

ACTS

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED AT

NOVEMBER SESSION, 1850.

VOLUME II.

PUBLISHED BY AUTHORITY.

FRANKFORT, KY.

A. G. HODGES & CO.—STATE PRINTERS.

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§ 14. This act shall not take effect until the next election of the president and managers of the Louisville and Elizabethtown turnpike road company, and until said president and managers shall have qualified as such, and, by a written order, made by the consent of all the managers elected, enter their consent to this act, and waive any right which the said company have, under their charter, to construct the bridge; which order shall be transcribed, signed, and sealed by the said president and managers, and transmitted to the secretary of state, who shall file the same.

Approved March 24, 1851.

CHAPTER 691.

AN ACT to amend the act incorporating the Mayslick and Sardis Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act passed at the present session of the general assembly, entitled, "an act to incorporate the Mayslick and Sardis turnpike road company," be and the same is hereby so amended as to authorize the company to organize and commence the construction of said road whenever the sum of five thousand dollars in stock shall be subscribed. The shares of stock shall be fifty, instead of one hundred dollars. And a toll-gate may be erected on said road within one half mile of the limits of the town of Mayslick.

Approved March 24, 1851.

CHAPTER 692.

AN ACT to charter the City of Louisville.

ARTICLE FIRST.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the boundaries of the city of Louisville shall be as at present established by law and the inhabitants thereof shall be incorporated into a city, by the name and style of the "city of Louisville," and shall be a body corporate and politic forever, retaining and possessing the power to sue and be sued, to contract and to be contracted with, to have and to use a common seal, and the same to alter and to amend at pleasure; and to hold, enjoy, sell, and dispose of any property now vested in the city of Louisville, or in any person or corporation to the use of said city, to the intents and purposes for which the same was taken or granted; and in all suits against the said corporation, service of process upon the mayor thereof shall be sufficient.

Boundaries established.

Inhabitants incorporated.

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Boundaries to
be distinctly
marked.

§ 2. The general council of the said city shall cause the boundaries of said city, herein established, to be marked out, and permanent stone monuments planted at the corners of said boundaries.

ARTICLE SECOND.

Corporate
powers divided
into three de-
partments.

§ 1. The corporate powers of the city of Louisville shall be divided into three distinct departments, viz : legislative, executive, and judicial ; and no officer in one of these departments shall exercise any power belonging to either of the others, except as hereinafter permitted.

ARTICLE THIRD.

Of the legisla-
tive power.

§ 1. The legislative powers of the said city shall be vested in a board of common councilmen and a board of aldermen, which together shall be styled the general council of the city of Louisville, and shall be elected as hereinafter provided for.

Eligibility of
common coun-
cilmen & alder-
men.

§ 2. No person shall be eligible as a common councilman who has not attained the age of twenty-four years, and no person shall be eligible as an alderman who has not attained the age of thirty years ; nor shall any person be eligible to a seat in either board of the general council who has not resided in the city of Louisville for three years next preceding his election, and is not a *bona fide* resident of the ward for which he may be chosen, who is not a citizen of the United States, or who holds or discharges any office or agency under the city of Louisville, the county of Jefferson, the state of Kentucky, the United States of America or any department thereof, or under any of the states thereof, or any foreign government whatever, except militia officers of Kentucky, or who, at the time of his election, is interested, directly or indirectly, in any contract with the city of Louisville, or who holds any office of trust or salary in any corporation which holds any contract with said city, the terms, rates or prices whereof are subject to modification or enforcement by said general council ; and no collector or keeper of city money shall be eligible to either board of said council, until he has settled with the city and obtained a quietus. And if, after election, any member of said council should remove out of the ward for which he was chosen, or become a candidate for or accept any office or agency, the holding or discharging of which would have rendered him ineligible, or should become interested, directly or indirectly, in any contract with said city, his seat shall be thereby vacated, and the vacancy shall be supplied as hereinafter directed. Stockholders in corporations may be eligible, but shall not vote on any question directly or indirectly affecting such contract, or any right or duty under the same.

§ 3. Representation shall be equal and uniform in the city of Louisville, and regulated by the number of qualified voters therein, which shall be ascertained from the census reports of the year 1850, and by an enumeration in the year 1857, and every eight years thereafter. And the general council first elected under this charter, and the general council first elected after each enumeration, shall lay off the city into such number of wards as the interests of the city may require, not exceeding twelve, as nearly equal in qualified voters as may be; and the qualified voters of each ward shall elect two qualified members of the board of common councilmen, and one of the board of aldermen.

§ 4. Common councilmen shall be chosen for one year, and no longer, and aldermen for two years, and no longer, from the day of their general election; but the board of aldermen first elected under this charter shall, within three months after election, divide themselves, by lot, into two classes—first and second—as nearly equal as may be in point of numbers, and the seats of members of the first class shall be vacated at the end of one year, and the seats of members of the second class shall be vacated at the end of two years from the day of their general election; and the seats of members, thus vacated, shall be filled by election of the qualified voters in their several wards, at the annual general election for members of the general council.

§ 5. Each board of the general council shall elect, from amongst its members, a president of the board for one year, and, in the absence of the president elect, a president *pro tem.*: and each board shall elect its clerk, and define his duties, and shall select, from amongst the police of the city, a sergeant-at-arms and doorkeeper, and shall prescribe the duties required to be performed by these officers. The clerk of each board shall receive such compensation as may be fixed by the general council, by ordinance; but the police officers, serving as sergeant-at-arms and doorkeepers, shall not receive any additional compensation for such services.

§ 6. Each board shall judge of the qualifications, elections and returns of its members; but a contested election shall be determined in such manner as may be prescribed by ordinance; each board may determine its own rules of proceeding, and prescribe the punishment of its members for disorderly conduct, and enforce the same, and, two-thirds of the members concurring, may expel a member for improper conduct while in office, but not twice for the same offense. It shall require a majority of the members elected to form a quorum of either board for the transaction of business, but a smaller number may adjourn from day to day, and, under the provisions of an ordinance,

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Representation to be equal and uniform.

Enumeration to be taken every eight years.

City to be laid off into wards.

Term of office of councilmen & aldermen.

President and other officers of each board to be elected.

Each board to judge of the election, &c., of its members.

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Journal of
proceedings to
be kept & pub-
lished.

Ordinances to
be published.

Of the meetings
of the council.

Pay of mem-
bers and privi-
leges.

Vacancies,
how filled.

Of passing of
ordinances.

may compel the attendance of absent members, by fines and penalties not exceeding ten dollars.

§ 7. Each board of said council shall keep a correct journal of its proceedings, and, immediately after adjournment of each session, shall cause the proceedings of that session to be published at least once in one or more of the daily newspapers printed in Louisville—such newspaper or newspapers to be selected annually by the general council, on joint ballot or otherwise, as may be prescribed by ordinance. And all ordinances shall, before being enforced, be published in the manner above provided for publication of proceedings, and all ordinances passed during the year, and unrepealed at the end of the term of service of each board of common councilmen, shall then be published, as the sheet acts of the general assembly of Kentucky are published, for the use of the general council, and for such distribution as may be prescribed by ordinance.

§ 8. The general council shall hold their meetings in such separate rooms in the court house, in said city, as may be provided and prepared according to ordinance; and the places of meeting, once fixed, shall not be changed, unless by ordinance designating different places, and adopted by a majority of two-thirds of the members elect in each board. They shall assemble in one week after their general election, and shall meet regularly once in every two weeks; and they shall not adjourn for a longer time, but may adjourn within that time to any day, and sit as long as business may require; but one board shall not adjourn when both are in session, without the consent of the other board, for a longer term than twenty-four hours.

§ 9. The members of the general council shall each receive two dollars per day for each day he is in attendance at the sessions of the board of which he is a member; and they shall be exempt from serving on juries of all kinds, and from military duty during their term of service; and for any speech or debate in either board, they shall not be questioned in any other place.

§ 10. All vacancies in either board of the general council shall be filled by election by the qualified voters of the ward in which the vacancy occurs, except vacancies occurring within three months of the annual general election, which shall be filled as may be prescribed by ordinance.

§ 11. No ordinance shall be passed by the said council until, on two several days, it shall have been read in each board, and free discussion allowed thereon, unless in cases of urgency a majority of two-thirds of the members elect of the board in which the proposed ordinance is pending, shall agree to suspend this provision; and no ordinance shall embrace more than one object, and that shall be expressed in the title; nor shall any ordinance be altered or

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Revenue bills,
where to origi-
nate.

May provide
for enforcing or-
dinances.

How money
to be drawn.

The mayor, his
term of office.

Qualifications

When to enter
into office—his
compensation.

His duties.

amended in any way, except by repealing, and embracing in a new ordinance the portion intended to be retained.

§ 12. All propositions for raising revenue shall originate in the board of common councilmen; but the board of aldermen may propose amendments, as in other propositions: *Provided*, that they do not, under color of an amendment, introduce any matter not relating to raising revenue; and no ordinance shall be passed exempting any individual, company, or corporation from duties or burthens borne by others, or granting any privileges or immunities whatever, except as herein expressly allowed; but the general council shall have power to pass all ordinances necessary and proper to carry into effect the powers granted in this charter. And, to enforce ordinances, the said council may prescribe such fines and penalties as they may deem adequate, not exceeding one hundred dollars, except where other penalties have been prescribed herein.

§ 13. No money shall be drawn from the city treasury, except in pursuance of appropriations made by ordinance.

ARTICLE FOURTH.

§ 1. The chief executive officer of the city of Louisville shall be styled the mayor, and be elected for two years, and until his successor has been elected and qualified, by the qualified voters of said city, at the time and places, and under such rules and regulations as may be prescribed for the general election of members of the general council and city officers. No person shall be eligible for the office of mayor who is not at least thirty years of age, is not a qualified voter, and who has not been a *bona fide* resident of said city for three years next preceding his election, or who, at the time of his election, holds any other office under the said city, or who is directly or indirectly interested in any contract with said city; and if, after election, the mayor becomes directly or indirectly interested in any contract with said city, or an applicant for such contract, or becomes a candidate for any other office under said city, or accepts or becomes a candidate for any office or agency under the United States, or any department thereof, or of the state of Kentucky, or of the county of Jefferson, his office shall be thereby vacated.

§ 2. The mayor shall commence the execution of his office on the fourth Monday after the day of his election. He shall receive, as compensation for his services, two thousand dollars per annum, payable quarterly, and no more.

§ 3. The mayor shall be head of the police of the city, and may command them in the performance of executive duties; and, when deemed necessary by him to enforce the laws of the city, or to avert or to save life or property in cases of calamity, he may summon into service any of the citizens, either civil or military, and, in such cases, he shall

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be present and command in person; and the general council shall, by ordinance, prescribe suitable fines and penalties for disobedience of the mayor's summons or orders on such occasions.

Shall give information to the council.

§ 4. The mayor shall, from time to time, give to the general council information, in writing, of the state of the corporation, and such other information, when said council may require it; and he may recommend to the consideration of said council such measures as he may deem expedient. He shall exercise a general supervision over all the executive officers of the city, and may require from them, in writing, information concerning the duties of their respective offices. He shall take care that the ordinances of the city are faithfully executed, and shall perform such other duties, than those prescribed in this charter and not inconsistent therewith, as may be prescribed by ordinance.

All ordinances to be approved & signed by the mayor.

§ 5. Every proposed ordinance which has passed both boards of the general council, shall be presented to the mayor, and, if he approve, he shall sign it, and it then becomes an ordinance; but if he disapproves, he shall return it, with his objections, in writing, to the board in which it originated, which objections shall be entered at large on the journal of that board; and the board shall then proceed to reconsider the proposed ordinance, and if it is then adopted by such majority as was required to pass it originally in that board, it shall be sent, with the mayor's objections, to the other board, by which it shall also be reconsidered; and if again passed by such majority of the members as was required to pass it originally, it shall be an ordinance as though signed by the mayor; but in such cases the votes in each board shall be taken by yeas and nays, and recorded in the journal. If the mayor shall hold up a proposed ordinance for one week after it has been presented to him for approval, it shall be an ordinance as though he had signed it, unless the general council, by adjournment, prevent its return, in which case it shall be an ordinance as though signed by the mayor, unless returned to the council at the next meeting after the expiration of said week. And every order, resolution, or vote, except on a question of adjournment, shall be presented to the mayor, and, before it take effect, shall be approved and signed by him, or, being disapproved, shall be re-passed by a majority of all the members elect of each board, according to the rules and limitations prescribed in cases of proposed ordinances. For special reason deemed urgent, the mayor may convene the general council, and, in case of disagreement between the two boards thereof as to adjournment, he may adjourn them, but not longer than to the day prescribed for the next regular meeting of said council.

May convene the council.

Shall administer certain oaths & fill vacancies.

§ 6. When required to do so by the general council, the mayor shall administer the oath or affirmation of office to

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any and all executive officers of the said city; and any person violating such oath or affirmation, shall be subject to like pains and penalties as are prescribed by law for perjury committed before a judicial officer. And the mayor shall have power to fill vacancies in any of the executive offices of the city, by appointments, which shall expire when such vacancies are filled as herein provided for.

§ 7. Should the mayor be temporarily disabled, from any cause, from discharging the duties of his office, or should the office be vacated, from any cause, before the expiration of the term of office, the general council shall, upon joint ballot, elect a mayor *pro tem.*, who shall exercise the powers and discharge the duties of mayor, during the continuance of the mayor's disability, or until a mayor has been elected and qualified as herein prescribed. And the general council shall allow such compensation to the mayor *pro tem.* as they may deem adequate for his services.

When mayor
pro tem. may be
appointed.

§ 8. And there shall be elected by the qualified voters of said city, at the times and places provided for as hereinafter for the general election of members of the general council and city officers, one person as city attorney, one person as auditor, one person as treasurer, and one person as assessor of taxes, each of whom shall be chosen for two years, and until his successor is elected and qualified; and by the said qualified voters, in their respective districts, one person as collector of taxes for the eastern district, and one person as street inspector for the eastern district, and one person as collector of taxes for the western district, and one person as street inspector for the western district, each of whom shall be chosen for one year, and until his successor is elected and qualified; and by the said qualified voters, in their respective wards, two persons as trustees of the university and public schools of Louisville, who shall hold office as hereinafter provided for; and one person as day watchman, and two persons as night watchmen for each ward, and each watchman shall be chosen for one year, and until his successor is elected and qualified. And each one of the officers chosen as above provided for, shall, before entering upon his duties, take such oath or affirmation of office, and enter into bond with conditions and sureties, and in such form, as may be prescribed in this charter or by ordinance; and he shall perform such duties, and receive such compensation as may be prescribed in this charter and by ordinance. And no person shall be eligible to any of the offices above named, who is not, at the time of his election, a qualified voter and *bona fide* resident of said city for at least one year next preceding his election; and if chosen for a district or a ward, he shall be a *bona fide* resident of such district or ward at the time of his election; nor shall any person be eligible to the office of city attorney, who, in addition to the qualifications named above,

City officers
to be elected.

Qualifications
of such officers.

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has not been for two years a licensed practising attorney; nor shall any collector of taxes be eligible to any office, unless he shall have accounted for all previous collections with said city, and obtained quietus; and persons, to be eligible to the office of trustee of the university and public schools of Louisville, shall possess the qualifications, as to citizenship, age, and residence, required by this charter for common councilmen: *And it is provided*, that if any officer elected for the city, or a district, or a ward, shall, after election, remove from the city, or district, or ward for which he was chosen, he shall thereby vacate his office: *And it is also provided*, that, except for the office of trustee of the university and public schools of Louisville, no person shall be eligible to any of the offices named herein, who, at the time of his election, holds any office or agency under the United States or this state, or who holds, or is directly or indirectly interested in, any contract with the city of Louisville; and any officer who, after his election, becomes a candidate for or accepts any office, the holding of which would have rendered him ineligible, or who becomes interested, directly or indirectly, or applies for any contract with said city, shall thereby vacate his office. And when any officer, elected under the provisions of this section, dies, or in any way vacates his office, the vacancy shall be filled by special election by the qualified voters of the city, or district, or ward, except in cases otherwise provided for in this charter.

Vacancies,
how filled.

Officers to be
appointed by
the council.

§ 9. The general council shall, upon joint ballot, and at such time or times as may be fixed by ordinance, elect, for one year and until their successors are chosen, respectively, one person as wharf master, one person as keeper of the work house, one person as keeper of the poor or alms house, one person as keeper of the pest house, one person as physician for the eastern district, and one person as physician for the western district; as many persons as market masters as may be prescribed by ordinance, not more than one for each market house; as many persons as sextons as may be prescribed by ordinance, not exceeding one for each city cemetery; two persons as inspectors and guagers of liquors, oils, and other liquids; two persons as inspectors of flour; two persons inspectors of pork, beef, lard, tallow, and butter; two persons as inspectors of salt; two persons as inspectors, weighers, and measurers of coal, wood, and lime; and the said council shall prescribe the duties, and regulate the manner of discharging the same, and fix the compensation and fees of each and all of the officers above named; and each of said officers shall, before entering upon the duties of his office, enter into bond, and take an oath or affirmation of office as may be prescribed by ordinance; and the general council may, by ordinance, prohibit any inspector

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from being a dealer in the article inspected by him, but such ordinance shall not be binding upon any such inspector in office when the same was adopted, until after the expiration of the term for which he had been elected. And the general council shall elect five falls pilots, who shall be chosen for a term of ten years after their first election, and whose fees shall be regulated, and their duties and bonds as may be prescribed in this charter and by ordinance; and the said council shall elect two tobacco inspectors for each tobacco warehouse in said city, whose term of service shall be two years, and until their successors are elected and qualified; and the said council shall provide for the election, by said council, upon joint ballot, of such number of inspectors and measures of brick and stone work, of carpenter's work, of painter's work, of plasterer's work, of lumber, of stone, and of any kind of building materials or other articles sold in Louisville; and shall, by ordinance, fix the number of such inspectors to be elected, their terms of office, and their duties, and regulate the manner of performing the same, and their fees: *And it is provided*, that no person shall be eligible to any office named in this section, who is not, at the time of his election, a qualified voter of said city, and has not resided in said city for one year next preceding his election, and, if elected for a district or a ward, he shall be a *bona fide* resident, at the time of his election, of the district or ward for which he has been chosen. And the general council shall, upon joint ballot, elect, from amongst the persons in each ward eligible to the office of watchman, one person as supernumerary watchman for each ward, for such term, not more than one year, as may be prescribed, who shall supply the place of either of the regular watchmen of the ward, temporarily unable, from any cause, to discharge his duties, and shall receive the compensation of the regular watchman for the time he discharges duty in his stead.

§ 10. The assessor of taxes shall nominate, and the general council, upon joint ballot, shall elect as many persons as assistant assessors of taxes as said council may, by ordinance, provide for, to be chosen for such term, receive such compensation, and perform such duties as shall be prescribed by ordinance.

Assistant assessors of tax,
how appointed.

§ 11. The general council shall provide, by ordinance, for the election or appointment of all needful nurses and attendants for the poor or alms house, and pest house, and for guards and attendants at the work house, for assistants to sextons of city cemeteries, and for workmen and quarry men for the city quarry, and for servants to attend to any of the public offices of the city, and fix their compensation, and prescribe their duties, and provide for their punishment and removal for malfeasance or neglect in office.

Nurses to be
appointed for
poorhouse, &c.

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License inspectors to be elected.

Collectors of railroad tax.

Vacancies, how filled.

Council to appoint all other officers.

Certain officers may be removed from office.

§ 12. The general council may provide for the election, by the qualified voters of the eastern district, one person for license inspector for said district, and, by the qualified voters of the western district, one person as license inspector for said district, to be chosen, for one year and until their successors are elected and qualified, respectively, at the same times and places, and to possess the like qualifications as hereinbefore required for street inspectors; and said council shall, by ordinance, fix the compensation, and prescribe the duties to be performed by license inspectors. And when it becomes necessary to elect collectors for railroad taxes, there shall be one person, qualified as herein provided for collectors of city taxes, elected by the qualified voters in each district for railroad tax collector for said district, at the general election for members of the general council and city officers; and railroad tax collectors shall be subject to all the provisions of this charter relating to collectors of taxes.

§ 13. When any officer, elected by the general council, dies, or vacates his office in any way, the vacancy shall be filled for the remainder of the term, as herein provided for an original election; and in case any officer, elected by the qualified voters of said city under the provisions of this charter, shall die, or vacate his office within three months of the day of the general election for members of the general council and city officers, the vacancy shall be filled until the day of such general election, by election by said council, on joint ballot, of a person eligible to such office, according to this charter; and in case any district or ward of the city shall refuse to or fail to hold an election for officers, as provided for herein, the general council shall, upon joint ballot, elect such officers from the persons in such district or ward, eligible according to this charter; and the officers so elected shall perform their duties, and hold their offices for such terms, and be entitled to compensation as though elected by the qualified voters of such ward or district.

§ 14. And all officers or agents of the city, or of any department of its government, not herein required to be elected by the qualified voters thereof, shall be elected by the general council upon joint ballot.

§ 15. Executive and ministerial officers of the said city shall be removable from office by the board of aldermen, sitting as a court duly sworn or affirmed, upon charges preferred by the mayor thereof; (but in case of the mayor, upon charges preferred by the board of common councilmen;) and no person shall be removed from office without the concurrence of two-thirds of the members of the board of aldermen. When a person has been removed from office, he shall not be re-eligible thereto until the expiration of the term for which he had been elected.

§ 16. When, in elections by the qualified voters of the city, or districts, or wards, two candidates are equal and highest in votes for the same office, there shall be a new election for that office ordered. Cases of contested elections shall be heard and determined by the general council, and under such rules as may be prescribed by ordinance.

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How the and
contested elec-
tions to be deci-
ded.

ARTICLE FIFTH.

§ 1. The judicial power of the corporation shall be vested in, and exercised by a court, styled the city court of Louisville, which shall be held by a single judge, to be elected and qualified, and hold office as prescribed in the constitution of this commonwealth.

Judicial power
vested in city
court.

§ 2. The city court of Louisville shall be a court of record, and shall have the power, jurisdiction, and authority of a justice of the peace of the county of Jefferson over slaves and free negroes, and the powers of a justice of the peace to require surety for good behavior, and for the peace, and in all matters of penalties for a violation of the laws of this commonwealth, and the ordinances of the general council; and, as to committing criminal offenders and sending them on for trial, shall have the power of two justices of the peace, but shall not have or exercise any authority in judicial matters, except as granted in this charter, but shall have exclusive jurisdiction of all pleas of the commonwealth arising within the city of Louisville, except cases of felony; and said court shall have power and authority to take recognizances, from persons charged with offenses cognizable before said court, to appear and answer, the same that the circuit courts have, and the like power to enforce a compliance with the same; and the city court of Louisville shall have the same power and authority, within the said city, to bind out orphan children, and the children of persons who are not able, or, from their habits and character, are not likely to bring them up in honest courses, that the county courts of this commonwealth have in their respective counties.

Jurisdiction &
powers of the
city court.

§ 3. The city court of Louisville shall, according to the laws of this commonwealth, have jurisdiction and authority to issue writs of *ad quod damnum* in the case provided for in the first section of the seventh article of this charter.

"City court may
issue a writ of
ad quod damnum

§ 4. The city court of Louisville shall have exclusive jurisdiction in all cases of petty larceny within said city, or cases punishable by stripes, under the same laws, rules, and regulations that the Jefferson circuit court now has; and the persons found guilty thereof, in said court, instead of receiving stripes, as now provided by law, shall be imprisoned in the city work house for not less than one month nor more than six months; and the said court shall, on presentment of a grand jury, try vagrants as other per-

To have exclu-
sive jurisdiction
of all cases of
petty larceny.

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sons guilty of misdemeanors are tried in said court, and, if found guilty, they shall be sentenced by said court to labor in the city work house for six months.

Salary of judge.

§ 5. The judge of the city court of Louisville shall receive an annual salary of fifteen hundred dollars, payable out of the treasury of this commonwealth quarterly. And in consideration of the fines and forfeitures recovered in favor of the commonwealth, in said court, granted to the city of Louisville, it shall be the duty of said city, on the first day of December next, and on the first day of December in each succeeding year, to pay into the treasury of this commonwealth the like sum of fifteen hundred dollars.

Clerk, his qualifications.

§ 6. The clerk of the city court of Louisville shall possess the qualifications, and hold his office, and be liable to the same penalties, and give bond with like conditions, and be elected as prescribed for clerks of county courts of this commonwealth.

His fees and compensation.

§ 7. The clerk of the city court of Louisville shall be entitled to receive the same fees allowed to the clerks of the Jefferson circuit and county courts for similar services, and with the same power and authority for the collection of the same, and subject to the same fines and penalties for illegal charges, to be recovered in the same manner. The general council shall allow to said clerk such additional compensation as they may deem reasonable, for fees against the city on ordinance, and for fees in cases where the parties have been committed to the city work house, and for *ex officio* services; but said allowances shall not be less than the fees would amount to, if made out according to charges for similar services, unless it be with the consent of said clerk.

How process of city court to be executed.

§ 8. The process of the city court of Louisville shall be directed to, and executed by the marshal of said court, and shall run in the name of the commonwealth of Kentucky; and the process of said court may run into any county of this commonwealth; and the marshal of said court shall have the same power and authority to constitute a bailiff to execute any process directed to him, by indorsement on the back of the process, that the marshal of the Louisville chancery court has; but the judge of said court may, for special cause, direct the process of said court to any sheriff, deputy sheriff, constable, or other discreet person, and the person executing the process of said court shall be entitled to the like fees for the like services, and to the like remedy for the collection thereof, as the sheriff of Jefferson county for like services, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

Fines & forfeitures granted to the city.

§ 9. The fines and forfeitures recovered in favor of the commonwealth, in said court, are hereby granted to the city of Louisville for the benefit of the university and pub-

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lic schools of Louisville; and all presentments and indictments against said city for violation of the laws of the commonwealth, or for breaches of ordinances, are to be tried in the Jefferson circuit court; and any fine or forfeiture that may be levied therein against said city, shall be paid into the treasury of this commonwealth.

§ 10. The city attorney shall be the prosecuting attorney in the city court of Louisville. He shall receive an annual salary of seven hundred dollars, payable out of the treasury of said city quarterly; and he shall be entitled to the like fees for the like services as are allowed by law to the prosecuting attorneys in the circuit courts of this commonwealth.

City attorney,
his salary & fees

§ 11. Upon all judgments rendered in said court, whether in favor of the commonwealth or of the city of Louisville, it shall be lawful for the prosecuting attorney of the city court to cause a *fi. fa.* to be issued, to be levied on the estate of the defendant, or to take a *capias profine*, requiring the imprisonment of the defendant in the city work house, until the fines and costs are paid; but the person so imprisoned shall have the right, if he elects to do so, to discharge the same by labor in the city work house, at seventy-five cents per day; and, after agreeing so to do, every such person shall be bound to conform to the rules of the work house, as it regards labor and discipline, unless he shall after having made such election, replevied or paid the judgment, or such portion thereof as remains unpaid.

How judgments
in favor of the
common wealth
to be collected.

§ 12. Appeals and writs of error shall lie from the decision and judgment of the city court of Louisville to the court of appeals, in all cases where the fine exceeds twenty dollars, in like manner that appeals and writs of error lie from the decisions and judgments of the circuit courts; and in cases where the fine is twenty dollars or less, and is imposed under ordinances, and the defendant wishes to test the validity of the ordinances under which the same is imposed, the proceedings shall be by writ of prohibition from the Jefferson circuit court, as in other cases of prohibition, and not otherwise.

How appeals,
&c., from judg-
ments of city
court to be pro-
secuted.

§ 13. The city court of Louisville, so far as it is a police court, and court of inquiry, shall be always open for the hearing and determining such cases as a single judge, by the constitution and laws of this state, may hear and determine, without the intervention of a grand or petit jury; and said court may make such reasonable rules and regulations, for the speedy hearing and determining of all such cases, as to afford reasonable notice to the parties, and a prompt administration of justice. And, for the trial of pleas of the commonwealth, there shall be monthly terms of said court, to commence on the first Monday of each month, and to be continued from time to time, as the business may require; and said court shall have power and authority to cause a

When city court
shall be held.

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grand jury to be impaneled and sworn, whenever business may require it, or render it proper, and juries to be summoned whenever necessary; said court may continue a cause to any day during the term, without delaying the trial thereof to the first day of the ensuing term; and whenever any grand jury may return into said court an indictment or presentment, said court shall have the power and authority to set any such cause for trial on any day during the term at which said indictment or presentment may be returned into court, and cause the necessary process to issue thereon, returnable to such day as said cause may be set for trial. And said court shall not be opened earlier than eight o'clock, A. M., in the months of May, June, July, and August, and not earlier than nine o'clock, A. M., of each day during the rest of the year, for the transaction of business, and shall be considered open on all days, after said hour, Sundays excepted.

§ 14. The proceedings in the city court of Louisville, when the fines and penalties are imposed under the acts of the legislature, shall be in the name of the commonwealth; and when the fines and penalties are under the ordinances of the city, the proceedings shall be in the name of the city of Louisville.

Marshal of city court, his duties and liabilities.

§ 15. The marshal of the city court of Louisville, and all others, to whom the process of said court shall be directed and come for execution, shall be bound to execute and return the same within the time prescribed, by law, for sheriffs to execute and return similar process; and, on their failure, they and their sureties shall be liable to the same fines and penalties that sheriffs are, as also for not paying over money collected on executions; and said court shall have power and jurisdiction to hear and determine motions against them and their sureties, for failures, in like manner as the circuit courts have power and jurisdiction to hear and determine motions against defaulting sheriffs, or to proceed, by fine and imprisonment, to enforce the due execution and return of process as other courts of record.

Attachments in chancery may issue on return of no property.

§ 16. A return of not found on a *capias pro fine*, and of no property found on a *fi. fa.*, issued on the same judgment in the city court of Louisville, shall authorize an attachment out of chancery, in favor of the commonwealth or of the city of Louisville, against the choses in action, and effects of the defendant or defendants, in the same manner that the return of no property authorizes an attachment in chancery on judgments rendered in the circuit courts.

Powers and duty of clerk.

§ 17. The clerk of the city court of Louisville shall have power and authority to issue warrants for the apprehension of persons charged with felony, or violation of the penal laws; also, for the apprehension of persons charged with being persons of evil fame; also, for the apprehen-

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sion of persons for whom surety of the peace is claimed; also, search warrants; and he shall administer the necessary oath before issuing any such warrant, as required by law, and he shall make the warrant returnable before the judge of the said court, not amounting to felony; and all recognizances, not amounting to felony, nor for the appearance of witnesses in cases of felony, shall be made returnable before the said court on the first Monday of the ensuing month after the taking of the same, or any day during the term at which such recognizance was taken, that the court may direct. And the clerk of said court shall, at each term, make out a docket of all causes for trial at said term; and he shall not set for trial, on any one day, more causes than can be reasonably tried.

§ 18. The clerk of the city court of Louisville shall have power and authority to issue the necessary mesne and final process, in all cases cognizable before said court; and the marshal of said court shall have power and authority to take bail, under any process which he may have executed, and when, by law, the party is entitled to bail, and the sum is fixed by law, or is indorsed on the writ; and the city attorney, as prosecuting attorney in said court, shall be entitled to the same fees that a commonwealth's attorney is entitled to for similar services; and he shall be entitled to the fee authorized by law for prosecuting persons to conviction for retaling spirits and other liquors, without license.

Further powers
of said clerk.

Fees of city
attorney.

§ 19. In all prosecutions in the name of the commonwealth, in the city court of Louisville, to carry on which the name of a prosecutor is required, by law, to be set at the foot of the indictment or presentment, and a police officer, in discharge of his duty, in good faith, shall authorize his name to be placed on the same as prosecutor, and said indictment be quashed, dismissed, a *nolle prosequi* to be entered, or the person or persons indicted therein be acquitted, without the fault or neglect of such prosecutor, then and in that case the said police officer shall not pay the costs of prosecution, but the clerk may tax them against the city of Louisville, as the real prosecutor, and execution may go therefor, as in other cases under the seventh section of this article, and may be and stand as *ex officio* services by said clerk; and if it shall appear that such prosecuting police officer acted in bad faith in said prosecution, in any manner as aforesaid, he shall be removed from office, and thereafter be incapable of holding any office in the police of the said city. On all peace warrants, or for evil fame, from before said court, the costs thereof shall be taxed to the failing party, as in other proceedings at law between party and party, except in cases *in forma pauperis*, and execution shall go therefor as in other cases of the commonwealth.

Police officer
entered as pro-
secutor not liable
for costs in cer-
tain cases.

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Penalties for
allowing slaves
to become a
charge on city.

§ 20. Any person or persons who shall suffer or permit his, her, or their slave or slaves to be within the city of Louisville, and make no provision for their support and maintenance in their old age or infirmities, each and every such person shall be liable to the city of Louisville for double the amount expended by the authorities of said city in the maintenance of or administering to the infirmities of any such slave; and, on petition to the judge of said court by the mayor, marshal, or any deputy marshal, or any watchman of said city, whose duty it is hereby made so to do, and on ten days' notice, in writing, to the owner or owners, said judge shall have power and authority to issue an order upon the owner or owners thereof, for the maintenance of such old or infirm slave or slaves, and enforce the same by attachment or otherwise; and, if the owner or owners reside out of the city of Louisville, also for the removal of such old or infirm slave or slaves out of the city of Louisville, and to enforce the same in like manner. Slaves found hiring their own time, or working under persons who stand masters for them, either as buyers or hirers, until they pay for themselves, shall, by order of said court, be sent to the work house for three months, 'till the master, mistress, or hirer of such slave, if within said city, shall be summoned to show cause against it; and the person who shall be convicted before said court as standing master for such slave, shall be fined not less than twenty-five dollars nor more than fifty dollars.

Penalty on
slaves hiring
their time.

Assemblies of
colored persons
not permitted
without license.

§ 21. No place or house for the assembly of colored persons shall hereafter be located within the limits of said city, for any use or purpose whatever, without the license and consent of the general council; and all such houses or places now existing in said city, and the assemblies of colored persons attending the same, and all such houses or places hereafter established, and the persons attending the same, shall be regulated by ordinance, and, also, the conduct of persons going to and returning from such places, both free colored persons and slaves; and for any violation of any such ordinances, a free colored person shall be fined not less than ten dollars nor more than fifty dollars, and a slave shall receive not less than ten nor more than thirty lashes, to be enforced before the city court of Louisville. And for good cause the general council may provide for the closing up any house or place of assembling of colored persons within said city, and may provide for silencing any preacher or teacher of colored persons, for misconduct; and all meetings or assemblies of colored persons within said city shall be under the visitation of the police, and especially under that of the watchmen of each ward, respectively.

Penalty there-
for, &c.

Council may
close such
houses.

Council may
elect interpreter
to city court.

§ 22. The general council shall have power to elect an interpreter to the city court of Louisville, who shall be in

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attendance on the sittings thereof, when needed; shall be under the orders of the judge of said court, and said judge shall regulate his duties in court. For failure in his duties, the interpreter may be removed by said general council; and said council shall, by ordinance, fix his compensation, either per diem or per annum; and the judge of said court shall certify the number of days of attendance and service of said interpreter.

§ 23. Boarding houses and livery stable keepers in the city of Louisville, shall have the like lien on the property of their guests, in their care or put at livery, as tavern keepers now have, and shall be answerable for the safety of property confided to their care, as tavern keepers are now liable; and justices of the peace for Jefferson county, within the city of Louisville, shall have jurisdiction in all cases of liens, for sums of fifty dollars and less on personal property, as the Louisville chancery court, to enforce the same; and may proceed by attachment *in rem*, in case of absence of the person indebted from the state, or *in personam* where process may be served on the defendant.

Lien on property
granted board-
ing house and
livery stable
keepers.

§ 24. In all cases arising in the city of Louisville, justices of the peace shall have jurisdiction in replevin for rent, and for other cases of sums of fifty dollars and less, as the Jefferson circuit court now has above that sum; and in all cases of distress for rent, for sums of fifty dollars and less, the papers shall be, by the officer levying the same, returned before the justice issuing the warrant; and the same proceedings may be had before him as are now required by law to be had in the circuit court, and, on the demand of the defendant in the warrant, the justice shall cause a trial to be had before him, as in other cases, to ascertain, by due proof, the actual amount of rent due and owing, and execution or order of sale shall go for that sum, and no more.

Jurisdiction
of justices in
certain cases.

ARTICLE SIXTH.

§ 1. The general council shall have power, annually, at such time or times, as of such day or days, and in such manner as they may direct, to cause to be assessed, at its fair cash value, such real and personal estate and slaves within the city of Louisville, as the said council may designate; and, in like manner, shall cause to be listed all free male inhabitants of said city of the age of twenty-one years and upward.

Property in
Louisville to be
annually assessed.

§ 2. The general council shall have power to require the mayor and other proper officers of said city, at such times as the council may direct, to furnish estimates, in writing, of the expenses to be incurred for the next ensuing year in the well governing and ordering of said city throughout; and to meet such expenses, said council shall have the power, annually, to levy and collect an *ad valorem* tax of

Mayor and other
officers to fur-
nish council es-
timates of ex-
penses.

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Shall levy and
collect annually
an *ad valorem*
& poll tax.

not exceeding one dollar on each one hundred dollars worth of the property to be assessed as aforesaid, including a tax of not exceeding five cents on each one hundred dollars worth thereof, for the support of the poor; and a tax of not less than twelve and a half cents nor more than twenty-five cents on each one hundred dollars worth thereof, for the support of the public schools and high school for females, of said city, and the university of Louisville; and also to levy and collect a tax of not exceeding one dollar and fifty cents, each, on the inhabitants to be listed as aforesaid; but such taxation shall be uniform and equal upon every description of property assessed, and upon all inhabitants listed as aforesaid: *Provided*, that the merchandise and articles of trade in stores, which shall be commenced and assessed after the day for the ending of the general assessment, shall be taxed a ratable amount in proportion up to the beginning of the next general annual assessment.

May license &
tax wholesale &
retail houses.

§ 3. Said council shall have power to license and tax, and to provide by ordinance for license and taxing—1st. Any retail grocer, confectioner, victualer, hawker, buckster, peddler, or other retailer of any goods, wares, merchandises, provisions, or other articles, not selling malt, spirituous, vinous, or fermented liquors, at not more than one hundred dollars each. 2d. Any other merchant, dealer, or trader in coal, wood, lumber, clothing, drugs, medicines, goods, wares, merchandises, or provisions, at not more than one hundred and fifty dollars each. And said council shall have power, by ordinances with adequate penalties, to enforce the taking the licenses authorized to be granted by this charter; but the goods and other articles in trade of the persons procuring such licenses shall not, in the same year, be subject to the *ad valorem* tax hereinbefore authorized.

May license &
tax lectures, &c
and certain oc-
cupations.

§ 4. No person shall, without first obtaining a license from the general council, or according to the provisions of ordinances relating to licenses, but any person, after obtaining such license, may give, make, or exhibit, for money or property, any lecture, concert, theatrical exhibition, or other exhibition, show, or performance, within said city; or run any vehicle within said city for profit or hire; or keep within said city any livery stable, pork house, exchange office, broker's office, telegraph office, insurance office or agency therefor, lottery office or agency therefor, not in contravention of the general laws of the state, real estate agency, or office for the purchase and sale of real estate, bowling alley, shooting gallery, taven, hotel, public boarding house entertaining transient guests, or other house or place of public resort or entertainment, any coffee house, or other house or establishment wherein malt, spirituous, vinous or fermented liquors are sold by retail, or any office

or place for the sale of slaves, or any person engaged in purchasing or vending slaves as a business, within said city, for which licenses said council may charge as follows: 1st. For concerts, lectures, (except such concerts or lectures which the council may deem of public benefit, and which they may license without charge,) theatrical exhibitions and other exhibitions, shows, and performances, given, made, or exhibited for money or property, in said city, such sums as the council may deem proper. 2d. For vehicles running within said city for profit or hire, not less than two dollars nor more than twenty dollars: *Provided*, the general council may fix the lowest rate on those vehicles running to points or places beyond the limits of the city. 3d. For pork houses, exchange offices, brokers' offices, telegraph offices, insurance offices and agencies therefor, not less than fifty nor more than three hundred dollars, each. 4th. For lottery offices and agencies therefor, not less than one hundred nor more than five hundred, each; and for any office or place for the purchase, or exchange, or traffic in slaves, or for any person or firm engaged in purchasing or vending slaves as a business, within said city, not less than one hundred dollars nor more than three hundred dollars, each. 5th. For bowling alleys and shooting galleries, not less than thirty dollars nor more than two hundred dollars, each. 6th. For taverns, hotels, public boarding houses entertaining transient guests, and other houses or places of public resort or entertainment, wherein no malt, spirituous, vinous or fermented liquors are sold by the retail, (excepting houses of ill-fame, gambling houses, and cock-pits, which shall not be licensed,) not less than ten dollars nor more than two hundred dollar, each. 7th. For coffee houses, taverns, and other houses and establishments wherein malt, spirituous, vinous or fermented liquors are sold by retail, not less than fifty dollars nor more than three hundred dollars, each. 8th. Livery stables, real estate offices, or offices for dealing in real estate, by purchase, sale, or exchange, not less than ten dollars nor more than fifty dollars, each. *It is provided, however*, that residents of the city giving concerts or lectures therein, and persons running vehicles for their own or family's use, and not for profit or hire, shall not be required to procure licenses therefor: *And, it is further provided*, that every agent of an insurance company, not chartered by the state of Kentucky, shall, before he grants or issues any policy in the city of Louisville, or collects any premiums of insurance, deposit an authenticated copy of the charter of such company with the auditor of the city. And no license shall be granted for selling any spirituous, vinous, malt or fermented liquors in any theatre or circus, or at any show or exhibition whatever; and such selling shall be prohibited by ordinance, fixing adequate fines and penalties for the violation thereof.

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Rate of charges.

Concerts, &c.

Running vehicles, &c.

Porkhouses, &c.

Lottery offices, &c.

Bowling alleys, &c.

Taverns, &c.

Coffee houses, &c.

Livery stables, &c.

Foreign insurance agencies.

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Auctions to be
licensed.

§ 5. The general council may grant licenses to persons to sell, by auction or public outcry, horses and other live stock, and vehicles, and charge therefor not more than seventy-five dollars; and the general council shall have power to license and tax, in such sums as they may deem proper, the exhibiting or playing of games of any kind not prohibited by the general or other laws of this commonwealth, and may enforce the taking out the license, and paying the tax for any such games, by ordinances, fixing fines and penalties not exceeding five hundred dollars.

Stores, &c., to
be rated & taxed

§ 6. The general council shall have power, from time to time, to rate all the stores, coffee houses, and other establishments, named in the third and fourth sections of this article, or any of them, by classes; adopting as many classes as said council may deem advisable, and charge for licensing same according to the respective classes: *Provided*, that the same system or mode of rating shall be applied to all establishments of a similar kind.

Licenses not
to be granted for
a longer period
than one year.

§ 7. No license shall be granted for a longer period than one year, and, before the granting or issuing any license, the tax required therefor shall be paid into the city treasury; and no license shall be taken as granted until regularly issued; but when a license is issued, it shall bear date with the commencement of the store or other establishment, or business, or thing licensed, or, if a renewal of license, shall be dated from the day of the expiration of the previous license. Licenses may be transferred by the grantee, or his legal representatives, to *bona fide* purchasers thereof, of good character, or to a different place in the city to which the grantee's business may be actually removed, and the council shall ratify the same: *But it is provided*, that two places shall not be covered by the same license at the same time. In licensing drays or carts, the general council shall fix a higher charge for those with more than one work beast; and said council may, under the same license, permit the running of either a cart or a dray, but not the running of both at the same time.

Fund to be
created to pay
city liabilities.

§ 8. The proceeds of all of the aforesaid licenses, or of any *ad valorem* tax levied in lieu of them, or of any part of them, and the proceeds of all notes and bonds now held by the city of Louisville for money coming to her, whether due or not due, also, the net proceeds of the wharves and market houses of the said city, shall be and are hereby set apart as a fund to pay all the existing liabilities of said city, whether due or not due, and the accruing interest thereon; and until said liabilities shall be fully discharged or provided for, as hereinafter directed, no portion of said funds shall in any manner be used or applied to any other purpose, except as hereinafter provided; nor shall any warrant or order upon the treasurer, nor any demand against said city, except upon liabilities now existing, be

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Any surplus of said fund to be invested by the city.

received in payment of any taxes, licenses, or demands, or other sources of revenue, hereby appropriated to said fund. Whenever there shall be a surplus of said funds which cannot be applied to the extinguishment of said liabilities, or the interest thereon, it shall be vested in profitable stock, or loaned as the general council may direct by ordinance; and such investments shall be set apart for and held subject to such liabilities: *Provided, however,* that when such investments, and the interest thereon, shall be sufficient to pay the interest, and secure the prompt payment of the principal of said liabilities then remaining unpaid, no further appropriations shall be made to said fund. The mayor, treasurer, and president of the board of aldermen shall be commissioners of said fund, and manage the same, under the directions of the general council; and said council shall make all other needful regulations for the management of said fund, and the application to the purposes aforesaid: *Provided,* that the bonds of the city to the Louisville gas and water company, and to the Louisville and Frankfort railroad company, and the liabilities of the city for the current expenses of the present fiscal year, shall be and are hereby excepted from the foregoing provisions of this section.

§ 9. After the first day of January, 1852, no note, bond, certificate, or other evidence of indebtedness by said city, shall be issued to any person for any sum less than one thousand dollars; nor shall any warrant or order for the payment of money be issued to the treasurer, unless, at the time of such issue, there shall be funds in the treasury applicable thereto sufficient to pay the same, and all other warrants or orders then outstanding.

After Jan. 1, 1852, no city bond less than \$1000 to be issued.

§ 10. In the name of the city, and to promote its improvement, and the comfort, convenience and advantage of the inhabitants thereof, said council shall have power to subscribe for, hold and sell stock in any corporations, and to purchase, hold and sell any real or personal estate, within or without the limits of said city, and to borrow money, and to give or loan the credit of said city in aid of any person or corporation, but only for appropriate municipal objects; but in the purchase and sale of real estate, in the sale of stocks, or subscribing therefor, in all acts or contracts for raising money, or involving the expenditure thereof, the concurrence, upon different days, of a majority of all the members of each board of the general council shall be required, nor shall the council make or authorize any contract (except as herein specially authorized) for the payment of money at a day beyond the current fiscal year ending the tenth day of March; nor contract, or authorize to be contracted, any debt or liability on the part of said city, beyond the amount of the revenues thereof for the current fiscal year, applicable to the payment of said debt

Council may subscribe, hold, and sell stock in corporations for municipal objects.

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or liability, nor without providing for the payment thereof out of such revenues, except as hereinafter authorized and provided; and every act, contract or liability done, made or incurred, contrary hereto, shall be void as against the city, its property and its revenues, but binding on the mayor, if he shall sanction the same by his signature, and the members of the general council, jointly and severally, who, being present, failed to record his or their votes against the same on the journals.

The council may contract debts beyond the revenue of the year, provided the same be approved by the voters of the city.

In which case an annual tax shall be levied and collected sufficient to pay interest & principal as it falls due.

§ 11. For the purposes named in the last section, said council may contract debts and liabilities on behalf of said city, beyond the amount of the revenues of the current fiscal year, and payable within or beyond such year: *Provided*, that the ordinance where any such contract shall be made or authorized shall be published at least three times, in two daily newspapers published in said city, and shall, at least sixty days after the first date of such publication, at a general election held in said city for officers thereof, or on a special day to be designated by the general council, be approved by a majority of all the votes cast for and against it by the qualified voters of said city: *Provided, also*, that provision shall be made, in such ordinance, to levy and collect an annual tax upon such estate within said city, or to appropriate such property and revenue belonging to said city, as may be designated by said council, sufficient to pay the interest on such debt or liability, as the same shall become due, and to discharge the principal thereof within thirty years; but if the city shall hold stock in any corporation for which any such debt shall have been incurred, and the dividends upon such stock shall be sufficient to pay the interest and secure the principal of such debt, the general council shall have power to set apart such stock and dividends to pay the interest and secure the principal of such debt, and, with the consent of the creditors interested therein, to repeal or suspend all other provisions made for the payment thereof.

May levy and collect taxes for the purposes named in last section.

§ 12. For the purposes, and subject to the provisions contained in the last section, the general council shall have power to assess, levy, and collect the necessary taxes upon such real estate, or such personal and real estate within said city, as they may designate, in addition to the taxes hereinbefore authorized to be levied; and shall have power, and it shall be their duty to make all needful regulations for the appropriation of such taxes to the objects for which they may be levied; but such taxes shall be *ad valorem*, equal and uniform upon every species of property assessed; and the said council shall also have power to pledge, mortgage and sell any revenues and property, real or personal belonging to said city, excepting the revenues and property hereinbefore appropriated to the payment of the existing liabilities of said city, until the same shall be discharged

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and paid, or provided for as hereinbefore prescribed, and excepting the property and revenues herein set apart for the support of the poor and of the public schools of said city. Whenever said council shall subscribe for stock in any corporation, which shall be paid for by taxes levied upon property, as hereinbefore authorized, said council shall have the power to divide such stock *pro rata* amongst the persons and corporations paying such taxes, and, for that purpose, to make all necessary and proper regulations. The general council shall not have power, under this and the two preceding sections of this article, to levy a tax exceeding seventy-five cents on each one hundred dollars worth of property, in addition to the tax authorized to be levied in the second section of the sixth article.

§ 13. The general council shall have power, and it shall be their duty to make all needful regulations for taking the votes of the qualified voters of said city, in the cases provided for herein.

To regulate elections for such purpose.

§ 14. The general council may annually assess and collect, in addition to the taxes hereinbefore authorized, upon the houses and lots fronting on the squares, streets and alleys of said city, lighted with gas by the Louisville gas company, a tax to such amount as will pay the cost of the public gas lights, and the expense of collecting such tax; and when such tax is collected, it shall be applied to the payment of the expense of such lights.

May levy and collect gas tax.

§ 15. All tracts of land within the limits of said city, not laid off into squares or lots, shall be assessed for taxation by the acre.

Lands, other than lots, to be taxed.

§ 16. For all taxes levied as hereinbefore authorized, the said city shall have a perpetual lien, relating back to the day of assessment, upon all real and personal estate therein, belonging to the persons or corporations owing such taxes; also, a lien upon all personal estate found upon and belonging to the tenant of any real estate, for the taxes due upon such real estate: *Provided*, that purchasers of property from persons owing taxes shall be liable only for the taxes upon the property purchased: *And further provided*, that any tenant claiming under, or agent acting for, the owner of any real and personal estate in said city, and paying taxes thereon, shall have a lien thereon, and the right to hold possession thereof, until the person actually entitled to possession shall pay or tender him the amount of such taxes, and legal interest, unless the person actually entitled, as aforesaid, shall also have paid said taxes to the city: *It is also provided*, that nothing herein shall affect any contract between such tenant or agent and owner concerning said taxes.

City to have a lien on property for the payment of taxes.

§ 17. The general council shall annually, before the commencement of the fiscal year, lay off and divide the city of Louisville into two districts, as nearly equal as possible as

City to be divided into two districts.

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to revenue—an eastern district and a western district. And for the general expenses and liabilities of the city, the revenues collected in both districts shall be subject to appropriations in equal proportions; but for improvements or expenses of any kind, to be paid for out of the city treasury, which are located or incurred within either of said districts, the revenue collected within that district shall alone be subject: *Provided, however*, that the general council may, by a majority of two-thirds of the members elect of each board, appropriate a portion of the revenue collected in one district for an improvement or for expenses incurred within the other district: *And, provided also*, that any surplus of the revenue collected for general purposes, remaining in the treasury unappropriated at the end of the fiscal year, may, by the general council, be added to the fund for paying the interest and principal of the existing liabilities of the city, as provided for in section eight of this article.

Collectors to
execute bond.

§ 18. Each collector of city or railroad taxes, elected under the provisions of this charter, shall, within fifteen days after his election, and before entering upon the duties of his office, execute bond to the city of Louisville in the penalty of twenty thousand dollars, with at least three responsible sureties, residents of Louisville or elsewhere in Jefferson county, conditioned for the true and faithful performance of his duties as collector according to the requirements of this charter and the ordinances of the city relating thereto: *And, it is provided*, that the general council may extend the time for accounting for and paying over moneys collected by said collector, without releasing him or his sureties from the bonds executed by them.

Council to pre-
scribe the mode
& manner the
collectors shall
perform their
duties.

§ 19. The general council shall prescribe, by ordinance, in what sum or sums, and at what time or times each collector of city or railroad taxes shall collect and pay over the amount of tax bills placed in his hands; but they shall require that each collector shall collect and make returns, as prescribed by ordinance and this charter, of the whole amount of bills placed in his hands for collection, before the tenth day of March next after such bills were placed in his hands. And the said council shall also prescribe, by ordinance, the rate or rates of commission to be allowed as compensation to each collector on the amount of collections made by him; but the aggregate of compensation allowed to any collector shall not exceed fifteen hundred dollars per annum.

Collectors may
levy on person-
al or real prop-
erty for taxes.

§ 20. When it is necessary to enforce the collection of any tax bill, in default of payment by the person owing the same, the collector in whose hands the bill has been placed shall make a levy on personal property, if any such is to be found in the city belonging to the person owing the tax bill, or upon personal property belonging to any

tenant of, and found in or upon any house or lot belonging to the person owing the tax bill, for the taxes due on the property occupied by such tenant; and, after making the levy, and taking possession of the property levied on, he shall advertise the same in one of the daily newspapers printed in Louisville, to be sold on some day designated in the advertisement, and at least ten days after the day of the first publication, between the hours of ten o'clock, A. M., and three o'clock, P. M., at the court house door in said city. But when no personal property can be found, as aforesaid, the said collector may levy upon any lot or lots of ground, or house or houses on leased ground in said city, belonging to the person owing the said tax bill, and, after making the levy, shall advertise the same in one of the daily newspapers printed in the said city, to be sold on a day designated in the advertisement, and at least twenty days after the first day of publication, if the owner be a resident of Louisville or Jefferson county, and at least six weeks after said day, if the owner be a non-resident of Louisville or Jefferson county, between the hours of ten o'clock, A. M., and three o'clock, P. M., at the court house door in said city: *And, it is provided*, that before selling any property, as above provided for, the collector who made the levy shall give notice to the owner, if a resident, and if he is a non-resident, and his place of residence be known, he shall write to him on the first day of publication of notice of sale, as above, and send a copy of the advertisement.

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Notice to be given to owner before sale.

§ 21. Should any person or persons, against whom a collector of city or railroad taxes has a bill or bills for taxes, have no personal property in the city but slaves, said collector shall levy upon and sell any or all such slaves before a levy is made upon real estate; and the same proceedings shall be had in selling slaves as are required in the sale of personal property, as prescribed herein.

Slaves may also be sold before real property.

§ 22. Within two weeks after making sale of any property for taxes, the collector making the sale shall render to the general council a full report of his proceedings therein, including a list of the property sold, and of the names of the owners and purchasers, and a description of the property; and he shall, also, hand in with the report a copy of the newspaper containing the advertisement of sale, with the certificate of the printer or publisher, showing the time when the advertisement was printed, which certificate shall be sworn to before a justice of the peace for Jefferson county; and the collector shall, also, make affidavit before a justice of the peace of said county that he has complied with all the requirements of this charter and the ordinances of the city in relation to making the levy, advertising, giving notice to owners, and selling; which affidavit shall form part of the collector's report.

Collector to make report of such sale to the council.

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Council may regulate duties of assessors and collectors.

§ 23. The general council shall have power to make all needful ordinances for regulating the assessors and assessments of taxes, the collectors and collections of taxes, and the sale, redemption, and conveyance of, and costs and fees for levying, advertising, and selling, and mode of advertising and selling, property sold in default of payment of taxes due: *Provided*, that no ordinance shall in anywise contravene the provisions of this charter.

May appoint an officer to attend all sales and bid for city.

§ 24. The general council may designate an officer of the city to attend all sales of property sold for taxes due said city, who shall, if no other person will bid an amount sufficient to pay the taxes, and all fees and costs accrued, bid in the property for the city.

May license auctioneers.

§ 25. The general council shall have power, by ordinance, to provide for granting licenses to persons to act as auctioneers, for selling by auction or public outcry, within the limits of said city, goods, wares, merchandise, bank, railroad, insurance, and other corporation stocks, houses, lots, lands, negroes, and manufactured articles and produce of all kinds; and to provide for and collect a tax of not exceeding two dollars on each hundred dollars worth, as enumerated above, sold by auction or public outcry within said city, such tax to be collected from the auctioneer by whom or under whose license the same may have been sold; and no person shall receive a license to act as auctioneer until he shall have entered into bond, with such security as may be required by the general council, faithfully to perform such duties as the said council may, by ordinance, require to be performed by auctioneers, make true returns of all property sold by him, or under his license, at auction or public outcry within the said city, and the amount for which the same was sold, according to such forms, and at such times, and under such form of attestation as may be prescribed by ordinance, and that he will pay into the city treasury the amount of tax fixed by ordinance, and pay over to the parties entitled thereto the proceeds of all sales made by him.

Auctioneers to enter into bond.

Penalty for selling at auction without license.

§ 26. Any auctioneer who shall sell, by auction or public outcry, within the city of Louisville, any description of property enumerated in the next preceding section, without first having obtained a license and entered into bond, as prescribed in said section, or who, having done so, shall thereafter fail to comply with all the conditions of the said bond, and with all the ordinances relating to auctioneers, shall forfeit and pay the sum of not less than ten or more than five hundred dollars, to be recovered by suit in the name of the city of Louisville, in the city court of Louisville.

How such fines to be applied.

§ 27. All taxes, fines, and forfeitures, paid or collected under the provisions of the two sections next preceding, shall be paid into the city treasury for the use of the Louisville marine hospital.

§ 28. Should any collector of taxes for the city buy, trade, or barter for, directly or indirectly, any claim or claims on the city treasury, or against said city, for any sum less than the nominal amount thereof, all such acts shall be malfeasance, for which he may be removed from office; but said collectors may, if not prohibited by ordinance, or wherein it is not otherwise provided for in this charter, receive such claim or claims in payment for taxes, and pay the same into the treasury as money.

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Collector not to purchase any claim on city or less than its amount.

§ 29. The general council shall provide for the assessor of taxes a map of the city, laying down the wards, streets, and alleys, opened and not opened, upon which said assessor shall note every lot or portion of ground within the limits of the city, together with its valuation for taxation carefully noted on the same; and the said assessor shall keep a book, wherein shall be noted all sales and transfers of real estate within the limits of said city. And said assessor of taxes, and such assistants as may be appointed, as hereinbefore provided for, shall make all assessments of taxes, and shall report the same, and a statement of the sales and transfers of real estate made within said city limits, in such manner and at such time as the general council may, by ordinance, prescribe. The map of the city and the book of records of sales and transfers of real estate, above referred to, shall be open to inspection of any citizen at all times.

Council to furnish assessor a map of the city.

ARTICLE SEVENTH.

§ 1. The general council shall have power, by ordinance, to receive and accept any street or alley, or extension of any street or alley, laid out by any person or persons within the city limits, and make and declare the same an established street or alley of the city of Louisville; and also to lay out, open, widen, or extend any street, alley, market place, or wharf or public landing within the city limits, and to appropriate or procure the condemnation of real and personal estate for these purposes: *Provided*, that in no case shall private property be taken for any such purpose, without the written consent of the owner or owners thereof, or unless the compensation therefor shall be first fixed by agreement, or by a jury impaneled for that purpose, by the order of the city court of Louisville; and the compensation, so fixed, shall be paid to the owner or owners thereof out of the treasury of said city.

Council may accept a street or alley laid out by individuals, and establish the same.

May lay out wharf.

§ 2. That the general council shall have the power to pass ordinances to procure the improvement, either by grading and paving, or by grading, paving, and McAdamizing, or by grading and planking, any portion of or the whole of any street or alley now established, or which may hereafter be established within the city limits, at the cost of the owner or owners of the ground fronting such improve-

May improve streets & alleys at cost of owner of property.

1851.

ment, to be apportioned according to the number of feet front each may own in front of said improvement; and a lien is hereby created on the said ground for the cost of said improvement. *It is provided, however,* that when any such improvement has not been petitioned for by the owners of a majority of feet of ground in front of said improvement, it shall require the concurrence of two-thirds of the members elected, in office, of each board of the general council, to pass the ordinance to procure said improvement, and the final vote thereon shall be taken by yeas and nays, and recorded in the journal of proceedings of each board of said council.

May procure
grading and pa-
ving sidewalks
of such streets.

§ 3. The said council may pass ordinances to procure the grading and paving of side-walks on any of the squares within the city limits, when the street has been graded and paved, or graded and otherwise improved, for more than one year, or to re-curb and re-pave such side-walks, as, in the opinion of said council, require it, at the cost of the owner or owners of lots or parts of lots fronting on such side-walks, and to be apportioned according to the amount of work actually done in front of such lots or parts of lots; and, for such cost, a lien is hereby created against such lots or parts of lots: *Provided, however,* that no such ordinance shall be enforced until an advertisement has been published for at least ten days, in one or more of the daily newspapers printed in Louisville, describing the square or squares, or part of square or squares, in which the side-walks are situated, which it is proposed to grade and pave, or re-curb and re-pave, and giving the name or names of the owner or owners of ground, when known, fronting the proposed grading and paving, or recurbing and re-paving, and notifying the owner or owners that if the work is not done by them, or at their cost, within thirty days from the date of the first publication of the advertisement, the ordinance will be enforced.

May cause wells
& cisterns to be
dug.

§ 4. The said council may pass ordinances to procure the digging and walling of wells, or to procure the construction of cisterns for supplying water for the extinguishment of fires, on any of the established streets within the city limits, at the cost of the owners of property within such distance of any such well or cistern as may be specified in the ordinance, and cause the cost thereof to be apportioned amongst the owners of such property according to the number of feet each may own; and a lien is hereby created against such property for the amounts so apportioned.

Lien given in
three last sec-
tions, how to be
enforced.

§ 5. The liens given for the purposes named in the foregoing sections 2, 3, and 4, may be enforced by filing a bill in chancery, with a copy of the ordinance directing the work to be done, and of the contract for doing the same, and of the report of the completion of the work, and of the apportionment of the cost of the same made as required, which

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shall be *prima facie* evidence in favor of the contractor, or any claimant under him; and to this bill all persons who, by the apportionment, are to pay any part of the cost, shall be parties, unless they have paid their part of the cost, agreeable to the apportionment, which fact shall be alleged in the bill; and it shall be lawful for the court hearing the case to correct errors, if any there be, in the apportionment, and to decree a sale of so much of the lots of each person as will pay his part of the cost, according to the apportionment, and his costs of suit, and the court confirming any sale made under such decree shall direct that the property be redeemable at any time within three years, by the owner, on paying the principal sum and interest at the rate of ten per cent. per annum, and all taxes and levies made subsequent to the sale thereof, and, if not redeemed within the time specified, that the sale shall be final; and after the time for redeeming shall have expired, the court shall cause a conveyance to be made to the purchaser by a commissioner. *It is provided*, that infants shall have the right of redemption on the terms specified above for three years after arriving at full age: *And, it is further provided*, that for any apportionment of the cost of any of the improvements or grading and paving side-walks, or re-grading or re-curbings side-walks, or digging any well or wells, or constructing any cistern, as provided for hereinbefore, the contractor, or any claimant under him, may recover the same at law against the person or persons charged therewith, as in other cases of contract.

Property, or
so much as is
necessary, to be
sold.

How it may
be redeemed.

§ 6. When any street or alley has been graded and paved, or graded and otherwise improved, as hereinbefore provided in section 2, at the cost of the owners of ground fronting thereon, and the same has been accepted by the general council, the part of such street or alley, so improved, shall thereafter be kept in repair and cleaned at the expense of the said city.

Such improved
street to be kept
in repair by city.

§ 7. No person or persons shall lay out or extend any street or alley within the limits of said city, without the consent of a majority of each board of the general council; and when any person or persons have laid out, or shall hereafter lay out any street or alley within the limits of said city, and shall have sold, or intend to sell, lots binding thereon, the said council shall declare the same to be established as a public street or alley, and exercise all the power, jurisdiction, and authority over the same that they have, by this charter, over other established streets and alleys, and may cause them to be improved, as herein provided; but no street shall be laid out or accepted within the city limits which is less than sixty feet wide.

No person to
lay out a street
or alley without
consent of the
council.

§ 8. The general council shall have power to regulate all public wharves within the limits of said city, and all rafts, flatboats, steamboats, and other vessels coming to or land-

Council shall
regulate public
wharves.

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ing within the limits of said city, and the fees or charges for wharfage at said wharves, and the collection thereof, and, for these purposes, to pass all needful ordinances, with adequate fines and penalties not exceeding fifty dollars. And the said council shall also have power to provide for keeping the river clear of snags and other obstructions, and for deepening and widening the harbor opposite the wharves and property belonging to said city.

Shall place
pumps in public
wells.

§ 9. The general council shall have power to provide, by ordinance, for placing pumps in all public wells within the limits of said city, and for making contracts with one or more persons for keeping the public wells and pumps within said city in repair, for any term of time not exceeding five years.

May erect
bridges over
Beargrass creek

§ 10. The general council may pass ordinances to procure the erection of bridges over Beargrass creek, at the intersection with said creek, within the city limits, of any street now or hereafter established, and pay the cost of the same out of the city treasury. And the said council may also pass ordinances to procure the improvement, by grading and paving, or by grading and paving and McAdamizing, or by grading and planking, any street or streets now or hereafter established within the limits of the city, and pay the cost of the same out of the city treasury: *Provided*, that such improvement is deemed by said council of general interest and importance to the city at large, and that the condition of property binding on the street proposed to be improved, under this clause, will not justify the making such improvement at the expense of the owners of said property.

May establish
ferries within
limits of city.

§ 11. The general council shall have power, by ordinance, to establish ferries within the limits of the city, and may fix the maximum rates of ferriage to be charged and collected by any and all ferries running within the said limits, and may prescribe all adequate fines and penalties to enforce the same, and may levy and collect such *ad valorem* tax, or may rate and license and tax them, as the said council may deem reasonable and proper.

May establish
& regulate wa-
terworks.

§ 12. The general council shall have power to establish, build, and regulate water works for the city of Louisville, but no ordinance passed for such purpose shall take effect until the same shall have been approved by a majority of the votes of the qualified voters of the said city, voting thereon at a general election for officers of said city. And all acts and parts of acts heretofore passed upon the subject of water works for the city of Louisville, are hereby repealed.

Shall finish
the court house.

§ 13. The general council shall finish the court house with all convenient dispatch; and all laws now in force respecting the joint rights and duties of the city of Louisville and the county of Jefferson, as to the court house and other

public property in said city, shall remain in force until their ends are answered, they expire, or are repealed.

§ 14. The general council may pass ordinances to procure the erection of market houses in any street in the city in which they may deem market houses necessary; and they may purchase a square or squares of ground, and procure the erection of market houses thereon, and set apart market spaces therein. They may procure the erection of a market house in the space on market street, between fourth and fifth streets, and prepare the same for the sale of fresh fish, and therein to accommodate country people attending market, and prepare the same for the sale of all marketable articles except butcher's meat.

§ 15. The general council shall have power, by ordinance, to establish markets in said city, and regulate them, and all persons attending the same; and to fix the rents and charges for stalls and spaces in the market houses, and prescribe the mode of collecting the same; and to fix the hours in which markets shall be held, and prescribe the places where, and the vehicles from which marketing shall not be sold during market hours; and such ordinances may be enforced by suitable fines and penalties not exceeding fifty dollars.

§ 16. The general council shall pass ordinances defining, and providing for the punishment of, the offenses of forestalling, regrating, and engrossing, within the city limits, and providing for the enforcement of such ordinances by fines and penalties not exceeding fifty dollars.

§ 17. The general council shall have power to pass ordinances prohibiting the erection of buildings of wood in any part of the city, whereby valuable and permanent improvements may be subjected to damage by fire, and to regulate the size and height of such buildings; and, also, to prohibit the erection of manufacturing establishments deemed likely to create the danger of fire, or producing unpleasant effluvia, and to regulate the construction and management of such establishments within the thickly populated portions of the city; and such ordinances may prescribe suitable fines and penalties for the violation thereof, not exceeding one hundred dollars.

§ 18. The general council shall have power to pass ordinances to compel the abatement and removal of nuisances existing within said city, by the owners of property on which such nuisance exists, or to provide, by ordinance, for the removal and abatement of any and all such nuisances at the cost of the owner or owners of property on which the same may exist; and a lien is hereby created, for such cost of abatement and removal, on the property on which it existed, and the amount of such cost may be enforced as liens for grading and paving under this charter.

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May erect market houses.

May establish & regulate markets.

May punish forestalling, &c.

May prohibit the erection of wooden houses.

May compel the abatement & removal of nuisances.

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Construction
of laws vesting
property in may-
or and council.

§ 19. That all laws vesting real and personal estate in the mayor and council, or in the general council of the city of Louisville, shall be construed and held to vest the same in the city of Louisville, and that the mayor and council, or general council, are only agents by whom the city acts. And in any act or deed made or executed by the mayor and council, or by the general council, setting apart or donating any property, money, or other thing, to any trustees, of corporation or otherwise, for any use or purpose whatever, shall be held as creating such trustees or corporation only the agents of the city to carry out the purposes of the trust; and no law or legislative act, passed or to pass, in any wise changing the intent or purpose of such setting apart or donating, or limiting the right of said city to control said trustees in the performance of the trust, change their term of office, and mode of election or appointment, or to substitute new trustees, and change their qualifications, and to do any thing necessary and proper to secure the purposes of such trust, shall be valid; and any such law or legislative act is hereby repealed.

ARTICLE EIGHTH.

May maintain
& control pest
house, &c.

§ 1. The general council shall have power to provide, by ordinance, for the control, management, and maintenance of the pest house, or hospital for patients suffering under contagious diseases, or to procure lands and erect thereon a suitable pest house, or hospital for patients suffering under contagious diseases, and to control, manage, and regulate the same, either within the limits of said city or elsewhere in Jefferson county. And the said council shall also have power to acquire and hold lands, and erect buildings thereon, suitable for a poor or alms house, and to afford lands for exercise or employment of the inmates thereof, within the limits of said city or elsewhere in Jefferson county; and to provide, by ordinance, for the control, management, and maintenance thereof, and enforce the observance of the same by suitable fines and penalties, not exceeding fifty dollars.

Marine hospi-
tal to be under
control of city.

§ 2. The hospital erected in the city of Louisville by this commonwealth, and the lands belonging thereto, shall continue to be denominated "the Louisville marine hospital," and shall hereafter be under the control and management of the city of Louisville, in trust for the commonwealth of Kentucky. And the general council of said city shall have the power annually to elect, by joint ballot, three trustees for said hospital, and all officers therefor, which may be provided for by ordinance, for the superintendence and management thereof; and, also, to provide, by ordinance, for the appointment of nurses and attendants for said hospital. And the said council shall, by ordi-

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nance, define the duties of said trustees, and all officers, nurses, and attendants of said hospital; fix the salaries of such officers, nurses, and attendants, fill vacancies in the board of trustees, and provide for the removal of officers, nurses, and attendants, for malfeasance or neglect in office, and fill vacancies in the same.

§ 3. The general council shall have power, by ordinance, to make rules and regulations for the government and management of said hospital, and to make provision for supplying all necessary articles for carrying out the purposes of said hospital.

May enact rules, &c., for management of said hospital.

§ 4. The general council shall have power, by ordinance, to grant, either for a compensation in money, to be appropriated to the use of said hospital, or in return for medical and surgical attendance in said hospital, the privileges of using said hospital, or any building attached thereto, for the purposes of clinical instruction, to any one or more schools or colleges for medical teaching, chartered by this commonwealth; or the said council may provide, by ordinance, for the appointment of suitable persons to deliver clinical lectures in a building adjoining said hospital, upon such terms as may be set forth in said ordinance, and providing that any surplus of fees received for attendance upon such lectures, after defraying the expenses thereof, shall be paid into the city treasury for the use of said hospital: *But it is provided*, that the said council shall not have the power to allow any patient in the public wards of said hospital to be made the subject of clinical instruction, as herein provided, without the consent of the patient.

May grant use of said hospital for clinical instruction.

§ 5. The general council shall confer the medical care of the pest house, poor or alms house, and the work house upon the elected physicians for the eastern and western districts; and they shall have power to provide and dispense medicines to the poor in each district, and medical treatment to the indigent residents of the city, through the said physicians, free of charge; and the general council may furnish to each of said physicians a supply of vaccine matter, and require them to vaccinate all residents of Louisville who may desire it, free of charge; and the said council may pass all ordinances necessary for carrying out the provisions of this section.

May elect physicians to attend pest house.

§ 6. The general council shall have power to establish a board of health, either as a permanent institution, the members to be elected annually by said council, or to be discontinued and re-established, as the said council may determine. The mayor, physicians of the eastern and western districts, and the street inspectors of said districts are hereby constituted health officers of the city, and, at the discretion of the council, may compose the whole or part of the board of health. And the general council

May establish board of health.

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may, by ordinance, prescribe the duties of the board of health, and provide rules and regulations for their management, provide a place of meeting for said board, provide for the election of a clerk for the board of health, and define his duties, and fix his salary, and provide for the payment of all authorized expenses of said board. And the general council may pass ordinances for the purposes of promoting and preserving the health of the citizens, and preventing the spread of infectious or contagious diseases throughout the city, to enforce the draining and filling up of ponds, and the removal of filth or other things or substances deemed likely, by the board of health, to produce or increase disease within the city; and, in such ordinances, may prescribe adequate fines and penalties for any violation thereof.

May lay out
cemeteries.

§ 7. The general council shall have power to purchase lands for, and locate cemeteries, either within the city limits or elsewhere in Jefferson county. They may change the location of cemeteries now established, but shall not violate the purposes for which they were dedicated, or cause the disinterment of the dead therein; but such change of location shall not be made until the ground therefor has been designated, nor until a majority of the qualified voters of the city shall approve the same. And all cemeteries either within the city limits or within three miles of the same, being public property, shall be under the jurisdiction of the city, and subject to the visitation and inspection of the board of health; and the general council shall have the power to require weekly reports of all interments in each of such cemeteries, in such form as they may prescribe; and the said council may enforce the proper regulation and management of such cemeteries, by adequate fines and penalties.

May erect and
control work
houses.

§ 8. The general council shall have power, upon lands now provided, or upon lands hereafter provided, within or without the city limits, to erect a suitable building or buildings for a city work house; or the said council may maintain the present city work house. And in the city work house shall be confined all persons committed on final process of the city court of Louisville, all beggars, vagrants, bawds, and bawdy house keepers, all persons committed in default of bail upon orders of said city court, or of any magistrate therein, requiring surety for the peace or for good behaviour, or as suspected felons, or for other causes; and those put therein for short terms of imprisonment, for offenses committed in said city, by said court, or on *capias profine*, shall have liberty to elect to work out the sum they are charged to pay, at seventy-five cents per day, at such labor therein as they may be directed to do; but all able bodied persons put into said work house, for any of the causes aforesaid, by said court, shall be compelled to labor

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at such labor as may be prescribed by ordinance of the general council, until discharged, unless he or she shall pay into the hands of such officer as shall be provided the sum of twenty cents per day for each day he shall stay therein, to re-imburse the expense of keeping and feeding him or her; and the general council shall make all needful ordinances for the police, and government and management of such work house.

ARTICLE NINTH.

§ 1. The general council shall have power to provide, by ordinance, for the establishment and organization of a fire department, and fire companies, and for procuring suitable buildings, engines, and other apparatus necessary for the purpose of extinguishing fires, and protecting the property of citizens of Louisville from conflagration; and they may pass ordinances for the government of such department and companies, and for the management and protection of the buildings, engines, and other property of the said department and companies.

Council shall provide for a fire department.

§ 2. The said council may appropriate, for the support of said department or companies, any sum they may deem necessary, which amount shall be stated in the annual ordinance fixing and directing the per centum to be collected for other city purposes; and the amount, thus specified, shall not be exceeded by appropriations for that purpose during the year, nor until the succeeding annual appropriation be made in like manner. The said council may establish a permanent fund, not exceeding the sum of ten thousand dollars, for the relief of persons disabled whilst performing their duty as firemen, and for the benefit of their widows and orphans.

May appropriate money for its support.

§ 3. Each fire company belonging to the fire department shall employ one competent and trusty person, who shall be warden, who shall be constantly present at the engine house of said company, and who shall prevent intrusion into said house, keep it and the engine and apparatus, and the property of the company therein, safe and in good order, and prevent any person from injuring the same in any way; and said warden shall perform such other duties as may be prescribed by ordinance, and shall receive such compensation as the said council may deem reasonable.

Each company shall employ a warden.

§ 4. No person shall be eligible as a member of any fire company, who shall not have attained the age of eighteen years; and no person between the ages of eighteen and twenty-one years shall be eligible, without the written consent of his parent, or guardian, or employer.

Persons under 18 years of age not to be members of any fire company.

ARTICLE TENTH.

§ 1. At the first election for city officers, under this charter, there shall be elected, by the qualified voters in each ward of said city, two persons, qualified as hereinbefore

Two trustees of university & public schools to be elected in each ward.

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provided, as trustees of the university and public schools of Louisville, and the persons so elected shall constitute and be styled the "board of trustees of the university and public schools of Louisville;" and the board of trustees first elected shall, within three months after their election, cause the trustees from each ward to be divided, by lot, into two classes; and the members of the first classes shall vacate their offices at the end of one year from the day of their general election, and those of the second classes at the end of two years from the day of their general election; and annually, thereafter, there shall be elected, by the qualified voters in each ward, one qualified person as trustee of the university and public schools of Louisville, who shall hold office for two years, and no longer.

Trustees to have control of university & public schools, & their funds.

§ 2. The control and management of the university of Louisville, and of the high school for females, and of the public schools of Louisville, and of the property and funds belonging thereto, and which may accrue in any way to them, and for their establishment, management and maintenance, under the provisions of this charter, or otherwise, shall be vested in the said board of trustees, subject to the provisions of this charter, and the ordinances passed by the general council in relation thereto.

To take oath of office.

§ 3. The said board of trustees shall, before entering upon the duties of their offices, make oath or affirmation before some judicial officer of this commonwealth, faithfully to discharge the duties enjoined upon them by this charter and the ordinances of the general council of said city.

May enact by-laws, &c.

§ 4. The said board of trustees shall have power to make by-laws, not in conflict with this charter or the city ordinances, for carrying out the duties of their office, and to determine their own rules of proceeding; but a majority of the whole board shall be necessary to form a quorum for the transaction of business; and they shall meet at least once a month, and oftener if necessary, for the transaction of business; and no appropriation of money shall be made by said board without the concurrence of a majority of the members elect in office. And said board shall keep a correct record of all their proceedings, in a book provided for the purpose, which shall be at all times open to the inspection of citizens, of the mayor, and of any member of the general council.

Trustees to elect professors & teachers, fix their salaries, & generally to regulate said institutions.

§ 5. The said board of trustees shall elect a president and the professors of the university of Louisville, the teachers of the high school for females, and of the public schools of Louisville; regulate and fix the salaries of such president, professors, and teachers, and dismiss or suspend any teacher for misconduct or neglect of duty; prescribe the branches of education to be taught in the academical department of said university, in the high school for females, and in the public schools of Louisville; prescribe

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the necessary qualifications for, and the mode of examination of pupils applying for admission to the said academical department and high school for females, and the number of pupils annually to be admitted to each; and they shall also fix the bounds of districts for each public school within which the children shall be entitled to admission to said school; and shall provide class books for children attending the public schools, whose parents are unable to purchase them: *It is provided, however*, that all free white children over six years of age, within each district, shall have equal rights of admission to the schools of that district, and that no catechism or other form of religious belief shall be taught or inculcated in, nor shall any class book be used or adopted for said schools, which reflects upon any religious denomination, nor shall any of said schools be so conducted as to interfere with the religious belief of parents of pupils: *And, it is also provided*, that for the first two years after the opening, for the reception of pupils, of said academical department of said university, and of said high school for females, all children of prescribed age and qualification shall have equal rights of admission to, and the enjoyment of such education as said academical department or said high school can confer; but after said two years, no pupil shall be admitted to said academical department, or said high school, who has not attended at least one scholastic year in one or more of the public schools of Louisville, except that all orphan children, raised and educated at either of the orphan asylums in said city, or in any other charitable institution now or hereafter established in said city, of the prescribed age and proficiency in learning, shall be entitled to the rights of admission to said academical department, or said high school, and to the benefits of such education as may be conferred there: *And, it is further provided*, that no fees for tuition shall ever be charged in said academical department of said university, in said high school for females, or in said public schools of Louisville.

§ 6. The said board of trustees shall elect a principal secretary, who shall be school agent, and attend all meetings of said board of trustees, keep their records, and perform such other duties as may be required of him by said board of trustees, or prescribed by ordinance, and who shall receive for his services an annual salary of not less than five hundred dollars, to be fixed by ordinance, payable quarterly.

§ 7. The said board of trustees shall, at the end of each scholastic year, and at other times, if required by the general council, make out and report to said council a written or printed statement, in such form as may be prescribed by the said council, showing the number of students in each de-

Shall elect a
secretary—his
powers & duties

To make an-
nual report of
the situation of
said institution.

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Council shall
create a fund for
the support of
the university &
public schools.

partment of the university of Louisville, in the high school for females, and in each of the public schools of Louisville, and the condition and amount of property and funds belonging thereto, and such other information as the general council may, from time to time, require.

§ 8. It shall be the duty of the general council, first elected under this charter, to establish or create, by ordinance, a sufficient fund, and appropriate the same for the erection, establishment, and maintenance of said university of Louisville, and public schools of Louisville, under the control and management of the board of trustees hereinbefore provided for; and the said trustees shall, in the building provided therefor, on the university square in said city, establish and maintain the academical department of said university of Louisville, and cause to be erected, in each ward of said city, a school house or school houses, of uniform, suitable and convenient construction, for the instruction of all qualified children applying for admission thereto, and with separate apartments for teaching male and female children. And, in the year eighteen hundred and fifty-two, the general council shall cause to be erected a suitable building or buildings, centrally located, and establish and maintain therein a high school for females, wherein the female children of the prescribed age and qualifications, as hereinbefore provided, shall be admitted and receive instruction in such branches of education as the said board of trustees may be prescribe to be taught therein.

Council may
levy and collect
a school tax, for
the support of
the university &
public schools.

§ 9. For the purpose of raising money for the maintenance of the university of Louisville, the high school for females, and the public schools of Louisville, as above provided for, the general council of said city shall, in the year eighteen hundred and fifty-one, and annually thereafter, cause to be levied and collected a tax of not less than twelve and a half cents nor more than twenty-five cents on each one hundred dollars worth of the property assessed for taxation within the city limits, as provided for in article fourth, sections one and two, of this charter; and for the same purposes, and no other, shall be appropriated the sum or sums which may be received, from year to year, as the portion of the said city, of the school fund of this commonwealth, and all fines and forfeitures collected in the city court of Louisville, for the use of the said university and public schools of Louisville, as hereinbefore provided; and so much as may arise from real, personal, or mixed property in the city of Louisville, which, from alienage, defect of heirs, or failure of kindred capable in law to take the same, shall escheat to the commonwealth of Kentucky, and which is hereby declared vested in the said board of trustees, for the use and benefit of the university and public schools of Louisville; and the said city, by the mayor thereof, or such officer as the general council may appoint for that purpose,

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shall enter upon and take possession of any and all such property, or, in its corporate name, sue for and recover the same, or any chose of action, right, or credit of such decedent, and reduce the entire estate into possession, as aforesaid, without office found. And the said council shall furnish to said board of trustees an adequate amount of money, credit, or property, to enable the said board of trustees to build or procure such school house or school houses in each ward, as hereinbefore provided for; and this amount of money, credit, or property shall be in addition to the amount hereinbefore provided for, for the use and benefit of said university, and high school for females, and said public schools.

§ 10. Should the provisions hereinbefore made for raising means for the establishment and maintenance of said university, and said high school for females, and said public schools of Louisville, and for the erection of school houses, as hereinbefore provided for, it shall be the duty of the general council, first elected under this charter, to pledge the credit of the said city for any sum or sums of money not exceeding seventy-five thousand dollars, to carry into effect the educational system herein provided for; and the amount of money raised under this section shall be re-paid out of the surplus that, from time to time, may exist of moneys raised by taxation, or otherwise, accruing to the use and support of said university and public schools of Louisville.

May borrow money to build school houses, if necessary.

§ 11. It shall be the duty of the board of trustees, upon the completion of the assessment of property for taxation, annually, to ascertain the sum likely to accrue from taxation, for the use of said university and public schools, for the current fiscal year, and also to ascertain and estimate, as correctly as may be, the whole amount of means applicable to educational purposes for the current fiscal year; and said board of trustees shall not expend or contract for the payment of a larger sum than the estimated [amount] to be received for the year: *Provided, however,* that this section shall not be construed as to prevent said board of trustees from receiving and expending any sums that may come to them by gift or devise, or by any law of this commonwealth, or ordinances of the city passed hereafter.

Further duties of the trustees of the university & public schools

§ 12. The said board of trustees shall have power to examine, or cause to be examined by competent persons, all applicants for the office of teacher in the high school for females, and in the public schools of Louisville.

May cause applicants for the office of teachers to be examined.

§ 13. No portion of the property or funds, held or raised for the university and public schools of Louisville, shall ever be applied to the support of any school or schools which is or are not entirely under the control and management, in every particular, as the public schools of Louisville are, of

Funds raised for university & public schools, how to be applied.

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Trustees to hold possession of all the property and funds set apart for university & public schools.

of the said board of trustees of the university and public schools of Louisville.

§ 14. The said board of trustees, and their successors in office, as provided for herein, shall take and hold the possession of all property and funds set apart for the use of said university and high school for females, and the public schools of Louisville, for educational purposes in said city; but the university square, and all the property of the university of Louisville, shall be held to the uses and purposes set forth in the deed of donation made by the mayor and council of said city to president and trustees of the medical institute of Louisville, and in accordance with the resolutions adopted by the people of said city, in mass meeting at the radical methodist church, on the 20th day of October 1837.

ARTICLE ELEVENTH.

When elections under this charter to be held.

§ 1. The general election for members of the general council, and all city officers for the city, or districts, or wards, to be elected, under this charter, by the qualified voters thereof, shall be held on the first Saturday in April, in the year eighteen hundred and fifty-one, and annually thereafter, commencing at seven o'clock, A. M., and closing at six o'clock, P. M., at such place or places in each ward, and under such rules and regulations as the general council may prescribe, from time to time. And special elections to fill vacancies, or for other purposes, as provided for in this charter, shall be held on such day, and in such place or places as may be prescribed by the said council, to be conducted as the general elections, herein provided for, are to be conducted.

Number of voting places in each ward.

§ 2. The said council may provide for two or more voting places in each ward, where it may be deemed necessary, and prescribe the limits for each such voting places, within which persons shall be resident, entitled to vote at such place; but no election polls shall be held in any coffee-house, or other establishment within which spirituous, vinous, or fermented liquors of any kind are kept or sold.

To appoint officers of elections.

§ 3. The said council shall appoint all officers required to conduct city elections, and, if practicable, select the officers for each voting place in equal number from the two principal political parties. And officers of city elections shall be entitled to the like pay as officers of state elections are allowed.

Elections to be by secret ballot.

§ 4. All elections held under this charter, whether by the qualified voters of said city or by the general council, shall be conducted by secret ballot; and the general council shall provide suitable ballot boxes for the several voting places, at elections by the qualified voters, properly marked or numbered; and the judges of the election shall deposit the ballots presented in the ballot boxes, without exposing to themselves or others the name or names on any ballot,

Manner of conducting elections.

having first ascertained that the person presenting the same is entitled to vote, and recording his name on the poll book. When the election is closed, the judges in each ward shall immediately open the ballot boxes, and proceed carefully to count the votes cast for each candidate, and report the same, in such form and manner as shall be prescribed by ordinance, to the general council at its next session; and said council shall publish the same, and declare the candidates having a plurality of the votes for each office, respectively, duly elected thereto.

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§ 5. Every free white male citizen over twenty-one years of age, resident in said city at the time of the election, and who has resided in the said city one year, or in this state two years next preceding the election, and who is a *bona fide* resident of the ward in which he offers to vote, shall be qualified to vote for members of the general council and city officers, elective by the qualified voters of said city, under this charter; but such voter shall have been, for sixty days next preceding the election, a resident of the ward in which he offers to vote, and shall cast his vote in said ward, and not elsewhere.

Qualifications
of voters.

§ 6. The marshal of the city court of Louisville shall be marshal of the city of Louisville, and, as marshal of the city, he shall give bond in such sum and with such sureties and conditions as the general council may prescribe by ordinance, and perform such services, and receive such compensation as may be prescribed by ordinance. He may be removed or suspended from the office of marshal of the city, as other officers under this charter.

Marshal of city,
his duties, &c.

§ 7. The watchmen shall watch in the respective wards in which they may be chosen, unless required by the marshal of the city to discharge police duty elsewhere, in case of emergency; and watchmen shall be *ex officio* watchmen of the whole city.

Duties of the
watchmen.

§ 8. The day watchmen of the said city shall have the power, within their respective wards, to execute all original, mesne and final process issuing out of the city court of Louisville, that the marshal of said court has under the laws of this commonwealth and this charter; and they shall be the deputies of the marshal of the city, in their respective wards. They shall each give bond, as required of the marshal of the city, in the penalty of five hundred dollars, with good security, conditioned and approved as the bonds of the marshal; and they shall receive the like fees as those allowed to the marshal for like services; and when any police officer shall arrest a felon, the fees allowed by law for that service shall be paid to him. All fees allowed to watchmen, as deputy marshals, shall be in addition to their regular per diem as watchmen.

Day watchmen,
their duties, &c.

§ 9. The pay of watchmen shall not be less than one dollar and fifty cents for each night and day of actual service.

Pay of watch-
men.

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Supernumerary
watchmen, how
appointed.

§ 10. The marshal of the city may nominate to the mayor, and the mayor may issue his acting orders to such supernumerary watchman, in each ward, as may be needed, in the recess of the general council; which orders shall expire at the next session of said council; and such supernumerary watchman shall be called into service to supply the place of any absent regular watchman of the ward in which he may be appointed, and receive the pay of the regular watchman whose place is filled.

Illegal voting
how punished.

§ 11. Any laws in force in this commonwealth punishing illegal voting at the state elections, shall apply to illegal voting in this city for members of the general council, or for city officers, subject, however, to all the provisions of this charter touching the qualifications of the voter.

ARTICLE TWELFTH.

Council may
appoint tobacco
inspectors.

§ 1. The general council shall have power, upon the application of any person or persons who now has, or may hereafter provide a building suited for a tobacco warehouse, with the fixtures necessary for the transaction of the proper business of such an establishment, to establish the same by ordinance. And the said council shall elect two persons as inspectors of tobacco for each tobacco warehouse established in the city, giving a preference to persons recommended by the owner or owners of such warehouse, if they are deemed by said council fully competent; said inspectors shall take such oath or affirmation, and enter into bond, and receive and charge such fees as may be allowed by law; and their term of service shall not be more than two years, and shall expire in the month of November.

Shall regulate
the inspection,
&c., of any article
sold in the
city.

§ 2. The said council shall have power to provide, by ordinance, for the inspection, weighing, measuring, and guaging of any article vended within the limits of said city, elect suitable persons for the purpose, prescribe their duties, and fix their fees, and bonds and standards: *Provided*, that no ordinance shall be enforced providing for the inspection, weighing, measuring, or guaging of any such articles, except upon the voluntary principle, and when such service is desired by the buyer or seller; and the fees shall be paid by the person desiring the service. And the said council shall have power to provide for placing numbers or other marks upon all licensed vehicles running within said city, and also to cause carts, wagons, or other vehicles, engaged within said city in hauling or vending wood, coal, or lime, to be measured and branded, showing the quantities of such articles they contain, when full, half full, and quarter full; and, by ordinance, prescribe the fees to be charged for such numbering, or marking, or branding, and suitable fines and penalties for failure or refusal of owners to present their vehicles to be numbered or marked,

measured and branded, and for violations of the ordinances regulating the business of all such vehicles.

§ 3. The said council may establish and regulate, by ordinance in said city, a board or institute of pharmacy, composed of competent persons, to be elected or appointed as the said council may prescribe; and may, by ordinance, provide that all apothecaries, before they shall be licensed, to retail drugs and medicines in said city, shall be examined by, and receive a certificate of competency from said board or institute of pharmacy; and said council may, by ordinance, regulate the trade of retail apothecaries, in the business of making up prescriptions, and vending poisonous substances or preparations, and prescribe adequate fines and penalties for the enforcement of all such ordinances.

May establish an institute of pharmacy.

§ 4. The said council shall have power, by ordinance, to procure the erection and establishment of one or more powder magazines, within or out of the city limits, remote from other buildings, and to make all needful provisions for maintaining and managing the same; and they shall also have power, by ordinance, to regulate the keeping and selling gunpowder, and other explosive substances within the city limits; may prohibit the keeping more than a specified quantity of gunpowder in any one establishment within the city, and regulate the mode of transporting gunpowder through the city; and may prescribe suitable fines and penalties for violations of such ordinances, besides forfeiture of the powder or other explosive material kept or sold in or transported through the city, contrary to the provisions thereof.

May erect powder magazines.

§ 5. The general council shall have power to prohibit, by ordinance, prescribing suitable fines and penalties, the discharge of every species of fire-arms, or other instrument or thing containing gunpowder or other explosive substance whatever, within the city limits.

Provide penalties for discharging fire arms in the city.

§ 6. The general council may annually set apart any sum, not exceeding one thousand dollars, as a secret service fund, to be at the disposal of the mayor for police purposes exclusively; and any surplus of such fund, remaining undisposed of, at the end of the fiscal year, shall be returned by the mayor to the treasury, and reported to said council.

May set apart a secret service fund for police purposes.

ARTICLE THIRTEENTH.

§ 1. The general council shall have the power to grant the freedom of said city, under the corporate seal thereof, to persons for distinguished services, or for benefactions to said city; and, when necessary, they may grant to the destitute poor of the city, supplies of money, wood, coal, or provisions, out of the fund raised by taxation for the support of the poor, as hereinbefore provided.

May grant freedom of the city.

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Penalty on
officers for mak-
ing false en-
tries.

§ 2. If the auditor, or the treasurer, or any other officer of said city shall make, or knowingly permit others to make false entries in their books of accounts, or shall allow or disallow any items, with intent to cheat or defraud said city, or any person or persons, or corporation, or shall embezzle, or knowingly misapply or withhold any money or property of any kind belonging to said city, coming into his hands officially, such officer shall, upon conviction, be confined in the jail or penitentiary house of this commonwealth for not less than two years nor more than ten years.

Penalties for
sabbath break-
ing.

§ 3. No person, within the limits of said city, engaged in buying and selling, or manufacturing of any kind, except tavern keepers and apothecaries, shall buy, or sell, or manufacture on the christian sabbath day, save such persons, however, as do, in good faith, conscientiously observe some other day of the week as a sabbath, and refrain from buying, or selling, or manufacturing on such day; and the general council shall pass ordinances prescribing adequate fines and penalties to enforce and carry out this section.

Fees of falls
pilots.

§ 4. Falls pilots, for their services, shall be entitled to receive, for each flat boat under ninety feet long, three dollars, and over ninety feet long, five dollars; for each raft, five dollars; for each keel boat, five dollars; for each steam boat, or other vessel, under sixty tons, eight dollars; of sixty and under one hundred tons, ten dollars; of one hundred and under one hundred and forty tons, twelve dollars; of one hundred and forty and under two hundred tons, fifteen dollars; and over two hundred tons, twenty dollars. And any person piloting boats or rafts over the falls of Ohio, who is not elected and qualified as a falls pilot, under this charter, shall be fined, for so doing, a sum of not less than twenty dollars nor more than fifty dollars, to be recovered in the city court of Louisville: *But it is provided*, that nothing herein shall be construed so as to prevent masters or owners from taking their own boats or rafts over the said falls, without a falls pilot. All fines which may be collected under the provisions of this section shall be paid into the city treasury, for the use and benefit of the university and public schools of Louisville.

Councilmen, &c
to take oath.

§ 5. Members of the general council, and all officers of said city shall, before entering upon the duties of their offices, make oath or affirmation, before some magistrate qualified by law to administer the same, in such form as may be prescribed by ordinance, to perform the duties of office faithfully, and support and abide by the constitution and laws of the United States, and of the commonwealth of Kentucky, and the charter and ordinances of the city of Louisville.

Ordinances in
force, not incon-
sistent with this
act, continued
in force.

§ 6. All ordinances of the city of Louisville now in force, not in conflict with this charter, shall continue in force un-

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til repealed by the general council; and all laws of this commonwealth vesting rights in, or imposing duties upon the city of Louisville, not herein superseded or repealed, shall remain in force until specially repealed by the general assembly of Kentucky.

Records of the city recognized.

§ 7. The recognized records of the trustees of Louisville, and of the city of Louisville, under the mayor and board of councilmen, and under the general council herein created, and all bonds executed to said city of Louisville, remaining in the proper office of said city, shall be and hereby declared to be public records, and copies thereof, certified by the proper keeper thereof, shall be evidence in all courts to the same extent that the originals would be, on due proof; and the keeper of such records may be entitled to fees for copies of the same, to be prescribed by ordinance.

When charter to take effect.

§ 8. This charter shall go into and be in full effect and force on the first Saturday in April, in the year eighteen hundred and fifty-one, and, thereafter, shall be the charter of the city of Louisville; but the officers now in office, under the government of said city, shall continue to hold and discharge the duties of the same until the election and qualification of officers provided for in this charter.

How amendments may be adopted.

§ 9. The general council may, at any general election for members of the general council and city officers, submit to the qualified voters of said city an amendment or amendments to this charter; and, if a majority of such voters who may vote for and against the same shall vote for such amendment or amendments, the same shall, when enacted by the legislature of Kentucky, form part of this charter; but if the majority of votes cast be against the same, the said council shall not present the same to the legislature for enactment. The general council may call a convention of delegates from each ward, to be elected by the qualified voters thereof, at such time as may be prescribed, at the places where the general elections for city officers are held, and to be conducted as provided for such elections, which convention shall assemble and be organized as may be prescribed in the ordinance calling the same, and may amend this charter or make a new one; which amendments or new charter shall be first submitted to the qualified voters of the city, at the general election for city officers, or on a day specially designated by the convention; and, if approved by a majority of the said voters voting for or against the same, and enacted by the legislature of Kentucky, the same shall form part of, or supersede this charter.

Question respecting university of Louisville

§ 10. That before the trustees, elected under this charter, shall acquire any right to hold and take possession of the university of Louisville, or its medical department, that

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to be decided by
Jefferson circuit
court.

right shall be first adjudicated and settled by the judge of the Jefferson circuit court, on a petition which shall be filed by the city of Louisville; and if said judge shall be of opinion that the provisions of this charter, so far as they relate to the said university, or its medical department, be constitutional, he shall decree accordingly, and direct the said university and medical department to be surrendered to the trustees elected under this act; but if said judge be of the opinion the said trustees cannot and do not acquire any right by reason of the title vested in the present trustees, by conveyance regulating the same, the said judge shall enter a decree, quieting and decreeing the title in them. Due notice shall be given of the filing of the petition to the present trustees, or those in office at the time; and the mayor and common council or trustees may appeal from, or sue out a writ of error to the court of appeals, from a decision of the said judge; and notice thereof may be served on the mayor of said city, or the president and any one trustee of said university, or the medical department thereof, as the case may be.

§ 11. The general assembly reserves the right to change, alter, or repeal this act at pleasure.

Approved March 24, 1851.

CHAPTER 694.

AN ACT for the benefit of the Maysville and Lexington Railroad Company, and the Louisville and Lexington Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful, and the president and directors of the Louisville and Frankfort railroad company are hereby empowered to indorse the bonds of the Maysville and Lexington railroad company, to the amount of one hundred and fifty thousand dollars; the proceeds of said bonds to be appropriated towards constructing the railroad from Lexington towards Carlisle, in Nicholas county: *Provided*, the said railroad company shall be under no obligation to indorse said bonds, unless the president and directors of the railroad company from Louisville to Frankfort should, in their discretion, determine it would be the interest of the Louisville and Frankfort railroad company so to do; and it shall be lawful for the Maysville and Lexington railroad company to negotiate and sell her bonds, towards the completion of the road from Maysville to Lexington, to the amount the president and directors may determine it would be to the interest of the road so to do: *Provided further*, that it shall be lawful for the Maysville and Lexington railroad company to make and execute any counter security to the Louisville and Frankfort railroad company, that may be agreed on between the said