

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

SESSION OF THE GENERAL ASSEMBLY WHICH WAS BEGUN AND HELD
IN THE CITY OF FRANKFORT, ON MONDAY, THE
FOURTH DAY OF DECEMBER, 1865.

PUBLISHED BY AUTHORITY.

FRANKFORT, KY.:
PRINTED AT THE STATE PRINTING OFFICE.
GEORGE D. PRENTISS, STATE PRINTER.
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1866. Poplar Plains turnpike road company; and it shall be lawful, when said road shall have been completed, for the said company to dispense with said half gates, and in lieu thereof erect and use whole gates, and under the rules and regulations of said Hillsboro and Poplar Plains turnpike road company as now prescribed by law.

Provisions of another act made applicable.

§ 7. That the general provisions of said charter of the Hillsboro and Poplar Plains turnpike road company shall apply to the company hereby created, and are made parts of this charter, except so much thereof as may be inconsistent with the provisions of this act.

When to complete road.

§ 8. That said company shall be allowed ten years after the whole amount of such stock shall be taken or subscribed to complete the said road; and if the same shall not be completed within that time, then this charter shall be null and void for so much of said road as shall not be completed, but for no more.

§ 9. This act shall take effect from its passage.

Approved February 13, 1866.

CHAPTER 532.

AN ACT for the benefit of the town of Greensburg.

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

§ 1. That from and after the passage of this act, the trustees of the town of Greensburg shall have power to appoint an officer of said town, to be styled chief police, whose powers and jurisdiction shall be co-extensive with the county of Green, and with like powers, duties, and responsibilities of constables, and with all the rights, duties, and responsibilities heretofore given to and imposed upon town marshals; he shall hold his office for two years and until his successor shall be appointed and qualified.

§ 2. That the office of town marshal of said town is hereby abolished.

§ 3. This act to take effect from its passage.

Approved February 13, 1866.

CHAPTER 533.

AN ACT to divide Poosey precinct, in Madison county, and to establish the Million precinct in said county.

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

§ 1. That the election precinct in Madison county, known as the Poosey precinct, be divided into two election precincts, as follows: all that part of said precinct lying between Silver creek and Paint Lick creek shall compose one precinct, to be

called the Poosey precinct; and the place of voting shall be at the Bear Wallow meeting-house; and all that part of what is now Poosey precinct, lying between Silver creek and Tate's creek, shall compose one precinct, to be called Million's precinct, and the place of voting shall be at the store-house of Robert Million.

§ 2. That each of the precincts herein provided for shall be entitled to two justices of the peace and one constable, to be elected in the month of May, at the same time other justices of the peace and constables are elected.

§ 3. This act shall be in force from and after its passage.

Approved February 13, 1866.

CHAPTER 534.

AN ACT to amend and reduce into one all previous acts incorporating the town of Clinton, in Hickman county.

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

§ 1. That there shall be elected five trustees for said town of Clinton, who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace that they will faithfully and impartially discharge the duties of their said office; that said trustees and their successors shall be a body-politic and corporate, and shall be known as the board of trustees of the town of Clinton; and, by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of this Commonwealth; and the warrant for offenses against the by-laws of said town shall be in the corporate name of the board of trustees of said town as plaintiff.

Trustees to be elected — their powers and duties.

§ 2. That there shall be a police judge and town marshal elected for said town, and that all persons living in said town, or owners of real estate therein, subject to taxation, who have a right to vote for members of the General Assembly, shall have a right to vote for trustees, police judge, and town marshal for said town; that said trustees, police judge, and marshal shall be elected once every two years, from the time of the first election under this act, which election shall be held on the first Saturday in May, 1866; and vacancies in any of said offices shall be filled by election, ten days' notice having first been given by the board of trustees, which notice shall be in writing posted up in at least two of the most public places in said town.

Police judge and marshal to be elected.

§ 3. That before the police judge enters upon the discharge of the duties of his office, he shall be commissioned by the Governor, which commission shall be issued upon the trustees certifying to the Governor that he has been duly elected to fill said office. He shall also take an oath before some justice of the peace similar to the oath required by law to be taken by county judges; that said police judge shall have exclusive

Judge to be commissioned, and his powers and duties.

1866. jurisdiction of all offenses committed against the by-laws of said town, and concurrent jurisdiction with justices of the peace within the civil district in which said town is situate, of all criminal as well as civil and penal cases; and he may exercise jurisdiction without the intervention of a jury for all violations of the by-laws of said town, when the fine does not exceed ten dollars; and he may commit drunken and disorderly persons to jail for not more than twenty-four hours at any one time. He shall enter up judgments, and issue executions and warrants in the same manner as justices of the peace. It shall be the duty of said police judge to keep a fair and just record of his proceedings, certified copies of which shall be evidence in all other courts. He shall have the power to issue summonses for witnesses, and process to compel their attendance, and fine persons for contempt, in a sum not exceeding five dollars. He shall have power to order a jury to be summoned in like cases with justices of the peace, and shall receive in all cases the same fees with justices of the peace, and shall in the same manner be responsible for making out and collecting illegal fee bills.

Have power over streets and alleys.
May pass laws for government of town.

May collect taxes.

Further powers.

§ 4. The board of trustees of said town shall have power over all streets, alleys, and sidewalks in said town; may direct the improvement of same in such manner as they may deem most beneficial to the interest of said town; they shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this Commonwealth; they shall have power to levy and collect a tax upon the property and citizens of said town, not exceeding thirty cents on each one hundred dollars' worth of property, and one dollar and fifty cents on each tithe; they shall have power to tax auction sales, shows, and exhibitions for money, such sums as they may fix by their by-laws; they shall have power to suppress all tippling-houses, houses of ill-fame, and disorderly houses, and in their by-laws to impose fines on the keepers of such houses, not exceeding twenty-five dollars, to be recovered before the police judge by warrant in their name; they shall have power to prohibit drunkenness, riots, routs, and unlawful assemblies, and to fine the offender; they shall appoint a treasurer and clerk, and such other officers as they may deem necessary, taking from them bonds payable to the trustees of said town, conditioned for the discharge of their respective duties; and suits may be instituted on said bonds in all courts having jurisdiction thereof, in the same manner that suits and motions are instituted against sheriffs and other officers for failure of duty.

Chairman.

§ 5. That it shall be the duty of said trustees to appoint one of their number chairman of the board, and that no money shall be drawn from the treasurer except upon his order in pursuance of allowance made by said board.

Treasurer and clerk to be appointed.

§ 6. That it shall be the duty of the treasurer and clerk of said town to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of the treasurer to render an account to said trustees of all money received and paid out by him whenever by them so requested to do.

§ 7. That whenever owners of real estate situate in said town shall fail or refuse to pay the taxes levied on same in pursuance to this act, the board of trustees may cause such real estate to be sold for said taxes by the town marshal, the same being first advertised not less than thirty days on the court-house door in said town; the owners of said property shall have two years from the date of sale to redeem the same by paying to the purchaser the purchase money, and interest on same at the rate of twenty-five per cent. per annum; and in case the owners fail to redeem the same within the time allowed by this act, it shall be the duty of the town marshal, or his successor in office, to convey the same by deed to the purchaser, and this deed shall vest in said purchaser all right or title the former owners may have had in and to said real estate.

1866.
Real estate may be sold for taxes.

§ 8. That upon all judgments rendered by the police judge of said town, either party shall have the right to appeal in the same manner that appeals are taken from justices of the peace in similar cases.

May appeal from judgment of police judge.

§ 9. That the marshal of said town shall serve all process and precepts to him directed from said police judge, or from the county judge or any justice of the peace for Hickman county, and make due return thereof; collect all taxes assessed in said town, and all executions and other demands which may be put in his hands for collection, and shall in all things be governed by the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands; the said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the revenue tax, and in all other cases the same fees that are allowed by law to constables; and the said marshal shall have the same powers and rights given by law to constables throughout the county of Hickman; said marshal, before he enters upon the discharge of his duties, shall execute before the board of trustees for said town a bond, payable to the Commonwealth of Kentucky, with good security, conditioned that he will faithfully and impartially discharge the duties of said office, and in proper time pay over to the treasurer of said town all taxes, fines, forfeitures, and moneys belonging to said town which may come into his hands; he will also take the oath of office, and execute a bond similar to that required by law of constables before the county court of Hickman county; and on his failure to discharge any of the duties required of him by this act or by any existing law, shall be subject to the same proceeding as may by law be had against sheriffs and constables in similar cases.

Duties and powers of marshal.

§ 10. All fines and forfeitures in cases cognizable before the police judge of said town shall be collected and paid over to the treasurer thereof, for the use and benefit of said town; and all moneys collected by judgment of the county judge or justices of the peace, for any violation of the penal laws committed within the limits of said town, shall be in like manner

Fines, &c., to be paid to town treasurer.

1866. paid over to said treasurer for the use and benefit of said town.

§ 11. That all acts or parts of acts coming within the purview of this act be, and the same are hereby, repealed.

§ 12. That this act shall take effect from its passage.

Approved February 13, 1866.

CHAPTER 535.

AN ACT to establish an additional voting place in District No. 7, in Carter county.

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

§ 1. That there be, and is hereby, established an additional voting place in election district No. 7, in Carter county, to be at the house of James N. Savage.

§ 2. That the old place of voting in said district be, and the same is hereby, removed from Rice's Mills to the house of Daniel McDavid, in said district, and hereafter the elections shall be held in said district at the said houses of James N. Savage and Daniel McDavid.

§ 3. This act shall take effect from its passage.

Approved February 13, 1866.

CHAPTER 536.

AN ACT for the benefit of William Blair of Magoffin county.

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

§ 1. That William Blair, the owner of a distillery and grist-mill near the town of Salyersville, be, and he is hereby, granted the privilege of allowing his hogs to run at large on the commons, without being subject to the penalties now imposed by law therefor.

§ 2. This act shall take effect from its passage.

Approved February 13, 1866.

CHAPTER 537.

AN ACT for the benefit of Mary W. Ray.

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

§ 1. That Mary W. Ray, of Union county, be, and she is hereby, relieved of all disabilities of coverture in regard to any property she may hereafter acquire by gift, devise, or descent, or by her own earnings or purchase, and also all contracts she may hereafter make. Such property, earnings, or any debts or choses in action which may belong to or be due her, shall in no wise be subject to the payment of the debts or

liabilities of her husband, John H. Ray, or any future husband. Any property she may acquire may be subjected to the payment of debts contracted by her; and for this purpose she may be sued as a *feme sole*.

§ 2. This act shall be in force from its passage.

Approved February 13, 1866.

CHAPTER 538.

AN ACT to change the voting place in Mill creek precinct, in Carroll county.

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

§ 1. That the voting place in Mill creek precinct, in Carroll county, be, and is hereby, changed from the forks of said Mill creek to the dwelling-house of Stephen Coloman.

§ 2. This act to take effect from its passage.

Approved February 13, 1866.

CHAPTER 539.

AN ACT for the benefit of Malinda Thompson.

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

§ 1. That William Shanklin, the administrator of Joseph Thompson, who was a free man of color, be, and he is, authorized and directed to pay the distributable portion of the estate of said Joseph Thompson to any trustee which the county court of Todd county may appoint, for the use, benefit, and support of Malinda Thompson, a woman of color, who was the wife of said Joseph Thompson; and said court shall take bond and security for the faithful performance of the trust; and if the court shall deem it necessary for the support of the said Malinda, it may authorize the trustee to use any part of the principal for that purpose.

§ 2. That upon the death of said Malinda, whatever sum that may be in the hands of the trustee, shall be paid to the descendants of said Joseph and Malinda Thompson.

Approved February 13, 1866.

CHAPTER 540.

AN ACT to repeal an act, entitled "An act for the benefit of the Trigg Academy," approved January 11, 1865.

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

§ 1. That an act, entitled "An act for the benefit of the Trigg Academy," approved January 11, 1865, be, and the same is hereby, repealed.