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CHAP. 252.—AN ACT for the benefit of Thomas C. Davis.

Preamble.

Whereas, there has been enclosed within the walls of the penitentiary, of this commonwealth, a portion of a lot of ground, belonging to Thomas C. Davis, and also a portion of the ground of said Davis, is now in use as a passway around said penitentiary; and said Davis is willing to convey to this commonwealth, the ground enclosed and used, for the convenience of the penitentiary aforesaid, upon receiving a fair compensation therefor: Wherefore,

May convey and be paid for ground used at the penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when said Davis shall exhibit his title to the ground enclosed and used as a passway around the penitentiary, and a release and conveyance thereof to the commonwealth, to the attorney general, who is hereby authorized to investigate the title of said Davis, and to examine the release and conveyance from said Davis to the commonwealth; and if the attorney general shall find the title of said Davis to be good, and the release and conveyance to be proper to vest the commonwealth with the title, he shall certify the fact to the auditor of public accounts, and have the release and conveyance to the commonwealth recorded, and thereupon the auditor shall issue his warrant on the treasurer for two hundred dollars, which shall be in full for said ground and passway.

Approved, February 22, 1836.

CHAP. 253.—AN ACT for the better regulation of the town of Hardinsburg, and for other purposes.

Elections of trustees.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful, for the free male inhabitants of the town of Hardinsburg, and such persons who may be the owner of a lot or lots therein, who have attained the age of twenty-one years, (negroes, mulattoes, and indians excepted,) to meet at the court house in said town on the first Monday in April next, and on the first Monday in January, in every year thereafter, and to elect five trustees for said town, who shall be citizens thereof, which trustees, so elected, shall possess

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By-laws.

the powers hereinafter delegated to them, and a majority of said trustees shall constitute a board.

SEC. 2. That the trustees aforesaid, are hereby vested with authority to make such by-laws, for the better regulation of said town, as to them shall seem expedient, not inconsistent with the constitution and laws of this commonwealth; the said trustees, or a majority of them, shall have full power and authority to levy a tax, annually, on any property, real and personal, and on every white male citizen over twenty-one years of age, residing in said town on the first day of May next, and on the first day of January in every year thereafter, as the said trustees, or a majority of them, in their discretion, may deem necessary: *Provided,* They shall not in any one year levy any tax exceeding twenty-five cents upon each one hundred dollars worth of property, nor any poll tax exceeding one dollar per head.

Town tax.

SEC. 3. That the taxes so to be collected by the trustees aforesaid, shall be by them applied toward paving and improving the streets, and such other purposes, as is by this act hereafter directed.

How the taxes are to be applied.

SEC. 4. That no person shall be eligible as a trustee, unless he be upwards of twenty-one years of age, a citizen of said town, and the owner of a lot or lots in said town.

Persons eligible as trustees.

SEC. 5. That the sheriff of Breckenridge county, by himself or deputy, shall hold an election for five trustees, at the court house in said town, on the first Monday in April next; and the clerk of the board of trustees, if there be one, and if not, the sheriff or deputy aforesaid, shall hold an election for the like number of trustees on the first Monday in January, in every year thereafter; and the person so holding the election, within one day after its close, shall deliver to the trustees so elected, a certificate of their election, under his hand. The trustees to be elected in April next, shall hold their office until the first Monday in January following, and until their successors shall be qualified; and each trustee, as aforesaid, before he enters upon the duties of the office, shall take, before some justice of the peace, the following oath: You do swear, (or affirm,) that you will well and truly discharge the duties of a trustee of the town of Hardinsburg, and that you will, so far as comes within your knowledge, cause all persons to be proceeded against, who violate any of the

Elections of trustees.

Oath of trustees.

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Paving the streets.

penal laws of this state, or any of the by-laws of the said town, without favor, affection, or partiality.

SEC. 6. That the trustees aforesaid, shall provide for the paving of the main street in said town, and the street extending from the main street westwardly through the public square, first; and shall not, at any time, contract for paving main street, without embracing some other street in said contract, and shall, in each contract, provide for the paving of one third as much of such other street, as they may select, as shall be done on main street, in any one year.

Streets to be paved, & how.

SEC. 7. That the county court of Breckenridge county, shall provide, in laying their next and succeeding county levies, for so much money as may be necessary for paving the main street in said town, so far as the same binds on the public square, and the street passing through the public square, and that said money shall be paid over to the trustees of said town, and be by them applied to the object aforesaid, in the manner before directed by this act.

Town clerk

SEC. 8. That the said trustees shall, on the first Saturday after their election, meet at the court house in said town, shall appoint a clerk, who shall hold his office during good behaviour and the pleasure of the trustees, who, before he enters upon the duties of his office, shall take an oath, to be administered by some one of said trustees, that he will, to the best of his skill and ability, make a fair record of the proceedings of the said board of trustees; that he will preserve and keep all books and papers, which may be left in his care; and in all things, faithfully discharge the duties of the office. The said clerk shall give bond, and security, to be approved of by said trustees, in the penalty of five hundred dollars, payable to said trustees and their successors, and conditioned for the faithful discharge of the duties of his office; he shall provide well bound books to keep his records; shall, at all times, keep his office open for the inspection of any record or other paper therein, by any person whatsoever; and shall, upon the application of any person who may demand the same, furnish a true copy of any record, or paper, in his custody, and shall be allowed as a fee for such copy, to be paid by the person applying, one and a half cents for each line of the same; he shall, ten days before the expiration of the term of service of any board of trustees, cause a fair statement of their accounts to be made

H's oath.

Bond.

His duties.

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out, and shall post the same on the court house door in said town. The said clerk is hereby authorized to administer an oath to any person who may be called upon to give evidence before the board of trustees, and to issue compulsory process, to force the attendance of witnesses before said board.

SEC. 9. That the board of trustees shall, at the first meeting after their qualification, choose a president, who shall continue in office until the next annual election, and the qualification of a successor; they shall appoint some person a treasurer, who, before he enters upon the duties of the office, shall give bond and security, to be approved of by the board of trustees, and payable to them and their successors, in such penalty as they may require, conditioned for the faithful discharge of the duties of his office.

A president and treasurer to be appointed.

SEC. 10. That it shall be the duty of the treasurer to receive from the collector, and all officers, the moneys said trustees shall be entitled to, and shall pay the same over to their order; he shall, also, collect from all former trustees any moneys which may be in their hands, and upon his failure, or refusing to do so, it shall be the duty of the president of the board of trustees, to cause an application to be made to the county court of Breckenridge county, who shall thereon enter judgment against said treasurer and his security or securities, for the amount of money in his hands, with ten per cent damages on the same: *Provided*, That said treasurer, and his security, or securities, have had ten days notice of such intended application, and execution shall issue on such judgment, endorsed, that no security of any kind shall be taken.

Treasurer to receive moneys and account for the same.

SEC. 11. That it shall and may be lawful for the trustees of said town, to sue for, and recover, before any justice of the peace of this state, any fine or penalty which may accrue for a violation of any of the by-laws of said town.

Fines how recovered.

SEC. 12. That the said board of trustees are authorized and required, at their first meeting, and annually thereafter, to appoint a commissioner of tax, who shall immediately proceed to make out, and lay before said board, a complete list of all the persons and property in said town, subject to taxes by the provisions of this law, on the first day of April, 1836, and the first of January in every year thereafter; which commissioner, before he enters on the duties

Commissioner of tax, and his powers and duties.

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of his office, shall take an oath, to be administered by the clerk of the board of trustees, that he will to the best of his skill and ability, without favor or affection, discharge the duties of his office; and it shall be his duty, without delay, to call on each person, subject to taxation under this act, for a written list of all his or her property, and such as he or she may superintend for the real owner, in said town, on the first day of April, 1836, and the first day of January in each year thereafter, which list shall be sworn to by the person tendering it, and the said commissioner shall value the property so listed: *Provided however*, That merchants and others, who may be retailers of goods, wares, merchandize, and liquors, shall fix the value of their stocks, on oath, agreeably to their best skill and judgment; and every person, or persons, who shall hold property in said town in his own right, or that of another, as agent or otherwise, who shall refuse to give a list thereof, or shall give a false or fraudulent list, shall, at the suit of the trustees of said town, be liable, and subject to the penalty of ten dollars, to be recovered and appropriated as other fines are directed to be by this act; and the commissioner, in such cases, shall take the list of such persons and property, and fix the value thereof, agreeably to the best information he can obtain: *Provided however*, that any person who may think himself or herself aggrieved by the valuation of said commissioner may appeal to the board of trustees, at their next meeting after the return of the list, who shall have power to reduce the valuation so complained of.

Town collector and his duties.

Sec. 13. That the said board of trustees shall, immediately after the return of the list by said commissioner, proceed to lay a tax on the individuals and property contained in such lists, and appoint a collector of the same, whose duty it shall be, to collect, account for, and pay over the same, to the treasurer of said board of trustees, within three months after the list has been placed in his hands for collection, deducting therefrom, as a compensation for collecting the sum, of six per cent on the amount collected; he shall also return a list of delinquents.

Property may be sold to pay taxes.

Sec. 14. That if any person shall fail, or refuse, to pay the tax levied under this act, and such person is an inhabitant of Breckenridge county, and has property within the same, the collector aforesaid is

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Toll gates.

hereby authorized to seize and sell so much of any property aforesaid, as will be sufficient to pay the taxes and costs of such sale. And in case such delinquent shall not own and possess any personal estate within said county, the said collector shall seize and sell any real estate within the bounds of said town, the title whereof may be in such delinquent, whether it be legal or equitable, subject to the same rules, and in the same manner that real estate is now subject to sale by the laws of this state, and whenever any sale shall be made, as aforesaid, and the owner shall not redeem within one year, with twenty per cent interest, in such case the said president of the board of trustees, shall convey the same to the purchaser, and such conveyance shall vest all the title which such delinquent had in such property.

Sec. 15. That the collector aforesaid, before he enters on the duties of his office, shall enter into bond, with security, to be approved of by the said board of trustees, in a penalty to be fixed by them, conditioned for the due and faithful discharge of the duties of his office, and upon failure of said collector to discharge the duties of his office, or any part of said duties, the said bond so executed, may be put in suit by the said trustees, and the damages sustained, recovered in any circuit court of this state; and said collector, upon any failure to discharge any of his duties as aforesaid, shall, moreover, be liable to a motion before the county court of Breckenridge county, who are hereby authorized to render judgment for any sum of money collected by him, and which he has failed to pay over to the treasurer, with the addition of twenty per cent damages thereon, provided such collector have ten days previous notice of such motion.

Collector to give bond.

Proceedings for failing to do his duty.

Sec. 16. That on the death, resignation, or removal of any of said trustees or their successors, the remainder of said trustees shall have power to fill such vacancy, by the election of some other person duly qualified.

Vacancies to be filled.

Sec. 17. That the owners of the lots fronting on any street which may be paved under the provisions of this act, shall, at their own proper cost and charge, cause a side walk to be paved, with good hard brick, eight feet wide, and in such manner as the trustees aforesaid may direct, in front of such lot or lots; and

Side walks to be paved.

1836 in case any such owner shall fail or refuse to cause such side walk to be made as aforesaid, for the space of one month, after they shall be required by said trustees, it shall and may be lawful for said trustees to cause the same to be done, and the collector of said town, after giving notice, at three public places in said town, for ten days, may, under the direction of said trustees, sell such lot, or so much thereof as may be sufficient to pay the amount due for such pavement; and upon payment of the purchase money, the president of said trustees shall convey such lot, or so much thereof as may be sold, and such conveyance shall be good and effectual against all persons.

Streets to be kept in repair.

SEC. 18. That the provisions of this act shall not be construed to prevent said trustees from keeping the streets of said town in repair, in the same manner they are now required by law.

Nuisances to be removed.

SEC. 19. That the trustees of said town shall have, and they are hereby vested with authority, to cause any building to be removed from the public square and lots, which, in their judgment, may be a nuisance.

By-laws.

SEC. 20. That the said trustees of said town, shall have authority to pass all necessary laws for the regulation of the police of said town, and may impose taxes on any shows or exhibitions of any kind, within said town, or one fourth of a mile of the same.

Shows to be taxed.

SEC. 21. That said trustees shall and may sue and be sued, in the name of the president and trustees of Hardinsburg, and all laws which come within the purview of this act, shall be, and the same are hereby repealed.

Trustees may sue, &c.

Repealing clause.

Approved, February 22, 1836.

CHAP. 254.—AN ACT to amend the charter of the Louisville Savings Institution.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any person or persons, owning one share of the stock in the Louisville Savings Institution, may hereafter be eligible as a voting member or members thereof: *Provided,* That the number of voting members shall, at no time, exceed one hundred, and that no person holding less than ten shares, shall be eligible as a voting member, whilst there shall be residents of Louisville holding a greater number of shares.

Approved, February 22, 1836.

CHAP. 255.—AN ACT to amend the charter of the Bank of Louisville, and the Louisville Savings Institution.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the second section of an act entitled, "an act to establish the Louisville Bank of Kentucky," approved, February the second, one thousand eight hundred and thirty-three, shall be, and the same is hereby so amended, that promissory notes made payable to any person or persons, and negotiable and payable at any incorporated bank or institution, authorized to discount notes, shall be placed, in all respects, on the same footing as such notes made negotiable and payable at the bank of Louisville.

How notes may be discounted.

SEC. 2. That the eighth section of said act shall be so amended as to require the examinations of the accounts of the cashier, and a full and complete statement thereof, to be entered on the journals of the board, at the end of every three months, instead of requiring the same to be made monthly.

Accounts to be examined quarterly.

SEC. 3. That the ninth section of said act shall be so amended as to require the transmission of a statement of the condition of said bank, as it existed, on the first of July and January in each year, within ten days thereafter, instead of the annual statement to the auditor of public accounts, as now required.

Semi-annual statements to the auditor.

SEC. 4. That the sixth section of an act, entitled, "an act to incorporate the Louisville Savings Institution," approved, February second, one thousand eight hundred and thirty-three, shall be so amended as to place bills and notes, negotiable and payable at any bank or institution, authorized to discount bills and notes, on the same footing as the bills and notes mentioned in said section.

Notes payable, and how.

Approved, February 22, 1836.

CHAP. 256.—AN ACT to provide for condemning land and materials for the construction of turnpike roads, bridges, and other works of internal improvements.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for all incorporated companies now created, or which may be created, for the construction of turnpike roads, bridges, and other works of internal im-

Writs of *ad quod damnum* may be sued out.

ACTS

PASSED AT THE FIRST SESSION

OF THE

FORTY-FOURTH GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE TWENTY-EIGHTH
DAY OF DECEMBER IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND
THIRTY-FIVE, AND OF THE COMMONWEALTH THE FORTY-FOURTH.

JAMES T. MOREHEAD, LIEUT. AND ACTING GOVERNOR.

FRANKFORT :

J. H. HOLEMAN, PUBLIC PRINTER—ST. CLAIR STREET.

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