

1860.

CHAPTER 187.

AN ACT for the benefit of Joseph Gray, of Cumberland county.

WHEREAS, Joseph Gray, by a judgment of the Cumberland circuit court, was fined the sum of ten dollars for a misdemeanor; and whereas, the said Gray paid the said sum to the trustee of the jury fund, who paid the same into the treasury of Kentucky; and whereas, afterwards said fine was remitted by the Governor of Kentucky: therefore,

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

That the Auditor of Public Accounts be, and is hereby, authorized to draw his warrant on the treasury in favor of the said Joseph Gray, for the sum of ten dollars.

Approved February 9, 1860.

CHAPTER 192.

AN ACT to incorporate the towns of Cloverport and Lower Cloverport into the town of Cloverport.

WHEREAS, The citizens of the corporations of Cloverport and Lower Cloverport deem it highly important to their interest and welfare as a people that the said towns of Cloverport and Lower Cloverport should be incorporated under one town charter; and whereas, the town of Lower Cloverport greatly exceeds in population the town of Cloverport, it is hereby understood and agreed between the citizens of the respective corporations that the said town of Cloverport shall be allowed to retain certain rights and privileges, as hereinafter set forth under this charter, which it enjoys under its present charter, and that the said rights and privileges shall be embodied in and made a part hereof; first, that the corporation of Cloverport shall be allowed to retain, under this charter, all the wharfing privileges it is now possessed of, with the right to apply all the revenue from taxation within its present corporate limits to the improvement of that portion of the corporation known as Cloverport; also the right to retain the post-office and district election polls, and the seminary; and should, at any time, the citizens of the town hereby incorporated seek to amend this charter, in any manner affecting or interfering with the above-named rights and privileges, then the corporation heretofore known as Cloverport shall have the right and authority to resume the charter held by it previous to this act; therefore,

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

§ 1. That hereafter the towns hereby incorporated shall be known as the town of Cloverport, and its corporate

To be called
town of Clover-
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boundary shall embrace within its limits all the territory included within the limits of the towns heretofore known as Cloverport and Lower Cloverport.

§ 2. That hereafter the fiscal, municipal, and prudential concerns of said town shall be vested in five trustees, who shall be elected annually, on the first Monday in March, in the manner hereinafter prescribed, by the free white male citizens of said town, over the age of twenty-one years, who shall have resided in said town six months previous to said election. Said trustees shall hold their offices one year, and until their successors shall be elected and qualified; that they shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace faithfully to discharge the same during their continuance in office. No person shall be a trustee of said town who is not at the time of his election a real estate owner therein, and who has not resided in said town twelve months next preceding his election. They shall have power to fill any vacancy that may occur in their board. It shall be their duty, at their first meeting after their election, to appoint one of their own body to preside at their meetings, to be styled the president of the board of trustees, to whose management and control the executive affairs of said town shall be intrusted. A majority of the board shall constitute a quorum for the transaction of business, and in the absence of the president may elect a president for the time being: *Provided*, That the present trustees shall continue in office until their successors, hereinafter provided to be elected shall be elected and qualified.

§ 3. That said trustees shall be a body politic and corporate, and shall be known by the name and style of the "board of trustees of Cloverport," and in that name may sue and be sued, contract and be contracted with in all courts and places, may use either a common or private seal, and do all other acts which a body politic and corporate, having perpetual succession, may lawfully and rightfully do.

§ 4. That they shall have power to make and receive all necessary conveyances in relation to said town; they shall have power and authority to make all necessary 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 assess and collect annually an *ad valorem* tax of not exceeding twenty-five cents on each one hundred dollars of real and personal estate in said town, and a poll-tax of one dollar on each tithable; and upon refusal of any person so assessed to pay said revenue or poll-tax, upon the return by the town marshal hereinafter provided of any delinquent list, they may order sale of the real or personal estate of said person for

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Fiscal concerns of said town vested in five trustees.

President of board to be appointed.

Quorum.

Term of office.

Name and style, and corporate powers.

Powers of trustees, &c.

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the payment of his taxes, after a due advertisement of said sale has been made: *Provided*, That it shall be the duty of said trustees to keep the streets in good repair for transportation and travel; and for each failure to do so they shall, upon an indictment or presentment by the grand jury, be fined by the Breckinridge circuit court a sum not exceeding twenty-five dollars, to be collected of them by the sheriff and paid into the town treasury; they shall have power to declare by their by-laws what are nuisances in said town, and abate the same, and may impose fines and penalties upon whomsoever may cause them; they shall have power to provide for and erect a suitable market-house, and for that purpose may purchase ground and regulate the market, and appoint a market-master.

Have power
over streets and
alleys.

§ 5. That they shall have power over the streets, alleys, side-walks, and public squares in said town; and it is hereby made their duty, in all parts of said town where the same has not been done, to proceed without delay to open roads, streets, and alleys, for the convenience of the public, and wants of society may require it, and may do this by purchase from, or the consent of, owners of property, or by the application of the chairman of the board of trustees to the county court for a writ of *ad quod damnum* to open streets, roads, and alleys, or parts of the same; said writ to be issued upon the proper parties made, and like proceedings had, as provided by law for opening public highways; and upon payment of damages assessed, said streets, roads, and alleys to become public highways, and vest in said trustees by order of court, and be under their control and management: *Provided*, That no such street or alley shall in any case be opened through any burial ground or dwelling-house, nor shall they be opened through private grounds without the consent of the owner, unless the wants of society require it: *And provided further*, That the failure of said trustees for six months from the 1st of May next, to cause such streets belonging to said town, as are now contrary to law closed and obstructed, to be opened and such obstructions to be moved, shall subject them to a fine of not more than fifty dollars, to be imposed by the Breckinridge circuit court, upon presentment or indictment by the grand jury; such fine, when collected, to be paid into the town treasury.

May grade and
pave streets.

§ 6. That they shall, as the wants of society require and the means in the treasury allow, grade and pave or macadamize the streets in said town: *Provided*, That after any street shall have been paved or macadamized, they shall have power and authority to cause the side-walks of such streets to be graded and paved at the expense of the owners of lots fronting the same, if said owners shall refuse to do so themselves after reasonable notice is given;

and the cost are to be listed and collected as a lien upon said property, and payment thereof to be made for such purpose or for the use of the same by the owners of the same, by paying per annum thereon a sum *covert*, and persons after such disability.

§ 7. That the power shall be for the suppression of houses of ill-fame, and as are the common nuisance, to prohibit all retailers of the same, and by power to punish all persons who sell and any indecent

§ 8. That the power shall be for all or any store to be commenced on any day fixed for the purpose to tax peddlers, and persons who, as required by law, do not require them to pay penalties as may be imposed by the power to tax exhibitions, theatricals, or public amusement to the same, and lectures shall be

§ 9. That the power shall be for the license right to license coffee-houses, and houses of public amusement, as they may pay for a tavern license, in Breckinridge county, as imposed by the Board of

§ 10. That the power shall be for the treasurer, assessors, whose term of office shall be fixed by said board of the proceedings of their offices; to enter into contracts of their offices, such pay may be fixed by said board.

§ 11. A police force shall be annually, by the

and the cost and expenses so incurred by the trustees may be listed and collected as other town taxes are collected, and lien upon such lots shall be given to the trustees for the payment thereof: *Provided* That in all sales of lots for such purpose or for revenue tax by said trustees, the owners of the same shall have three years in which to redeem them, by paying the purchase money with twenty per cent. per annum thereon: *Provided further*, That infants, *femes covert*, and persons of unsound mind, shall have one year after such disability is removed to redeem the same.

§ 7. That the trustees shall have power to pass by-laws for the suppression of tippling-houses, bawdy-houses, and houses of ill-fame, gambling-houses, and such other houses as are the common resort of idle and dissolute persons; to prohibit all retailers of spirituous liquors from retailing the same, and by providing and enforcing adequate penalties; to punish all riots, disorders, and breaches of the peace, and any indecent, licentious behavior.

§ 8. That they shall have power to provide for taxing all or any store, grocery, or retail establishment that may be commenced or opened at any time subsequent to the day fixed for the annual assessment; they shall have power to tax peddlers, auctioneers, in addition to the tax now imposed by law, not more than one fourth of one per cent., and require them to take out license, under such restrictions and penalties as may be necessary to enforce such tax, as well as the power to tax and license agencies of insurances, shows, exhibitions, theatrical performances, concerts, and all places of public amusement, where money is charged for admission to the same: *Provided*, That scientific and literary lectures shall be exempt.

§ 9. That they shall have power to tax, and the exclusive right to license all taverns, houses of entertainment, coffee-houses, retailers, victualers, confectioners, and all houses of public resort in said town, such sums of money as they may provide: *Provided*, That the State tax upon tavern license, shall be paid over to the clerk of the Breckinridge county court, in the same amount that is now imposed by the Revised Statutes of Kentucky.

§ 10. That the said trustees shall appoint a clerk, a treasurer, assessor of tax, being citizens of said town, whose term of office shall continue one year, unless removed by said board; and it shall be their duty to keep records of the proceedings properly belonging to their respective offices; to enter into such bonds, for the faithful performances of their duties, as said board may prescribe; and such pay may be allowed them for their services as may be fixed by said trustees.

§ 11. A police judge and town marshal shall be elected annually, by the qualified voters of the town, and hold their

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May suppress
tippling-houses

May tax stores,
groceries, &c.

May tax taverns,
coffee-houses, &c.

To appoint
clerk and other
officers.

Police judge &
town marshal
to be elected.

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offices for one year, and until their successors are elected and qualified, the first Monday of March. The polls of the election of police judge and town marshal, shall be returned to the county court of Breckinridge county at its first term after the said election, and said county court shall certify the result of the election, so far as the police judge is concerned, to the Governor of Kentucky, whose duty it shall be to issue a commission for the person elected to the office of police judge, who shall be a judicial officer, and styled the "Police Judge," of the town of Cloverport.

Police judge to
take oath.

His duties, &c.

§ 12. The police judge, before he enters on the duties of said office, shall take an oath before some justice of the peace or judicial officer of Breckinridge county, to faithfully discharge the duties of said office to the best of his ability, without favor or affection, and without partiality to either party; together with such other oaths as other public officers are required to take by the law and constitution. The said police judge shall have jurisdiction within said town and the town district of all civil causes to the extent that justices of the peace now have or may hereafter have in this State; and shall have the same jurisdiction of crimes and misdemeanors committed within said town and town district as two justices of the peace now have; and shall have full jurisdiction within said town of all offenses committed against the by-laws and ordinances of said town; and shall have exclusive power to enter judgments and issue executions for all fines and penalties for such offenses; he shall have power to grant attachments and to try the same, for any amount not exceeding fifty dollars; he shall have power to grant attachments to any amount, and to the same extent that the clerk of the circuit court is now authorized by law to grant: *Provided*, That all attachments for sums over fifty dollars shall be returned by him to the Breckinridge circuit court; he shall have power to issue injunctions and writs of *ne exeat* to the same extent that the county judge now has. It shall be the duty of said police judge to keep a record of his proceedings, copies of which shall be evidence to the same extent and for the same purposes that copies of justices' records now are; he shall have power to issue subpoenas for witnesses, or other process to compel the attendance of witnesses before him, and to punish all contempts against his authority by fines not exceeding five dollars in each case; he shall have power to order the marshal or other officer to summon a jury in cases cognizable before him where a jury is required by law; he shall have power to take and certify depositions as justices of the peace and examiners now have, which shall be allowed to be read as depositions are now allowed to be read which are taken and certified by such justices or examiners; he

shall be allowed for a peace warrant, or unlawful rout, or unlawful seizures; for a warrant, where it is for swearing a jury for a subpoena, in civil cases, the same allowed jurisdiction power to collect their fees; he shall and suits against officers of said town paid out by the town of said town.

§ 13. Appeal police judge, in under the same tribunals, as appeals in like cases.

§ 14. The constable may hereafter and said office, shall his duty in shall execute a sufficient surety of the Commonwealth of constables same may in manner a constable to a mob police judge or person and required to be neglect all of said hands those law in the market town.

shall be allowed and entitled to the following fees, viz: 1860.
 for a peace warrant, fifty cents; warrant in case of riot, Fees of police judge.
 rout, or unlawful assembly or breach of the peace, fifty cents; for a warrant for a violation of by-laws or ordinances, where the trustees are plaintiffs, twenty-five cents; for swearing a jury and presiding over a trial, fifty cents; for a subpoena, fifteen cents each; for original judgments in civil cases, fifteen cents; and other fees shall be the same allowed justices for similar services; and he shall have power to collect in the same way that justices now collect their fees; he shall have jurisdiction of all cases of motions and suits against the treasurer, clerk, marshal, and other officers of said town, for all sums of money received and paid out by them, whenever required by any officer or citizen of said town to take cognizance thereof.

§ 13. Appeals from all judgments rendered by said police judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals, as appeals are now allowed from justices of the peace in like cases. Appeals may be taken.

§ 14. The marshal shall have the same powers, and perform the same duties, and be liable to the same penalties, that constables of this Commonwealth are now by law, or may hereafter be authorized to perform or be subject to; and said marshal, before he enters on the duties of his office, shall take an oath for the faithful performance of his duty in the county court of Breckinridge county; and shall execute and acknowledge bond, with good and sufficient surety, to be approved by said county court, in a penalty of not less than three thousand dollars, payable to the Commonwealth of Kentucky, with similar conditions of constables' bonds as are now required by law, and the same may be put in suit for a failure to perform the conditions of said bond by any person injured, in the same manner as suits are now authorized to be brought on a constables' bond; and said marshal shall also be subject to a motion against him and his surety, before the said police judge, for a failure to pay over money to the person or persons entitled to receive the same, under the rules and regulations and restrictions as motions are authorized to be made against defaulting constables. He shall collect all taxes of said town and other demands, in any part of said county of Breckinridge that may be put into his hands to collect, and account for and pay over the same to those entitled thereto, under the same rules required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands. Said marshal shall be entitled to such fees for collecting the town tax as said trustees may allow by their by-laws: *Provided*, That said police judge shall have power and

Marshal—his duties, powers, &c.

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authority to direct his process to be executed by any constable of said county; and said marshal shall have power to perform any official duties in said county that constables may now perform.

Fines, &c., to
be paid into
treasury.

§ 15. That all fines and forfeitures for a violation of the ordinances of said town, in all cases cognizable before the police judge, shall be collected and paid into the treasury for the use and benefit of said town.

May erect jail.

§ 16. The trustees of the said town shall have power to provide for and erect a suitable jail-house, and for that purpose may purchase ground, and appoint a jailer, whose fees for attending and keeping the same shall be fixed and regulated by the board of trustees of said town. That any person or persons who shall be convicted before the police judge of a violation of the ordinances of said town, in all cases cognizable before said judge, and against whom a fine is assessed, who shall refuse to pay such fine, may be confined in said jail, and be required to work out said fine, being allowed one dollar per day for every day he or they may be so confined until the whole fine so imposed is satisfied.

Who may be
confined in said
jail.

§ 17. That all contracts entered into by or with former trustees of Cloverport, shall be binding and obligatory on the trustees to be elected under this act.

Town clerk to
conduct election.

§ 18. That the election of trustees, police judge, and town marshal shall be conducted by the town clerk and one or more of the trustees in office at the time of such election, or by such other persons as may be appointed by the board for that purpose, and shall be held at such place as may by the board be designated; and after the polls shall have been closed, it shall be the duty of the officers conducting the same to return the same to a board of examiners of three persons, to be selected by the trustees, who shall compare the same, and shall certify to the clerk of the board of trustees then in office the names of the five persons having received the highest number of votes for trustees, and said clerk shall record said certificate on their books; and said trustees so elected shall immediately thereafter qualify and enter upon the duties of office.

Approved February 11, 1863.

AN ACT to incorporate

*Be it enacted by the
of Kentucky:*

§ 1. That Benjamin John Dye, J. C. Y. Joseph Horner, Le the county of Cam a body politic an of the "Trustees High School," and

§ 2. The said b plead and be imp things as are inc have, hold, and ta chase, such as may port, and mainte same such edifices the accommodatio pupils of the sa pleasure.

§ 3. The said b all needful mict a government of said affix the compensa ber of pupils whic and regulate the supervision over s certificates of scho authorize; which by the president o secretary.

§ 4. The said bo point a president a each of whom sha date of his appoi shall be appointed a treasurer in like under like terms w when vacancies oc or refusal to act, vacancies; and a quorum to do all b estate, which shall bers of said board.

§ 5. Whenever either by the pur buildings, it shall t sell any spiritous or