

A C T S

PASSED AT THE FIRST SESSION

OF THE

TWENTIETH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH

OF

KENTUCKY ;

BEGUN AND HELD IN THE CAPITOL, IN THE TOWN OF FRANKFORT, ON MONDAY THE SECOND DAY OF DECEMBER, 1811, AND OF THE COMMONWEALTH THE TWENTIETH.

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1812.

COMMONWEALTH OF KENTUCKY
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CHAPTER CCCVIII.

AN ACT for the regulation of certain towns in this Commonwealth.

APPROVED, January 6th, 1812.

WHEREAS, it is represented to the present General Assembly, that there has been no special law passed heretofore for the regulation of the town of Greenville in Muhlenburg county; the town of Henderson in Henderson county; Bowling Green in Warren county; Eddyville in Caldwell county; Barbourville in Knox county; Madisonville in Hopkins county; Burkesville in Cumberland county; Morganfield in Union county, and Summerset in Pulaski county; and that it is necessary some special law be passed for that purpose.

Names of towns

Sec. 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the free male inhabitants of the said towns respectively, who shall possess the qualifications herein after mentioned, are hereby authorised and required to meet at the court house in said towns, on the first Saturday of May, 1812, and on the same day in every year thereafter, and shall elect five trustees for said towns; which said trustees so elected, or a majority thereof, shall be sufficient to form a board, and shall be authorised to make any bye laws for the government and regulation of said towns, as to them may seem right, not inconsistent with the constitution and laws of this commonwealth.

Who to vote for trustees

When

No. of trustees

Bye laws

Sec. 2. Be it further enacted, That the said trustees, or a majority of them, shall have

full power and authority to impose a tax annually on the persons and property, both real and personal, within the limits of said towns; not exceeding sixty dollars per year, as to them shall seem right, for the purpose of keeping in repair the public streets, springs, &c. of said towns; or for any other purposes which the said trustees or a majority of them, shall think proper for the benefit of said towns.

May impose a tax.

How appropriated.

Sec. 3. Be it further enacted, That the said trustees shall appoint their clerks, and any other officers they may think proper; and the said trustees shall have full power, or a majority of them, to inflict a fine, not exceeding ten dollars, for every breach of their bye-laws; to be sued for and recovered in their name before any justice of the peace, and applied to the use of said towns.

To appoint a clerk

Impose fines.

How recovered.

Sec. 4. Be it further enacted, That no person shall be elected a trustee of said towns, or qualified to act as such, unless he reside within the limits of said towns, and be above the age of twenty one years.

Qualifications of trustees & voters.

Sec. 5. Be it further enacted, That no person shall be qualified to vote at the general election for trustees for said towns, unless they reside in said towns, or own real property therein, and be above the age of eighteen years.

Further qualifications.

Sec. 6. Be it further enacted, That the board of trustees for said towns, may at any time they may think proper, appoint some fit person, who shall reside in said towns, as a commissioner, for the purpose of obtaining in such manner as the board may think proper, a list of all such persons and property, as may be subject to taxation by this act in said towns; whose duty it shall be, to proceed to

Commissioners of tax.

Their duty.

obtain such list, and shall return the same to the said board, in such time, and in such manner, as the said board shall direct; for the purpose of enabling said trustees to apportion the tax on said towns. The said commissioner shall be allowed such sum per day, as the trustees may deem right, to be paid out of the money to be collected as taxes.

Pay.

Collectors of tax.

Duty

Delinquents how proceeded against.

Collector's pay.

Collector to give bond

and take an oath.

by whom administered.

Sec. 7. *Be it further enacted,* That after the said trustees have laid, and apportioned the taxes under this act, they shall appoint a collector thereof, whose duty it shall be to collect and account for the same to the trustees, within two months after he shall have been furnished with a list of said taxes. And if any person shall fail or refuse to pay the same, the said collector shall make distress and sale of property in the same manner as collectors of revenue are directed to do; and the said collector shall pay the money so collected, to the trustees of said towns; and the said collector shall be allowed six per centum on all monies, which he shall have to distrain for, and such compensation for the collection of other taxes, as the said trustees may think proper, to be paid out of said taxes.

Sec. 8. *Be it further enacted,* That the collector shall give bond with security to the said trustees for the due performance of his office, and shall also take the following oath, to wit: "I do solemnly swear or affirm, (as the case may be) that I will faithfully and truly collect all taxes put into my hands for collection, by the trustees for the town of which I am appointed collector, within my power, and will pay all money so collected, to said trustees according to law—so help me God." Which said oath, either of the trustees are authorised to administer.

Sec. 9. *Be it further enacted,* That in case the said collector shall fail to pay the money collected by him to the trustees as aforesaid, they may, upon giving him ten days previous notice in writing, recover judgment against the said collector and his security, in the county court; ten days notice being first given of said motion.

Delinquent collector show proceeded against

Sec. 10. *Be it further enacted,* That in case a vacancy shall happen in the said board of trustees by death, resignation, or otherwise, between the general election for trustees for said towns; the remaining trustees, or a majority of them, shall meet at the court house in said towns as soon as convenient, and supply such vacancy; which said trustee or trustees so appointed, shall possess the same power and qualification as those elected at the general election, and shall continue in office until the next general election for trustees and no longer.

Vacancies in board, how filled.

Sec. 11. *Be it further enacted,* That the said trustees after they are elected, shall meet at the court house in said towns, on the first Saturday in February, May, August, and November annually, and at such other times as they may think proper in every year, as the internal policy of said towns may require. And the trustees elected in pursuance of this act, shall continue for, and during the term of one year from the time of their election.

Trustees when to meet

continue in office

Sec. 12. *Be it further enacted,* That the said trustees, at some one of their meetings in every year, shall make such allowance to their clerk as they may think proper, to be paid out of any money collected in pursuance of this act.

allowance to clerk.

Sec. 13. *Be it further enacted,* That the said clerks shall take an oath before they enter

clerk to take oath

upon the duties of their office, to carefully keep and preserve the books and all papers confided to them by said trustees, and to make true and correct entries of all by-laws passed by said trustees; which said oath shall be administered by the president of the board.

Oath of trustees

by whom administered.

Sec. 14. *Be it further enacted*, That the said trustees shall severally take an oath before they enter upon the duties of their office, well and truly to perform the duties enjoined upon them as trustees; which said oath shall be administered to them by some justice of the peace, and recorded by the clerks of said trustees.

Penalty on trustees failing to attend

Sec. 15. *Be it further enacted*, That every trustee who shall fail to attend said meetings, without a reasonable excuse, shall forfeit and pay for every failure two dollars, to be applied to the use of said towns; which said excuse shall be adjudged of by the remainder of the trustees, or a majority of them; and in case a fine should be imposed, and the said trustees shall fail or refuse to pay it to the collectors when demanded, it shall and may be lawful for the remaining trustees, to sue for and recover the same before a justice of the peace.

how recovered

First elections by whom to be held

Sec. 16. *Be it further enacted*, That the first election shall be held by some two justices of the peace of the town or county; which said justices shall be nominated by the county court; and every other general election shall be held in like manner.

In what case former trustees to continue in office

Sec. 17. *And be it further enacted*, That in case the said qualified voters or justices shall fail to meet as aforesaid, after the first general election, the former trustees shall continue in office, until the next general election to be held for trustees.

CHAPTER CCCIX.

AN ACT for the relief of David Meek.

APPROVED January 13, 1812.

WHEREAS it is represented to the General Assembly, That David Meek obtained of the county court of Pulaski, a certificate No. 141, for one hundred and twenty two and one half acres of land, and has registered and paid one instalment on the same;—and whereas it is also represented, that said Meek has been a cripple from his infancy, whereby he has been rendered incapable of walking to this time and it is further represented, that said Meek is in very indigent circumstances, and has a wife and several children in a helpless situation; therefore,

Sec. 1. *BE it enacted by the general assembly of the commonwealth of Kentucky*, That the residue of the price due this commonwealth upon said claim, No. 141, is remitted: and that the register of the land office be directed to issue a patent to the said Meek for the said claim.

Sec. 2. *Be it further enacted*, That the passage of this act, shall not give the claim of said David Meek, any superiority and preference, to any adverse claim or claims which may interfere with the same.

CHAP. CCCX.

AN ACT for the relief of Charles Blakely.

APPROVED January 13th, 1812.

WHEREAS it appears to the present General Assembly, that Charles Blakely is an object of charity, owing to his indigence and decrepitude; and having obtained from the Knox

Preamble