

CHAP. XXXVIII.

An act concerning the town of Maysville.

APPROVED December 1, 1825.

Trustees to
be elected
when and by
whom:

§ 1. *Be it enacted by the general assembly,* That it shall be lawful for all free white male inhabitants of the town of Maysville, and those within one quarter of a mile of said town, aged twenty-one years or upwards, to elect annually on the first Monday in March, seven trustees; the first election shall be conducted by two of the magistrates of Mason county, to be appointed by the county court of said county for that purpose, and ten days previous notice thereof shall be given by the magistrates so appointed in the most public places in said town; and the return of persons so elected shall be made to a clerk to be also appointed by the said county court, *pro tempore*, and by him recorded in a journal to be provided for that purpose; in all future elections the election shall be conducted by one or more of the then acting trustees to be appointed for that purpose, and ten days previous notice thereof shall be given by the chairman of said board in the most public places in said town; and the return of persons so elected shall be made to the clerk of said board, and by him recorded in their journal. The said trustees before they proceed to business shall take an oath to discharge the duties of their office as trustees, without favor, affection, or partiality; and the clerk of said board shall have power to administer oaths to any person or persons coming before the board under the directions of this act.

To take an
oath.

§ 2. No person shall be capable of being elected or of acting as a trustee who is not a free-holder and an inhabitant of said town. All vacancies occasioned by death, resignation or otherwise, of any of the trustees aforesaid, shall be supplied by an election to be holden as aforesaid, on some day to be named by the board.

Qualification
of trustees.

Vacancies,
how filled.

§ 3. The said board shall appoint a clerk, who shall hold his office until the next annual election for trustees, but for good cause may be removed: and the clerk so appointed, before he enters on the duties of his office, shall take an oath, to be administered by the chairman of said board, that he will to the best of his skill and ability make true entries of the proceedings of said board, and that he will safely keep the books and papers given him in charge; and shall moreover acknowledge himself responsible to said board for any neglect or malfeasance of office; and an entry thereof shall be made on the journal of said board.

Clerk to be
appointed.

To take an
oath.

§ 4. The said trustees shall have power to levy and enforce the collection of a tax not exceeding two hundred dollars annually, on the tithables and property both real and personal within the said town and limits, and shall have a lien on such property until the tax thereon be paid, and shall apply the said tax to such purposes as they shall deem proper for the benefit of said town.

Power of the
trustees to
levy tax.

§ 5. The said trustees shall on or before the first day of May, annually appoint a commissioner for the purpose of procuring a list of each individual's property lying or being in the said town; which said commissioner before he begins to exercise the duties of his office, shall make oath before some justice of the peace, that he will to the best of his skill and ability, without favour, affection or partiality, discharge the duties hereby enjoined him,

To appoint
a commis-
sioner.

Who shall
take an oath

His duty.

that is to say, he shall on or before the first day of June proceed without delay to call on each person resident within the said town or limits, or holding a lot or lots or other property therein, or his or her agent (if any such there be) for a written list of his or her property; which being corrected (if necessary) and distinctly read over by the commissioner to the person delivering the same, he or she shall make oath or affirmation, to be administered by the said commissioner, to the truth of such list; and the said commissioner shall value the property so listed and note the amount of such valuation in such list; and in case of neglect or refusal on the part of the person so called upon to give a list of his or her property as aforesaid, or in case of a person holding property in said town, but residing without the limits thereof and having no agent therein, it shall be lawful for the commissioner to make out a list thereof from the best information he can procure, and to fix the valuation thereof as before mentioned, which list shall on or before the fifteenth day of June be returned by such commissioner to the board of trustees, who may proceed immediately to apportion the tax to be collected agreeably to the valuation aforesaid: *Provided, however,* that if any person shall conceive himself or herself aggrieved by such valuation, he or she may appeal to the board of trustees at their next meeting, who shall if they see cause reduce the estimate of such valuation, and if any person when called on by the commissioner, shall give or deliver a false or fraudulent list, he or she shall be liable to a fine of ten dollars, and to pay triple tax, to be sued for, recovered and applied as hereafter directed.

Trustees to apportion the tax.

Appeal to the trustees in what cases allowed.

Penalty for a false or fraudulent list.

Tithables to work on streets and

§ 6. The trustees shall have power to call on the male tithables of said town, for the purpose of working on the streets and roads leading from the

several landing places on the Ohio river, and for removing nuisances under the superintendance of a surveyor or overseer to be appointed by said board, whose duty it shall be when directed by the board to call upon the said tithables to meet on some day and at a certain place, with proper tools for the purposes aforesaid; and every such person failing to attend so equipped, or who shall refuse to labour under the direction of said surveyor or overseer, or to find some person equally able to work in his room, provided he hath three days notice of the time and place aforesaid, shall be liable to pay the sum of one dollar and twenty five cents, to be sued for, recovered and applied as hereafter directed; and if the surveyor so appointed and accepting said appointment, shall fail or refuse to comply with the duties hereby required of him, he shall be liable to be fined in the sum of five dollars and be displaced from his office, which fine shall be sued for, recovered and applied as hereafter directed; and the inhabitants of said town shall not be compelled to work on any road more than one half mile out of the limits thereof.

Surveyor to be appointed and his duty

Penalty for failing to attend the surveyor & to labour.

Penalty on the surveyor for neglect of his duty.

Inhabitants exempted from working on other roads.

§ 7. Any person who shall be guilty of running or racing horses in the streets, playing or throwing bullets, or shooting at marks within the inlots of said town; such person shall for every such offence, if a white person, forfeit and pay the sum of five dollars, to be sued for and recovered as hereafter directed; and if a slave shall be whipped at the discretion of a justice of the peace, not exceeding fifteen lashes.

Horse racing &c. prohibited.

Penalty

§ 8. And the said trustees when they have laid and apportioned the tax on the property assessed and valued as aforesaid, shall appoint a collector whose duty it shall be to collect and account for such tax, within three months after a list of the

Collector to be appointed and his duty

same shall be put in his hands, and if any person shall refuse to pay the same; the said collector shall have power to seize and sell so much of his property as will be sufficient to make the tax by him or her due; and the collector shall deliver the money so collected, to the trustees or the person who may be appointed by them to receive, deducting therefrom such compensation for his services, as the said board shall have agreed to pay him: *Provided however*, that before the said collector shall proceed to business, he shall give bond with sufficient security, payable to the trustees, in the penalty of five hundred dollars, for the faithful discharge of the duty of his office, and should he fail to comply with the conditions of said bond, the county court of Mason county, which is hereby specially authorized and empowered, may on application or motion of the chairman of said board, give judgement and award execution against said collector for such sum or sums, with ten per cent. damages on the same.

to give
and Sec.

hogs prohibi-
ed from
running at
large.

§ 9. *And be it further enacted*, That from and after the first day of March next no person shall be permitted to keep or raise hogs within the limits of said town, unless they be kept up in a pen or sty, which pen or sty, shall not bind on nor be contiguous to any street in said town; if any hogs are found going at large after the said first day of March next, belonging to any inhabitant of said town, the owner or proprietor thereof shall be liable to a fine of one dollar per day, for each hog which he may suffer thus to run at large, which fine shall be sued for, recovered and applied as other fines mentioned in this act.

penalty:

power of the
trustees to
make bye
laws &c.

§ 10. The trustees aforesaid shall have power to make any bye law or laws, rules and regulations for the government of the market, for the internal government of the said town generally, as they

may deem expedient, not inconsistent with provisions contained in this act, or the constitution of this state, or of the United States ; and they are hereby empowered to lay such fine or fines, not exceeding fifteen dollars, for a breach or breaches of said bye law or laws, rules and regulations aforesaid, as they shall think or deem proper ; and all fines by them imposed, together with such as are pointed out in the provisions of this act, shall be sued for in the name of the board of trustees for the town of Maysville, under their direction or directions of some person appointed for that purpose, for the benefit of said town, as they shall deem expedient.

And to levy.
fines in cer-
tain cases.

Fines how to
be recovered
and appro-
priated.

Commence-
ment.

This act shall commence and be in force from and after the passage thereof.

BY AUTHORITY,

ACTS

PASSED AT THE FIRST SESSION OF THE TWELFTH

GENERAL ASSEMBLY

FOR THE

COMMONWEALTH

OF

KENTUCKY

BEGUN AND HELD

**AT THE CAPITOL IN THE TOWN OF FRANKFORT,
ON MONDAY THE SEVENTH DAY OF NOVEMBER,
IN THE YEAR OF OUR LORD, ONE THOUSAND,
EIGHT HUNDRED AND THREE, AND OF THE
COMMONWEALTH, THE TWELFTH,**

FRANKFORT;

PRINTED BY WILLIAM HUNTER,

PRINTER TO THE STATE,

PUBLISHED FEBRUARY 18, 1804.