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CHAPTER 236.

AN ACT to incorporate the town of Boston Station, Pendleton county.

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

Boundary.

§ 1. That the town of Boston Station, a station on the Kentucky Central Railroad, in the county of Pendleton, with the following boundary: Beginning at southeast corner of farm owned by Morris, on the Licking river; thence westerly with Morris's south line to the county road running to Meridian; thence southerly with said county road, and including same, to the north branch of Harris creek; thence with said north branch and Harris creek, following the meanderings thereof, to the Licking; thence with the Licking river as it meanders to the place of beginning, be, and the same is hereby, incorporated and established as a town.

Trustees, police judge, and marshal—when and how elected.

§ 2. That hereafter the fiscal, prudential, and municipal relations of said town shall be vested in four trustees and a police judge, who, by virtue of his office, shall be chairman of the board of trustees, who, together with a town marshal, shall be annually elected on the first Saturday in February, by the male inhabitants over the age of twenty-one years, who shall have resided in said town three months previous to said election, and are qualified voters by the laws of this State.

Qualification of voters.

Term of office of police judge, trustees, and marshal.

§ 3. That the police judge, trustees, and town marshal shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, who, before entering upon the duties of their office, shall take an oath before some legally authorized officer that they will support the Constitution of Kentucky, and faithfully, and without favor or affection, discharge the duties of their office during their continuance therein.

Qualification of said officers.

§ 4. That no person shall hold the office of police judge, trustee, or marshal, who is not, at the time of holding the same, a citizen of said town, and has lived therein six months next previous to his or their election, and shall be at least twenty-one years of age.

Corporate name and powers.

§ 5. That said police judge, trustees, and their successors in office, shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the town of Boston Station; and by that name shall be capable in law of contracting and of being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do within the limits of the powers herein granted.

§ 6. That said board of trustees shall have power over the streets, alleys, and sidewalks in said town, or which may hereafter be opened; may direct the improvement of the same in such manner as they deem most beneficial to the interests of 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 State; they shall have power to levy and collect a poll-tax not exceeding, annually, two dollars on each tithable, and also an ad valorem tax on the property of the citizens of said town, both real, personal, and mixed, including every thing now taxed for revenue by the laws of this State; and on the real estate in said town, owned by non-residents of said town, not exceeding, annually, one dollar on each one hundred dollars' worth; they shall have the power to declare what are nuisances in said town, and by their order direct the same to be abated and removed, and may impose a fine upon whomsoever may have committed the same; they shall have power to tax auction sales, shows, concerts, and exhibitions for money, when held within said town.

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Trustees may make by-laws, rules and regulations, levy taxes, &c.

§ 7. That said board of trustees shall have power, and the exclusive control and right, to grant license for the sale, by retail, of all spirituous, vinous, or malt liquors within said town, or within one mile thereof; and no person shall have the right to sell spirituous, vinous, or malt liquors in said town, or within one mile thereof, without first having obtained a permit or license from said trustees, any law or statute to the contrary notwithstanding; they shall have power to tax all taverns, tippling-houses, merchants, license not exceeding two hundred dollars, and all ale and beer saloons not exceeding one hundred dollars: *Provided*, That nothing in this act shall excuse said persons from paying the tax to the State, and obtaining their license from the county court and executing bond, as now required by law.

May grant license to sell liquors in said town.

Made unlawful to sell liquors without license

May tax taverns, tippling-houses, &c.

§ 8. That it shall be the duty of all the trustees, annually (after their election), to appoint a clerk, treasurer, collector, assessor, and overseer of the streets and alleys, and such other officers as they may deem necessary; and take from the treasurer and collector bond, with approved security, payable to the trustees of the town of Boston Station, in such penalty as they may direct, conditioned for the faithful discharge of their duties; and for a violation thereof on the part of either of said officers, motion may be made, or suits brought, before any tribunal having jurisdiction, in the same manner, and under the same rules and regulations, that motions are made or suits brought against other officers for failure of duty; and the said trustees shall have the power to remove either of them for

Trustees to appoint officers and prescribe duties.

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Duties of
clerk.

§ 9. That it shall be the duty of the clerk to keep a record of the proceedings of the trustees; to draw all orders on the treasurer for the payment of money when ordered by said trustees, and to issue license for shows, exhibitions, &c., when the treasurer's receipt is presented to him for the amount of the tax, and do all other acts which the trustees may legally require him.

Duties of
treasurer.

§ 10. That it shall be the duty of the treasurer to receive and keep all moneys belonging to said town subject at any time to the order of the trustees, attested by their clerk, and to render annually to the trustees an account, and oftener if required by them to do so.

Duties of
collector.

§ 11. That it shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same over to the treasurer; and to make out and return to the trustees, within four months after the list shall have been placed in his hands for collection, a report of the amount collected, and who from, and the names of the delinquents, and the amount due from each; whereupon the said board of trustees shall have the power, and it shall be their duty, to make an order commanding and requiring the collector to levy upon so much of the delinquent's property, either personal, real, or both, as may be sufficient to pay and satisfy the amount of the tax and costs that may be due; and in pursuance of which order the collector shall make the said levy; and having advertised the said property for sale at the post-office door in said town for at least fifteen days, shall thereupon proceed to sell, at some public place, so much as may be necessary to pay the tax and costs thereon to the highest bidder, to whom the said collector shall give a certificate of his purchase upon his paying the amount bid, which certificate shall entitle the purchaser, his heirs or assigns, to demand from, and receive of, the board of trustees, a deed of the conveyance of said property described in said certificate, warranting alone against themselves, at any time after twelve months from the time of sale of said property, unless the owner or owners thereof shall have redeemed the same by paying to or tendering the purchaser, and giving notice to the said trustees of the payment or tender of, the amount of said purchase money and costs, with fifty per cent. thereon, and the purchaser, in all cases, paying the expense of making the conveyance; and the trustees shall have a lien upon all property in said town, both real and personal, for the tax; and the collector shall have power to levy on and sell personal property for tax without an order of the trustees, and prior to the time appointed for him to return his delinquent list: *Provided, however,*

That non-residents of the county may have two years to redeem in under the same regulations above provided for others, with the addition of twenty-five per cent. more if not redeemed in the first year: *And provided further*, That infants, *femes covert*, idiots, and lunatics, may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of tax and costs and twenty-five per cent. per annum from the time of sale.

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§ 12. That it shall be lawful for said trustees to enter up an order directing the citizens of said town, or any portion thereof, or lot-holder, whether living in said town or any other place, to pave a footwalk in front of their respective lots, of such width and kind as they may direct, a copy of which order shall be delivered to the owner, his agent, or the person in possession of the property, by the marshal; and it shall be lawful for said trustees, upon the failure of any citizen or citizens of said town, or owner of property in said town, for three months after service of said order to pave said footwalk, to have the same done; and the property in front of which said footwalk is made shall be responsible for the expense, and may be sold in the same manner as is provided in section eleven for the sale of property for tax.

Trustees may order streets improved.

Penalty for failure to comply with order.

§ 13. That immediately after the election in each year, the clerk of the trustees shall make out and certify to the Governor the name of the person who has received the highest number of votes for police judge, which shall be sworn to before some judge or justice of the peace, and certified by him; whereupon the Governor shall cause a commission to be issued to him as police judge of the town of Boston Station for one year, and until his successor is duly qualified. The said police judge shall have jurisdiction of all offenses arising under the by-laws and ordinances, of said town; and shall have power to issue warrants, enter judgments, and award execution, and issue process for witnesses, and compulsory process when they fail to attend. He shall have jurisdiction within the limits of said town of all causes, civil and criminal, in which justices of the peace have jurisdiction; and as a court of inquiry in criminal cases he shall have the jurisdiction of two justices; he shall have power to fine and imprison for contempt, not exceeding five dollars fine nor three days imprisonment; he shall have power to order a jury to be summoned in any case cognizable before him, where a jury would be required before a circuit court or justice of the peace; he shall have concurrent jurisdiction in civil and criminal cases with justices of the peace in Pendleton county; and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power to

Governor to commission police judge.

Power and authority of police judge.

1872. award process and issue writs, as may be necessary to enforce the due administration of right and justice, and for the lawful exercise of his jurisdiction agreeable to the usages and principles of law. It shall be the duty of each police judge to keep a record of all his official proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; and either party shall have the right of appeal from all judgments rendered by said judge, in the same manner as appeals from justices of the peace in similar cases; and said judge shall hold his courts for the trial of civil causes quarterly, at such times as he may designate; he shall keep a docket, order-book, and execution-book, which shall be provided for him by the board of trustees, and be paid for out of the funds of said town.

Duties of marshal. § 14. That it shall be the duty of the marshal to serve notices, &c., and all process and precepts to him directed from said police judge, justice of the peace, or county judge, and make due return thereof; and he shall collect all executions and other demands which may be put into his hands to collect, and pay the same over to whomsoever may be entitled thereto, under the same rules and regulations required by law in the collection of executions and other demands. The said marshal shall execute bond, payable to the Commonwealth of Kentucky, in such sum as the trustees may require, for the faithful and legal performances of his duties; and also take the oath required of sheriffs.

Vacancies in any of said offices to be filled by election. § 15. That whenever a vacancy occurs, by death, resignation, or otherwise, in the office of police judge, marshal, or trustees of the town of Boston Station, that a majority of the remaining board of trustees shall cause an election to be held to fill said vacancy, after having first given three days' notice of the same; and said election shall be held and conducted in the same manner as regular elections.

Fines and forfeitures to be paid into town treasury. § 16. That all fines and forfeitures for the breach of any by-law or ordinance of said town, whether tried before the police judge, justice of the peace, or county judge, shall be paid over to the treasurer of said town for its use and benefit, and shall be for the use and benefit of said town, any law to the contrary notwithstanding.

Fees of police judge. § 17. That the police judge shall be allowed to charge and collect the following fees, to-wit: for issuing a warrant in a civil case, twenty-five cents; for a peace warrant, riot, rout, breach of the peace, unlawful assembly, or disturbing religious worship, one dollar; for a warrant for a violation of a by-law or ordinance of said town, when the trustees are plaintiffs, fifty cents; for swearing a jury and presiding over a trial in any case, except

forcible entry and detainer, one dollar, to be charged to the applicant; and for any and all other services the same fees as are now allowed justices of the peace for similar services. 1872.

§ 18. That the fees of the marshal shall be the same as are now allowed to constables. Fees of marshal.

§ 19. That the collector shall be allowed and entitled to the same fees as sheriffs for similar services. Fees of collector.

§ 20. That from year to year the board of trustees shall fix the amount to be paid to the clerk, assessor, and street overseer for their services. Trustees to fix compensation of other officers.

§ 21. That previous to each annual election the trustees shall appoint three suitable persons to hold said election, who shall, on the first Saturday in February, at 9 o'clock, A. M., open the polls for the election of the officers provided for in this charter, and keep the same open until 4 o'clock, P. M., and shall return, under oath, to the clerk of said trustees, a just and true list of all the votes cast immediately after the close of the polls. Trustees to provide for annual election of town officers.

§ 22. That the citizens of said town, and the property thereof, shall be exempt from the operation of the road law. Citizens exempted from road laws.

§ 23. That Lyman Harding, jr., be, and is hereby, appointed police judge of the town of Boston Station; Jas. Lawhorn, marshal of said town; and Jno. W. Hall, Lloyd W. Kirby, Alfred Fryer, and T. Jefferson McKee, trustees of said town, whose term of office shall be until their successors are elected and qualified, as hereinbefore provided. Temporary officers.

§ 24. That this charter shall go into effect from and after the passage thereof.

§ 25. That the Legislature reserves the right to repeal, alter, or amend this act at pleasure.