

1874. § 2. This act shall be in force from and after its passage.

Approved February 3, 1874.

### CHAPTER 178.

AN ACT to incorporate the town of Geigerville, in the counties of Boyd and Carter.

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

Town incorporated. § 1. That the town of Geigerville, in the counties of Boyd and Carter, be, and the same is hereby, incorporated.

Boundary. § 2. That the corporate limits and boundaries of said town shall be as follows, viz: Beginning at the north-west corner of Joel T. Buckley's lot; thence a straight line a northeast course to and including the residence and lot of Allen T. Vaughn; thence a straight line to and including the residence of John Plum; thence a straight line to and including the residence of James Kilgore; thence a straight line to and including the residence of John G. Black; thence a straight line an easterly course to and including the residence of Andrew Hall; thence a straight line a southerly course to and including James H. McBryer's lot on Rush creek; thence a straight line a northwest course to and including the residence and lot of Wisner Adkins; thence a straight line to the beginning.

Trustees' names. § 3. That Wisner Adkins, D. A. Leffingwell, Alexander Howell, J. Calvin Lambert, and John W. Johnson, be, and they are hereby, appointed trustees of said town, who shall hold their office until the first Saturday in June, 1874, on which day, and annually thereafter, there shall be an election by the qualified voters of said town of five trustees to serve for the space of one year, and until their successors are duly elected and qualified.

Trustees to take oath. § 4. That the trustees of said town aforesaid, and their successors in office, before they shall enter upon the duties of their office as such, shall take an oath before some justice of the peace of Carter county that they will faithfully, and to the best of their ability, perform the duties of trustees of said town, in addition to the oath prescribed by the Constitution of this State.

Name and style, and corporate powers. § 5. That said trustees, and their successors in office, shall be a body-corporate and politic, and known by the name and style of "The Board of Trustees of the Town of Geigerville;" and by that name be capable of contracting and being contracted with, of suing and being

sued, pleading and being impleaded, in all the courts of this Commonwealth; they may have and use a common seal, which they may alter at pleasure; they shall have the power to create all necessary by-laws for the government and control of said town, and inflict such penalties for a violation of their by-laws as they may, by ordinance, prescribe: *Provided*, The same shall not be in conflict with the general laws now in force for the suppression of crime in this Commonwealth, and the punishment and penalties imposed shall not exceed fifty dollars' fine and thirty days' imprisonment. Said board of trustees shall have all the powers and privileges, and be subject to the same duties and liabilities, as is provided by general laws in relation to towns incorporated in this Commonwealth.

§ 6. Whenever a vacancy in the board of trustees of said town shall occur, either by resignation, death, or failure to qualify within one month after the election or appointment of trustees as hereinbefore provided for, the said vacancy may be filled by the appointment of the trustees in office, which shall be entered on the records of the proceedings of the board of trustees.

Vacancies—how filled.

§ 7. That at the election held on the first Saturday in June, 1874, and every two years thereafter, a police judge shall be elected for said town, who shall hold his office for two years after his election, and until his successors shall have been elected and qualified; he shall be commissioned by the Governor and take the same oath required by law to be taken by justices of the peace in this Commonwealth; he shall have jurisdiction in civil cases in said town, and misdemeanors and breaches of the criminal and penal laws of this Commonwealth, the same as that of justice of the peace, and his fees shall be the same as those allowed justices of the peace and county judges for similar services.

Police judge to be elected—term of office and jurisdiction.

§ 8. There shall be held an election for the office of marshal of said town on the first Saturday in June, 1874, and on the same day annually thereafter. He shall have the same powers as constables now have by law within the limits of said town. He shall hold his office for one year, and until his successor shall have been elected and qualified; but before he enters on the duties of his said office, he shall execute bond, with good personal security or securities, in the Carter county court, conditioned the same as that of a constable, which shall be acknowledged by the marshal and his sureties in, and approved by, said court. He shall be entitled to the same fees that constables and sheriffs are now allowed by law for similar services.

Marshal to be elected—his powers & duties.

§ 9. The board of trustees of said town shall appoint a marshal, who shall act as such until the first Saturday in

Trustees to appoint pro tem. marshal.

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June next; and whenever a vacancy shall occur in the office of marshal of said town, they may appoint some suitable person to act as such until the next regular election for such officer thereafter.

Trustees to recommend police judge to Governor to serve until regular election.

§ 10. The board of trustees of said town shall recommend to the Governor some suitable person, residing in said town, for the office of police judge; he may be one of their own body, and the Governor shall commission the person so recommended, and he shall hold his office until the first Monday in August, 1874, and until his successor shall be duly qualified; and whenever a vacancy in the office of police judge of said town shall occur, by death, resignation, or removal out of the limits of said town, the board of trustees shall recommend some suitable person to the Governor to fill such vacancy, who shall issue his commission to the person thus recommended, and the police judge thus appointed shall hold his office until the next regular election thereafter, and until his successor shall have been elected and qualified.

Vacancy in police judge's office — how filled.

§ 11. The county courts of the counties of Boyd and Carter shall have no power to grant a license to retail ardent spirits in said town, either to merchants or tavern-keepers, without the consent of the board of trustees of said town; and said trustees shall have power to levy a tax on all persons licensed by them to retail ardent spirits in said town: *Provided, however,* If a majority of the qualified voters in said town, voting at the election to be held in said town on the first Saturday in June, 1874, shall vote against granting a license to sell ardent spirits in said town, said trustees nor the county courts of Boyd and Carter counties shall have power to license any person or persons to sell ardent spirits in said town thereafter.

Liquor license to be restricted.

§ 12. The elections held under and by virtue of this act shall be conducted by one of the trustees of said town, with some suitable person, appointed by him, to act as clerk.

Who shall conduct elections.

§ 13. All fines that may be imposed or assessed by the police judge of said town for violations of the by-laws of said town, shall be collected in the same manner as other fines are now collectable by law; and warrants and other process for the enforcement of the by-laws of said town shall be in the name of the Commonwealth of Kentucky for the use of the board of trustees of said town; and said town shall have the use of the jail of Carter county for the confinement of persons adjudged to be confined, or who may fail and refuse to pay any fine and the costs of the prosecution against them, at the rate of two dollars per day, until the fine and costs shall be made up; but such confinement shall not operate to satisfy the

Fines and penalties — how disposed of.

judgment against such person, and execution may issue against his property. 1874.

§ 14. Proceedings may be had before the police judge of said town, or any justice of the peace residing in district No. 8, in Carter county, for violations of the by-laws of said town, and they shall be by warrant, and conform to proceedings in courts of justices of the peace under existing laws. The police court in said town shall be held regularly on the first Saturday in each month for the trial of civil causes returned before the judge.

Where judicial jurisdiction shall lie.

§ 15. That it shall be the duty of the trustee and clerk, who shall hold the election on the first Saturday in June, 1874, to certify the result of the election, in regard to granting license to vend spirituous liquors in said town, to the clerks of the county courts of Boyd and Carter counties, which shall be presented to said courts and entered on their order-books.

Officers of election to certify result.

§ 16. This act shall take effect and be in force from its passage.

Approved February 3, 1874.

## CHAPTER 179.

AN ACT to incorporate the Boyd County Fair and Exposition Association.

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

§ 1. That A. C. Campbell, D. Putnam, J. W. Means, J. M. Montmollin, and Joseph Mitchell, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Boyd County Fair and Exposition Association, with perpetual succession; have full power to receive, acquire, and hold, by purchase, lease, gift, subscription, &c., any and all lands, moneys, and estate, real or personal, for the purposes hereinafter stated; to sell, transfer, or convey the same; and under said name may, in their corporate capacity, sue and be sued, plead and be impleaded, in any court of law or equity; and may have and use a common seal, and alter or abolish the same at pleasure.

Name of corporators, and style of same.

May purchase, lease, acquire, & hold property, & use common seal, &c.

§ 2. That any three of the above named persons constitute a board of commissioners *pro tempore*, to transact any business in the interest of said association; may, within three years from the date hereof, open books for the subscription of stock, and whenever one thousand dollars are subscribed, at their discretion, call a meeting of the stockholders for the election of a board of seven directors to serve for one year, and until their successors

Books for subscription stock to be opened by commissioners.