

CHAPTER 1232.

AN ACT to incorporate the city of Hardinsburg, in Breckinridge county.

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

Incorporated.

§ 1. That the persons residing in the present limits of the town of Hardinsburg are hereby created a body-politic and corporate, by the name of the "City of Hardinsburg;" and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, contract and may be contracted with; may have and use a common seal, and alter and change or renew it at pleasure, and generally have and enjoy all the powers and privileges and be liable to all the duties and obligations of like municipal corporations; said corporate limits to extend one-half a mile from the court-house in all directions.

Powers.

§ 2. Said city is hereby invested with all the property, powers, rights and authority heretofore conferred by law on said town of Hardinsburg, or the trustees thereof, and is substituted in every respect for the said town of Hardinsburg; and said city shall be bound by all contracts, and be liable for all debts and demands of and against said town, to the same extent and in the same manner as said town may, might be or is liable; and all suits in favor of or against said town may be prosecuted in the name of or against said city as effectually as they could have been for or against said town or the trustees thereof, and had this act not been passed.

Wards.

§ 3. Said city is hereby divided into two wards, as follows: The first ward shall embrace all of that portion of said city lying on the east side of the center of Main street, and the second ward all the portion of the city lying on the west side of the center of Main street; and the council is hereby authorized to change the boundaries of said wards as the public convenience

may require at any time, except within thirty days of a city election.

§ 4. There shall be elected, at the times and for the terms hereinafter set out, three councilmen in and for the first ward, and three councilmen in and for the second ward. Councilmen elected.

§ 5. The officers of said city of Hardinsburg shall consist of a mayor, councilmen, as hereinbefore provided, city attorney, marshal, assessor, treasurer, clerk, and such other officers as may be found necessary by the council to conduct the affairs of the city. City officers. The mayor and councilmen shall be elected by the qualified voters, the mayor by the qualified voters of the city, and the councilmen by the qualified voters of their respective wards. The other officers shall be appointed by the council, and be liable to be dismissed at the pleasure of the council, and no person shall be eligible to any office of the city who is not a qualified voter and a citizen of the city, except the city attorney, who shall be eligible, if a practicing attorney of the Breckinridge Circuit Court, and councilmen shall be resident in the wards in which they are elected.

§ 6. Any male person of the age of twenty-one years, and who shall have been a continuous resident of the city for a period of six months prior to the election, may vote at any city election, provided he be a citizen, either natural born or naturalized, and has legal qualifications of a voter under the laws of the Commonwealth of Kentucky. A continuous residence of thirty days in a ward previous and immediately prior to an election will entitle a resident to vote for councilmen in such ward, provided such voter has the other legal qualifications required in city elections as above set out. Who may vote.

§ 7. The election in each ward shall be held at such convenient places as may be selected by the officers of the election, who shall consist of two judges, a clerk, and a marshal in each ward, and who shall be ap- Elections.

pointed for the first election under this act by the board of trustees of the town of Hardinsburg, and thereafter by the council. Said officers shall be so appointed at least ten days before the election, and said election officers shall qualify and be governed in every respect, except as otherwise provided herein, by the general election laws of the Commonwealth of Kentucky. They shall, at the close of the polls, carefully examine them, see that no mistakes have been made, see that they are properly recapitulated, properly certify them over their signatures, and seal up the poll-books, writing their names across the seals, and the marshal shall deliver them so sealed, at the first election hereunder, to the town clerk, and thereafter to the city clerk. The said clerk shall carefully preserve said poll-books, and deliver them, with the seals unbroken, after the first election, to the board of trustees, and thereafter to the council at the next regular meeting after such election.

Examining
board.

§ 8. After the first election held hereunder, the board of trustees, and thereafter the council, shall be the examining board; at the first regular meeting, after an election, shall open, examine the poll-books, and certify to the persons elected the fact of their election to the respective offices. Such certificate shall authorize the person holding it to qualify and enter upon the duties of the office to which he may have been elected.

Contests.

§ 9. Any person having been voted for at any election, for any elective office, may contest the right of any person holding the certificate of election to such office. The contestant shall give unto his opponent at least ten days' notice in writing of his intention to make such contest. All contests shall be heard and determined by the board of trustees or council, and the trial shall be conducted by the same rules of trial and evidence as the trial of a civil cause. A majority of the board of councilmen, present and sitting, shall govern: *Provided*, Not less than two-thirds of the

board of councilmen shall be a quorum to hear and determine contests: *And provided further*, That should the mayor, or any councilmen or trustee, be either the contestant or contestee, such shall not sit, hear or determine such contest, and two-thirds of the remaining members shall be a quorum.

§ 10. An election shall be held on the first Monday in May in each year thereafter, at which all elective officers shall be elected. The mayor shall hold his office for two years, and until his successor is chosen and qualified. The councilmen shall hold their office for one year, and until their successors are chosen and qualified; and all officers appointed by the council shall hold their several offices for such terms, not exceeding two years, as the council may determine by ordinance.

Mayor hold
office.

§ 11. All officers, before entering upon the duties of the office, shall take, before some officer authorized to administer oaths, the oath of office required by the Constitution of the State of Kentucky, and shall execute bonds, with surety, to be approved by the board of trustees, after the first election for the elective officers, and thereafter by the council, which bonds shall be to the city of Hardinsburg, for the faithful discharge of the duties of their office, and to pay over all moneys collected by them, or coming into their hands as such officers, to the persons entitled to receive the same. Any person aggrieved by the failure of any officer to faithfully discharge the duties of his office in any manner shall have a right of action on said bond in any court of competent jurisdiction in the county of Breckinridge: *Provided*, No bond shall be required of councilmen.

Take oath.

§ 12. The council shall, at their first meeting in the year *Anno Domini* one thousand eight hundred and ninety, and at such times thereafter, not exceeding two years, as may be prescribed by ordinance, elect a marshal, clerk, assessor, city attorney, treasurer and city tax-collector, who shall hold their offices for the

Elect marshal,
etc.

terms prescribed by ordinance, and until their successors are chosen and qualified: *Provided*, If the council deem it expedient, they may impose the duties of tax-collector upon the marshal, in which event the marshal shall execute a tax-collector's bond, take the oath of office as such, and shall perform the duties, receive the pay, and be in every manner liable as the tax collector.

Vacancy.

§ 13. Should any appointive officer fail to qualify as such within thirty days after his appointment, the council may declare such office vacant and fill the vacancy.

§ 14. All elections shall be held between the hours of six o'clock ante meridian and six o'clock post meridian.

§ 15. All laws in force in this Commonwealth punishing illegal voting in State elections shall apply to illegal voting in city elections in the city of Hardinsburg, and may be enforced in such courts and by such process as is provided in the said public laws.

§ 16. Should the board of trustees or the council fail to appoint election officers as hereinbefore provided, or, when appointed, all such officers fail to attend and open the polls for twenty minutes after six o'clock ante meridian, on the morning of the election, any trustee at the first election, and thereafter the mayor, or, in his absence from the polls, any councilman of the ward, may then and there appoint such officers; or should such officers have been appointed, and any one or more of them fail to attend, then such one or more who shall attend may appoint qualified persons to fill the vacancy or vacancies, and, after being duly sworn, such shall constitute the board of election officers.

Legislative powers.

§ 17. All legislative powers herein granted to the city of Hardinsburg shall vest in the city council, and it shall have control of the finances, and of all the property belonging to the city of Hardinsburg, both real and personal, and, in addition to other pow-

ers, both general and special, they shall have power to make and receive all necessary contracts and conveyances in relation to said city; to make and ordain all necessary by-laws and ordinances for the regulation and good government of the city; to assess and collect annually an ad valorem tax, not exceeding one dollar on each one hundred dollars' worth of property, real or personal, in said city, and poll-tax of not exceeding two dollars on each tithe in said city; to provide, by ordinance, the manner and means for the assessment, levy and collection of said ad valorem and poll-tax; to order the sale of sufficient property, real and personal, to pay such tax assessed and levied upon any person who shall refuse or fail to pay the same, such sale, if any, to be advertised, and made and governed by the general laws governing such sales for State and county revenue; or may recover taxes by suit in any court of competent jurisdiction as debts are now recovered by action; to grant licenses for the following business, and to the following persons, and provide penalties, by ordinance, for doing business without license, to wit: tavern-keepers, innkeepers, coffee-houses, beer-saloons and saloon or place of business wherein spirituous, vinous or malt liquors are vended, retailers of cider, soda, tobacco or cigars, billiard, pool or any like tables, shows, theatrical entertainments, concerts, menageries, circuses, and all other exhibitions and entertainments for money or other reward required, asked for or attempted to be collected at, during, before or after said exhibition or entertainment; fortune-tellers, clairvoyants, astrologers, necromancers, sleight-of-hand performances or performers of tricks of legerdemain, auctioneers, other than officers of the law in performance of their duties, commission merchants, dealers in tobacco, builders, architects, insurance agents, express agents, telegraph and telephone companies, attorneys-at-law, physicians, surgeons, dentists, dealers in live stock, butchers, livery and sale stable pro-

prietors, dealers in hay, cattle or produce, keepers of scales where a charge is made for weighing, warehouses where charge is made for storage or other use thereof, houses for the manufacture or sale of dry goods, groceries or other merchandise, itinerant venders of goods, wares or merchandise of any kind, peddlers, itinerant venders of patent rights, keepers of studs, jacks or bulls, who stand them for reward in the city; and in granting said licenses the council shall impose such conditions and terms as, in their opinion, the good order and general interest of the city may require; may fix the sum to be paid into the city treasury therefor by the person or persons to whom granted; they may impose penalties for violations of the conditions of said licenses; may provide for the annulment or suspension of the license privileges, for violation of the conditions or terms of the license, or of the ordinances governing the same; and such licenses may be granted for a long or short time, as, in their discretion, may seem fit, such terms to be fixed and declared by ordinance, provided no license shall be granted for more than one year.

§ 18. The council shall have power and authority to make all prudential by-laws and ordinances for the good government of the city not inconsistent with the Constitution and laws of this State, embracing ordinances to buy and sell any property needed by or useless to the city, or as the public good may require; conducive to health; all needful sanitary regulations; laws for the control and abatement of public nuisances; laws for the suppression of and punishment of riots, routs, breaches of the peace, disorderly conduct; for the control of tippling-houses, saloons, billiard and pool-rooms, hotels, and all places of public business, so that the same shall be kept in an orderly manner, and may provide penalties for any infraction thereof; laws for the prevention and suppression of gaming for money or other thing of value, betting, selling or giving intoxicating liquors

to minors, selling intoxicating liquors without license, or on the Sabbath day, and providing penalties for the infraction of them; laws providing what are violations of the Sabbath, and penalties for any infraction thereof; laws providing penalties for drunkenness, for the suppression of tippling-houses, bawdy-houses, houses of ill-fame, disorderly or disreputable houses of any nature, and providing punishment against the keepers and inmates thereof; laws for the protection of public and private property; to suppress and punish vandalism, vagabondage, vagrancy, adultery, fornication, lewdness, or other disorderly conduct or behavior, and to make and ordain all laws they may deem necessary for the good of society and protection of morals of the city or the interests of the city.

§ 19. The council shall have power and authority to provide by ordinance the manners and means of the enforcement of the by-laws and ordinances of the city, and the penalties and punishments thereunder; but no such ordinance or ordinances shall be inconsistent with the Constitution or laws of the Commonwealth.

§ 20. The council shall have power over the streets, Streets and sidewalks. alleys, sidewalks, public squares and public lots of said city, and authorized, and it is made their duty, to open roads, streets and alleys where and when the same is required for the convenience of public travel and the wants of society, and may do this by purchase from, or by the consent of, the owners, or by writ of *ad quod damnum*, sued out by the mayor in the county court of Breckinridge county, as provided for the opening of public roads in the county; and said county court is hereby clothed with the jurisdiction thereof, and the same proceedings may be had as is now provided by law for public roads. And when such highways are opened, they shall vest in the city as public highways, and shall be controlled by the council. It shall be the duty of the council to keep the streets, alleys and sidewalks in the city in good

repair, and for failure so to do, they may be prosecuted individually by indictment in the circuit court of Breckinridge county, under the laws governing overseers of the public highway; that they shall, as the wants of society require, and the means in the treasury will allow, grade, pave or macadamize the streets of said city; that, after any street shall have been paved or macadamized, or at any time when the council deem it advisable and necessary, they shall have the power and authority to order the sidewalk or walks of any street or streets to be graded and paved, with any material chosen by them, at the expense of the owners of lots fronting the same; and if any owner of such lot refuses to do so himself or herself, after a reasonable notice is given, the council may cause the same to be done, and the cost thereof may be listed and collected as other city taxes are collected, and lien therefor shall be given to the city for the payment, and the said lot shall be sold for the same, and in the same manner as provided herein for the sale of property real for other taxes.

§ 21. The same right of redemption for real estate sold for city taxes, or under the last foregoing section, shall exist as exists under the general law under sales for State and county revenue, and the law so provided shall govern hereunder.

§ 22. The council shall have power to levy and collect all taxes which the trustees of the town were authorized to collect before the passage of this act, not otherwise directed herein; shall have the exclusive right to license all taverns, houses of entertainment, saloons, coffee-houses, and all houses wherein intoxicating liquors may be sold: *Provided*, The State tax, wherever there may be such, shall be paid as required by the general law.

§ 23. The council may erect such buildings as they may deem necessary and the public good requires. They may erect a city prison or work-house, and regulate the management thereof.

§ 24. The council may regulate buying and selling articles of food and provender, and the measuring, weighing, gauging and inspecting of such articles sold anywhere in the city; and may impose penalties for fraud or misrepresentation of quality or quantity of the same, or for the sale of any such article that is adulterated, or an imitation of the genuine as genuine. They may license and regulate porters, carts, wagons, hacks or other vehicles plying in the city for hire, fix the rate of charges therefor, and prohibit those not licensed.

§ 25. The city council herein provided for shall consist of the mayor and the councilmen whose election is herein provided for: *Provided*, The council may, when they deem it advisable, create other and additional wards in the city, and provide for the election of two or more additional councilmen from each ward so created, which, when elected and qualified, shall compose a part of the council. Additional wards may be created by the council by the division of those herein provided for.

§ 26. It shall be the duty of the mayor to preside at all meetings of the council, and in all cases of a tie he shall have a vote, but not otherwise. He shall observe a strict supervision over all the affairs of the city; see that the ordinances of the city are enforced and observed; see that each officer of the city discharges the duties of his office promptly and properly; and cause any officer who is derelict to be impeached or dealt with as the case demands. He is empowered with due authority, and it shall be his duty, to suppress all riots, insurrections or disorderly conduct; to command the peace, and may arrest offenders against the penal laws of the city, and against the penal and criminal laws of the Commonwealth of Kentucky in view; and may summon the *posse comitatus* to his aid if, and when necessary. He shall be a conservator of the peace. He shall sign all licenses, permits, commissions granted, and written contracts made

by the city, and perform all other duties, and exercise such other powers, as shall from time to time be required of him by law or by the ordinances of the city.

§ 27. The council shall, at their first meeting after
 Mayor pro tem. election and qualification each year, elect one of their number mayor *pro tempore*, who shall take the oath of office as required of the mayor, whose term of office shall be one year, and until his successor is chosen and qualified. The mayor *pro tempore* shall, in the absence of the mayor, preside at the meetings of the council; and in case of the death or resignation of the mayor, his absence from the city, or disability or removal, he shall perform all the duties of the mayor, and have and exercise all the powers of the mayor. Unless, in event of a permanent vacancy in the office of mayor, the mayor *pro tempore* shall not be required to execute bond; but, in such event, he shall execute the bond required of the mayor. In case of the absence or disability of both the mayor and mayor *pro tempore*, the council shall elect one of their number a chairman to preside at their meetings. The council shall have power to fill all vacancies that may occur in any city office, except that of mayor; and in event of a permanent vacancy in said office, the mayor *pro tempore* shall serve until the next regular election of councilmen at which a mayor shall be elected; if the election occur at the end of a regular term of a mayor, for the succeeding term; if not, for the unexpired term. Vacancies shall be declared by the council.

§ 28. A majority of the councilmen, including the mayor *pro tempore*, shall constitute a quorum for the transaction of the business of the council.

§ 29. The council shall, by ordinance, fix the time and place of holding the regular meetings of the council, and the manner in which special meetings may be called.

§ 30. The council at their first meeting, in the year

Anno Domini one thousand eight hundred and ninety, and at the first meeting of the new council every succeeding two years (unless the terms of office shall be fixed by the council at a shorter period than two years), elect a marshal, clerk, city attorney, tax-collector, treasurer and assessor, who shall each hold their offices two years, or such period of time as may be fixed by ordinance hereunder.

§ 31. All warrants and process issuing from the mayor's court hereinafter created shall be directed to and executed by the marshal, except when he may be absent, sick or under some disability or inability, or when there is a vacancy in the office of marshal, when they may be directed to any constable of Breckinridge county, or to the sheriff of said county, or to a policeman. The marshal may execute any process of any court of the Commonwealth directed to Breckinridge county, but shall not be compelled to do so beyond the limits of the city.

§ 32. The marshal shall, by himself or deputy, or
 Duty of marshal. he shall cause a policeman to attend punctually on all meetings of council and the mayor's court, and perform all duties required of him by either while in session. It shall be his duty to exert himself to suppress all riots, fights, breaches of the peace, unlawful assemblies and infractions of the penal laws and ordinances; to apprehend without warrant, and take before the mayor, all rioters, disturbers of the public peace, disorderly persons, persons found drunk, uncared-for, exposed, vagrants, vagabonds, lewd persons, persons in the act of committing an offense against the penal laws or ordinances of any nature or criminal laws of the State, or persons fleeing from justice; and he may call to his assistance, when necessary, the *posse comitatus*. It shall be his duty to see that good order is preserved in the city, and to faithfully watch and care for the interests of the city and society. He shall be chief of police, and as such have the care, control and management of the deputy marshal and police-

men, should the council establish a permanent police force, or should the mayor, at any time, temporary or special police. He shall have power to suspend the deputy marshal or any policeman for any dereliction of duty until the next meeting of the council, when he shall report the charges against such officer to the council, and the council shall hear and determine such charges, after hearing evidence, and reinstate, further suspend or dismiss such officer.

§ 33. The council may, at any time it may deem it advisable, establish by ordinance a police force, and may, from time to time, in their discretion, increase or diminish such force. They may at any time authorize the marshal to appoint a deputy marshal, who shall take the oath of office. The marshal shall be responsible for the acts of the deputy to the same extent as a sheriff is responsible for the acts of his deputy under the general law.

§ 34. All persons arrested between the hours of six o'clock in the afternoon and six o'clock in the forenoon may be placed by the peace officer in the city prison or county jail until the charge may be heard in the mayor's court.

§ 35. It shall be the duty of the city attorney to advise the mayor, city council, and all officers of the city, on all legal matters and questions affecting the interests of the city; to prepare and prosecute all prosecutions for infractions of the ordinances of the city, and shall prosecute and defend all civil suits in which the city may be interested, either as plaintiff or defendant, and perform such other legal duties as may be required of him by ordinance or direction of the council. He shall receive such compensation and fees as may be determined by ordinance or by contract with the council; he shall receive thirty per centum of all fines and forfeitures recovered in the mayor's court in cases in which he has appeared when the same are collected.

§ 36. The marshal shall receive such fees and com-

penation as may be determined by the council by ordinance; but no fees for his services shall exceed those allowed sheriffs by the general law for similar services.

§ 37. The treasurer shall be the custodian of the moneys and funds of the city, and shall give his receipt for the same, and shall pay out the same upon warrant of and by order of the council. The warrant drawn and signed by the clerk by order of the council, and countersigned by the mayor, and under the city seal, shall be a sufficient voucher for moneys paid out by him. The mayor, tax-collector, marshal, and all city officers, shall pay over to the treasurer all funds and moneys coming to their hands belonging to the city to the treasurer, and take his receipt therefor.

§ 38. The city clerk shall be the custodian and keeper of the city seal, and all books containing the records of the city; he shall keep the records of the meetings and actions of the council, and perform such duties as clerk as may be required of him by the council. The council shall fix his compensation and fees by ordinance.

§ 39. The assessor shall assess the property of and in the city for the purposes of city taxation, under such directions of the council by ordinance. His compensation shall be fixed by ordinance of the council. He may require any person owning property, real or personal, in the city, subject to taxation, to make out his list in writing, and verify the same by his affidavit.

§ 40. The tax-collector shall receive from the clerk the tax-book and collect the taxes due the city, under such directions as may be prescribed by ordinance of the council. The assessor shall, after the assessment, deliver the tax-book to the clerk; and said clerk, after the same has been supervised and equalized in form, as may be ordained by the council, shall deliver

the tax-book to the tax-collector, and take his receipt for the same. The clerk, in a book kept for the purpose, shall make and keep a copy of the tax-book, and shall keep an account with the tax-collector of the amount of taxes listed with him, and the amount paid by him to the treasurer, as shown by the receipts of the treasurer, and the delinquent list, as claimed by the collector; and at the end of the term he shall settle and balance said accounts, and report the same to the council for their action. No settlement so made shall be binding upon the city until ratified by the council. The compensation of the tax-collector shall be fixed by ordinance of the council.

Police judge.

§ 41. The office of police judge of the town of Hardinsburg is hereby abolished, and in lieu thereof the mayor of the city shall hold a court therein, which is hereby established, and shall be known as the "Mayor's Court of the City of Hardinsburg;" and the same is hereby declared to be a court of record, and shall be provided with a seal; and copies and transcripts from the proceedings of said court, properly attested and certified and signed by the mayor, shall be received as evidence of the matters therein contained in all the courts of this Commonwealth.

§ 42. The said court shall have exclusive jurisdiction of all causes arising from the breaches, infractions and violations of the by-laws and ordinances of the city, and shall have concurrent jurisdiction with the justices of the peace of Breckinridge county, either as now conferred by the general law or may hereafter be conferred upon them, in all civil suits and actions, and in penal and criminal causes. The pleading and practice in all causes, suits and actions in the mayor's court, wherein such court has concurrent jurisdiction with justices of the peace, shall be the same as is now, or may hereafter be, conferred on and provided for courts of justices of the peace in Breckinridge county.

§ 43. That in all cases where fines are imposed in

the mayor's court for violation of the ordinances of the city, the mayor shall direct in the judgment that the defendant be committed to the city prison, or work-house, or county jail, until such fines and costs are paid or replevied, or may after issue a *capias* so ordering; and the council may by ordinance provide by ordinance for the employment of such prisoners on the streets, alleys or other public works of the city, and may compel such services at a rate per day to be fixed by ordinance, not less than one dollar, until said fine and costs are liquidated.

§ 44. The mayor shall have the same power to hold examining courts inquiring into charges of felony and misdemeanor, and in committing and recognizing defendants and witnesses therein, as justices of the peace or the county judge now have.

§ 45. The mayor shall have power to issue and enforce all processes for the proper exercise of his jurisdiction as a court herein conferred on him. He may, and is empowered, to take depositions as examiners and justices of the peace are now empowered. He shall have power to grant, hear, and determine writs of injunction and *habeas corpus*, and herein his jurisdiction and powers shall be the same as that of county judges. He shall have power to grant writs of attachment as the circuit clerk is now empowered: *Provided*, Where the attachment is for a sum exceeding one hundred dollars, he shall return the same and the record to the Breckinridge Circuit Court. He shall have power to enforce order in his court, and may have the proceedings for contempt as are conferred on judges of quarterly courts.

§ 46. For the trial of civil causes the mayor's court shall be held once every three months, and the terms shall be fixed by ordinance of the council. Said court shall be open at all times for the trial of penal and criminal causes within his jurisdiction, the examination of felonies, and for the trials for the violations of the city ordinances. He shall hear and determine all causes

for violation of the ordinances without the intervention of a jury, unless a jury be demanded by the defendant.

§ 47. In all civil causes in the mayor's court the proceedings and the laws governing similar causes in courts of justices of the peace shall govern, and he shall be controlled by the same rules of practice and pleading as obtained therein.

Mayor act as
clerk of his court.

§ 48. The mayor shall act as clerk of his own court, but may appoint a deputy. He shall have all the powers and authority now conferred on the police judge of Hardinsburg; and all laws pertaining to said court now in force shall remain in force and apply to the mayor's court, except as otherwise provided herein. As soon as the mayor shall be qualified as judge of the mayor's court, the dockets, files, records, and all books and papers pertaining to the office of police judge of Hardinsburg shall be delivered by the police judge to the mayor, and he shall hold and act upon the same as a justice of the peace acts upon and as successor of his predecessor.

Take oath.

§ 49. Before entering upon the duties of his office as judge of the mayor's court, the mayor shall take the oath of office prescribed by the Constitution of the State of Kentucky, and shall execute, with approved surety, a similar bond as those required of justices of the peace, and which said bond shall be executed before the clerk of the Breckinridge County Court, and filed in county clerk's office of said county. All appeals from the mayor's court may be taken to the circuit court of Breckinridge county, where the amount in controversy exceeds ten dollars, exclusive of costs; and appeals may be taken in same time and in same manner as is provided by law for appeals from the courts of justices of the peace in Breckinridge county.

§ 50. The mayor shall have power to require and take recognizances for appearance in his court on any day named therein in all cases cognizable in said

court, and also surety to keep the peace and be of good behavior for not exceeding one year. Forfeitures of any such recognizances may be declared and enforced in the mayor's court under the same proceedings as similar forfeitures are declared and enforced in the circuit courts.

§ 51. The fees of the mayor as judge of the mayor's ^{Fees.} court in all city cases shall be fixed by the council by ordinance. In all other cases, his fees shall be the same as allowed justices of the peace for similar services.

§ 52. The mayor shall, three times a year, at such ^{Account.} times as shall be ordained by the council, and at the end of his term, make out, verify under oath, and return to the council a list of funds, moneys, fines, forfeitures and assets that come to his hands belonging to the city, and he shall settle with the council, and if, after such settlement, it is shown that he has not paid over to the treasurer all such received by him, and shall fail and refuse to pay the same, or any balance thereof, to the treasurer, he shall be liable on his bonds, to be prosecuted by petition in the Breckinridge Quarterly or Circuit Court.

§ 53. All revenue arising from prosecutions, fines and forfeitures in the mayor's court, for violation of the city ordinances, shall belong to the city and be paid to the treasurer.

§ 54. All officers of the city at the end of their term, and whenever required by the council, shall report, settle with, and account for all moneys, funds and assets received by them belonging to the city, and upon failure to properly account for and pay over such moneys, they may be prosecuted on their bonds, as provided in the case of the mayor, as hereinbefore provided.

§ 55. The council may, at any time they deem it advisable, require of any city officer a new bond or additional surety on their bonds.

§ 56. The mayor may, at any time when the council

is not in session, should he deem it necessary, appoint a special policeman or policemen, and fix the compensation therefor, which shall be allowed by the council and paid out of the city treasury: *Provided*, Such appointment of special policemen shall not be for a longer period than until the next regular meeting of the council thereafter.

§ 57. All property shall be listed for taxation as of the fifteenth day of September of each year, except stores, which shall be returned at the time and in the manner provided by law for State taxation.

§ 58. Under the penalty of the forfeiture of his office by declaration of the council, no officer shall, directly or indirectly, have any interest in any contract with the city, nor shall he buy, discount or deal in claims against the city.

Make by-laws.

§ 59. The council are hereby authorized, and it is the intention and spirit of this act that they shall have the power, to make all by laws and ordinances to preserve good order and public peace, and which they deem necessary to the health, safety and prosperity of the citizens and the protection of property in the city, public or private, and to advance the interests of the city, not inconsistent with the Constitution and laws of this State; and may impose and enforce penalties for the violation thereof, not exceeding one hundred dollars, although the power to make such by-laws is not specially given or conferred by this act.

Care for poor.

§ 60. The council shall have power to provide for the poor of the city, and may levy, assess and collect a tax for that purpose in the manner hereinbefore provided. If the council should deem it advisable to provide such pauper fund, it shall be expended in such manner, time and instances as the mayor, by and with the council's consent, may deem proper. The council shall have the power to send any person convicted of pauperism before the mayor to the county poor-house of Breckinridge county; and it shall be the duty of the

keeper of the poor-house to receive such pauper, and care for him or her as other county paupers, for which the city shall pay the rate and expenses as the county contracts to pay him for her paupers. A certificate of the mayor that any person has been by him adjudged a pauper shall be necessary for admission; and any such pauper shall be discharged from the poor-house on the order of the mayor.

§ 61. The records of the city of Hardinsburg are Public records. public records, and copies thereof under its seal, and of all bonds and contracts to and with the city, shall be evidence in all the courts of the Commonwealth as if the original were in proof. The city clerk shall deliver copies of any such records and contracts upon payment of such fees as may be allowed him by ordinance.

§ 62. This act is a public act, and shall be liberally construed and judicially noticed in all the courts of the State. It shall not be necessary, in pleading under this act, in any court of the State or mayor's court, in any cause, to recite the ordinances, but it shall be sufficient to plead the date, title and section of such ordinances.

§ 63. All prosecutions under the ordinances of the city shall be by warrant or summons, and in the name of the city of Hardinsburg. The council shall by ordinance prescribe the form and requisites thereof, and shall also prescribe in what cases summons shall issue.

§ 64. The council may employ a competent surveyor, and cause a complete and correct plat of the city, showing lots, streets, alleys, and all divisions and subdivisions of and in the city. Said plat, when made, shall be recorded in the county clerk's office of Breckinridge county, and the original filed with the city clerk.

§ 65. The present incorporation of the town of Hardinsburg shall exist and be in full force, with all its powers, until the organization of the city of Hardins-

burg under this act. The trustees, and other officers of said town in office at the time of passage and approval of this act, shall, regardless of the time of the expiration of their terms of office, hold their respective offices, and exercise the full powers and duties thereof until the city of Hardinsburg is organized hereunder.

§ 66. All acts and parts of acts in conflict with this act are hereby repealed.

§ 67. This act shall take effect and be in force from and after its passage.

Approved May 3, 1890.

CHAPTER 1233.

AN ACT to incorporate the Yellow Creek Investment Company.

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

§ 1. That Isaac T. Woodson, J. R. Sampson, H. D. Rodman and M. H. Rhorer, their associates, successors and assigns, be, and they are hereby, created a body-corporate, under the name and style of the Yellow Creek Investment Company; and by that name shall have perpetual succession, be capable of suing and being sued; may have a common seal, and change the same; have power to contract and be contracted with; make by-laws for the government of the company, its officers, agents and employes in the conduct and management of the affairs and business of the company, and may alter, amend or repeal the same at will.

§ 2. The capital stock of said company to be fifty thousand dollars, which may be increased by a vote of two thirds of the stock to a sum not to exceed one hundred thousand dollars. Said stock shall be divided into shares of one hundred dollars each. Said stock shall be deemed personal property, and be transfer-

able on the books of the company in such manner as may be prescribed by the by-laws thereof. The directors of said company may receive real or personal property in payment for subscriptions to the capital stock, and upon such terms and conditions, and at such valuation, as may be agreed upon by the directors, or a majority of them, and the subscribers respectively; and no stockholder shall be held liable or made responsible for its debts and liabilities beyond the amount of any unpaid balance due the said company for stock subscribed for by said stockholders.

§ 3. The persons named in the first section of this act shall constitute the first board of directors of this company, who may serve as directors until the first meeting of the stockholders thereof, at which, and every annual meeting thereafter, the stockholders shall elect not less than three nor more than five directors, as may be prescribed by the by-laws thereof, and shall continue in office until their successors are elected and qualified. No one shall be elected a director unless he is the owner of stock at the time of his election. At all meetings of stockholders, stockholders shall be entitled to one vote for each share of stock so held, and may be cast in person or by written proxy. On the first Monday in July, one thousand eight hundred and ninety, and annually thereafter, an election of directors shall be held by said company. The board of directors shall choose one of their number president; and said board may appoint and authorize such other officers and agents of said company as may be prescribed by the by-laws. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business. Said company may begin business as soon as three thousand dollars of stock are subscribed for and paid in.

§ 4. The said company, by and through its board of directors and its specially authorized agents, shall have power to purchase, hold, improve, grant, sell, convey, lease, rent, use, acquire and dispose of any

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.

26795

VOLUME III.

PROPERTY OF THE STATE OF KENTUCKY.

COMMONWEALTH OF KENTUCKY
STATE LAW LIBRARY

FRANKFORT, KY.:
CAPITAL OFFICE, E. POLK JOHNSON, PUBLIC PRINTER AND BINDER,
1890.