentucky, shall be made returnable to the Court, and shall be directed to the chief clerk, unless for special reason the judge of said cause it to be directed to another, when directed to any sheriff, constable or policeman, process may go to any county in the Commonwealth, and the said chief of police may execute in the State, or he may make, by indorsement on process, a special bailiff to execute it, with all the right to execute it, and be entitled to fees therefor that the chief of police has lawfully received.

§ 52. The fines and forfeitures recovered by said court in the name or in favor of the Commonwealth of Kentucky shall be paid to the State Treasurer in accordance with the law in such cases as provided; and the fines and forfeitures recovered by said court in the name or in favor of Clay City shall be hereby granted to said Clay City.

§ 53. All fines and forfeitures recovered by the chief of police, or other officer, for execution or *capias pro fine* is directed to said city shall be paid by him to the treasurer; and those going to the State shall be paid by him to the trustee of the jury fund or to the State Treasurer, but before the issual of the final process may pay the fine or forfeiture to the clerk of the court who shall pay it as aforesaid.

§ 54. A return of "not found" on a writ of attachment and of "no property found" on a writ of execution issued on any judgment in the city or county shall authorize an attachment out of equity in the Commonwealth or Clay City against the property, action or effects of the defendant or defendant in the same manner that a return of "no property found" authorizes an attachment in equity on a writ of execution in circuit court.

sed, or authorized under ordinances, such ordinance may be tested by the seal to the Powell Circuit Court, or by a writ of prohibition from said court, or by either the city or the Superior Court, or any court having jurisdiction.

in civil cases an appeal shall lie to the Court, or any court having like civil jurisdiction where the amount involved exceeds twenty dollars exclusive of interest and costs, and the rules and regulations prescribed by law are inferior to circuit courts.

Clay City Court shall be a court of record, to be held under a seal, which shall be provided by the city council, and kept in the custody of the clerk of the court or his deputy clerk if he shall have no deputy clerk, and copies of the records of said court, with the signature of the judge or deputy clerk, shall be a residence in any court of this Common-

wealth of Kentucky. The court shall be holden at such place as the board of council may designate, and if no place shall be so designated, the court shall be holden at such place within the city as the judge shall determine.

The Clay City Court, so far as it is a police court, shall always be open for the purpose of determining of such cases as are without a jury; and for the trial of civil cases on the first and third monthly term, to be held on the first day of each month, and continue as many days as may be required.

The court shall have power to prescribe the rules and regulations for the speedy and convenient administration of justice.

The judgments in said court shall be in the same manner as in the Commonwealth of Kentucky when the defendant is in default, or in a violation of the laws of the State,

and in the name of Clay City when the offense charged is a violation of the ordinances of the city. The process shall be in the name of the Commonwealth of Kentucky, shall be made returnable to the Clay City Court, and shall be directed to the chief of police, unless for special reason the judge of said court shall cause it to be directed to another, when it shall be directed to any sheriff, constable or policeman. The process may go to any county in the Commonwealth, and the said chief of police may execute it anywhere in the State, or he may make, by indorsement on the process, a special bailiff to execute it, who shall have all the right to execute it, and be entitled to all the fees therefor that the chief of police has by law.

§ 52. The fines and forfeitures recovered in said court in the name or in favor of the Commonwealth of Kentucky shall be paid to the State of Kentucky, in accordance with the law in such case made and provided; and the fines and forfeitures recovered in said court in the name or in favor of Clay City are hereby granted to said Clay City.

§ 53. All fines and forfeitures recovered shall be recovered by the chief of police, or other officer to whom execution or *capias pro fine* is directed; and those going to said city shall be paid by him to the city treasurer; and those going to the State shall be paid by him to the trustee of the jury fund of said county; but before the issual of the final process the defendant may pay the fine or forfeiture to the chief of police, who shall pay it as aforesaid.

§ 54. A return of "not found" on a *capias pro fine*, and of "no property found" on a writ of *feri facias*, issued on any judgment in the city court, shall authorize an attachment out of equity in favor of the Commonwealth or Clay City against the choses in action or effects of the defendant or defendants, in the same manner that a return of "no property found" authorizes an attachment in equity on judgment in circuit court.

§ 55. Upon all judgments of fines rendered by the city court, whether in favor of the Commonwealth or Clay City, it shall be lawful for the city attorney to cause a "*fi. fa.*" to be issued, to be levied on the estate of the defendant; or to take a "*capias pro fine,*" requiring the imprisonment of the defendant in the city work-house, if there be one, or the county jail, or confined at work upon the streets of said city, or in said work house, at the rate of one dollar per day, until the fine and costs are paid, unless such rate of wages shall be changed by the board of council. When the fine is worked out the city shall not be liable to any officer for the same, or the costs thereof.

§ 56. Witnesses in appearance cases shall be allowed the same fees as are allowed witnesses in circuit courts, to be taxed as costs, and to be payable only in cases where judgment goes against the defendant.

§ 57. In civil cases, where the amount involved is within the jurisdiction of circuit courts, all proceedings shall be governed by the provisions of the law governing proceedings in circuit courts. In all other cases the proceedings shall be governed by the provisions of the law governing police courts and courts inferior to circuit courts.

§ 58. In all cases where persons are presented to said court charged with an offense within its jurisdiction, the punishment of which is limited to a fine of twenty dollars or less, the judge may hear and determine the case, and impose such fine without the intervention of a jury. In all other cases he shall cause a jury to be empaneled, unless waived by the party charged; in all cases of drunkenness or disorderly conduct, in addition to imposing a fine, he may hold the offender to bail, in any sum not exceeding one thousand dollars, to keep the peace and be of good behavior for any length of time not exceeding one year, or he may impose the fine without holding to bail; but in no case shall he hold to bail without

imposing a fine, and thereupon the offender forthwith committed to the work-house, state or county jail, and shall there be kept in until the bail be given, or the time for which required shall have expired, and until the costs are paid or replevied, or satisfied by provided by law.

§ 59. Whenever a vacancy shall occur in of judge of the Clay City Court the same filled by the council.

Assessor.

§ 60. The board of council shall, during of September in each year, or as soon the practicable, and every two years thereafter, person to be assessor of Clay City for a term years, who shall, before he assumes his duty, an oath faithfully to perform the duties of without favor to rich or poor, and shall bond to Clay City, for the benefit of which appear, with one or more approved sureties ing that he will faithfully discharge all the his office. The board of council shall, by fix the compensation of the assessor.

§ 61. No person shall be eligible to the assessor unless he be at least twenty-four years a citizen of the State of Kentucky, and, if the first assessor elected, a resident of Clay City at least six months before his election.

§ 62. It shall be the duty of the assessor before the second Monday in January in each year to make a list of all the taxable property in the city and return the same to the board of council. He shall list the soil as land, and every thing attached or built thereon as improvements; and such improvements, when owned by a person other than the owner of the soil, may be assessed in the name of the owner. He shall list real estate on his books by parcel, and shall list the name of the owner or holder thereof.

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 of the soil, may be assessed in the name of the owner.
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 site the name of the owner or holder the number and

block of each of his lots, according to the plat or plats of Clay City on record in Powell county, or which may hereafter be of record, together with the value per front foot when the land fronts on a street or public way, and the aggregate value of each parcel of land. It shall be the duty of the assessor to obtain, at the expense of the city, copies of all recorded plats of lands in said city, or addition thereto, and to keep the same in his office, and to mark thereon, from time to time, changes in ownership and subdivisions or aggregations of the lots. He shall also list all and every kind of personal or movable property in Clay City, whether belonging to residents or non-residents, that is liable for State taxation, and in the same manner as provided by the law for the county assessor. He shall also list every male resident of Clay City twenty-one years of age or over. He shall list the residents of Clay City and owners of property in Clay City together in one, or more books, as near as possible in alphabetical order; and the said books shall be ruled in columns so as to show the above subject of taxation and values. The assessor shall value the several kinds of property at a fair cash value, and the amount of each kind of property shall be set out opposite the owner's name, together with his head-tax, if he be a resident, upon said books.

§ 63. An assessment of any lands or improvements shall not be invalid for being made erroneously in the name of a person other than the true owner, nor shall the lien of the tax be affected thereby; but the assessor shall, upon learning his error, after notifying the true owner or owners by mail, correct the assessment in this respect; and all proceedings for the collection of the tax may then proceed, subject to the right of such owner to have the valuation corrected, upon showing good grounds, at a meeting of the supervisors, to be called for that purpose.

§ 64. All property taxed according to value shall be valued as of the first day of November preceding in

each year, and the person owning the same shall list it with the assessor, and remain bound to pay the tax, notwithstanding he may have parted with the property.

§ 65. All taxes levied under this chapter and payable on the first day of May in Clay City shall have a lien for tax on all property subject to taxation, which shall be superior to all incumbrances prior to the date of the assessment.

§ 66. Where any tax-payer shall pay any tax on doing any mercantile or manufacturing business, his stock of goods in the mercantile business, his machinery and stock of raw materials, and manufactured goods in the manufacturing business, shall be taxed by ad valorem tax on only the assessed value.

§ 67. The assessor shall, before assessing any improvements, view the same by himself; and before assessing goods and chattels, view the premises where the same or the greater part may be found. His failure so to do shall not invalidate the assessment; but a disregard of this duty shall be a good cause for his removal by the council. Every person owning or holding title to real estate in his own right, or as fiduciary, guardian, or trustee, shall return to the assessor or his assistant, when called upon, a true list of such personal property, upon blanks therefor prepared by the assessor, together with the value of the personal property, and make oath thereof. The assessor, or one of his assistants, authorized to administer the same.

§ 68. The assessor shall make diligent inquiry into the conveyances and probated wills in the Powell county clerk's office, and into the returns of sales in the Powell Circuit Court, also, by personal inquiry, in his year, to learn about every death among th

his lots, according to the plat or plats of record in Powell county, or which are of record, together with the value of the land fronts on a street or public square, and the aggregate value of each parcel of land, it is the duty of the assessor to obtain, for the city, copies of all recorded plats of record, and to keep the same in his office, and to mark thereon, from time to time, the changes in ownership and subdivisions or aggregations of lots. He shall also list all and every parcel of real or movable property in Clay City, whether owned by residents or non-residents, that is subject to taxation, and in the same manner as provided by the law for the county assessor. He shall list the names of every male resident of Clay City twenty years of age or over. He shall list the residents and owners of property in Clay City to be assessed, and more books, as near as possible in conformity with the law; and the said books shall be ruled so as to show the above subject of taxation on each page. The assessor shall value the several kinds of property at their fair cash value, and the amount of tax on each property shall be set out opposite the name of the owner, together with his head-tax, if he be a head-tax payer. He shall also list the assessment of any lands or improvements that may be made for being made erroneously in the assessment, and shall be affected thereby; but the assessor, upon discovering his error, after notifying the owners by mail, correct the assessment and all proceedings for the collection of taxes, when they proceed, subject to the right of the owners to have the valuation corrected, upon application, at a meeting of the superintending board for that purpose. The property taxed according to value shall be assessed on the first day of November preceding in

each year, and the person owning the same, or holding the same in the right of another, on that day, shall list it with the assessor, and remain bound for and pay the tax, notwithstanding he may have sold or parted with the property.

§ 65. All taxes levied under this charter shall be due and payable on the first day of May in each year; and Clay City shall have a lien for taxes upon any and all property subject to taxation, which lien shall be superior to all incumbrances prior or subsequent.

§ 66. Where any tax-payer shall pay a license for doing any mercantile or manufacturing business, his stock of goods in the mercantile business, or his machinery and stock of raw material and manufactured goods in the manufacturing business, shall be taxed by ad valorem tax on only one half of its assessed value.

§ 67. The assessor shall, before assessing any land or improvements, view the same by himself or an assistant; and before assessing goods and chattels, go upon the premises where the same or the greater part thereof may be found. His failure so to do shall not invalidate the assessment; but a disregard of this duty will be a good cause for his removal by the board of council. Every person owning or holding taxable property in his own right, or as fiduciary, guardian or agent, shall return to the assessor or his assistants, when called upon, a true list of such property, real or personal, upon blanks therefor prepared by the assessor, together with the value of the personalty and amount of investments, and make oath thereto before said assessor, or one of his assistants, who are hereby authorized to administer the same.

§ 68. The assessor shall make diligent search among the conveyances and probated wills recorded in the Powell county clerk's office, and among the confirmations of sales in the Powell Circuit Court, and shall also, by personal inquiry, in his yearly rounds, seek to learn about every death among the owners of land

or improvements in said city by which the same may devolve upon others. He is directed not to assess any property in such a name as A. B.'s heirs, or A. B.'s devisees, or A. B.'s executor, or the like, but he may assess land or improvements thus: as "A. B.'s unknown heirs" or "unknown devisees," or the like, when the names can not be obtained, though diligent inquiries have been made. When the joint owners are more than three in number, three of the names, with the addition of "and others," shall suffice, and where remainders, reversions or future estates are outstanding, the holder of the particular estate shall be assessed, with the words "holder of present estate" added to his name. But whenever the names of all the owners are not given, no lien for the taxes shall arise to the detriment of any purchaser from those not named, unless the assessment, by its own terms or by reference to the city maps, identifies the land or improvements therein embraced.

§ 69. The assessor shall call on persons from whom taxes are collectable, and he shall administer to each one an oath to truthfully give in a full and complete list of taxable property of every kind in his or her possession, whether as owner or in the right of another, as of the first day of November last, and that he or she will true and perfect answers make to any questions asked concerning said taxable property, and he shall thereupon make out a list and assess the property of such persons. In the case of corporations this section shall apply to one or more of the officers or agents of said corporation to be found in Clay City. If any person shall refuse to take such oath, or refuse to give in a list of his or her property, or the property of the person or corporation for which he or she may be agent, attorney or servant, the assessor shall assess the property from the best of his information.

§ 70. If any person or officer or agent of a corporation fail or refuse to give a list of his taxable property when called on so to do by the assessor, or give a false

or fraudulent list, he shall be returned by the assessor on his books a delinquent, and it shall be the duty of the city court of Clay City, upon application of the assessor, to issue a rule against such delinquent to compel true answers by process of contempt, and to adjudge against such delinquent the costs of proceeding.

§ 71. The assessor, by and with the consent of the board of council, may appoint one or more assessors, whose compensation shall be fixed by the board, who shall possess like qualifications, take like oaths, and have like power, perform like duties, and give like bond to the assessor.

§ 72. As soon as practicable, after the assessor has corrected the assessment lists, the assessor shall return to the assessor, who shall from that time forth return the tax-bills for ad valorem and head-taxes, one year, in a stub-book to be devised by the assessor, who shall sign and turn them over to the assessor, who shall take his receipts therefor, and the number of bills so turned over and the amount thereof.

Supervisors of Taxes.

§ 73. The board of council shall in each year appoint three discreet men as supervisors of taxes, who shall fix their compensation. The said supervisors shall qualify by taking an oath faithfully to perform the duties of their office without favor to themselves or any one, and they, or any two of them, shall meet with the assessor on the Thursday following the first of Monday in January in each year, and shall examine with care the assessor's books, and correct the same, and the assessor that may appear to him shall be bound to give the names of the parties assessed or in the value of the property or otherwise. The board of council shall elect a chairman by vote or lot, and he or she and the supervisors are hereby empowered to administer oaths to tell the whole truth concerning

in said city by which the same may
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 assessor, to issue a rule against such delinquent and
 compel true answers by process of contempt, and to
 adjudge against such delinquent the costs of the pro-
 ceeding.

§ 71. The assessor, by and with the consent of the
 board of council, may appoint one or more deputies,
 whose compensation shall be fixed by the council, and
 who shall possess like qualifications, take a like oath,
 have like power, perform like duties, and give a like
 bond to the assessor.

§ 72. As soon as practicable, after the supervisors
 have corrected the assessment lists, they shall be re-
 turned to the assessor, who shall from them make out
 the tax-bills for ad valorem and head-taxes for the
 year, in a stub-book to be devised by him, and he
 shall sign and turn them over to the collector of
 taxes, and take his receipts therefor, showing the
 number of bills so turned over and the aggregate
 amount thereof.

Supervisors of Taxes.

§ 73. The board of council shall in every year ap-
 point three discreet men as supervisors of taxes, and
 fix their compensation. The said supervisors shall
 qualify by taking an oath faithfully to perform the
 duties of their office without favor to rich or poor;
 and they, or any two of them, shall meet in the office
 of the assessor on the Thursday following the second
 Monday in January in each year, and shall examine
 with care the assessor's books, and correct any errors
 of the assessor that may appear to him, whether in
 the names of the parties assessed or in the lists or
 value of the property or otherwise. They shall select
 a chairman by vote or lot, and he or either of said
 supervisors are hereby empowered to administer an
 oath to tell the whole truth concerning his taxable

property to any person appearing to have an assessment corrected. The said supervisors shall hear the complaints of any tax-payer in person or by agent or attorney, and they may add to, diminish or increase any list of property, or the value thereof, or change the name of the party assessed, as may seem to them just. The said supervisors may adjourn from day to day until their work is completed, not exceeding two weeks. Any failure or informality in the election of said supervisors, or in their meeting or proceedings, shall not affect the validity of the tax.

Collector of Taxes.

§ 74. It shall be the duty of the board of council, on or before the third Monday in December, or as speedily as possible thereafter, of each year, and every two years thereafter, to elect some competent person to be collector of taxes of Clay City, who shall hold his office for a term of two years, subject to be removed at any time by said board for good cause. The chief of police may be elected collector of taxes. It shall be the duty of the collector to collect all the ad valorem and head taxes assessed under the provisions of this charter. He shall give a bond to Clay City, for the benefit of whom it may appear, with one or more sureties, to be approved by the board of council, to collect, account for and pay to the treasurer of said city, at such times and in such manner as may be prescribed by law or ordinance, all taxes due said city during his term of office, and to faithfully discharge the duties of his office. The board of council may notify the collector to give new bond or additional sureties at any time, and upon his failure to do so within five days, or upon his failure to qualify and give bond within ten days after his election, it may vacate his office and elect another person.

§ 75. The collector shall take an oath faithfully to perform all the duties of his office. He shall account for and pay into the city treasury all taxes and other

public moneys for which he is bound at such and under such regulations as may be presented to the board of council. The compensation, commissions of the collector not otherwise provided for herein shall be fixed by the board of council.

§ 76. The collector shall, from and after he receives the tax-bills in each year, proceed to collect the taxes due. Taxes paid by the fifteenth of January shall be reduced by a discount of one per cent.; those paid by the fifteenth of March by one per cent.; and those paid in by the thirtieth of March by one per cent.

§ 77. All taxes unpaid on the first day of January thereafter bear interest at the rate of twelve per annum until paid, to be a lien on the property and otherwise enforced like the principal.

§ 78. The tax-bills to be made out and returned to the assessor shall have printed upon them the name of the Commonwealth of Kentucky, and the name of the collector of taxes of Clay City, and the name of the assessor, and the name of the party assessed, and the amount of his taxes, with interest at the rate of twelve per cent. per annum, and the date of payment, with the commission of the collector provided herein, and twenty-five cents per annum on the amount of the taxes, and to return the warrants thereunder to the board of council on the first day of November in each year.

§ 79. It shall be the duty of the assessor to obtain and take from the collector, on the first day of May in each year, all tax-bills in his hands which are unpaid at that date, and to fill up and sign the blank distress warrant thereon, and to return the same to the collector. This signature of the assessor upon the distress warrant shall be *prima facie* evidence that all steps in the assessment have been properly taken.

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the board of council. The compensation, fees and
commissions of the collector not otherwise provided
for herein shall be fixed by the board of council.

§ 76. The collector shall, from and after the day he
receives the tax-bills in each year, proceed to collect
the taxes due. Taxes paid by the fifteenth of Feb-
ruary shall be reduced by a discount of three per
cent.; those paid by the fifteenth of March, by two
per cent.; and those paid in by the thirtieth of April,
by one per cent.

§ 77. All taxes unpaid on the first day of May shall
thereafter bear interest at the rate of twelve per cent.
per annum until paid, to be a lien on the property,
and otherwise enforced like the principal.

§ 78. The tax-bills to be made out and signed by
the assessor shall have printed upon the back there-
of the form of a distress warrant, running in the
name of the Commonwealth of Kentucky, and di-
rected to the collector of taxes of Clay City, in sub-
stance commanding him by distraint to make of the
goods and chattels of the party assessed, by cash sale,
the amount of his taxes, with interest added to the
date of payment, with the commission for the col-
lector provided herein, and twenty-five cents costs for
the warrant; and to return the warrant with his do-
ings thereunder to the board of council on or before
the first day of November in each year.

§ 79. It shall be the duty of the assessor to ascer-
tain and take from the collector, on the tenth day of
May in each year, all tax-bills in his hands which are
unpaid at that date, and to fill up and complete and
sign the blank distress warrant thereon and deliver
the same to the collector. This signature and attesta-
tion of the assessor upon the distress warrants shall
be *prima facie* evidence that all steps in the levy and
assessment have been properly taken, and that the

bill is correct in all respects. The assessor shall take a list of the names and amounts contained in all such distress warrants, with the property described in the bill, and return such list to the board of council.

§ 80. The collector shall, during the months of May and June in each year, notify in person or by letter, and by advertisement in one or more newspapers, all persons who have failed in whole or in part to pay their taxes, that if the same, with interest, are not paid on or before July the first following, they would be collected by distraint; but the failure to give such notice shall not invalidate the distress warrant or the proceedings thereunder. The collector shall, between the first day of July and the first day of November (the return day of the warrant) in each year, except where the parties assessed are infants, persons of unsound mind, or fiduciaries assessed on behalf of a trust estate, proceed to collect the unpaid taxes, with interest, and a commission to the collector of five per cent., by distraining the goods and chattels of the person owing the tax. When the goods distrained are themselves a part of the assessed property, or found upon the premises described in the tax-bill, the levy of the warrant shall have priority over any mortgage, lien, distress or attachment on said goods, except a levy for State tax. Where the person owing the tax is a married woman, the collector may distrain any property of her husband found upon the premises described in the bill. The levy, advertisement, sale and delivery to purchasers under the distress warrant shall be made in like manner and be the same as in case of goods levied upon under execution on a replevy bond. The distress warrants, with the doings of the collector truly indorsed thereon, shall be returned by him to the board of council. Neither the want of a proper return or the falsity of a return, or the failure of the collector to do his duty, shall invalidate the city's lien on the property taxed, or any further proceedings to collect the tax. For any false

return the collector shall be liable to the aggrieved for all costs, commissions or damages therefrom.

§ 81. All tax-bills uncollected, in whole or in part, on the first Monday of May of each year against any person (not under the disability of infancy, or unsound mind) owning property in his city, together with interest at twelve per cent. per annum shall be deemed a debt from such person to the city arising as by contract, and may be enforced by all remedies given for the recovery of debts in court of the Commonwealth otherwise competent for that purpose; and those bills assessed against an administrator, executor or trustee shall be enforceable against the whole succession or trust estate. This shall be enforced accordingly in addition, in either case, to the other remedies herein given.

§ 82. Every guardian, committee, trustee or other fiduciary appointed under the laws of Kentucky, by deed or will recorded in any county of this State, therein, who has the management of any lands and improvements in said city, and every agent or resident of Kentucky owning property in said city who collects the rents thereof, shall, before the first day of September of each year, pay out of the net income of such lands and improvements the city tax thereon for the year upon the same in the preceding year, with interest, before applying such income to the payment of the same, or paying it over to his beneficiaries or executors, in accordance with the instructions of the latter to the contrary; and in default thereof he shall be liable for such tax to the amount of the income which might have so applied; which liability shall be enforced in equitable proceedings, in which the defendant shall be an answer that the city has a security lien upon the lands and improvements.

§ 83. On and after the first day of November of each year the collector shall proceed to notify all persons owing tax-bills that they may

all respects. The assessor shall take notes and amounts contained in all such lists, with the property described in the such list to the board of council. The collector shall, during the months of May in each year, notify in person or by letter, advertisement in one or more newspapers, all persons who have failed in whole or in part to pay taxes if the same, with interest, are not paid on or before July the first following, they would be in default; but the failure to give such notice shall not invalidate the distress warrant or the return thereunder. The collector shall, between July and the first day of November of each year, except in cases where the assesses assessed are infants, persons of legal age or fiduciaries assessed on behalf of others, proceed to collect the unpaid taxes, and to receive a commission to the collector of five per cent. on the amount of the tax. When the goods distrained are not the property of the assessed property, or found to be the property of others, the levy shall have priority over any mortgage, lien or attachment on said goods, except a lien in favor of a creditor. Where the person owing the tax is a married man, the collector may distrain any property of the husband found upon the premises. The levy, advertisement, sale and return thereunder in like manner and be the same as in the case of the distress warrants, with the doings thereon truly indorsed thereon, shall be returned to the board of council. Neither the return or the falsity of a return, or the failure of the collector to do his duty, shall invalidate the lien on the property taxed, or any proceedings to collect the tax. For any false

return the collector shall be liable to the party aggrieved for all costs, commissions or damages arising therefrom.

§ 81. All tax-bills uncollected, in whole or in part, on the first Monday of May of each year against any person (not under the disability of infancy, coverture or unsound mind) owning property in his own right, together with interest at twelve per cent. per annum, shall be deemed a debt from such person to said city arising as by contract, and may be enforced as such by all remedies given for the recovery of debts in any court of the Commonwealth otherwise competent for that purpose; and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession or trust estate, and may be enforced accordingly in addition, in either case, to the other remedies herein given.

§ 82. Every guardian, committee, trustee or other fiduciary appointed under the laws of Kentucky, or by deed or will recorded in any county clerk's office therein, who has the management of any lands or improvements in said city, and every agent of a non-resident of Kentucky owning property in Clay City, who collects the rents thereof, shall, before the first of September of each year, pay out of the net income of such lands and improvements the city tax assessed upon the same in the preceding year, with accruing interest, before applying such income to the wants of, or paying it over to his beneficiaries or employer, any instructions of the latter to the contrary notwithstanding; and in default thereof he shall be liable for such tax to the amount of the income which he might have so applied; which liability may be enforced in equitable proceedings, in which it shall not be an answer that the city has a security in its lien upon the lands and improvements.

§ 83. On and after the first day of November in each year the collector shall proceed to notify all tenants of persons owing tax-bills that they must withhold

their rents to the amount of such bills and interest thereon, and a commission of five per cent. The notice shall be in writing upon blanks substantially in the form following: "The Commonwealth of Kentucky, to the tenants of ———, a tax-payer of Clay City, greeting: You, and each of you, are warned to withhold from (name of tax-payer) the rent due or accruing from you to him to an amount not exceeding (amount due on tax-bills) dollars, with twelve per cent. interest from the first day of May, one thousand eight hundred and ———, and five per cent. commission for collector, and hold the same subject to the demands of Clay City until advised of the withdrawal of this garnishment. Witness ———, Collector of Taxes of Clay City. ——— day of ———, one thousand eight hundred and ———." And they shall be served by copy, and the notice as returned kept by said collector, and such service shall, until the tax is paid in full, with interest and commission, be a defense *pro tanto* to the tenant in any proceeding by the landlord for the recovery of the rent, and shall operate to transfer *pro tanto* to the city the rights and remedies of the landlord. The taxes on any parcel or property may thus be enforced out of the rents of any other parcel of the same owner or owners. The commission provided for herein shall go to the collector as compensation.

§ 84. On or before the first day January in each year the collector shall make a full settlement before the board of council for all tax-bills put in his hands for collection during the preceding year; and he shall show that he has received the cash for such bills and paid the same to the city treasurer, or have the same duly returned and show that he has made diligent effort to collect the same. The board of council, if satisfied that the collector has done his duty, shall give him a quietus; but said board may order the assessor to re-issue any of such bills with an alias distress warrant, returnable on the first day of May following, and return them to the collector with or-

ders to make further efforts at collection must be finally returned by the first day following, unless proceedings for their collection are pending.

§ 85. On or before the first day of May year after the assessment, the board of directors shall direct suit to be brought by the city attorney or employed counsel, to recover any unpaid taxes and to enforce its lien to secure the same. Such suits shall be instituted and conducted in a similar manner to suits to enforce a contract lien upon land. Suits in the Powell Circuit Court, or a court of similar jurisdiction, shall have jurisdiction of suits for the recovery of twenty dollars and over, inclusive of interest; and sums due for one or more years on parcels belonging to the same owner or owners shall be included in the same petition and in the same suit. Where all the taxes remaining due by the owner or set of joint owners, with accrued interest, do not exceed less than twenty dollars, the city attorney and counsel shall combine them in one action. Suits for bills or sets of bills of amounts also less than twenty dollars, having due regard to the nearness of the assessed property, so that the aggregate amount embraced in one suit may amount to twenty dollars or over. In actions for the sale of real estate the court aforesaid may determine sums due for municipal tax or assessment due on the property to be sold, and shall provide for the payment of the same in the judgment; and if the purchaser fails to ask therefor, the purchaser shall be liable at any time before payment of the purchase money for credit for the amount thereof.

City Treasurer.

§ 86. It shall be the duty of the city treasurer during the month of June in each year to make a report thereafter as practicable, and biennially

the amount of such bills and interest and commission of five per cent. The writing upon blanks substantially in the following: "The Commonwealth of Kentucky, a tax-payer of Clay County, and each of you, are warned to pay to him (the tax-payer) the rent due or account to him (the tax-payer) not exceeding (the amount of tax-bills) dollars, with twelve per cent interest on the first day of May, one thousand dollars, and five per cent. commission on the balance. I hold the same subject to the duty until advised of the withdrawal of the same."

Witness —, Collector of Taxes
— day of —, one thousand eight hundred and —.

And they shall be served by copy, returned kept by said collector, and until the tax is paid in full, with the same commission, be a defense *pro tanto* to the proceeding by the landlord for the rent, and shall operate to transfer *pro tanto* the rights and remedies of the landlord on any parcel or property may thus be affected by the rents of any other parcel of the same owners. The commission provided for the collector as compensation.

Before the first day of January in each year the collector shall make a full settlement before the board of council for all tax-bills put in his hands during the preceding year; and he shall show that he has received the cash for such bills and the same from the city treasurer, or have the same returned to him, and shall show that he has made diligent use of the same. The board of council, if the collector has done his duty, shall discharge him; but said board may order the return of any of such bills with an alias returnable on the first day of May next, and shall turn them to the collector with or

orders to make further efforts at collection, which bills must be finally returned by the first day of May following, unless proceedings for their collection are pending.

§ 85. On or before the first day of May in the second year after the assessment, the board of council may direct suit to be brought by the city attorney or other employed counsel, to recover any unpaid tax-bills, and to enforce its lien to secure the same; which suits shall be instituted and conducted in all respects as suits to enforce a contract lien upon land. In such suits the Powell Circuit Court, or a court having similar jurisdiction, shall have jurisdiction of all amounts of twenty dollars and over, inclusive of accrued interest; and sums due for one or more years, or on several parcels belonging to the same owner or owners, shall be included in the same petition and in the judgment. Where all the taxes remaining due by the same owner or set of joint owners, with accrued interest, amount to less than twenty dollars, the city attorney or other counsel shall combine them in one action with other bills or sets of bills of amounts also less than twenty dollars, having due regard to the nearness of location in the assessed property, so that the aggregate of bills embraced in one suit may amount to fifty dollars or over. In actions for the sale of real property the court aforesaid may determine summarily, with or without written pleadings, the amount of any State or municipal tax or assessment due Clay City upon the property to be sold, and shall provide for the payment of the same in the judgment; and if the plaintiff fail to ask therefor, the purchaser shall be entitled to any time before payment of the purchase price to a credit for the amount thereof.

City Treasurer.

§ 86. It shall be the duty of the board of council, during the month of June in each year, or as soon thereafter as practicable, and biennially thereafter, to

elect a competent person to be treasurer of Clay City for a term of two years, who shall hold the office subject to removal by the board of council. The person elected treasurer, before entering into the discharge of his duties, shall take an oath to faithfully perform all the duties of the office; and said person shall execute a bond to the said city, with one or more sureties, for the benefit of whom it may appear, to be approved by the board of council, covenanting that he will faithfully keep and account, according to law, for all funds that may come to his hands as treasurer; that he will, at any time when called upon by the board of council, settle his accounts as treasurer, and pay over any money in his hands due the city to any person designated by the board of council, and that he will faithfully perform the duties of his office.

§ 87. It shall be the duty of the treasurer to receive and safely keep all money belonging to the city, and to pay the same under appropriations made by the board of council; but he shall only pay out money upon warrants drawn by the mayor and countersigned by the clerk of the board of council. He shall keep a fair and accurate account of all his receipts and disbursements, showing when, from whom and to whom, and for what purpose, and on what account, such moneys were received or paid, and shall exhibit the same, and furnish a copy thereof whenever called for by said board. He shall perform such other duties as may be required of him by ordinance, not inconsistent with this act, and shall receive such compensation for his services as the said board may provide.

§ 88. It shall be the duty of the treasurer to issue all licenses required under this charter, and collect the money therefor, under such rules and regulations as the board of council may prescribe.

§ 89. If the treasurer fails to execute his said bond for twenty days after his appointment, the office shall, by order of the board of council, be declared vacated, and the vacancy be filled by the said board. The

board of council may at any time require the treasurer to execute a new bond or give security; and upon failure, within five days notice, to execute new bond or give additional security, the office may, by order of the board, be vacated, and another person elected.

Elections.

§ 90. All elections by the people under this charter shall be held on the first Monday in August in any year, except the first election.

§ 91. The board of council shall, before the election, appoint as officers thereof, for each ward, two reputable and discreet persons, two of whom shall be judges, one as a clerk, and one as a recorder. All officers shall be sworn faithfully to perform the duties by the city judge or any magistrate. For any reason, the said appointees do not perform the duty of the judge of the Clay City, the board may appoint other persons in their stead, and if the judge refuses or fails to act, the chief clerk shall fill the vacancy by the appointment of other persons. Officers of the city elections shall perform similar services, be entitled to like pay, liable to like penalties, and governed in all matters not inconsistent with this charter, and in the same way, as officers of State elections, and shall be paid by the board of council.

§ 92. Every citizen qualified under the laws of this State to vote, and who has, before said election, paid his head or poll-tax for the preceding year, and is not otherwise disqualified, shall be entitled to vote at said election; and a list of the delinquent taxpayers shall be furnished the judge of said election by the board of council. Said election shall be held in all respects like a State election.

§ 93. All municipal elections in Clay City shall be held at such voting places as may be designated by the board of council from time to time, and the board of council may at any time divide the

erson to be treasurer of Clay City
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board of council may at any time require and notify the treasurer to execute a new bond or give additional security; and upon failure, within five days after such notice, to execute new bond or give additional security, the office may, by order of the board, be declared vacated, and another person elected.

Elections.

§ 90. All elections by the people under the provisions of this charter shall be held on the first Monday in August in any year, except the first election.

§ 91. The board of council shall, before such election, appoint as officers thereof, for each precinct, four reputable and discreet persons, two of whom shall act as judges, one as a clerk, and one as sheriff. Such officers shall be sworn faithfully to perform their duties by the city judge or any magistrate. If, for any reason, the said appointees do not act, it shall be the duty of the judge of the Clay City Court to appoint other persons in their stead, and if the said judge refuses or fails to act, the chief of police may fill the vacancy by the appointment of competent persons. Officers of the city elections shall perform similar services, be entitled to like pay, liable to the same penalties, and governed in all matters not inconsistent with this charter, and in the same way, as the officers of State elections, and shall be paid by the city.

§ 92. Every citizen qualified under the laws of the State to vote, and who has, before said election, paid his head or poll-tax for the preceding years, but none other, shall be entitled to vote at said municipal elections; and a list of the delinquent tax-payers shall be furnished the judge of said election by the said board of council. Said election shall be conducted in all respects like a State election.

§ 93. All municipal elections in Clay City shall be held at such voting places as may be designated by the board of council from time to time. The board of council may at any time divide the city into wards,

and establish voting places therein; or they may establish precincts in said city, and change the same. Every voting place, ward or precinct must be designated or established at least sixty days prior to the next succeeding election. Notice of the establishment of any ward or precinct, or designation of any voting place, or of any change in any ward or precinct or voting place, shall be posted in at least five of the most public places of the district, precinct or voting place.

§ 94. The officers conducting the municipal elections herein provided for shall, within two days after the election, certify under oath to the board of council the names of the persons elected, and return the certificate, together with the poll-books, to said board, and the certificates so returned shall be recorded by the clerk of said board in his official book.

§ 95. Whenever any two or more persons shall receive the highest and an equal number of votes for the same office, such election may be determined by lot in such manner as the board of council may direct. The municipal elections provided for in this act may be contested in the manner provided by law for contested elections of county officers.

§ 96. The first board of council of said city shall be elected on the thirteenth day of May, one thousand eight hundred and ninety, as follows: The judge of the Powell County Court, in the manner and under the laws regulating the election of State officers as provided in chapter thirty-three of the General Statutes of Kentucky, shall designate a place in said city where said election shall be held, shall appoint two judges, one clerk and one sheriff of said election, all of whom shall be residents of said city and qualified voters of said county of Powell. He shall order notices of said election to be posted by the sheriff of said county for ten days prior thereto in five public places within said city. No person shall be eligible to vote at said election unless he is a resi-

dent of said city and a qualified voter of said city. The said judges of election shall give the person receiving the highest number of votes certificate of election, and they shall hold their respective offices until the next general election, or until their successors are chosen. If, for any cause, said election shall be held as hereinbefore provided, said judges shall be held as hereinafore provided, said judges shall be held the same to be held at a later day, to be named in manner and form aforesaid. After said election, said board of council shall be elected on Monday in August, one thousand eight hundred and ninety-two, and biennially thereafter, in the same form as provided in this charter.

Public Ways.

§ 97. Public ways, as used in this act, shall include all public streets, alleys, sidewalks, roads, avenues, highways and thoroughfares.

§ 98. The board of council may by ordinance open any new public way to be opened, or old public way to be extended or widened, or any county or city to be changed; or may establish any public way to that end may purchase any necessary lands to procure the same to be condemned by the proceedings now or hereafter given by law for the condemnation of companies in like cases.

§ 99. The board of council shall have power to order any of the public ways to be graded, paved, widened, curbed or guttered in such manner as may be prescribed by ordinance.

§ 100. The original construction of any alley or avenue shall be made at the expense of the owners of lots in each fourth of a block to be equally apportioned by the board of council to the number of square feet owned by the owners, respectively, except that corner lots (for two lots on the front, and extending back as may be provided by ordinance) shall pay twenty-five per centum of the cost of such improvements. Each owner shall

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dent of said city and a qualified voter of said county.
The said judges of election shall give the persons re-
ceiving the highest number of votes certificates of
election, and they shall hold their respective offices
until the next general election, or until their success-
ors are chosen. If, for any cause, said election is not
held as hereinbefore provided, said judge shall order
the same to be held at a later day, to be named by him,
in manner and form aforesaid. After said first elec-
tion, said board of council shall be elected on the first
Monday in August, one thousand eight hundred and
ninety-two, and biennially thereafter, in manner and
form as provided in this charter.

Public Ways.

§ 97. Public ways, as used in this act, shall mean
all public streets, alleys, sidewalks, roads, lanes, ave-
nues, highways and thoroughfares.

§ 98. The board of council may by ordinance cause
any new public way to be opened, or old public way
to be extended or widened, or any county road in said
city to be changed ; or may establish any market, and
to that end may purchase any necessary land, or may
procure the same to be condemned by the same pro-
ceedings now or hereafter given by law to railroad
companies in like cases.

§ 99. The board of council shall have power to cause
any of the public ways to be graded, paved, macad-
amized, curbed or guttered in such manner as it may
by ordinance prescribe.

§ 100. The original construction of any street, road,
alley or avenue shall be made at the exclusive cost of
the owners of lots in each fourth of a square, to be
equally apportioned by the board of council according
to the number of square feet owned by them respect-
ively, except that corner lots (for twenty-five feet
front, and extending back as may be prescribed by
ordinance) shall pay twenty-five per cent. more than
others for such improvements. Each subdivision of

territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares on either or both sides by principal streets, the ordinance providing for the improvements of such public ways shall state the depth on the side or sides not defined in the squares fronting said improvement, to be assessed for the cost of making the same according to the number of square feet owned by the parties respectively within the depth as set out by ordinance.

§ 101. The cost of reconstructing public ways, streets or alleys, or repairing or keeping clean the same, and the cost of making foot-way crossings, shall be borne exclusively by the city.

§ 102. The cost of making sidewalks, including curbing, whether by original construction or by reconstruction, shall be apportioned to the front foot as owned by the parties respectively fronting said improvements, except that each corner lot shall have its sidewalk intersection included in its frontage.

§ 103. The board of council shall have power, by ordinance, to cause the digging and walling of public wells and cisterns, and placing fire-plugs and attachments to the street water-pipes on the public ways within said city, and to apportion the cost thereof against the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located, or by any other equitable mode of apportionment which said council may, by ordinance, prescribe; and liens shall exist against such lots for the respective apportionments, with like effect and like remedies as provided herein for the improvement of public ways. The cost of reconstructing or repairing wells, cisterns, or fire-plugs and attachments to street water-pipes, shall be borne exclusively by said city; and such reconstructing or repairing shall be done in such manner as the board of council may prescribe.

§ 104. A lien shall exist for the cost of the improvement of public ways, for the reconstruction of sidewalks, for the digging and walling of wells and cisterns, and for the making of fire-plugs and attachments to street water-pipes, to take effect from the acceptance of the work by the city and for the apportionment and six per cent. per annum interest thereon against the respective lots; and judgments may be enforced upon the property therefor by suit in equity; and no error in proceedings of the board of council shall exempt any party from payment or defeat said lien after the work is done as required by either ordinance or contract. The board of council, or the courts in which suits are pending, shall make all corrections, rules and orders to do justice to all parties concerned. If such improvement be made as provided for, by ordinance or contract, in no event shall said property be liable therefor without the right to enforce the same on the property receiving the benefit thereof; but this charter shall take effect until it is passed by a majority ye and nay vote at two meetings of the council at least two weeks apart, at least five days before the councilmen voting in the affirmative, unless said ordinance may be asked by a petition signed by persons owning a majority of the property liable therefor, and such ordinance may be passed at one meeting of the council by a majority ye and nay vote.

§ 105. All public work ordered by the council shall be let by the mayor, under the supervision of the city engineer, to the lowest best bid when all conditions and sureties are approved. Bids for such work shall be in accordance with the form or specifications furnished by the city engineer and signed by the contractor, with all conditions and sureties, and inclosed in a sealed envelope which shall not be opened until the day fixed for the opening of the bids, and then by the city engineer in the presence of the mayor; and when such contracts are ap-

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§ 104. A lien shall exist for the cost of the original
 improvement of public ways, for the reconstruction
 of sidewalks, for the digging and walling of public
 wells and cisterns, and for the making of fire-plugs
 and attachments to street water-pipes, to take effect
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 the board of council, or the courts in which suits may
 be pending, shall make all corrections, rules and or-
 ders to do justice to all parties concerned; and if
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 ordinance or contract, in no event shall said city be
 liable therefor without the right to enforce it against
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 dinance for any original improvement mentioned in
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 council at least two weeks apart, at least four coun-
 cilmen voting in the affirmative, unless said improve-
 ment be asked by a petition signed by persons owning
 a majority of the property liable therefor, when the
 ordinance may be passed at one meeting of said board
 by a majority ye and nay vote.

§ 105. All public work ordered by the board of
 council shall be let by the mayor, under the advice
 of the city engineer, to the lowest best bidder, whose
 sureties are approved. Bids for such work shall be
 according to form or specifications furnished by the
 city engineer and signed by the contractor and his
 sureties, and inclosed in a sealed envelope, which
 shall not be opened until the day fixed for closing the
 bids, and then by the city engineer in the presence of
 the mayor; and when such contracts are approved by

the board of council they shall take effect ; but work costing one hundred dollars or less need not be let to the lowest bidder.

§ 106. The board of council may, in its discretion, upon the petition of the majority of the property-owners on the part of a public way proposed to be improved, or well or cistern proposed to be dug or walled, grant them permission to do such work under the supervision of the city engineer, and in such time and on such condition as the said council may fix.

§ 107. In all actions to enforce liens, as authorized by this act, a copy of the ordinance authorizing the improvement or work, a copy of the contract therefor, and a copy of the apportionment, each attested by the clerk of the board of councilmen, shall be proof conclusive of the due passage, approval and publication of the ordinance, of the due execution and approval of the contract, and shall be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to entitle him to the relief authorized to be given in this act ; and in such actions the court shall provide, in its order confirming any report of sale, that the defendants, or either of them, or any one claiming through or under them, or either of them, or any creditor of theirs, or either of them, may, within two years from the date of such order confirming a report of sale, redeem the lands sold by paying to the purchaser the purchase price, with interest thereon from the day of sale at the rate of ten per cent. per annum, and all the taxes and assessments on and against such land paid by the purchaser, with interest thereon at the rate of ten per cent. per annum from the date of such payment ; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 108. The clerk of the board of council shall make out all apportionment warrants for which liens are given for improvements of public ways, wells, cis-

terns, and water-plugs, as may be required, and within two days thereafter shall be set upon a register for that purpose ; a holder of said warrant shall have obtained thereon, and he shall notify the clerk of the board of councilmen, and it shall be marked upon the register as such. The clerk of the board of councilmen shall charge a fee of ten cents for the entry and indexing of such lien. A lien shall not be valid against the land for valuable consideration without notice, which shall be so entered and registered within ten days of the issuing of the apportionment warrant.

§ 109. The following steps shall be taken in the issuing of a lien for the cost of public improvements on vacant lots :

First. An ordinance must be passed by the council, as provided herein, defining the improvements to be made.

Second. The mayor shall publish two days notice in three places for contract, and award the contract to the lowest best bidder.

Third. The contract with such bidder shall be approved by the council.

Fourth. The work must then be done under the supervision of the city engineer.

Fifth. The work being completed, the city engineer shall, if it be in accordance with the contract, accept it, and report it to the council together with a list of the lots and their dimensions to the owners thereof.

Sixth. The council then must apportion the cost provided herein, among the owners of the lots.

Seventh. The clerk of the council shall issue warrants against the lot-owners in favor of the city engineer, stating the amount due him, with interest from the time of acceptance of the work by the city engineer, and specifying the name of the owner, and give a short description of the subject to lien. Warrants so issued shall be

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same upon a register for that purpose; and when the
holder of said warrant shall have obtained payment,
he shall notify the clerk of the board of council, and
it shall be marked upon the register as paid. The
clerk of the board of councilmen shall be allowed a
fee of ten cents for the entry and indexing of such
lien. A lien shall not be valid against a purchaser
for valuable consideration without notice, unless it
shall be so entered and registered within three months
of the issuing of the apportionment warrant.

§ 109. The following steps shall be taken to fix a
lien for the cost of public improvements on the adjoin-
ing lots:

First. An ordinance must be passed by the council,
as provided herein, defining the improvement to be
made.

Second. The mayor shall publish two days' notice in
three places for contract, and award the work to the
lowest best bidder.

Third. The contract with such bidder must be ap-
proved by the council.

Fourth. The work must then be done under the
supervision of the city engineer.

Fifth. The work being completed, the engineer
shall, if it be in accordance with the ordinance and
contract, accept it, and report it to the council, to-
gether with a list of the lots and their dimensions and
the owners thereof.

Sixth. The council then must apportion the work, as
provided herein, among the owners of lots.

Seventh. The clerk of the council shall issue war-
rants against the lot-owners in favor of the contract-
ors, stating the amount due him, which shall bear
interest from the time of acceptance of the work by
the city engineer, and specifying the name of the
owner, and give a short description of the lot sub-
ject to lien. Warrants so issued shall be *prima facie*

evidence that all proceedings preliminary thereto have been complied with as required by law. Upon this warrant the contractor or his assignee may bring suit in equity in the circuit court of Powell county, adjoining all unpaid warrants growing out of the same contract in one suit, which shall in all respects be conducted like the suits on liens on land.

City Engineer.

§ 110. It shall be lawful for the board of council to elect a city engineer, to hold his office for a term of two years. The time of his election, his salary and duties, shall be as may be fixed by ordinance, except as provided herein.

§ 111. The city engineer shall have as many assistants as the board of council may prescribe. He shall have the direction and supervision of the improvement and repairs of public ways and other public works, the making of sewers and drains. He shall establish the grades of all public ways and keep a record thereof; make and keep correct maps of said city, profiles of all streets, grades, and perform whatever other duties may be imposed upon him by ordinances. The board of council shall pass all needful ordinances to give efficiency to this department.

General Provisions.

§ 112. The board of council shall have power to fill vacancies in any office to which it has under this charter the right to elect or appoint.

§ 113. For the purposes of taxation Clay City is hereby declared to be one district as to schools and school-buildings. It is also declared one district for taxation as to public buildings, bridges, sewers, drains, and for all purposes of a general and public nature.

§ 114. The provisions for ad valorem taxation in this charter shall not apply to any tools or machinery belonging to manufactories, or to any raw material

for manufacture, or to any goods manufactured in Clay City for the space of five years from the date of this act, but the same shall be exempt from taxation for that period.

§ 115. The board of council may borrow money not exceeding twenty thousand dollars for the use of the city government between the time of its organization and the collection of its first tax, for the repayment thereof out of the revenues of the first year, or, if necessary, levy a tax on the first year for that purpose.

§ 116. Whenever, in this charter, the Prothonotary Court or the Superior Court are referred to, the courts of like or requisite jurisdiction shall be construed to mean the courts of like or requisite jurisdiction.

§ 117. Every citizen of Clay City shall be liable for working on the county roads of Powell county, and all assessments for road taxes levied on the property of persons within said city and town, and all assessments levied on property of persons within the corporate limits of Clay City, may be directed by ordinance of the board of council.

§ 118. This act shall take effect from the date of its passage.

Approved

CHAPTER 909.

AN ACT to amend the charter of the town of Waverly, in Kenton county.

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

§ 1. That the trustees of the town of Waverly shall have full power and authority to lay out, widen, grade, improve, repair, and maintain the streets, roads, alleys and public places within the town, or any part or parts of either, by grading, filling, paving, macadamizing and

proceedings preliminary thereto have
with as required by law. Upon this
factor or his assignee may bring suit
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suit, which shall in all respects be
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City Engineer.

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General Provisions.

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for manufacture, or to any goods manufactured in
Clay City for the space of five years from the passage
of this act, but the same shall be exempt from taxa-
tion for that period.

§ 115. The board of council may borrow a sum not
exceeding twenty thousand dollars for the expenses
of the city government between the time of its organ-
ization and the collection of its first tax, and provide
for the repayment thereof out of the revenues of the
first year, or, if necessary, levy a tax during that
year for that purpose.

§ 116. Whenever, in this charter, the Powell Circuit
Court or the Superior Court are referred to, the said
courts, or either of them, shall be construed to be any
courts of like or requisite jurisdiction.

§ 117. Every citizen of Clay City shall be exempt
from working on the county roads of Powell county,
and all assessments for road taxes levied upon the
property of persons within said city shall be ex-
pended within the corporate limits of said city, as
may be directed by ordinance of the board of coun-
cil.

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

Approved April 19, 1890. ✓

CHAPTER 909.

AN AOT to amend the charter of the town of West Covington, in
Kenton county.

*Be it enacted by the General Assembly of the Com-
monwealth of Kentucky:*

§ 1. That the trustees of the town of West Covington shall have full power and authority to improve the streets, roads, alleys and public places within said town, or any part or parts of either, by grading, leveling, filling, paving, macadamizing and turnpiking,

Power to im-
prove streets.