

CHAPTER 313.

1861.

AN ACT to incorporate the town of Nebo, in Hopkins county.

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

§ 1. That the town of Nebo, in Hopkins county, is hereby incorporated, the boundary of which is as follows, to-wit: Beginning at the north corner of Green street, opposite the corner of lot No. 12; thence running west with said street to the corner of lot No. 62; thence with Charles street south, including said street, to a point from which, by running a line east, parallel with Green street, will include the residence of E. H. Green; thence north a straight line with the eastern boundary of lots Nos. 6, 8, 10, and 12, to the beginning, according to a plan of said town made in October, 1860, by Charles Seymour.

§ 2. That there shall be three trustees elected in said town on the 1st Monday in May, 1861, at an election held by two justices of the peace for said county on that day, who shall, before they enter upon the discharge of their duty, take an oath before some other justice of the peace in said county, that they will faithfully and impartially discharge the duties required by this act; that said trustees and their successors in office shall be a body politic and corporate, and shall be known by the name and style of the "Trustees of the town of Nebo," and by that name shall be capable of contracting and being contracted with, of suing and being sued, of answering and being answered, of defending and being defended, in all courts in this Commonwealth.

§ 3. There shall be elected for said town of Nebo a police judge and town marshal; and all persons residing in said town, who are qualified electors for members of the General Assembly, shall have a right to vote for trustees, police judge, and town marshal; said police judge shall be elected at the same time, and hold his office for the same term; the presiding judge of the Hopkins county court, and the town marshal, shall be elected at the same time, and hold his office for the same term, as the sheriff of said county; the first election for police judge and town marshal shall be held in the town of Nebo on the first Monday in August, 1861, and shall hold their offices until the next regular election for presiding judge of the county court and sheriff, and until their successors shall be elected and qualified.

§ 4. Upon the presentation to the Governor of a certificate of the trustees of said [town] of the election of a police judge, said Governor shall issue a commission therefor. Said police judge shall, before he enters upon the discharge of the duties of his office, take such oath as may

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[be] required by the constitution and laws of county judges; said police judge shall have jurisdiction of all cases, criminal as well as civil and penal, which occur in the limits of said town, equal to the jurisdiction of justices of the peace in similar cases; shall have cognizance of all offenses arising under the by-laws of said town; may issue warrants, enter up judgments, and issue executions accordingly. Cases arising under the by-laws of said town shall be tried as soon as practicable. He shall hold a court for the trial of civil causes once every three months; the time of holding same shall be fixed by the Hopkins county court. It shall be the duty of said police judge to keep a fair and just record of all his proceedings; certified copies of which shall be evidencé in other courts. He shall have power to compel the attendance of witnesses, as justices of the peace have, and fine persons for contempt not exceeding five dollars.

§ 5. That said trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct the improvement of the same in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and good government of said town [not] inconsistent with laws and constitution of this State; they shall have power to levy and collect a tax upon the property of the citizens of said town, or any person owning property therein, not exceeding one dollar on each tithé, and fifty cents on each one hundred dollars' worth of property within the limits thereof; they shall have power to tax auctions, shows, and exhibitions for money, such sums as they, in their by-laws, may fix; and to pass all such by-laws, rules, and regulations for the good government of said town, as may be necessary for that purpose.

§ 6. That upon all judgments rendered by said police judge, either party may take an appeal in the same manner as parties may appeal from the judgments of justices of the peace in similar cases.

§ 7. The marshal shall serve all process and precepts to him directed by said police judge, and make due return thereof; collect all taxes assessed in said town, executions and other demands placed in his hands to collect, and account for and pay over the same to the person entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and constables in the collection of executions and other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases. Said marshal shall be entitled to the same fees for collecting the town tax that the sheriffs are entitled to for collecting the county levy,

and in all other cases to the same fees constables are allowed for like services; and said marshal shall have concurrent jurisdiction with a constable in the district in which said town is located.

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§ 8. All fines and forfeitures in cases cognizable before said police judge, shall be collected and paid to the treasurer of said board of trustees, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by a judgment of a justice of the peace for any violation of the penal laws, committed within the limits of said town, shall be in like manner paid over to the treasurer.

§ 9. All the citizens of said town shall be exempt from working on roads outside said corporation.

§ 10. This act shall take effect from and after its passage.

Approved April 4, 1861.

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED

AT THE CALLED SESSION WHICH WAS BEGUN AND HELD IN THE
CITY OF FRANKFORT, ON THURSDAY, THE 17TH DAY
OF JANUARY, 1861, AND ENDED ON FRIDAY,
THE FIFTH DAY OF APRIL, 1861.

PUBLISHED BY AUTHORITY.

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