

AN ORDINANCE
FOR THE
GOVERNMENT
OF THE
CITY OF LEXINGTON,
AND
REGULATING THE INTERESTS AND CONCERNS THEREOF:
REVISED AND AMENDED
UNDER THE DIRECTION
OF THE
MAYOR AND BOARD OF COUNCILMEN:

PASSED JUNE 2, 1858.

PUBLISHED BY AUTHORITY.

LEXINGTON, KY.
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1858.

ORDINANCES.

ACCOUNTS.

By whom, for what and how may be contracted.

SEC. 1. *Be it ordained, by the Mayor and Board of Councilmen of the City of Lexington as follows:*—No person is authorized to keep a running account against the city for a longer period than six months, except as herein otherwise provided. Not to run over 6 months.

SEC. 2. No person is authorized to contract any account on the credit of the city, without the special order of the Mayor and Board of Councilmen, except as follows: No person authorized to contract except as follows;

SEC. 3. The Mayor may, under the direction of the Overseers of the Hospital and Workhouse, contract accounts not exceeding \$50 each, for the purpose of making ordinary repairs upon the carts, harness and tools belonging to the city; for the purpose of clothing and maintaining the hands who may be in the employ of the city; and for maintaining the horses and all other animals belonging to the city, or which the city is properly bound to maintain; under the direction of the committee on the Judiciary, for carrying into the fullest effect the provisions of the Charter and Ordinances of the city which it is his duty to see executed; of himself for providing the necessary fuel and lights for the City Hall, Clerk's Office and Watch-house; and under the direction of the Internal Improvement Committee, for repairs not exceeding \$20 in amount each, on the buildings, grounds, and other property of the city, and on the public streets. Mayor.
For repairs, carts &c.
Maintaining city hands, horses &c.
For executing Charter.
Fuel and lights City Hall, Watch House, &c.
For repairs on buildings, etc.

SEC. 4. As soon as practicable after his installation in each year, the Mayor shall, under the direction of the Overseers of the Hospital and Work House, make a contract with some competent and responsible mechanic for twelve months, and until a new contract shall be made, to furnish all coffins the city may need for the burial of paupers, at a cost of not exceeding three dollars each; and, when required by the overseers, a hearse at a cost of not exceeding two dollars for each funeral. The contract when made shall be by the Mayor reported to the Council, by whom it may be annulled and set aside at any time thereafter. Contracts for 12 months for coffins.
And hearse.
May be annulled by Council.

SEC. 5. The Committee on the Fire Department, or either member thereof, with the authority of the Committee, may contract accounts for the ordinary repair of all the engines and other apparatus belonging to the department, and for the purchase of all articles not amounting to more than \$25 each, which may be necessary for the effectual performance of the duties of the Fire Companies, and such accounts must be kept separate from the city accounts. Fire Committee for repairs of apparatus.
And articles necessary for the performance of their duties.

Overseers of Schools for repair of houses, fuel and books, etc. SEC. 6. The Overseers of each school may contract accounts not exceeding \$50 each, for the ordinary repair of their respective school houses, for fuel, books, stationery, apparatus and other articles, or labor which may be necessary for successfully conducting their schools.

Receipts or orders given for each item. SEC. 7. Every person purchasing any article upon the credit of the city must, if he receive it, give a written receipt therefor, stating the price if it has been agreed upon, and, if he send another to receive it, send a written order therefor, also stating the price, if it has been agreed upon. And such receipts and orders must be preserved and presented to the City Auditor, when the account is presented to him for investigation.

And presented to Auditor.

To be presented to the Auditor and how.

Must set forth items. SEC. 8. All accounts against the city must set forth the items thereof, be presented to the Auditor of City Accounts, and except in cases in which the prices are agreed upon with the persons contracting the accounts, must be accompanied with an affidavit that the prices charged for each item are just, reasonable and customary.

When accompanied by affidavit.

Accounts for goods sold.

SEC. 9. Accounts for goods, wares, and merchandise sold and delivered, must be accompanied with a written receipt or order for each item thereof.

For City Attorney's salary.

SEC. 10. The accounts of the City Attorney for his salary must be accompanied with a certificate of the Judge of the City Court, that he has performed his duties during the time charged for; his account for fees and commission; must state the case and the amount of fine in the case in which each item accrued.

Teacher's salary.

SEC. 11. The accounts of each teacher of the City Schools for his or her salary, must be accompanied with a certificate of the school committee, that he or she has performed the services charged for.

City Printer's salary.

SEC. 12. The account of the City Printer must be accompanied by a certificate of the Mayor that he has published, in his paper, reports of the meetings of the Council during the time charged for. And the accounts of the Marshal, Deputy Marshal, Clerks of the Market, Captain of the Night Watch, and subordinate Night Watchmen, must be accompanied by a certificate from the Mayor that the officer in whose favor the account is presented has, so far as he knows, faithfully discharged the duties of his office, and that during the time for which the account is made out, he has regularly attended all the stated meetings of the Council, for the purpose of rendering an account to, and being examined by it, respecting the manner the duties of his office may have been discharged during said time.

Salary of Marshal, deputy Marshal, Clerk of Market, Captain of Night Watch, and subordinate Night Watchmen.

Salaries of other officers.

SEC. 13. The accounts of each of the other city officers for his salary, must be accompanied with a certificate of the Mayor that he has performed the services charged for.

SEC. 14. The certificates required in the four last sections may

APPROPRIATION—ASSESSMENT—ASSESSOR.

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be made by an endorsement, on the account, of the word "correct" over the official signature of the officer of whom the certificate is required. Certificates, how made.

SEC. 15. Accounts for costs accruing in cases in the City Court must, as to each item, state the case in which it accrued, and against which party adjudged; must contain no items except for costs, and in cases of committals to work house must set forth the date of the committal. Accounts for costs.

See MAYOR and COUNCILMEN.

APPROPRIATIONS.

SEC. 16. No appropriations shall be made without the concurrence of the majority of all the Councilmen elected, or of six Councilmen and the Mayor.

ASSESSMENT.

SEC. 17. Immediately upon the return of the assessment the Clerk of the City shall notify the Mayor thereof; who shall forthwith call a meeting of the Board of Councilmen. Clerk to notify Mayor of return of. Mayor to call meeting of Council.

SEC. 18. The Board of Councilmen shall at such meeting order notice to be published that the assessment has been returned and is open for public inspection. Notice of return to be published.

SEC. 19. At said meeting the Board shall also appoint, and order notice to be published, of a meeting to hear appeals; when any person may appeal to said Board from any assessments of his or her property. Also of meeting to hear appeals.

See ASSESSOR.

ASSESSOR.

His Warrant.

SEC. 20. The Assessor shall receive from the Clerk of the City a certificate of his election; and before he shall enter upon the duties of his office he shall take, before some officer qualified to administer the same, the oath of office prescribed by the constitution of Kentucky, and have a certificate of his having taken the same, endorsed on such certificate of election. Such certificate and endorsement shall constitute the warrant of said Assessor to act as such, and he shall return the same to the Clerk of the City when he returns the lists hereinafter directed to be made. Certificate of election, And certificate of oath.

To Assess Property and Rate Stores, etc.

SEC. 21. The Assessor shall immediately after the 10th day of January of each year, visit the place of residence of each inhabitant subject to taxation, or call on him or her personally, and make, in a book to be prepared for that purpose, separate lists of the taxable inhabitants of each ward of the city; and require When to begin assessment. Make separate lists of tax payers for each ward. What to assess.

each one to deliver on oath or affirmation a statement or list of all his or her real estate, slaves, horses, dogs, carriages, wagons and carts, and (if he or she be a mechanic or manufacturer,) of his or her stock of materials and manufactured articles of which he or she may have been in possession as owner, hirer or agent, within the city limits, on the said 10th day of January, including such as may be at that time temporarily out of the city, but which he or she may have at that time intended to keep and use within the city; said Assessor shall assess the fair specie value of each item of property in such statement or list; and enter in a book the items of real property, their value, and the total value of the whole, in separate columns, and opposite the names of their respective owners, hirers and agents; a copy of which list he shall deliver to the person assessed. But all slaves hired within the city to a free negro, shall be assessed against the owner of such slaves, and the taxes on such slaves shall be collected of the owner.

To include property temporarily out of the City.

To assess specie value

To place each item in a separate column.

To deliver copies of lists.

SEC. 22. The Assessor shall enter, in separate columns, each rate of stores, groceries, commission houses and carriage depositories, opposite the name of its proprietor or keeper. All stores and groceries in the city shall be and the same are hereby, for the purpose of assessment and taxation, divided into four grades or classes to wit: those which shall import or expect to import during the year for which such assessment is made, goods, wares, merchandise, groceries, &c., to the amount of

To rate stores and groceries.

\$30,000 and upwards,	shall be rated as first class.
\$15,000 and under \$30,000,	“ second “
\$3,000 “ “ \$15,000,	“ third “
“ “ “ \$ 3,000,	“ fourth “

Carriage depositories.

All Carriage Depositories in the city shall be, and the same are hereby for the purpose of taxation and assessment, divided into four grades or classes to wit: those which shall import or expect to import during the year for which such assessment is made, carriages, coaches, gigs, buggies, barouches, rockaways, and other vehicles used for similar purposes to the amount of

\$12,000 and upward,	shall be rated as first class.
\$ 8,000 and under \$12,000	“ second “
\$ 5,000 and “ “ \$ 8,000	“ third “
“ “ “ \$ 5,000	“ fourth “

Commission houses.

All commission houses in the city shall be, and the same are hereby, for the purpose of assessment and taxation, divided into four grades or classes to wit: those who shall in the course of the year pay freight and commission on goods, merchandise of any description, received and forwarded by them, all goods, and merchandise of any description sold by them or by others in their house, amounting in the aggregate to

\$15,000 and upward,	shall be rated first class.
\$10,000 and under \$15,000	“ second “
\$ 5,000 and “ “ \$10,000	“ third “
“ “ “ \$ 5,000	“ fourth “

For the purpose of ascertaining the class to which persons so engaged belong, it shall be the duty of the Assessor to require each person to state on oath, the amount of said business expected to be done for the year in which said assessment is made, and any person refusing to give to the Assessor such statement on oath, shall be assessed as first rate, and shall be fined in any sum not less than \$50 nor more than \$100, to be recovered by warrant in the Lexington City Court. Any person or persons engaged in the commission business in connection with any other business, shall be assessed and taxed on each according to the ordinances providing for the assessment and taxation of each separate business.

Assessment
made on oath.

SEC. 23. It shall be the duty of the Assessor of this city after having taken the list of all the property required by the foregoing sections to be specifically listed, to require each one to deliver on oath or affirmation, a statement or list of all of his or her furniture, machinery, fixtures, watches and clocks, gold and silver plate, pianos, and other musical Instruments of which he or she may have been in possession on the day on which this Ordinance takes effect; as owner, hirer, or agent, within the city limits, including such as may be temporarily out of the city, and said Assessor shall assess the fair specie value of each item of property in such statement or list, and enter the items, their value, and the total of the whole in separate columns and opposite the names of the respective owners, hirers, and agents. After said list is taken, the Assessor shall then ask, what said person was worth from all other sources, within said city, including the value of money, notes, and other personal property as may have been temporarily out of the city, and shall enter said amount in a separate column; Provided, however, the Assessor shall take from the value of said property not specifically listed, the amount of his or her indebtedness, and one hundred dollars. If the item of furniture presented by the person assessed is worth less than one hundred dollars, it shall be exempt from taxation: if worth more, said sum shall be deducted from its value. Upon the whole value of all the property assessed, under this Ordinance, subject to the deduction as stated above, taxes shall be paid and collected as on other property subject to taxation by existing laws.

Other articles to
be assessed.

Money and
notes.

\$100 worth ex-
empt.

SEC. 24. That the Assessor, in taking the amount of property under this Ordinance, shall swear the person as to the correctness of the amount so fixed. And if any person shall refuse to fix the amount or take said oath, he or she shall not be entitled to the deductions mentioned. Provided, however, that nothing herein contained shall be so construed as to require the Assessor to list or embrace for the taxes imposed by this ordinance the stock in trade of stores or groceries now rated, or the stock in trade of any person now licensed to retail spirituous liquors, or buggies, or carts, or vehicles, upon which there is now a specific tax. Provided, however, that no property

shall be exempt from the fire tax, but all the property described in this ordinance shall be assessed, and said tax shall be laid and levied, as it was on other property subject to said tax before the passage of this ordinance.

Negro Jails.

SEC. 25. It shall be the duty of the Assessor to ascertain all the Negro jails, or places for the purchase and sale of slaves, and the owners or keepers thereof, in the city of Lexington.

SEC. 26. Any person who shall hereafter open and keep a Negro jail or place for the purchase and sale of slaves, shall pay a part of said tax in proportion to the portion of the year that the same shall be kept, which proportion shall be assessed and collected by the collector.

How persons failing or refusing to give in lists to be assessed. SEC. 27. If the Assessor shall be unable to see any person holding estate in the city, or if any person shall fail to refuse to give in a list of his or her property, or shall give in a list which, in the opinion of the Assessor, is incorrect, the Assessor shall estimate the property of such person by such means as shall be in his power, either by inspection or inquiry of others, and return the estimate so made,

How such persons to be punished. SEC. 28. Any person who shall, when required, fail or refuse to furnish the Assessor with a list of his or her taxable property, or any part thereof, or shall furnish an incorrect one, shall forfeit and pay not less than \$10 nor more than \$100, in the discretion of a jury.

To assess Dogs, etc. SEC. 29. The Assessor shall require the keeper of each house in the city to state, on oath, the number of dogs, bitches and puppies owned by him or her, or any member of his or her family, or suffered to remain on his or her premises, and shall enter the same in said book, in a separate column, opposite the name of the keeper of such house, or the owner of such dog or bitch; and if any person shall refuse or fail to make such statement on oath, the Assessor shall ascertain the number in the best way he can, and enter the same accordingly.

And how enter them.

To take the Census.

What persons listed and how.

SEC. 30. The Assessor shall enter also in said book opposite the name of each inhabitant, who may be the head of a family, the number of all persons in his or her family, who are inhabitants of this city, including him or her and all slaves owned or hired by him or her, placing the number of free white males over twenty-one years of age, in one column; the colored males over twenty-one in another; of all white males in another; of all white females in another; of all colored males in another; of all colored females in another; of all colored persons in another; of all free colored persons in another; of all persons of every description in another; and in another of all births and deaths in the family of such taxable inhabitant.

ASSESSOR.

SEC. 31. The said Assessor shall enter in said book, in another column, all taverns, coffee houses, porter houses and victualling houses or retailers of spirituous liquors, [opposite the names of their respective owners.] To list taverns, Coffee Houses, &c.

SEC. 32. He shall ascertain and report the number of white children between the ages of five and sixteen years in the city of Lexington. To list children between 5 and 16

SEC. 33. He shall assess all the free persons of color in the city of Lexington in a separate book, giving their age, when liberated, by whom and where liberated so as to assist the officers in arresting all persons who are living in the city, in violation of the statutes of Kentucky. Free colored in a separate book.

When to complete Assessment.

SEC. 34. The Assessor shall complete the assessment on or before the 10th day of April in each and every year, and immediately return the record thereof to the Clerk of the city. On or before the 10th of April.

Assistant Assessor.

SEC. 35. The Assistant Assessor shall assist the Assessor in the performance of all the duties herein prescribed.

See ACCOUNTS; OFFICERS; SALARIES.

ATTORNEY.

His Duties.

SEC. 36. The City Attorney shall attend, in behalf of the city, to all cases in which the city may be interested, in the Lexington City Court, County and Circuit Courts of Fayette county, and, at the request of the Mayor, in any other court. He shall, when requested, give counsel and advice upon legal questions to the Mayor and other city officers, in all matters in which they may require legal advice, in relation to the business of the city. In City Court, County and Circuit Courts. To give counsel to City officers.

SEC. 37. The City Attorney shall superintend the collection of all fines imposed in the City Court; and proceed according to law against the Marshal, in all cases, in which he fails to comply with the law, in making his returns upon process, or is guilty of negligence in executing the same. To see to collection of fines. To proceed vs. Marshal.

His Emoluments.

SEC. 38. He shall receive five per cent of the nett proceeds of all fines and forfeitures collected by the city, which shall have been adjudged for the use of the city, in the Lexington City Court, and in every case in which a judgment of £5 or more shall be rendered for a breach of a City Ordinance, he shall be allowed a fee of \$2 50, to be taxed as costs against the defendant: Provided that if he shall be absent at any session of the court, the judge thereof may appoint an attorney *pro tem*, who shall receive the fees of the City Attorney, in all cases in which he shall appear. Five per cent. of fines. Fee, how taxed.

See ACCOUNTS; OFFICERS; SALARIES.

AUCTIONEERS.

SEC. 39. Any person desirous of obtaining Auctioneer's license, shall first apply to the City Clerk and pay him the sum of five dollars and his fees, and shall be privileged to sell at auction one year.

Auctioneers to obtain license. SEC. 40. No person shall sell at auction, and no auctioneer shall, as consignee or agent, sell at private sale, within this city, any goods, wares and merchandize, not produced or manufactured in Kentucky, and not the property of a decedent, sold by or for his personal representatives, without having first obtained a license so to do, under the penalty of \$10 for each offence.

Penalty. SEC. 41. Each person having such a license shall, on the 1st day of February and 1st day of August of each year, deliver to the collector a full and correct statement of all such sales as are in the last section mentioned, which shall have been made by him in the preceding six months; and, at the same time, pay to the collector a tax of one per cent. on the amount of all such sales, under the penalty of \$10 for each day such statement and payment shall be delayed.

When to deliver statements of sales. SEC. 42. The Clerk of the city shall issue an auctioneer's license to any one applying for it, who shall have executed bonds to the city in the penal sum of \$300, with surety approved by the Mayor and Board of Councilmen to comply with the requisitions of the last section.

See COLLECTOR.

THE AUDITOR OF CITY ACCOUNTS.

Time to audit. SEC. 43. The Auditor shall attend at his office on the Tuesday next preceding the regular monthly meeting of the Council, for the purpose of auditing claims against the city, and he shall audit none to the next succeeding Council, which may be presented to him after that day, but such claims shall be postponed to the Tuesday next before the subsequent regular meeting of the Council.

To examine all accounts. SEC. 44. He shall examine carefully each account against the city, that may be presented to him; administer, free of charge, any affidavit that may be necessary to prove the same, and if he shall find it substantiated by competent and sufficient proof, according to law, over his official signature; he shall endorse it "approved this — of —." If he shall find it not so substantiated he shall endorse it, "disapproved this — day —," and state wherein the proof is deficient.

Administer affidavits gratis. SEC. 45. He shall not approve or pass any account or claim against the city concerning which he has knowledge, or satisfactory proof that it is unjust as to any part, nor any instalment of salary in favor of the officers of the city, concerning which he has knowledge or satisfactory proof that the services required by law of the officer, by virtue of such office, have not been faithfully and diligently performed, by such officer during the period for which such instalment of salary is claimed.

How to endorse accounts. Not to approve unjust claims.

SEC. 46. He shall, before each meeting of the Mayor and Board of Councilmen, make out lists of, and by endorsement number the accounts approved by him, and also those disapproved by him, since the last meeting of the Board, placing the amount and number of each account opposite the name of the claimant. On the morning of each Tuesday before the meeting of Council he shall attend at his office, or some designated place, to learn from the collector the amount due to the city from each of said claimants, and place such amount in another column opposite the claimant's name. And if, after setting off the account of the claimant against the city, against the amount due from him to the city, there shall appear to be a balance in favor of the claimant, he shall insert such balance in a third column opposite the claimant's name. And when he has thus completed his lists, he shall deliver them to the Mayor together with the original accounts, and all proof and information in relation to the same in his possession to be laid before the Council.

How and when
to make lists of
accounts.

To learn from
Collector am'ts.
due City from
claimants, and
how list them.

See ACCOUNTS; CLERK OF THE CITY; COLLECTOR; FIRE DEPARTMENT; MAYOR AND COUNCIL; OFFICERS; SALARY; TREASURER.

BALLOONS.

SEC. 47. No person shall set off, or in any manner aid or abet the setting off, of a balloon within this city; or cause one to fall within the city, under the penalty of \$5 for each offence.

Penalty for set-
ting them off.

BILLIARD TABLES.

SEC. 48. It shall be the duty of the Clerk to issue a Certificate to any free white person, to keep a Billiard Table or Tables, who shall have paid to the City Treasurer a tax of one hundred and fifty dollars for each table, and executed a bond in the sum of \$250 not to allow gaming on said tables. The production of the receipt of the Treasurer shall be evidence of the payment of the tax. The license shall be in force during the year succeeding the day upon which it was granted.

Tax and Bond.

SEC. 49. Any owner, agent, or keeper of any Billiard Table, who shall knowingly permit any game to be played thereon, for which he shall receive a consideration without having obtained a license and paid the tax as stated and provided for above, shall be subject to a fine of Ten Dollars for each offence, provided, however, that it may be lawful for any one who may now have a table or tables erected, to obtain a license and pay the tax within ten days.

Penalty.

SEC. 50. If any betting shall take place upon any game played on any table or tables so licensed with the knowledge or permission of any owner, keeper, or agent thereof or under circumstances which should reasonably lead such owner, keeper, or agent to suspect the same, he shall be fined fifty dollars for each offence, and conviction thereof shall immediately work a forfeiture of his license.

Fine for Betting.

12 BREACH OF THE PEACE—BUILDINGS IN DANGER, &c.

Attorney and Marshal's fees. SEC. 51. In addition to the fees and perquisites now allowed by law, upon all judgments for violation of this ordinance, where the money is collected or the defendant committed to the Work House, the City Attorney and the Marshal shall be allowed 5 pr. ct. each, provided, however, that nothing herein contained shall be so construed as to exclude the Marshal as a witness on account of any interest he may have in the result of the trial.

BREACH OF THE PEACE.

Songs and noise Penalty. SEC. 52. No person shall, within the city, by cries, songs, or noises of any description, disturb the peace and tranquillity of the city, under the penalty of \$10.

Disturbing religious worship. SEC. 53. Any person who shall disturb a lawful meeting or assembly for religious worship, or be guilty of riot, or any other breach of the peace, not herein specially provided for, shall be fined in any sum not exceeding \$100,
Riots, etc., and other breaches of the peace. Penalty. See MARSHAL; NIGHT WATCH.

BUILDINGS IN DANGER OF FALLING.

City Attorney to file information. SEC. 54. Whenever the Mayor and Councilmen of the city of Lexington, shall by resolution order the City Attorney to take proceedings for causing to be pulled down any building which is in danger of falling, and which, from its contiguity to a public street, would, in falling, endanger persons passing along the street, it shall be the duty of the City Attorney to file an information in the City Court against the owners and occupiers of such building, in which information the dangerous condition of the building, shall be stated, and upon a summons being duly served upon the occupants, and such of the owners as reside in this state to answer said information, a jury shall be empanelled in said Court to decide whether the building is in danger of falling, and whether, in falling, persons passing be endangered thereby, and if the jury so find, judgment shall be entered that the said building be pulled down and a copy of said judgment, delivered to the Marshal shall authorize and require him to execute said judgment.

Marshal's Warrant. SEC. 55. If the owners do not pull down the building in pursuance of said judgment, but the same is pulled down by the Marshal, he shall proceed to sell the materials of said building at public auction in the same manner as goods taken under execution, and return the proceeds of sale to the Circuit Court, together with the amount of his expenses in executing the judgment, and the court shall thereupon make to him a reasonable allowance for executing the judgment, out of the proceeds of the sale, and cause the balance to be either paid to the owner or deposited to the credit of such owner in the city.

How to proceed. SEC. 56. Where the owners are non residents or infants and do not appear, the Court shall appoint an attorney to defend

Non resident owners.

them, and attend to their interests and an allowance, shall be made to such attorney out of the proceeds of the sale.

CEMETERIES.

Interments, where and how to be made.

SEC. 57. The Lexington Cemetery, on West Main street; the Episcopal and Catholic burial grounds on East Third street; the Presbyterian burial ground on North Mulberry street, and the lot known as the city burying ground, on Bolivar street, are grounds on which the burial of the dead is authorized.

What authorized burial grounds.

SEC. 58. No burial place shall be hereafter established in the city without it be authorized by the Mayor and Board of Councilmen.

Burial places must be authorized.

SEC. 59. No corpse shall be interred, except in some authorized burial ground. Every person who may assist in making any interment contrary to the provisions of this section, shall be fined \$5 if he be a free man; and if any such interment shall take place with the knowledge and consent of any person having title, possession and control of the ground in which the interment is made, every such person shall also be fined in the same sum.

No corpse buried except in authorized burial places.

Penalty. Owner of ground also fined.

SEC. 60. No person shall inter a corpse anywhere in a grave less than five feet deep, under the penalty of \$5 for each offence.

Graves to be five feet deep. Penalty.

Removal of Bodies.

SEC. 61. Any person who shall, without the consent of the friends of the deceased, remove or attempt to remove any dead body from any place where its burial is or may be authorized, shall be fined \$100. If such removal or attempt be made with the consent or connivance of the keeper of the ground, in which the dead body shall be interred, he shall be fined in a like sum.

Bodies must not be removed without consent of friends. Penalty.

Keeper of ground also fined.

SEC. 62. Persons having heretofore deposited the remains of their friends elsewhere in the city, may have them removed to the City Burying Ground.

Bodies may be removed to.

SEC. 63. Two dollars and fifty cents shall be paid to the keeper of the City Burying Ground, for each dead body interred there, before the interment shall be made, except in cases in which the Mayor shall, by his written order, dispense with the payment of the fee.

Price of graves.

Mayor may dispense with the pay.

SEC. 64. The Keeper shall keep said burying ground free from injury; keep the gates locked, except when necessarily required to open them, and endeavor to prevent the clandestine removal of the bodies therein interred.

Keeper's duties.

See POOR AND WORK HOUSE.

CLERK OF THE CITY.

His Bond.

Penalty \$1,000. SEC. 65. The Clerk of the City shall, on entering upon the discharge of the duties of his office, execute a bond, payable to the City of Lexington, with security, to be approved of by the Mayor and Board of Councilmen, in the penalty of \$1,000, conditioned for the faithful discharge of the duties of his office and to deliver over to his successor in office, or to such other person as the Mayor and Board of Councilmen may direct, all such books, records and papers as may be delivered to him for safe keeping, or appertain to his office, which bond shall be recorded by said Clerk, in his own proper hand, in the journal of the said Mayor and Board of Councilmen and the original then delivered to the Mayor for preservation.

Condition.

How recorded.

His Duties.

Notify officers of their election. SEC. 66. The Clerk of the City (in addition to the duties specially required of him by the Charter of the City of Lexington,) shall furnish all officers appointed by the Board of Councilmen, with a copy of the record of their appointments; make out, as soon as practicable after the levying of taxes, books containing the name of each person assessed, the number of tythes and other taxable property, and amount of tax due by such person to the city, and copy in said book the rate of assessment and the order appointing the Collector. He shall, before he delivers to the City Collector the book containing the annual amount of tax assessed against the several tax payers, test the accuracy of the extensions and additions therein, add up each column, and also the aggregate amount: He shall also make out a true copy of said book, which shall be preserved among the other records of the city. He shall make out a copy of each order appointing a committee, and hand the same to the Marshal to be delivered to the first named of the Committee; engross all the ordinances passed by the Board from the record thereof, which ordinances so engrossed shall be signed by the Mayor and attested by the Clerk of the city, and thereupon, under the direction of the Mayor, hand the originals or copies of said engrossed ordinances to the City Printer for publication; and prepare the Treasurer's and Collector's settlements for publication.

His duty as to tax lists.

Committees appointed.

Ordinances.

Furnish Auditor's report to Treasurer. SEC. 67. He shall furnish the Treasurer, within two days after each meeting of the Mayor and Council, with a certified copy of the Auditor's Report to such meeting, indicating thereon any changes made by the Mayor and Councilmen in the claims allowed by the Auditor; at the same time he shall certify and deliver to the claimants all the claims which have been by the

How to certify claims.

Mayor and Councilmen ordered to be paid; when the claimant appears by the Auditor's Report to be indebted to the city, he shall state in his certificate the amount of such indebtedness, and that the city will not liquidate it, in any other manner than by receiving it in payment of the same; he shall issue all licenses granted by the Mayor and Council; he shall keep a list of all licenses issued by him, which he shall always report to the Board at their next stated meeting thereafter; and he shall do all other acts which may, from time to time, be required of him by the Mayor and Board of Councilmen.

Issue licenses.

SEC. 68. The Clerk of the City shall keep his office open for the dispatch of business at least five hours in each day, (Sundays excepted,) to wit: from 9 till 12 o'clock in the morning, and from 3 till 5 o'clock in the afternoon; and during that time it shall be free and accessible to all persons having a right or claim to business therein.

Clerk's office to be open, when and how long.

SEC. 69. The Clerk of the City shall cause a notice to be published of the times and places of holding the elections in each Ward, and the names of the Ward Inspectors, in such newspapers of the city as the Board of Councilmen shall, from time to time, direct, at least ten days before the election.

Clerk to give notice of election 10 days.

SEC. 70. The Clerk of the City shall make out alphabetical lists of the qualified voters in each Ward, and furnish the Inspectors of the elections in each Ward, with the list appertaining to that Ward, ten days before the first Saturday in January in each year, and ten days before any election to fill a vacancy; and shall also furnish the Inspectors in each Ward with a poll-book.

His duty in relation to Ward elections.

SEC. 71. The Clerk of the City shall attend all the sessions of the City Council, and in addition to the duty of recording the proceedings of the Board of Councilmen with copious marginal notes, he shall be, and is hereby, required to index all the records by him made, so that whatever shall have been done by the Board may, at any and all times thereafter, be readily adverted to, and any neglect of this duty, on the part of the Clerk, without good cause by him shown, shall render him liable to a vote of censure by the Council, or to a fine of \$5, or to removal from office, if two thirds of the Councilmen, or seven Councilmen and the Mayor shall record their votes for such removal: *Provided*, however, that the duties, in this section enjoined on the Clerk of the City, shall be considered as fully performed, if, at each stated monthly meeting of the Board of Councilmen, said Clerk shall exhibit a fair and correct record, paged and indexed, of all proceedings of the Council had more than one week prior to such stated meeting.

He shall be Clerk of the Council, and make perfect records paged and indexed.

Penalty for neglect. Censure, fine, or dismissal.

How inflicted.

Proviso.

SEC. 72. Upon being notified by the Marshal that a Grand Jury is about to be summoned in the City Court, he shall make out a list of all persons to whom any licence may have been granted, by the Mayor and Board of Councilmen, during the year then current, and state for what and when the license was

To make lists of licences for Grand Jury.

granted, and shall deliver the same to the Clerk of the City Court, to be by him laid before the grand Jury upon the assemblage thereof.

To report remitted fines for publication, also, the arrests by each watchmen.

SEC. 73. He shall prepare and hand to the Committee of Ways and Means, for publication, with the report of the finances of the City, on or before the 20th day of December of each year, a list of the persons whose fines have been remitted or suspended at the recommendation of the Mayor during the year, distinguishing each, and giving the amount of such remission or suspension, and also the number of the arrests made by each of the Night Watchmen, during the year, designating colored, under the penalty of \$10 for each omission.

To record delinquent list.

SEC. 74. He shall record, on the journal, the delinquent list allowed to the Collector, on his annual settlement, with the Committee of Ways and Means, make out a copy thereof and hand the same to the said Committee for publication, with the said report of the finances, under the penalty of \$10 for each omission.

See ACCOUNTS, ASSESSMET, ASSESSOR, AUCTIONEERS, COLLECTOR, ELECTIONS, EXCHANGE OFFICES, HACKNEY VEHICLES, WEIGHTERS, POOR AND WORKHOUSE, HUCKSTERS, INSURANCE AGENTS, LICENSES, LIQUOR SELLERS, LOTTERY OFFICES, MARSHAL, MAYOR, NIGHT WATCH, OFFICERS, PEDLARS, PISTOL GALLERIES, PLAYING CARDS, SALARIES, TEN PIN ALLEYS.

CLERK OF THE CITY COURT.

His Bond.

Penalty.

Condition,

SEC. 75. The Clerk of the City Court shall, before entering upon the duties of his office, execute bond, with surety, to be approved by the Mayor and Board of Councilmen, in the penalty of \$1,000, conditioned for the faithful discharge of the duties of his office, and to deliver to his successor in office, the seal of his Court, and all such books, records and papers as he may receive for safe keeping in his office.

His Duties

To report to Council the executions issued.

To what officer delivered.

Return on each Number in hand of each officer, Penalty.

SEC. 76. The Clerk of the City Court, shall make a report to the Mayor and Board of Councilmen at every meeting thereof, showing the amount of each execution which has issued from his office since the preceeding meeting, and to what officer the same was delivered; also the return of each execution which has been returned during the same time, the number which still remain in the hands of each officer, and the return day of each execution not so returned. For each failure to make such report, he shall be fined \$5.

SEC. 77. He shall prepare and hand to the Committee of

Ways and Means, for publication, with their report of the finances of the city, and before the 20th day of December of each year, a list of the fines inflicted by the City Court, showing the amount and date of each, and the names of the persons so fined during the year, and which, at the date of such list, yet remain uncollected, under the penalty of \$10 for each omission.

To prepare list of fines for Committee of Ways and Means, Penalty,

SEC. 78. The offices of *Clerk of the City* and *Clerk of the City Court* may be held by the same individual.

COLLECTOR.

His Warrant.

SEC. 79. The Collector shall receive a certificate of his election from the Clerk of the City, and such certificate, with a certificate thereon endorsed, by some officer qualified to administer an oath, that he has before him taken the oaths of office prescribed by the constitution of Kentucky, together with a certified copy of the Assessor's list of persons and property subject to taxation, shall constitute his warrant to execute the duties of his office.

Certificate of election.

Certificate of oath of office.

Copy of Assessor's list.

His Bond.

SEC. 80. He shall, at some meeting of the Mayor and Board of Councilmen, before the Clerk shall deliver to him, such certificate, and lists as aforesaid, execute bond, with surety, to be approved by the Board, in the penalty of \$20,000, payable to the city of Lexington, conditioned that he will well and truly collect, account for, and pay over to the City Treasurer the taxes levied and assessed for the year for which he may be elected, less the amount of the delinquencies, also the city rents, and all other monies due the city, which he may be by law, or order of the Mayor and Board of Councilmen, directed to collect; or which may come to his hands from any source whatever, and to perform faithfully all the duties of his office.

To execute before receiving certificates aforesaid.

Penalty of

Condition.

SEC. 81. He shall assess all stores, groceries, carriage repositories and other business houses, which may have been opened since the 10th of January preceding, or which may have been omitted by the Assessor, according to the ordinances now in force and shall collect the tax on the same.

To assess in certain cases.

SEC. 82. The Collector on receiving the copy of the Assessor's book intended for him, shall upon that retained by the city, execute a receipt in the presence of the clerk, in substance as follows to wit: Received of the city of Lexington a schedule of taxes for the present year, of which the foregoing is a true copy.

To give receipt.

To Collect Taxes, Rents, &c., and his Compensation.

SEC. 83. He shall immediately upon receiving the Assessor's

To proceed immediately to collect.

To collect taxes on property, dogs, etc., not assessed.

To collect City rents.

When and how to distrain for them.

To rate transient stores first rate.

And collect the tax on.

To require statement on oath of amount of goods.

And collect fire and other taxes.

To collect taxes on shows and exhibitions.

To rent stalls in market houses.

When to collect tax on Auctioneers, Insurance Agents.

Require statement on oath.

To prosecute persons refusing it.

To collect all other monies not otherwise provided for.

Compensation.

lists, proceed to the collection of the taxes levied; and if he shall discover any property of any description whatever, subject to taxation, including dogs and bitches, which the Assessor has omitted to list, or that any housekeeper has permitted the number of dogs and bitches on his or her premises to increase since the same was listed, and such increase to remain on his or her premises one month, he shall list such property, dogs and bitches, and collect all taxes thereon which would be collectable if the same had been regularly listed.

SEC. 84. He shall collect all rents which may from time to time become due to the city, and if any rent shall remain unpaid for five days after it shall become due, he shall sue out a distress warrant therefor, and place the same in the hands of the proper officer to be levied and collected.

SEC. 85. He shall rate each and every store opened in the city of Lexington for the sale of goods, wares and merchandize, by any transient person or persons, or itinerant merchant or merchants, or the agent of any such, as a first rate store, and collect from all such the tax imposed on first rate stores. He shall also require of such person or persons a statement on oath of the amount of goods they may have on hand, or expect to import during their stay in the city, for the current year, and shall assess and collect the fire tax and all other taxes which shall accrue on all such goods, wares and merchandize for the year.

SEC. 86. He shall collect all taxes which may be imposed upon Circuses, Menageries and Public Shows and Exhibitions of every description.

SEC. 87. He shall rent out the stalls in Market House, as provided by law and ordinance, and receive the rents therefor.

SEC. 88. He shall, on the 1st day of February and 1st day of August in each year, proceed to collect all taxes which shall be imposed on Auction sales, and Insurance Policies, and for that purpose he shall, at those times, require each person who shall have a license for either of those purposes to make out, on oath, such statement of their sales and premiums as these Ordinances require of them, and shall deliver all such statements to the Mayor and Board of Councilmen, at their next regular meeting after he receives the same; and he shall prosecute in the City Court all persons refusing or failing to make such statement, and report them to the Council.

SEC. 89. He shall collect all other monies which shall, from time to time, become due to the city, the collection of which shall not be otherwise provided for by law; and he shall, for his services, be entitled to two and a half per cent. of all rents, and three and a half per cent. of all other monies which shall be by him collected for the city.

To receive Claims vs. City.

SEC. 90. He shall receive as cash in the payment of all dues

to the city, notes and claims against the city, the payment of which shall appear by proper certificates, to have been ordered by the Mayor and Board of Councilmen; and when such notes and claims shall amount to more than the sum due the city by the individual holding them, the Collector may pay to such individual the balance out of any monies or similar claims which he may have in his hands belonging to the city; or he may have the amount due by such individual, credited on his note or claim against the city, and take and give proper vouchers evidencing the transaction. In all cases in which the Collector shall receive a note or claim against the City, as above provided, he shall take a voucher evidencing the satisfaction of the same; and all vouchers by this section directed to be taken, shall be received from the collector as cash, in the settlement of his accounts with the Treasurer.

Of which payment has been ordered by Mayor and Council.

To pay balance due by City with money or similar claims.

To take and give vouchers.

Vouchers to be by Treasurer received as cash.

When and how to pay over and settle.

SEC. 91. He shall, within two days of the 1st and 15th of every month, pay over to the City Treasurer all monies belonging to the city which he may at such times have in his hands, informing him of the sources from which all such monies were received, and the amounts received from each, and at each monthly meeting of the Council he shall exhibit an account of his collections and payments, and the vouchers he may have received from the Treasurer since the last meeting, a minute of the amount of which shall be entered on the journal of the Board.

Within two days of the 1st and 15th of each month.

And exhibit an account of his payments and collections at each meeting of Council.

SEC. 92. He shall, at the November or December meeting of the Mayor and Council, return a list of the delinquents, from whom he has been unable to collect their taxes, by course of law or otherwise, under the same regulations and oath prescribed by law for the return of delinquent lists by the sheriffs. Said list shall be examined by the Mayor and Council, and if approved shall, on his leaving a copy thereof with the Clerk to be recorded, be allowed as a credit in the settlement of the Collector: Provided, however, that the return of any person as delinquent who, while the tax book was in the hands of the collector, owned property liable to distress for his taxes, shall be disapproved, to the amount of the value of such property, and if any such return has been approved the collector shall still be liable for the amount of such tax, if the value of such property exceeds the same, and if not, then for the value of such property. The delinquent list returned as above provided, shall be recorded, and shall be only again relisted by order of the Board.

When to return delinquent list.

Under oath and regulations prescribed for sheriffs.

When returns to be disapproved.

When liable after return approved.

SEC. 93. The Collector shall annually settle his accounts with the Committee of Ways and Means, on the Monday succeeding the regular monthly meeting of the Council in December, and in such settlement he shall be charged with the amount of taxes listed with him for collection, and with all other taxes which

To settle annually with Committee of Ways and Means.

How settlements to be made.

With what
charged.

may have been by him collected, as herein provided; with all rents of the city which he may have collected, or for the collection of which he may have failed to sue out and place in the hands of a proper officer, a distress warrant, within fifteen days after they became due; with the amount of the tax for all licences for shows, exhibitions, circuses, menageries and all other performances, for which a license is by law required, for which he shall have failed to prosecute the proprietor, or exhibitor, or proprietor of the premises in or on which the said show, exhibition, circus, menagerie, or other performance shall be permitted; with all other monies belonging to the city, which he may have received from any source whatever; also with all amounts due from auctioneers, and agents of insurance companies, the collection of which he may have failed diligently to prosecute; and with \$5 for every time he has failed to make his semi-monthly settlements with the Treasurer, as hereinbefore provided; and with \$10 for every time he has failed to make his monthly report to the Council. He shall be credited with the amount of his vouchers for payments to the Treasurer; by the commissions and fees to which he may be by ordinance entitled; and by the amount of the delinquent list, which may have been allowed as herein provided, and the balance he shall forthwith pay over to the Treasurer.

By what credited.

Relating to the sale of lots for Improvements.

Lots when sold
for improvements
at auction.

Proviso: Ten
days notice.

Deed to be made
and left for record.

SEC. 94. Whenever the costs and expenses of filling, levelling and graduating any of the streets and alleys of said city; or the costs and expenses of turnpiking or paving said streets or alleys; or the costs and expenses of paving any of the sidewalks of said city, shall be listed with the City Collector for collection, against the owners of lots fronting on such streets, alleys, or sidewalks, agreeably to the provisions of the 11th and 12th sections of the City Charter; and the costs and expenses aforesaid shall have remained unpaid, for the space of two months after said listing, the said City Collector shall be authorised, and is hereby required to sell at public auction, for cash in hand, at the Court House yard, in the city, such lot or lots, or so much thereof as shall be necessary to discharge the costs and expenses, so listed and remaining unpaid, due upon such lot or lots as aforesaid: provided, it shall be the duty of said City Collector, and he is hereby required to advertise at least ten days previous to such sale at the Court House door in Lexington, the time and place of sale, the amounts respectively due on the lots, and as near as may be, a description of them.

SEC. 95. Upon making such sale and receiving the price, the said City Collector shall execute a deed of conveyance of the lot or lots sold, to the purchaser, and acknowledge and leave the same for record in the Clerk's office of the Fayette County Court.

Sec. 96. When less than the whole lot shall be sufficient to pay the costs and expenses due thereon, the City Collector shall designate from which end the part sold shall be taken, unless the debtor shall direct the part to be sold. What part to be sold.

To inform Auditor of City Debtors.

Sec. 97. The Collector shall, on the Tuesday morning previous to each stated meeting of the Council, call on the Auditor and examine the claims against the city, which may have been handed to him for examination, and inform him of all amounts which may, within his knowledge, be due by any such claimants, or their assignees, to the city, under penalty of \$20 for each offence, to be charged against him in his settlement, or recovered by prosecution before the Lexington City Court. When to call on Auditor. Penalty.

Sec. 98. It shall be the duty of the Collector upon last settlement with the Finance Committee, to make out and deliver to said committee a full and true list of all delinquents with the amount due by each, which list shall be filed among the records of the Council. To file delinquent list.

See AUCTIONEERS; AUDITOR; CLERK OF THE CITY; EXHIBITIONS; INSURANCE AGENTS; MARKET; MAYOR; OFFICERS.

COMPOUNDING WARRANTS.

Sec. 99. Any warrant which may be issued for a breach of a city ordinance, shall be dismissed, upon the payment to any officer having the same in possession, or into court before the commencement of a trial thereof, of the highest amount of fine which can be inflicted for the offence charged in the warrant, and the costs incurred up to the time of such payment. By paying highest fine for offence, and costs accrued.

Sec. 100. Whenever any officer of the city shall arrest any person for a Breach of any of the city ordinances, and the person so arrested shall pay the fine without trial, fixed for a breach of such ordinance, then such officer shall receive the same compensation, to which he would be entitled if the person had paid the fine after trial and conviction. Officers compensation.

COSTS.

Sec. 101. The Judge of the Lexington City Court may direct costs to be taxed against the unsuccessful party, whether the city or the defendant, in all prosecutions in said court, for violations of the ordinances of the city, and no costs shall be taxed in such cases unless by such direction. Judge may direct against either party. None taxed unless by Judge's direction.

Sec. 102. Whenever any person shall be committed to the City Workhouse, upon a judgment of the City Court, which shall include the costs of prosecution, such costs shall be due and payable by the city, upon such committal. Costs to be paid by City on Committal to Work House.

Sec. 103. All costs accruing in the City Court, for which any person shall be committed to the Work House, shall, if Costs of persons committed, paid into City Treas. ury.

22 DISORDERLY HOUSES--DOGS--DRUNKENNESS--ELECTIONS.

paid, be paid by the person receiving the same into the City Treasury.

See ACCOUNTS; ATTORNEY.

DISORDERLY HOUSES.

Penalty for keeping.

SEC. 104. Any person who shall, in this city, keep any ill-governed and disorderly house, or house at which lewd or obscene acts are perpetrated, in such manner as to become a nuisance to the neighborhood, shall be fined £5 for each day he or she shall so keep said house.

See MARSHAL; NIGHT WATCH; SLAVES.

DOGS.

Penalty for failing to pay tax on.

SEC. 105. No person shall keep a dog, bitch, or puppy, within half a mile of the Court House, nor more than one beyond that distance and within the shooting limits, nor more than two outside of said limits and within the city, without paying, on or before the 1st day of December of each year, the tax that may be due the city on such dog, bitch, or puppy, for the year, under a penalty of a fine of three dollars for each offense.

See ASSESSOR; COLLECTOR; MARSHAL; MAYOR; TAXATION.

DRUNKENNESS.

Lying drunk in street.

Staggering, &c., so as to annoy passers.

Or on the premises of another without consent.

Penalty.

Habitual drunkards committed to Work House.

SEC. 106. Any person who shall be found lying drunk in any street, or public place, or from drunkenness, staggering or loitering about any such place, in such manner as to annoy passers by; or who shall be found lying drunk, or staggering, or loitering about the premises of another, without the consent of the owner of the premises, and in such manner as to annoy said owner, or other persons there lawfully being, shall be fined in any sum not exceeding \$5 for each offence.

SEC. 107. Any person who shall become a habitual drunkard, and neglect his business, to the serious injury of himself and family, shall be arrested and carried before the Lexington City Court, and by such court committed to the City Work House till he shall be completely sobered.

ELECTIONS.

Where and when held.

Where to be held.

SEC. 108. Elections for Mayor and Councilmen shall be held in the respective Wards, at such places as the Board of Councilmen shall from time to time direct.

Polls to open at 9 o'clock, A. M., and close at 5 P. M.

SEC. 109. The elections in all the Wards shall commence at 9 o'clock, A. M. and close at 5 P. M.

Inspectors of.

SEC. 110. The Inspectors of the regular annual elections shall

be appointed, in and for the different Wards of the city, by the Mayor and Board of Councilmen, at some meeting of the Board, in November or December of each year; the Inspectors of special elections, at any meeting prior to the opening of the polls; but the Board of Councilmen may change the appointment at any meeting preceding the day on which the elections is to be made; and a copy of the order of the Board appointing such Inspectors, certified by the Clerk of the City, shall be the warrant to the Inspectors for each Ward to hold the election.

Inspectors how appointed.

When.

Council may change them before the day of election.

Their warrant for acting.

SEC. 111. The Mayor may, by writing under his hand and seal, fill any vacancy which may occur among Inspectors, appointed to conduct any *special* election in which he is not a candidate.

Mayor to fill vacancies in special elections.

SEC. 112. The Clerk of the city shall cause a notice to be published of the times and places of holding the elections in each Ward, and of the names of the Ward Inspectors, in such newspapers of the city, as the Board of Councilmen shall from time to time direct, at least ten days before the election.

Clerk to publish notice of election, how and when.

SEC. 113. The Clerk of the city shall make out alphabetical lists of the qualified voters in each Ward, and shall furnish the Inspectors of the elections in each Ward, with the list of voters appertaining to their Ward, ten days before the first Saturday in January in each year, and ten days before any election to fill a vacancy; and shall furnish the Inspectors in each Ward with a poll-book.

To make lists of voters, how, and when, and for whom, and provide a poll book for each ward.

SEC. 114. The Inspectors of each Ward shall elect one of their number Clerk, who shall record the votes received in the poll-book furnished for that purpose.

Inspectors to appoint one of their number Clerk. His duty.

SEC. 115. Each Inspector of the election shall, before he enters upon his duties as such, take an oath, before the Judge of the Lexington City Court, or some Justice of the Peace for Fayette county, faithfully and truly to discharge his duties as Inspector; and each Inspector who shall be appointed Clerk, shall take a like oath to discharge his duties as Clerk; and a certificate of such oath, together with the list of voters, shall be returned to the Board of Councilmen with the return of the polls.

Inspector, how qualified. His oath. How administered. Clerk's oath. Certificate of it to be returned to the Council, when.

SEC. 116. The Inspectors of the elections shall have full authority, and it shall be their duty to preserve good order at the elections; and to assist them, shall have power to command the services of the Marshal, and the Police of the City, and to employ, in case it may be needed, the services of as many of the citizens as may be necessary.

To preserve order.

To call on police and citizens for assistance.

SEC. 117. Each Inspector shall be entitled to \$1 for a day's service, except those who act as Clerks, who shall each be entitled to \$2 per day.

Compensation of Inspectors and Clerks of elections.

SEC. 118. The Inspectors, in taking the votes for each candidate for every office, shall number them as they are taken, from the commencement to the close of the polls.

Voters to be numbered.

Returns of.

Returns of elections, when and to whom made.
Old Board to meet, when.

SEC. 119. The returns of the votes in each Ward shall be made by the Inspectors, before 3 o'clock P. M., of the Monday next succeeding the election, to the Mayor, and the Mayor and Councilmen in office shall meet at 3 o'clock P. M. on the Monday next succeeding any election in the city at which a Mayor may be voted for.

How Contested.

How election of officers may be contested.

SEC. 120. Any citizen of Lexington who, at any election, shall have been a candidate for any city office, shall have the right to contest the election of either of those officers, by filing with the Clerk of the city, at any time before the person, whose election he would contest, shall have taken the oaths of office, a statement, in writing, of the grounds or reasons on which he contests such election; and it shall be the duty of the Board of Councilmen immediately to purge the polls of such election, or institute such other inquiry as may be evidently necessary from the nature and purport of the grounds and reasons, so filed as aforesaid, and make such decision, upon the facts of the case, as shall be consistent with law and right; provided, however, that the citizen filing such grounds or reason, shall cause a notice of his intention so to do, to be given to the person whose election he would contest.

See CLERK OF THE CITY.

EXCHANGE OFFICES.

Must take out license.

Penalty.

When City Clerk to issue.

SEC. 121. No person shall keep an Exchange Office within this city, without having first obtained license so to do, under the penalty of \$10 for each day he shall keep the same.

SEC. 122. The Clerk of the city shall issue an Exchange Office license to any person applying for one, who shall have paid to the Treasurer a tax of \$100, and produced to the Clerk, the Treasurer's receipt therefor.

See LICENSES.

EXHIBITIONS, ETC.

To take out License.

Except Teachers, &c., residing in city.
No person to permit unlicensed exhibitions, &c., on his premises.
Penalty.

SEC. 123. No person, except Teachers, Professors and Lecturers resident in the city, shall exhibit, give, deliver, or make in the city any Circus, Menagerie, Concert, Lecture or other exhibition or performance of any description, and charge or receive any compensation for admittance to the same, without having first obtained license so to do; and no person shall permit any unlicensed exhibition or performance to take place on his premises, under the penalty, for each offense, of double the amount of the Tax, hereinafter prescribed to be paid for license for such Circus, Menagerie, &c.

Provided, That the proprietor of any Hall used for public Ex-

hibitions may procure license by the year, at the rate of \$300 per annum, which shall exempt exhibitions and performances in the hall from other taxation, which license shall expire at the regular February meeting of the Council; the tax shall be paid quarterly in advance.

License for the year.

Tax on, to be paid to Collector.

SEC. 124. The taxes for the licenses provided for in the last section shall be paid to the Collector, and his receipt for any such tax, stating for what, and how many, exhibitions or performances it was paid, and at what times they are to take place, endorsed "approved" by the Mayor, over his official signature, shall be a license for the exhibition or performance for which it was paid.

What to constitute license.

Amount of Tax to be paid.

SEC. 125. A tax of \$25 shall be paid for each exhibition or performance of a Circus, for admittance to which a separate charge shall be made; even if there be more than one such, in any one period of twenty-four hours.

By Circus.

SEC. 126. A tax of \$10 shall be paid for each exhibition of a Menagerie, for admittance to which a separate charge shall be made, even if there be more than one such, in any one period of twenty-four hours.

By Menagerie.

SEC. 127. Licenses for all other exhibitions and performances shall be taxed for every twenty-four hours in which they shall exhibit or perform, as follows: All those shall be taxed \$2, for admittance to which the charge for a grown person shall be twelve and a half cents or less. All those shall be taxed \$3, for admittance to which the charge for a grown person shall be more than twelve and a half cents, and not more than twenty-five cents. All those shall be taxed \$4, for admittance to which the charge for a grown person shall be more than twenty-five cents and not more than fifty cents. All those shall be taxed \$5, for admittance to which the charge for a grown person shall be more than fifty cents.

By other exhibitions.

Mayor's powers and duties, respecting.

SEC. 128. The Mayor shall not approve a license for any exhibition or performance, which in his opinion will outrage the moral sense of the community.

When Mayor not to approve license.

SEC. 129. He may revoke the license granted to any exhibition or performance in any case in which he might have refused to approve the same.

When he may revoke one.

SEC. 130. He may dispense with the payment of any tax on a license for any exhibition or performance, the proceeds of which shall be intended for and paid to a charitable institution of the city.

When he may dispense with payment for.

See COLLECTOR.

EXPRESS COMPANIES.

SEC. 131. No person shall be permitted to act in the city of Lexington as Agent of any Express Company until he has first obtained a license so to do, and the price of said license shall be \$50 per annum.

SEC. 132. If any person shall act as Agent in the city of Lexington for any Express Company until a license so to do is first obtained and paid for, he shall, for every day he so acts, be fined a sum not less than \$5 nor more than \$20, to be recovered by warrant in the Lexington City Court.

FIGHTING ANIMALS.

SEC. 133. No person shall fight bulls, dogs, chickens, or any other animals in the city, or be present at and bet on, or otherwise aid, encourage, or abet any such fights, under the penalty of \$10 for each offence.

FIRE.

SEC. 134. No person shall, within the city, make or keep a fire in a wooden chimney, under the penalty of \$3 for each offence.

SEC. 135. Any person who shall desire to have a stove pipe to pass through or near any wooden part of a building, shall have it so put up as not to be nearer than three inches to any wood work, and shall have a sheet of tin or iron, or a course of bricks, to intervene between such pipe and wood work, and unless the smoke is to escape from the pipe into a chimney, the end from which the smoke is to escape, shall be at least two feet from any wood work, and shall project at least the same distance beyond any wooden projection which shall be above it, and shall be at least ten feet above the surface of the ground. The penalty for any breach of the provisions of this section shall be \$5 for each day it shall be permitted to continue.

SEC. 136. No person shall light or keep a fire on any public ground in this city, under the penalty of \$3 for each offence.

SEC. 137. Any person who shall have control of any work, in the course of which chips or shavings shall be made near any house, shall have same burned every evening, under the constant charge of some careful person, until the fire is extinguished, under the penalty of \$3 for each failure so to do.

False alarms of Fire.

SEC. 138. If any free person shall give a false alarm of Fire in the city limits, he shall be subject to a penalty of not exceeding \$10 for each offence, and if he be a slave, he shall receive thirty-nine lashes on his bare back.

FIRE DEPARTMENT.

Companies.

SEC. 139. The "Independent Fire Company, No. 1," "Union Fire Company," and "Lyon Fire Company," as the said companies are now severally organized, shall be, and they are hereby constituted the Fire Companies of the city of Lexington, as authorized by the laws incorporating the city. And said Fire Companies are hereby empowered and authorized to frame, alter and amend their respective constitutions, articles of association and by-laws; to elect their own officers; and to do whatever to them may seem right, fit, and proper for the extinguishment of fires in the city: provided that such doings shall not be repugnant to, nor in contradiction of, nor inconsistent with any provision or provisions of the law incorporating the city of Lexington, or any ordinance of the city made in pursuance thereof.

Fire Companies,
continued as
now.

Their powers.

SEC. 140. The officers of the several Fire Companies shall have the right, and it is hereby made their duty, to control their several operations at fires; and no other person or persons, except said officers, appointed by said companies, shall have any power or right to give orders, in the management of the operations at fires, for the extinguishment of the same.

Duty and right of
officers exclu-
sively to give or-
ders, etc.

SEC. 141. Any bystander may, by any officer of any Fire Company, be required to render assistance if such officer shall deem it necessary; and any person refusing or neglecting to render such assistance as he is able to render, when thus required and commanded, and any person creating disturbance in the company, by giving orders, when not authorized to do so, as herein provided for, or in any other manner creating disturbance in the company, shall forfeit and pay \$5 for every offence.

Bystanders to
assist.

Refusing or fail-
ing or disturbing,
to be fined \$5.

SEC. 142. Said Fire Companies shall, on every alarm of fire, forthwith repair with their fire apparatus and that belonging to the city, to the place whence the alarm proceeds, and use their best exertions to extinguish the fire. And any company refusing so to do, shall forfeit its corporate powers and associate rights and privileges.

Fire Companies
to repair with ap-
paratus to fires,
and endeavor to
extinguish them.

Penalty.

SEC. 143. No minor under seventeen years of age shall be admitted to membership in any Fire Company in the city, and if any such are found interfering with the apparatus belonging to the Fire Department, he shall be arrested by either the Marshal or Nightwatch, and placed in the watch-house until next morning.

Minors not mem-
bers.

SEC. 144. It shall be the duty of the Mayor, Marshal, and Deputy Marshal, of this city, to summon men to assist in carrying to and from fires and working the different Fire Engines of the city at fires. It shall also be the duty of the Nightwatch, if a fire occurs at night, to summon men for the same purpose, and to report the names of those refusing to obey their summons; and for every such failure to comply with said summons, a pen-

Duty of Mayor,
etc.

alty of \$5 will be incurred, to be collected by warrant in the City Court.

Committee on.

When and by whom appointed. SEC. 145. When the other standing committees are appointed, the Mayor and Board of Councilmen shall elect two persons, and each Fire Company shall, with the approval of the Board of Councilmen, appoint one person, all of whom, when so approved, shall be denominated "*The Committee on the Fire Department.*"

To inspect Fire Apparatus. SEC. 146. Said Committee shall visit and inspect all the engines and other apparatus of the several Fire Companies, and see that they are kept in good order, superintend all improvements and repairs they may require; locate and keep in good order the cisterns of the city; give orders for all labor and materials that may become necessary in the Fire Department, and certify the fact to the Auditor when the same are done, furnished or made pursuant to their order.

Fire tax how to be appropriated, and by whom. SEC. 147. The Fund raised by the fire tax, shall be exclusively appropriated and set apart to the use of the Fire Companies, under the direction and by the advice of the Fire Committee, and the manner of such use or expenditure shall be reported to, and approved by the Council.

May order buildings, etc., to be pulled down. SEC. 148. The Committee on the Fire Department may order any building or other object to be pulled down, or otherwise disposed of, when it may become necessary to arrest the progress of a fire.

Injuring Apparatus.

Injury to engines or any Fire apparatus, or improper removal of same. SEC. 149. Any person who shall wilfully injure any of the fire engines, hose, carriages, ladders, hooks, or other apparatus belonging to any of the Fire Companies, or to the city, or shall mutilate, deface, or remove them, or any of them, from their proper place or places of deposit, or aid and assist in such improper or unauthorized act, shall forfeit and pay not less than \$2, nor more than \$100. And any person who shall be found guilty of taking water out of the public cisterns shall be fined \$15, and if a slave 39 lashes, by warrant before the City Court.

Penalty \$2 to \$100.

Not to take water out of cistern.

Penalty.

The Property Guard.

How appointed. SEC. 150. The Mayor and Board of Councilmen shall annually appoint twelve men to be denominated the "*Property Guard,*" whose duty it shall be to attend all fires, and take charge of, and preserve all goods and moveable property which shall be, during the fire, exposed to danger from fire, water or thieves, and after the fire see that the same are restored to their proper owners.

Duties.

Their powers and rights, rules, badges, etc. SEC. 151. The Property Guard when appointed shall meet and elect its officers, form its own rules of action, and adopt such badge of distinction and recognition as it may choose, which

badge or badges each of them shall wear, as the insignia of their office, when called to perform its proper functions.

SEC. 152. The Property Guard, when acting officially, shall have power to summon to their assistance any bystander, (other than members of the Fire Companies actually employed,) who shall obey such summons; and any bystander who, being not otherwise acting and properly employed, shall refuse to obey such summons, shall be fined in a sum not exceeding \$10.

Power to summon and compel bystanders to aid them.
Penalty for refusing, \$10.

See ACCOUNTS; TAXATION.

KICKING FOOT-BALL.

SEC. 153. No person shall roll or kick foot-ball in any of the streets or allies of the city within the shooting limits, as prescribed in Ordinances, under the penalty of \$5 for each offence, the fine to be paid by the parent or guardian, if the offender be a white minor, and of ten lashes if black.

Forbidden.
Penalty.

GAS FIXTURES, POSTS, &c.

SEC. 154. If any person or persons shall injure or destroy any portion of the Public Gas Lamp Posts, Lanterns, &c., or any other portion of the Gas Works and Gas Fixtures; or shall wilfully open a communication into any Gas Pipe, or shall let out Gas into any building or lamp after it has been stopped according to the printed rules of said company, such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof before the proper authorities, shall be punished as authorized by the Legislative Charter of the Gas Company by fine not exceeding one thousand dollars, or by imprisonment in the City Workhouse at hard labor not exceeding five years, and shall furthermore be liable for all damages sustained by the Gas Company in consequence of such action.

Injuring lamps, etc.
Penalties.

SEC. 155. Property owners within the limits of the Gas Lights, shall be required to trim their trees and remove any other obstructions to the free circulation of the light, under the penalty of \$5 for failing to do so.

Owners to remove obstructions.

GUN POWDER.

SEC. 156. No person shall, in the city limits, keep or suffer to remain in any house, of which he or she has control, more than thirty pounds of gun and blasting powder at any time. Nor shall any person keep in any such house, any quantity of such powder not well secured in cannisters or kegs, with tight tops. Nor shall any person carry a greater quantity of such powder than thirty pounds through the streets, unless it shall be well secured in tight cannisters or kegs, under the penalty of \$5 for each day such offence shall continue.

Not to keep more than 30 pounds.
Secured in Cannisters.
How to be carried through the streets.
Penalty.

HACKNEY VEHICLES.

- To obtain license.** **Penalty.** SEC. 157. No person shall, within the city, let for hire any vehicle, which he shall not have previously obtained a license to let, under the penalty of \$5 for each offence.
- Clerk to issue license with approbation of Mayor.** SEC. 158. The Clerk of the city shall, with the approbation of the Mayor, issue a license to any one applying for the same, to let or hire any vehicle or vehicles if such person shall have paid for the same to the Treasurer the tax or taxes hereinafter prescribed for a license for such a vehicle or vehicles, produced the Treasurer's receipt therefor, and executed bond payable to the city in a penal sum equal to \$200 for each vehicle, with surety approved by the Mayor, conditioned for the faithful discharge of his duties by the driver, and to pay all such costs and damages as shall accrue, or be awarded to, or recovered by any person injured by the carelessness or misconduct of the driver, or against the person obtaining such license as a common carter.
- Bond.** SEC. 159. Licenses for hackney vehicles shall be taxed as follows: For each hack or omnibus, \$5; for each furniture car or other four wheel vehicle, drawn by two or more horses, \$3; for every other kind of vehicle \$2.
- How taxed.** SEC. 160. The Clerk shall number all such vehicles, and insert the number of each in the license; and such number shall be painted or otherwise fixed in legible letters in some conspicuous part of the vehicle, under the penalty of \$5 for each time the same shall be let for hire, without being so numbered; and the Clerk shall keep a minute of the numbers of the vehicles for which each person obtains license.
- Clerk to number.** SEC. 161. The following shall be the rates of charges to be made by drays, carts and hacks: For transporting any package, article or number of packages or articles, not exceeding one load, to any point within the city, each dray or cart may charge twenty-five cents. When the articles to be carried will exceed one load, then twenty-five cents may be charged for each load. Any owner, or person having for the time the use of any cart or dray, who shall receive or demand more than is allowed by this ordinance, shall forfeit his or her license, and be subject to a fine of ten dollars. The infliction of the fine shall of itself at once work a forfeiture of the license. And should any driver or person acting as the authorised agent of the owner or person having the use, receive or demand more than is permitted above, the owner or person having the use shall be subjected to the same penalties, as if he or she had made the illegal charge. And in the latter case it shall be sufficient in the warrant to state that the illegal charge was made by the owner, or person having the use—proof of the offence being committed by the agent or driver shall be deemed by the court as proof of the averment in the warrant that it was committed by the owner or person having the use. It is also hereby provided that, a dray or cart load shall not exceed two thousand
- Number to be painted on vehicle.**
- Charges.**

pounds and in case the article removed shall weigh more than that amount and not be susceptible of division, or in case the article or articles shall be hazardous on account of being easily broken or injured, then the drayman or cartman may have the privilege of making a special contract therefor which contract shall be valid. That the above ordinance shall in every respect apply to hacks, except in the rates of charges, which shall be as follows: For carrying one or more persons to any point within the city twenty-five cents for each. For carrying each parcel or article of baggage weighing over twenty-five pounds, twenty-five cents; no higher charge shall be made should the weight exceed that stated above, and no charge at all shall be made should the weight not reach that amount. For the use of a hack by the hour, not exceeding one dollar per hour. For the use of a hack by the day not exceeding five dollars. Nothing herein contained shall be so construed as prohibiting persons from making any contract for transporting freight or passengers beyond the corporate limits of the city.

Who may charge more.

Hacks charges.

SEC. 162. The Clerk shall not issue license to any one for a wagon, cart, buggy, carriage, omnibus, or other vehicle unless owned and run by some person living in the city, for a less sum than twenty dollars for a wagon, carriage, or omnibus, and ten dollars each for other vehicles, and all owners of carriages, buggies, omnibuses or wagons, shall have the privilege of charging fifty cents for each passenger to and from the Race Course and Fair Grounds, but all other charges to remain as they now are.

Non-resident owners—tax.

Fare to Race Course and Fair Grounds.

HEALTH.

Board of Health.

SEC. 163. Whenever, in their opinion, a proper care for the health of the city may demand it, the Mayor and Board of Councilmen shall appoint a Board of Health.

When Mayor and Council to appoint.

SEC. 164. Said Board shall, upon its appointment, adopt such an organization as may, in its judgment, most contribute to its usefulness, and may change the same at pleasure.

Board to organize.

SEC. 165. The Board of Health, when appointed, shall take the superintendence and direction of any sick hospital which may be at the time under the control of the City Council. It shall, from time to time, recommend to the City Council, such measures as it may deem necessary and proper, to promote and secure the health of the city, and prevent the introduction of any contagious, infectious, malignant or dangerous disease; and discharge such other duties and exercise such other powers as the Mayor and Board of Councilmen shall at any time by resolution direct.

To superintend sick hospital.

Make recommendations to Mayor and Council.

Other duties may be prescribed.

Introduction and Spread of Disease.

Persons introducing. SEC. 166. Any person who shall knowingly introduce or aid in introducing into this city, the small pox, yellow fever, or any other dangerous contagious disease; or any physician, keeper of tavern or boarding house, conductor of public conveyance, or other person, who shall know of any case of cholera, small pox, yellow fever, or any other unusual malignant disease in the city, when such disease shall not have been prevailing in the city previous thereto, and fail to give notice thereof, to the Mayor, within six hours after acquiring such knowledge, shall be fined in any sum not exceeding \$50.

Physicians, tavern keepers and other persons to report cases of cholera, etc.

Penalty.

How Mayor to act on receiving notice of disease

SEC. 167. Upon receiving any such notice as is provided for in the last section, the Mayor shall enquire into the facts of the case, and, with medical advice, take such steps and give such directions as may be immediately necessary to prevent the spread of disease, either by placing guards around, or warning placards on, the house, prohibiting communication between its inmates and other persons, or otherwise; and he shall immediately, after taking such steps, convene the Board of Councilmen, and report what he has done for their approval or reversal.

Penalty for disobeying Mayor's directions.

SEC. 168. Any guard or other person who shall knowingly disobey any unreversed directions, which may be at any time given by the Mayor, under the authority conferred in the last section, shall be fined in any sum not exceeding \$50.

Board to give directions.

SEC. 169. At the meetings of the Board of Councilmen, directed in the section preceding the last to be convened, the Board shall, by resolution, give such directions and make such regulations as may in its opinion be necessary and proper to prevent the spread of disease. And any person who shall knowingly violate such directions or regulations shall be fined in any sum not exceeding \$50.

Penalty for violating them.

HIDES.

Not to remain on any one's premises longer than twenty-four hours. Penalty.

SEC. 170. No person shall keep or permit to remain on his or her premises, or any building thereon, for a longer time than twenty-four hours, any raw or green hides, offensive to the smell, under the penalty of \$5 for each day they shall be kept after the lapse of twenty-four hours.

Must cease to use hide houses on notice that they are offensive.

Penalty.

SEC. 171. Any person upon whose premises any house used for the purpose of keeping hides, shall become offensive to the smell or dangerous to the health of the neighborhood, shall, upon notice of the fact, cease to use or permit the same to be used for that purpose, under the penalty of \$5 for every day such house shall be so thereafter used.

See MARKET.

HUCKSTERS.

SEC. 172. No person shall sell articles of any description in the public places of the city, as a Huckster, without first having obtained license so to do, under the penalty of \$5 for each offence.

To obtain license
Penalty.

SEC. 173. The Clerk of the City shall, with the approbation of the Mayor, issue a Huckster's license to any person applying for one, who shall have paid to the Treasurer a tax of \$5, and Tax on. produced to the Clerk the Treasurer's receipt therefor.

When Clerk to
issue license.

SEC. 174. A Huckster's license shall not authorise any other person to sell than the one therein named.

Who to sell un-
der.

See MARKET.

INSURANCE AGENTS.

SEC. 175. No Agent of an Insurance Company shall make or effect any insurance in the city, without having first obtained a license so to do, under the penalty of \$10 for each offence.

To obtain license
Penalty.

SEC. 176. Each person having such a license shall, on the 1st day of February and 1st day of August of each year, deliver to the Collector a full and correct statement of all premiums for insurance, which shall have been received by him in the preceding six months, and at the same time pay to the Collector a tax of three and a half per cent. of all such premiums, unless such per centage shall amount to more than \$50, in which case he shall pay to the Collector \$50, under the penalty of \$10, for each day he shall delay such statement and payment.

When and how
to make state-
ment of premi-
ums to Collector.

Tax.
Penalty.

SEC. 177. The Clerk of the City shall issue an Insurance Agent's license to any one applying for it, who shall have executed bond to the City of Lexington, in the penal sum of \$200, with surety, approved by the Mayor and Board of Councilmen, to comply with the requisitions of the last section.

When Clerk to
issue license.

See COLLECTOR.

JURIES.

Commissioners.

SEC. 178. The Judge of the City Court shall, on the 1st Monday in January in each year, and if he omit it on that day, as soon thereafter as his attention shall be called to the subject, appoint three Commissioners to select Jurors for the Lexington City Court, and fix a time at which they shall be summoned to appear in open court to be qualified.

When Judge to
appoint Commis-
sioners.

SEC. 179. Upon the appearance of the Commissioners in Court, the clerk thereof shall administer to them the following oath: "You do solemnly swear that you will, to the best of your ability, perform the duties prescribed by the Ordinances of the city for the Commissioners to select Jurors for the Lexington City Court."

Oath of Commis-
sioners.

Commissioners
to select Grand
Jurors.

SEC. 180. Said Commissioners shall, as soon thereafter as may be, meet together and select from the voters of the city, and make a list of fifty persons, free from all legal exceptions, of known intelligence and integrity, and in their opinions well-fitted to perform the duties of Grand Jurors.

Also petit Jurors.

SEC. 181. They shall, at the same time, make a list of all persons entitled to vote in the city, not privileged from service on Juries, except themselves and those selected as Grand Jurors, who, in the opinion of each of the Commissioners, may be well fitted to perform the duties of petit Jurors, and hand over both of said lists into the hands of the Clerk of the City Court.

May summon of-
ficers to bring
books and papers
before them.

SEC. 182. The Commissioners may summon any officer having the same in possession, to bring before them the Poll Books, the list of Jurors of the preceding year, or any other book or paper belonging to the city which will assist them in the performance of their duties, whereupon such officer shall obey such summons, under the penalty of \$10.

Penalty for fail-
ing to attend as,

SEC. 183. Any person failing to attend to be qualified as Commissioner, when summoned, or to attend the meetings of the Commissioners thereafter shall, unless he make on oath a reasonable excuse, be fined \$5 for each offence.

Grand Juries.

Clerk's duties as
to.

SEC. 184. The Clerk of the City Court shall privately write the names of all the persons selected as Grand Jurors on separate but similar pieces of paper, fold them all, so as to resemble each other as near as may be, and so as to conceal the names, place all the papers so folded into a box, and shake the box, so as to mix well the pieces of paper. He shall then, at random, draw out the pieces, and place the names on each on a list in the order in which they are drawn. He shall then seal up said list and keep it from the inspection of all persons whatever; and when the City Court shall order a Grand Jury to be convened, the clerk shall open his lists and privately copy the first twenty-two names thereon, and hand them to the Marshal to be summoned as Grand Jurors, and again seal up his list till another Grand Jury shall be ordered, when he shall make a list of the next twenty-two names, and hand them to the Marshals to be summoned, and so on to the end of the list; and if other Grand Juries shall be needed, after the list is exhausted, he shall make a new list of all the Grand Jurymen selected, as is above directed for the making of the first list, and proceed as before, and so on through the year. If the Marshal know or ascertain that any person on any list of Grand Jurors handed him to be summoned, is sick or out of town, or for other cause shall be unable to attend, he shall immediately report the fact to the Clerk, and the Clerk shall give him the next name on the list, and make a minute of the person so reported to him to be unable to

Marshal's duty.

serve, and place his name on the next Grand Jury which shall be ordered.

Petit Juries.

SEC. 185. The Judge of the Lexington City Court shall forthwith, at the expense of the city, procure a Jury Box, having three apartments, numbered, 1, 2, and 3, and each apartment shall have a separate lid with a slit in it, and a lock.

Judge to procure Jury Box.

SEC. 186. Upon receiving the list of Petit Jurors from the Commissioners, the Clerk of the City Court shall write the name of each Juror on a separate piece of paper, and fold the pieces of paper so as to conceal the names, and to resemble each other as nearly as possible, and place them in apartment No. 1 of the Jury Box. Three days (excluding the Sunday, if one shall intervene), before each regular session of the Court, the Clerk shall shake well the Jury Box and draw out twenty-four names from apartment No. 1, for each day on which he may expect that the Court will require a Jury, and after having made a list of them, he shall place the papers containing them in apartment No. 2, and hand the list to the Marshal, who shall summon the persons named to attend as Jurors at the next term of the Court, and name the day on which they must attend. If the Marshal shall know or ascertain that either of the Jurors on such list is sick, absent from town, or that from any other cause it will be impossible for him to attend at the next Court, he shall report the fact, and the Clerk shall draw another name from apartment No. 1, and replace therein the paper containing the name of the person reported to be unable to attend Court, folded as before. If the Jury so summoned shall be engaged as such in Court, for one hour or more, the Clerk shall fold the papers, containing their names, as before, and transfer them from apartment No. 2 to No. 3. If they shall not be engaged in Court one hour, he shall replace the papers containing their names in No. 1. If any juror shall fail to attend at the time summoned, the paper containing his name shall be replaced in No. 1. When all the names in No. 1 shall be drawn out, the Clerk shall draw the juries from No. 3, and place the papers containing their names in No. 1, in the cases in which he is above directed to place them in No. 3.

Clerk's duties as to petit Jurors.

Marshal's duty.

SEC. 187. The Clerk shall always keep all the apartments of the Jury Box locked, except when engaged in drawing the juries, and keep the key in his own possession, so that no other person may obtain access thereto.

To keep Jury Box locked.

SEC. 188. The regular time for a jury to serve shall be one day, but if a jury shall be trying a case which shall not be finished the first day, it shall be continued from day to day, till the case is disposed of. And if a court shall be continued longer than has been expected, and no jury shall be summoned for any day thereof, the jury for the preceding day shall be summoned to return on that day.

Term for Juries to serve.

When summoned as heretofore

SEC. 189. Whenever, in cases of emergency, a jury may be wanted in less than twenty-four hours from the time it may be ordered, to try a writ of lunacy or other special case, it may be summoned by the Marshal as heretofore.

Jurors failing to appear.

Penalty for failing to attend.

Without excuse.

SEC. 190. Upon the meeting of the court the jurors, either Grand or Petit, summoned as aforesaid, shall be called, the absentees noted of record, and summonses awarded against them for failing to appear. And for such failure each absentee shall be fined in any sum not exceeding \$5, unless he shall on oath render a reasonable excuse upon the return of the summons executed.

Marshal to fill from by-standers

SEC. 191. Upon any such failure of a Grand or Petit Juror to appear, the Marshal shall fill up the jury from the bystanders.

Oaths for Clerk and Marshals.

Clerk's oath.

SEC. 192. At the time that the Commissioners shall be qualified as above prescribed, the Judge of the Lexington City Court shall administer the following oath to the Clerk: "You do swear that you will use all reasonable exertions to preserve the lists of Grand Jurors, and the Jury Box from the inspection of any other person than yourself. That you will not divulge the name of any Juror summoned or to be summoned, until after he shall be called as such in Court, except in delivering the lists thereof to the Marshals to be summoned. And that you will not directly or indirectly converse or communicate with any Petit Juror after he shall have been drawn, in relation to any case which shall be pending in this court for Jury trial."

Marshal's oath.

SEC. 193. At the same time he shall administer to the Marshals the following oath: "You do solemnly swear that you will not divulge to any person, except the Clerk of the City Court, the name of any Juror summoned or to be summoned during the present year, until his name shall be called in Court; and that you will neither directly nor indirectly converse or communicate with any Petit Juror, after his name shall be handed to you to be summoned, in relation to any cause pending for jury trial in this court."

LICENSES.

How granted.

SEC. 194. All licenses must be granted by a vote of the Mayor and Board of Councilmen except licenses to authorize exhibitions and performances, and those which the Clerk is directed to issue to any one applying for them, upon the compliance, by the applicant, with the conditions prescribed by this ordinance.

Tax must be paid.

SEC. 195. No license shall issue till the tax thereon shall be paid.

SEC. 196. All licenses shall expire on the day of the regular monthly meeting of the Council, in the next February after they are issued, unless specially issued for a stated time. When to expire,

SEC. 197. When any license usually granted by the year, will expire in less than ten months from the time of its issue, it shall only be taxed in proportion to the length of time which will elapse before its expiration. When taxed proportionally.

See AUCTIONEERS; EXCHANGE OFFICES; EXHIBITIONS; HACKNEY VEHICLES; HAY AND COAL WEIGHING; HUCKSTERS; INSURANCE AGENTS; LIQUOR SELLERS; PEDLARS; LOTTERY OFFICES; PISTOL GALLERIES; TEN PIN ALLEYS; CLERK OF THE CITY; TAXATION.

LIMITATION.

SEC. 198. No warrant shall be maintained for the violation of any City Ordinance which has not been issued within one year after the commission of the offences complained of. Warrant must issue in one year.

LIQUOR SELLERS.

General Provisions

SEC. 199. No person shall sell within this city, any spirituous or other intoxicating liquors to be drunk in his or her house, or retail the same in quantities less than a quart to be drunk anywhere, without having first obtained license to keep a tavern or coffee house, or to retail liquor, under the penalty of \$25 for each offence. To obtain license Penalty.

SEC. 200. License to keep a coffee house shall not be granted to any person or persons, unless they obtain, and present to the Council, a written assent of a majority of the residents or occupants of the houses upon that side of the square and the side of the opposite square fronting the same, upon which they propose keeping said coffee house. Assent required.

SEC. 201. No person shall in this city keep a tippling house without license to keep a tavern or coffee house, under the penalty of \$50 for each day he or she shall so keep the same. Penalty for keeping tippling house

SEC. 202. Either of the licenses mentioned in the section preceding the last, shall only be granted by a vote of seven Councilmen, or the Mayor and six Councilmen, and the same may be revoked upon a similar vote, if it be made to appear that the person having any such license has violated any provision under this title. By whom license granted.

SEC. 203. No person having any such license as above-mentioned, shall give or sell, or knowingly permit to be given or sold any spirituous or intoxicating liquor to any minor under sixteen years of age, without the permission or order of his parent or guardian, under the penalty of \$10 for each offence. Penalty for selling or giving liquor to minor.

SEC. 204. No license to keep a Tavern or Coffee House, or to retail liquor, shall issue until the person to whom the same is Oath as to slaves,

Penalty for selling liquor to slaves.

granted shall have taken an oath before some officer authorized to administer the same, that he or she will not, during the continuance of the license granted to him or to her, sell or give, or cause, or knowingly permit to be sold, or given, to any slave of another person, unless for the time being he shall have the rightful custody or care of such slave, any spirituous or intoxicating liquors, without an order of the owner, or other person having authority over such slave. And any person whatever, licensed or not to sell liquor, who shall give, sell, loan, or cause or knowingly furnish to be sold or given any spirituous liquor to any slave of another person (unless for the time being he shall have the rightful custody of such slave) without the written order of the owner or other person having authority over such slave, shall be fined \$20 for each offence.

Tavern keeper's Bond such as State law requires.

SEC. 205. No Tavern or Coffee-house license shall issue until the person, to whom the same shall have been granted, shall have executed bond payable to the city, in the penal sum of \$500, with surety approved by the Mayor and Board of Councilmen, conditioned to keep an orderly house, and not permit therein gaming, rioting, or disorderly conduct, and also to pay any fine which may be inflicted on the keeper of such house for a breach of any provision hereof under this title.

Not to sell on Sunday or after 11 o'clock P. M.

SEC. 206. That no Tavern keeper or any other person whatever, shall have the right to sell spirituous liquors on Sunday, or after 11 o'clock at night. And for each breach of this section a fine of \$50 shall be imposed. If the warrant is issued at the instance of a police officer, then 20 per cent. of the fine is to go to said officer, and 20 per cent. to the City Attorney; and if issued at the instance of any other person than a member of the police, then 20 per cent. shall go to the Attorney and 20 per cent. to informer.

Licenses.

When Clerk to issue for Tavern, or Coffee-house.

SEC. 207. That no application for license shall be entertained unless the money or the Treasurer's receipt accompany the application, and the Clerk of the city shall not issue a license to keep a tavern or coffee house until the person, to whom the same has been granted, shall have paid for the same into the Treasury \$250, and produced to him the Treasurer's receipt therefor; and until such person has executed bond as above provided, and produced to him a certificate of some officer authorized to administer an oath, that such person has taken the oath above prescribed. And all the provisions of this ordinance shall apply and be in force in regard to lager beer houses or saloons, except that the price of such lager beer license shall be \$50.

Tax.

Lager Beer Saloon.

Tax.

When Clerk to issue for retailing liquor.

SEC. 208. The Clerk of the city shall not issue a license to retail liquor in any quantities less than a quart, to be drunk out of the house of the person retailing it, until the person to whom such license shall have been granted shall have paid for the same,

into the Treasury, the sum of \$100, and produced to him the Treasurer's receipt therefor; and until such person has executed bond, as above provided, and produced to him a certificate of some officer qualified to administer an oath that such person has taken the oath above prescribed. Tax.

SEC. 209. Any person having such a license as is mentioned in the last section, who shall sell liquor, give or permit the same to be sold or given, to be drunk in the house or place where such liquor is or may be sold, shall be liable to the same penalties as if he had no such license. Penalty for re-tailers selling to be drunk in house.

See MARSHAL; NIGHT WATCH.

LOTTERY OFFICES.

SEC. 212. No Lottery Agent or Keeper of a Lottery Office shall sell lottery tickets in this city, without having first obtained license so to do, under the penalty of \$10 for each ticket so sold. To obtain license. Penalty.

SEC. 213. The Clerk of the city shall issue a license to sell Lottery Tickets to any one applying for the same, who shall have paid therefor \$100 to the Treasurer, and produced the Treasurer's receipt therefor. When Clerk to issue license for Tax on.

MAGISTRATES' DISTRICTS.

SEC. 214. That the part of the city of Lexington comprised in the Wards No. 1 and 2, shall compose a district for the election of two Justices of the Peace and one Constable, to be called Justices' District, No. 7; and the part of the city comprised in Wards No. 3 and 4, shall be a district for the election of two Justices of the Peace and one Constable, to be called Justices' District, No. 8. And the places of voting for said officers shall be fixed by the Mayor and Council, and duly published ten days before such elections. District No. 7.
No. 8.

MARKET.

SEC. 215. Tuesday, Thursday, and Saturday in each week shall be permanently fixed as Market days, without change summer or winter. The markets shall open at daylight and close at 9 o'clock, A. M. *Provided*, That at no time during the year shall the markets open before 4 o'clock, A. M.

SEC. 216. Any person or persons either buying or selling, or laying aside, or having laid aside, any article of provision in the market house before the ringing of the bell, shall be fined \$10 for each and every offence. Penalty for buying, &c., before time.

SEC. 217. No Fish shall be sold in the Market house, nor any one allowed to stand their fish bench against the market house, but shall sell fresh fish only on the outer edge of the market and pavement, and shall pay annually the sum of \$5 for every ten feet of pavement thus occupied. For every breach of this Ordinance, the offender shall pay the sum of \$5. Fish.

Sec. 218. No person shall sell fresh fish at any time between the 1st of June and 1st of September, under the penalty of \$3 for each offence.

What not sold.

Tainted and unwholesome provisions. Sec. 219. No person shall at any time offer for sale in market any tainted or unwholesome provisions, or provisions which are unfit for market, or the quality of which is concealed by being blown up, or any other device, under the penalty of having the same destroyed by the Clerk of the Market, and being fined in any sum not exceeding \$5.

Liquors, beer, &c. Provisions purchased in city. Hides. Sec. 220. Nor shall any person buy or sell at any time in the Market house, or adjacent thereto, any beer, cider, or spirituous liquor by retail. Nor any provision or marketing which has been previously purchased within the city. Nor any such hide as is usually bought by tanners, under the penalty of \$10 for each offence.

Hucksters. Sec. 221. No Huckster or other person shall purchase within the city during the market hours, or in the afternoon, or night, previous, any article whatever, which such huckster or other person is known usually to expose to sale, under the penalty of \$5 for such offence.

Slaves to have order. Sec. 222. No slave shall offer for sale, either in the market or in the streets, any article whatever without an order from his or her master, mistress, or other person having control of said slave, giving an accurate description of the same, specifying the number and quantity of the articles so offered for sale; and it shall be the duty of the Police officers and Clerk of the Market to enforce this ordinance, and all articles not mentioned in said order shall be taken and sold at public vendue for the benefit of the city.

Marketing sold by Weight and Measure.

So usually sold. Sec. 223. Articles usually sold only by weight and measure, shall be so sold in market, and if otherwise offered for sale, shall be forfeited to the city. Meal, grain, vegetables and fruit, when sold by measure, shall be *heaped*, and any person who shall offer for sale a measure of such articles, and refuse to heap it, shall forfeit it to the city. Weights, scales, beams, ballances and measures used in market, must be inspected and marked under the penalties and regulations prescribed for those used elsewhere in the city. Butter to be offered for sale in market, must be put up in rolls weighing one or more pounds; and butter and other articles alleged to be of any particular weight or measure, and found to be of less weight or measure, shall be forfeited to the city.

Regrating and Forestalling.

Sec. 224. Any person guilty of regrating, (that is, the buying

or bargaining for provisions in market to sell them again at a higher price,) or of forestalling, (that is the buying or bargaining for provisions on their way to market to sell them again at a higher price,) shall be fined \$5 for each offence.

Police of.

SEC. 225. No slave shall go to market without permission from his or her owner or hirer, under the penalty of ten lashes. No renter of a stall shall permit meat, vegetables or other matter which may become offensive, to remain in his stall after market closes, or deposit any such thing in the street or fail to keep his stall well cleaned, under a penalty of not exceeding \$10.

Slave to have permit to go to. Renter of stall not to permit offensive matter to remain. Penalty.

SEC. 226. No person shall be drunk, or behave in a disorderly manner in market. Nor hinder, abuse, threaten or resist the Clerk or Weighers in the discharge of their duty, under a penalty not exceeding \$10 for each offence.

Penalty for disorder.

SEC. 127. No person shall hitch any beast to either Market House, or their appurtenances. Nor, during market, bring any beast or vehicle so near thereto as to obstruct the free passage to, from, or around the Market House. Nor back up any wagon to the Market House, not containing something to be sold in market, nor then; contrary to the directions of the clerk of the market. Nor run a wheelbarrow through the Market Houses or on the pavements thereof. Nor at any time bring any horse, dog, hog or other animal in the Market House, or on the pavements thereof, or in any manner entice them into or on the same. Nor cut, nor eat any melon in the Market House nor on the pavements thereof, or otherwise befoul them, under the penalty of \$3 for each offence.

Obstructions.

Befouling houses.

Clerk of.

SEC. 228. The Clerk shall, in and during markets, have all the powers of police officers. Shall see that all offenders against the ordinances in relation to the markets, are prosecuted in the City Court. Shall examine butter and all articles, &c., offered for sale, and whether or not they are put up and offered for sale in compliance with the regulations in relation to weights and measures, and seize all such as are forfeited by reason of any non compliance.

Duties.

Prosecute offenders.

As to butter.

SEC. 229. He shall also examine all provisions, to see if they are tainted, unwholesome, or otherwise unfit for market; and if he shall suspect them to be so, he shall forthwith summon two disinterested citizens, to try whether they are so or not; and if such two citizens shall find them so tainted, unwholesome, or unfit for market, the Clerk of the Market shall seize and destroy them.

Unwholesome provisions.

SEC. 230. He shall notify any person from whom he shall seize any article as forfeited, that he is entitled to have the forfeiture

How to proceed in cases of forfeiture. tried in the Lexington City Court, and ask if he demands such trial. If he demands such trial, the Clerk shall immediately sue out a warrant against him for the offence for which the forfeiture is prescribed as the penalty, have it executed forthwith, and carry the article seized, before the Court. If the article shall be adjudged forfeited, or if the person from whom it shall be seized, shall waive a trial, he shall sell it at auction to the highest bidder for the benefit of the city.

To keep house clean. SEC. 231. He shall have the Market House and the unrented stalls in it kept clean and in good order, and have it swept before every market.

Keep Scales, Weights, etc. SEC. 232. He shall take care of the scales and weights belonging to the Market House, and deliver them over to his successor in office, or such other person as the Mayor and Board of Councilmen shall direct.

To report receipts to Council. SEC. 233. He shall every quarter exhibit to the Council an account, under oath, of all monies which have been received by him for unrented stalls, and the sale of forfeited articles, and by him paid to the Treasurer.

Weigher in.

Duties. SEC. 234. The weigher shall attend the scales in the Market House during market hours, and weigh, free of charge, all marketing which shall be brought to him for that purpose.

Stalls in.

How price of de- termined and paid. SEC. 235. The Mayor and Board of Councilmen shall by resolution determine, from time to time, at what prices the stalls shall be rented, and the rents shall in all cases be paid *in advance*.

SEC. 236. No person renting a stall shall be allowed to put his bench, block or table more than three and a half feet from the pillar into the center of the Market House, under the penalty of \$3 for each offence. And the Clerk of the Market shall enforce this ordinance.

Collector to rent. SEC. 237. The Collector shall attend at such time as the Council shall direct in each year, for the purpose of renting the stalls.

Preference in renting. SEC. 238. In the renting of each stall he shall prefer the person who rented it the preceding year. But if any person shall fail to attend the renting, and pay the rent of his stall, he shall lose his preference, and the stall shall be rented to the first applicant for it.

To rent vacant stalls. SEC. 239. The Collector shall at any time rent till the next general renting, any vacant stall which shall be applied for, upon the payment of an amount of rent proportioned to the time to elapse till then.

Tax for occupying unrented stalls. SEC. 240. The Clerk of the Market shall, at each market, collect a tax of twenty-five cents from each person occupying an unrented stall.

SEC. 241. No person shall have the privilege of placing benches on the pavements or streets at either end of the Market House during market hours, without first having obtained permission from the Clerk of the Market, and having paid him a reasonable compensation for the same, under a penalty of \$5 for each offence.

Benches on pavement.

See ACCOUNTS; COLLECTOR.

MARSHAL.

Bond.

SEC. 242. The City Marshal shall execute bond, payable to the Commonwealth of Kentucky, in the sum of \$3,000, with surety to be approved by the Mayor and Board of Councilmen, conditioned "to faithfully discharge the duties of his office, and to pay over all sums of money that may come into his hands, to the persons entitled thereto."

Penalty.

Condition.

To enforce observance of Laws and Ordinances.

SEC. 243. He shall enforce the observance of the ordinances of the city and laws of the Commonwealth, within the limits of the city, and prosecute all offences against the same, which shall be committed in his presence, or come to his knowledge.

To prosecute offenders.

SEC. 244. He shall be especially vigilant to detect persons who sell liquor to negroes, retail liquor without license, or keep disorderly houses.

Who especially to detect.

SEC. 245. He shall apprehend all slaves found violating the laws of the Commonwealth, or the ordinances of the city, or hiring their own time, and take them before the City Court to be dealt with according to law.

To apprehend slaves, when.

SEC. 246. He shall each day patrol the city, and endeavor, as far as in his power, to prevent offences against the laws of the land, and ordinances of the city. He shall arrest and present all vagrants and disorderly or suspected persons whom he may find lurking about the city without visible means of support, and all persons actually engaged in any riot, rout, unlawful assembly, or breach of peace, and forthwith take such persons before the City Court to be dealt with according to law.

Patrol City.

Present vagrants etc.

To arrest rioters and breakers of the peace.

SEC. 247. He is hereby authorized to summon the *posse comitatus* within the city, to aid him in the performance of his duties in all cases in which a sheriff or constable is by law authorized so to do; and any person liable to be thus summoned, who shall fail to attend, and aid the Marshal when summoned, shall be fined \$10 for each offence.

When may summon posse comitatus.

SEC. 248. Any person who shall resist the Marshal or Deputy Marshal in the performance of any of their duties, shall be fined in any sum not less than \$5 nor more than \$100.

Penalty for resisting.

To Notify Clerk of the City to make out list of Licenses.

When Grand Jurors shall be ordered. SEC. 249. Whenever an order shall be made by the Lexington City Court for the summoning of a Grand Jury, the Marshal shall notify the Clerk of the City of the day upon which it is ordered to convene, that he may prepare a list of licenses.

To Settle with Treasurer.

Before each regular Council meeting. SEC. 250. He shall before each monthly meeting of the Council settle with the Treasurer, pay over to him all monies of the city which may be in his hands, and take duplicate receipts therefor, one of which he shall lodge with the Clerk of the City.

Relating to Watchmen and Watch House.

When to meet Watchmen at Watch House. SEC. 251. He shall meet the Night Watchmen at the Watch House, at the ringing of the bell in the evening, and communicate to them any information he may have a knowledge of, which may be necessary for a proper performance of their duties through the night. And in case any of them shall fail to attend, he shall hire a Night Watchman for the night, to be paid out of the salary of the delinquent, and report the same to the Mayor in the morning. He shall also meet the Watchmen at the same place in the morning, on the ringing of the bell, and receive from them any information they may have to communicate in relation to the police of the city. And he shall report to the Mayor any Watchmen who shall fail to meet him at the Watch House either in the evening or morning, to be by him reported to the Council at their next stated meeting.

For what.

What to report to Mayor.

Keeper of watch house during the day. SEC. 252. The Marshal shall be keeper of the Watch House during the day, and see that the same is kept clean and in good order.

Duties in relation to the Streets.

Dead Carcasses. SEC. 253. He shall see that all dead carcasses are removed to Potter's Field immediately upon his knowing of the existence of any such.

Hogs and goats. SEC. 254. He shall seize all hogs and goats running at large in the streets, of which he shall be unable to ascertain the owner, and after one day's notice of the time and place of sale, sell the same to the highest bidder for the benefit of the city.

When to kill dogs. SEC. 255. Whenever the Mayor shall, by proclamation, prohibit the permitting of dogs to run at large in the streets, alleys and public places of the city, the Marshal shall kill or have killed every dog so found running at large after such proclamation.

To have mud raked up. SEC. 256. He shall under the orders of the Mayor notify the citizens to rake up the mud on the streets in front of their premises and otherwise clean the streets.

SEC. 257. He shall give such superintendence to any work in which the City Carts and hands may be engaged on the streets, as he may be by the Mayor directed to do.

Under Mayor's direction to superintend City hands.

SEC. 258. He shall notify the occupiers of lots, to clean and repair the sidewalks and gutters in front of their respective lots, whenever the same may be necessary and proper.

Side walks and gutters.

SEC. 259. He shall see that a sufficient passage is left in the street by all persons engaged in building, for the convenient passage of all vehicles and horses which will probably pass the street on which they shall be engaged.

Obstructions by builders.

In relation to Cisterns.

SEC. 260. He shall before each monthly meeting of the Council examine into the condition of the City Cisterns, ascertain the depth of water in each, and report to the Council and the Committee on the Fire Department, in relation thereto.

When to examine Cisterns and report upon.

SEC. 261. He shall under the direction of the Mayor see to the execution of all orders of the Mayor and Board of Councilmen in relation to the Cisterns.

Orders of Mayor and Council.

In relation to Council Meetings.

SEC. 262. He shall notify the members of the Board of Councilmen and also the City Printer, of each called meeting of the Board.

To notify Councilmen and Printer of meeting.

Deputy Marshal.

SEC. 263. The Deputy Marshal is authorized to perform any act which the Marshal can perform. He shall execute a bond similar in all respects to that prescribed to be executed by the Marshal, and shall aid the Marshal in the performance of all his duties.

Authority.

Bond.

Duty.

SEC. 264. When a capias profine shall have been issued and put into the hands of either Marshal for collection, and which runs out and is returned not collected, said alias capias profine shall immediately be issued by the Clerk of the Lexington City Court, and placed in the hands of the other Marshal, and if collected by him he shall be entitled to all the Marshal's fees taxed in said alias capias profine.

See ACCOUNTS; ATTORNEY; COMPOUNDING WARRANTS; JURIES; MAYOR; MAYOR and COUNCIL; NIGHT WATCH; OFFICERS; SALARIES; SLAVES; STAGNANT WATER; STREETS, ALLEYS, &c.

MAYOR.

Finances.

SEC. 265. The Mayor of the City at the next meeting of the Council, after the return of the Assessor's book, shall submit estimates of the expenses of the city for the year.

When to submit estimates of expenses.

SEC. 266. He shall in a book to be by him kept for that purpose, keep an exact account of all the assets, debts and liabilities of the city. And he shall at the stated meetings of the Council in January, April, July and October, present a transcript therefrom, showing the exact amount of the assets, and a detailed statement of the liabilities, the dates thereof, and the times at which they may respectively become due.

SEC. 267. He shall take the Bonds of the Treasurer, Collector, Marshals, Captain of the Night Watch, and Clerk of the City, and keep them safely in his possession subject to the order of the Council.

SEC. 268. He shall rent out all the property of the city which is by the city kept for that purpose.

To Prohibit Dogs running in the Streets.

SEC. 269. Whenever in his opinion there shall be in this city danger of hydrophobia, he shall publish in one or more papers of the city a proclamation prohibiting all persons from permitting their dogs to run at large in the streets, alleys, commons or other public places of the city.

In relation to Police.

SEC. 270. The Mayor shall each year employ three fit and discreet persons in each Ward of the city, whose duty shall be, on the order of the Mayor or Captain of the Night Watch, to aid the Night Watchmen in quelling riots or disturbances, and when deemed necessary by the Mayor, to act as subordinate Night Watchmen.

SEC. 271. He shall see that all the Police and other officers of the city perform the duties of their respective offices, and report to the City Auditor and to the Council, all delinquencies which may in any manner come to his knowledge.

City Work.

SEC. 272. He shall, subject to the orders of the Council, have the entire management and direction of the city carts and hands, and of all work to be done by them, whether on the streets or elsewhere; and see that they keep the public streets and alleys in good repair, and he shall superintend and direct all buildings which may be erected by the city; and all repairs which may be directed to be made on any of the City Property.

SEC. 273. He shall see that the streets around the Market House, the half adjoining the public square of the streets which surround it, and the intersections of all the streets are kept clean by the city hands, and that all dirt which shall be raked into piles in the streets, under his direction, shall be immediately hauled away.

See ACCOUNTS; ASSESSMENT; ATTORNEY; AUDITOR; CEMETERIES; CLERK OF THE CITY; ELECTIONS; EXHIBITIONS; HACKNEY VEHICLES; HEALTH; HOSPITAL AND WORKHOUSE; HUCKSTERS; MAYOR AND COUNCIL; MARSHAL; NIGHT WATCH; OFFICERS; SALARIES; STREETS, ALLEYS, &c; WEIGHTS AND MEASURES; TREASURER.

MAYOR AND COUNCIL.

RULES OF ORDER.

Meetings.

SEC. 274. The Mayor and Board of Councilmen shall hold monthly meetings on the first Thursday in each month. After the 1st of January, 1859, each member of the Council shall be entitled to a compensation of one dollar for attendance at each regular meeting, but an absence of fifteen minutes shall forfeit such compensation. And any member who shall be absent during an entire regular meeting shall be fined two dollars, unless he shall offer an excuse satisfactory to the Council. Called meetings may be held by order of the Mayor, on notice given thereof by said Mayor, or by order of three Councilmen on notice given by them.

Regular.

Compensation for attendance.

Penalty.

Called.

SEC. 275. The sittings of said Mayor and Council shall always be held publicly.

Sittings to be public.

SEC. 276. It shall be the duty of the Marshal to give due notice to each Councilman, if in the city, of every called meeting of the Board of Councilmen, and to state the object for which such meeting is called; and no business except that for which the meeting shall have been called, shall at such meeting be taken up or acted upon, without the unanimous consent of the Mayor and Councilmen present.

Marshal to notify the members, and state the object.

No other business to be done but by unanimous consent.

Quorum.

SEC. 277. The Mayor and six Councilmen, or seven Councilmen in the absence of the Mayor, shall be a quorum to do business; the Mayor and three Councilmen, or four Councilmen in the absence of the Mayor, shall be a quorum for the purposes of adjournment, or sending for absent members, and enforcing attendance of absent members by the infliction of a fine; but no fine shall be imposed for non-attendance exceeding \$5, nor without summoning the member in default to show cause.

Seven to form a quorum.

Three or four a quorum for what.

Fine for absence, how inflicted.

Mayor.

SEC. 278. The Mayor shall preside in the deliberations of the Board; shall preserve order and decorum, and shall have a right

Mayor to preside

(as shall also every Councilman) to call any member to order who shall violate the rules of order, subject to an appeal to the Board, from a decision of the Chair, by the person called to order.

Journal to be
read, &c.

SEC. 279. The Mayor, or in his absence, a Chairman appointed by the Board, shall take the Chair precisely at the hour to which the Mayor and Council shall have adjourned, and the proceedings of the preceding meeting shall then be read over, approved of by the Board and signed by the Mayor, or presiding officer of the preceding meeting.

Standing Com-
mittees.

SEC. 280. The Mayor shall, at the first meeting after the annual election, appoint the following Standing Committees: a Committee of Claims, consisting of three persons: a Committee of Ways and Means, to consist of three persons: a Committee of Propositions and Grievances, to consist of three persons: a Committee on Judiciary Affairs, to consist of three persons: a Committee for the Improvement and Repair of Public Streets, Alleys, and Sidewalks, to consist of one Councilman residing in each ward of the city: a Committee on the Poor and Work House, to consist of the Mayor and two Councilmen: a Committee on the City Schools to consist of one member of the Council from each ward of the city, and of a citizen of Lexington who is not a member of the Council, who shall also select scholars for Transylvania University: a Committee of Accounts, to consist of three persons; and a Gas Committee, to consist of three Councilmen.

Ordinances.

How introduced.

Read three
times.

Readings dis-
pensed with.

Motions on in-
troduction.

Indefinite post-
ponement.

SEC. 281. Every by-law or ordinance shall be introduced by motion, and leave shall be first obtained to bring in the same, and shall before the same is adopted as a by-law or ordinance of the city, be read three several times, at three distinct meetings of the Board, unless a majority of three-fourths of the members present shall dispense with this rule.

SEC. 282. When a by-law or ordinance shall be introduced for the adoption of the Board, it shall be liable to a motion for commitment, amendment, or indefinite postponement, or to be laid on the table, or to such other parliamentary motion as is admitted by the proceedings of deliberative bodies; and if a subject be indefinitely postponed, it shall not be again revived within six months, without a concurrence of two-thirds of all the members.

Order of Business and Motions.

Order of busi-
ness.

SEC. 283. Petitions and memorials (after the previous day's proceedings shall have been read and signed) shall be first called for and disposed of; next reports of Committees in the order of their appointment, and then motions, including the presentation of accounts.

SEC. 284. Every motion shall be first seconded before a vote shall be required thereon; and the yeas and nays may, on any motion or proposition, be called and taken, at the request of any member of the Council present. Motions second-
ed.
Yeas and Nays.

SEC. 285. When a motion or other proposition is under consideration, no motion shall be received unless to commit, amend, or postpone it, for the previous question, or to adjourn, and a motion to adjourn shall always be in order, and be put without debate; nor shall any proposition, under color of amendment, be admitted, which totally changes the subject matter under consideration. Privileged mo-
tions.
Amendments not
to change subject
matter.

SEC. 286. A motion for the previous question being made and seconded, the question shall be put without debate, "shall the main question now be put?" and if the yeas prevail the main question shall then be put without debate; and no amendment of the main question shall be admitted after a call for the previous question, unless the same shall be decided negatively. Previous ques-
tion.

SEC. 287. All questions of order, not herein otherwise provided for, shall be decided upon the principles laid down in Jefferson's Manual of Parliamentary proceedings, so far as the same may be applicable. Jefferson's Man-
ual adopted.

SEC. 288. The Mayor's quarterly statement of assets and liabilities shall be referred to and reported upon by the Committee of Ways and Means. Mayor's state-
ment referred.

Debate.

SEC. 289. Every member of the Board in presenting any memorial, petition, or other paper, or in addressing the Chair, shall rise from his seat and respectfully address the Mayor or other presiding officer, by the title of "Mr. Chairman." Petitions and
motions, &c.,
how presented.

SEC. 290. The Mayor and Councilmen shall have power to inflict a fine on any member of the Council for disorderly or indecorous conduct, not exceeding \$10, to be collected and appropriated as other fines. Board may fine
for disorder.

SEC. 291. When a member is called to order he shall immediately take his seat, until it shall be decided whether he is in order or not; and if he is decided to be in order he shall be permitted to proceed. Member called
to order.

SEC. 292. No member shall interrupt another in debate, or pass between the speaker and the Chair. No interruption
of speakers.

SEC. 293. No member shall be permitted to speak irrelevantly to or beside the question before the Mayor and Council. Not to speak ir-
relevantly.

Votes.

SEC. 294. Upon the call for yeas and nays, the members of the Council shall be called alphabetically, and in case of a tie, (except in such cases as are otherwise provided for by the charter) the Mayor shall give the casting vote; and every member Members called
alphabetically.

All to vote unless excused or interested.

Elections.

shall vote when his name is called, unless specially excused from voting, or unless directly interested in the result of the vote, in which case a majority of the Councilmen present may deny him the privilege of a vote.

SEC. 295. All elections for officers shall be made *viva voce* and publicly, and after previous nominations by a member in his place; and the person having a majority of the votes of all the members of the Council, shall be declared duly elected for the office to which he may be nominated; provided, that a concurrence of seven Councilmen, or six Councilmen and the Mayor shall be necessary to the election of any officer.

Claims.

Claims must be reported on by Auditor.

SEC. 296. No proposition shall be entertained for the payment of any claim which has not been previously reported upon by the Auditor and the Committee on Accounts.

Bonds.

Members not to be sureties on bonds.

Those that may not be released.

SEC. 297. Neither the Mayor nor any Councilmen shall be received as surety on any bond payable to the city. But this shall not affect the liability of any Mayor or Councilman who shall be received by mistake, nor of any such who shall be bound on any bond at the time of his election.

Orders to Pave, &c., Streets.

Not made without notice.

Unknown or non-resident owners

SEC. 298. No order shall be made to pave, grade, turnpike, or curb any street without a petition of the owners of a greater part of the ground in the square fronting on the same, unless it shall appear that the owners of all the ground fronting on such street, in said square, have had at least two days notice of the application for such order. But, it shall not be necessary to give notice to the owner of any ground fronting on any street or alley in this city of any application to pave, grade, turnpike, or curb the same, or any part thereof in any case in which the owner thereof is unknown to the applicant, or resides out of the county of Fayette. A statement in the written application, or note of record that the owner of any such lot is, after diligent inquiry by the applicant, unknown to him or resides out of the county of Fayette, shall be sufficient evidence of the fact.

Amendment.

SEC. 299. Amendments may be made to the foregoing rules, with the concurrence of a majority of the Board; but the proposition to amend, or form a new rule, must be submitted for con-

sideration, at a regular meeting preceding that on which a decision thereon is to be made. Amendments how made.

SEC. 300. The foregoing rules may be suspended by a vote of three-fourths of the members present. Rules suspended

Contracts with Councilmen.

SEC. 301. No member of the Board of Councilmen shall have any interest direct or indirect, in any contract with the City of Lexington, during his continuance in his office of Councilmen; and all contracts made with the City of Lexington, or attempted so to be made, shall be void as to the interest of such Councilmen therein, except contracts made at public lettings. When Councilmen may not contract with City.

See ASSESSMENT; CEMETERIES; CLERK OF THE CITY; CLERK OF THE CITY COURT; COLLECTOR; ELECTIONS; FIRE DEPARTMENT; HAY AND COAL WEIGHERS; HEALTH; POOR AND WORKHOUSE; INSURANCE AGENTS; LICENSES; LIQUOR SELLERS; MARKET; MARSHAL; MAYOR; NIGHT WATCH; OFFICERS; PLAYING CARDS; PRINTER; SALARIES; SCHOOLS; STREETS; ALLEYS; TAXATION; TREASURER.

MINORS.

SEC. 302. Whenever any free person, under sixteen years of age, shall commit any offence against the ordinances of the city, his master, guardian, or parent having the control of him, shall be fined as if he had himself committed the offence. Master, Guardian, &c., to pay fine of.

See LIQUOR SELLERS.

NIGHT WATCH.

Captain

SEC. 303. The captain of the Night Watch shall, before entering on the duties of his office, execute bond, payable to the city, with surety to be approved by the Mayor and Council, in the sum of \$300, conditioned to discharge faithfully the duties of the office, and pay into the Treasury all monies of the city which shall come into his hands. Bond. Condition.

SEC. 304. It shall be the duty of the Captain of the Night Watchmen to ring the bell on the watch house at half an hour after after sunset every evening, which is to be the signal for all the Watchmen to meet there; and any Watchman not present within fifteen minutes shall be reported to the Mayor, by the Captain, as absent; and a ring of the same bell an hour before sunrise in the morning, shall be the signal for the Watchmen again to appear at the watchhouse and be dismissed; and the Captain is required to note the absence or neglect of duty, of any Watchman, at either signal, or during the night, and report the Captain of Watch—his duties—ring bell, when. Note absentees, etc., and inform Mayor.

same to the Mayor on the following day. He shall also report the Marshal to the Mayor whenever he shall fail to attend at the watch house at the ringing of the bell.

Not to receive substitute but by written permission of Mayor or two Councilmen.

SEC. 305. He shall not receive a substitute for any Watchman, except by the written permission of the Mayor, or of two Councilmen of the Ward to which such Watchman is attached, and then not longer than a week at any one time.

Captain to keep the Watch House, etc.

SEC. 306. The Captain of the Watch shall attend strictly to prisoners during the night, and may assign such Wards or parts of the city to each Watchman as he may think proper; or he may, when deemed absolutely necessary, to the quiet and good order or safety of the city, permit two or more of them to walk the rounds in company—and he shall, as often as practicable during the night, visit the several parts of the city, and see that each Watchman is at his post discharging his duty.

Assign Wards to his subordinates, etc.

When to settle with Treasurer.

SEC. 307. He shall, each month, pay into the Treasury all fines, and other monies which may be by him collected for the city, and obtain the Treasurer's receipt for the same. And the amount of such receipt shall be credited upon his watch book, by the Clerk of the City, at each stated monthly meeting of the Mayor and Board of Councilmen.

Subordinates.

They shall obey Captain. Walk every hour not to stay in a house fifteen minutes in any hour.

Duties of Watchmen as to fines and crimes.

SEC. 308. The Night Watchmen shall obey the commands of the Captain, and shall travel over their respective Wards once in every hour, unless necessarily detained, and shall not remain in any house, during any one hour, more than fifteen minutes, and thus long only when the inclemency of the weather makes it necessary.

SEC. 309. The Watchmen shall, in passing their rounds, endeavor to prevent all fires burglaries, murder, trespasses, and other injuries to both public and private property, and other offences, and bring offenders to justice; shall give the alarm to the citizens on the discovery of fire, and during its continuance, as at other times, continue to patrol their respective Wards, and on no account leave them, unless upon an alarm, or in immediate pursuit of an offender, or by order of the Captain; and when the cause, which may have called them off, shall have ceased, they shall immediately return to the place of their respective duties.

Assemblies of slaves.

Slaves at large without pass, when to be arrested.

SEC. 310. The Watchmen shall visit all assemblies of slaves, and all suspected places; and should they find any slave, after 9 o'clock at night, from the 1st of November until the 31st of March, and after 10 o'clock the remainder of the year, off his or her owner or employer's premises, without a pass requesting the Watch to permit such slave to go to a designated place, such slave shall be detained, unless it shall appear, to the satisfaction of the Watchman, that the owner or employer of such

slave may have sent him or her on some very urgent errand, such as for a doctor, &c., at a time when a pass could not be easily prepared; and when the Watchmen may have apprehended any slave without a pass or excuse as aforesaid, they shall confine such slave in the watch house until one hour after sunrise on the day following, and notify his or her master thereof, if resident in the city; and if the sum of \$2 be not paid by the master, or some other person for him or her, other than the slave, to the Captain of the Watch, for the use of the city, such slave shall receive ten lashes on his bare back by order of the Captain: provided, that any owner or employer of a slave, taken up as aforesaid, shall have the privilege of having such slave taken before the Lexington City Court, upon obligating himself to pay the cost occasioned thereby, and such slave shall be released by the Watchman upon such owner or employer obligating himself, in writing, for the appearance of such slave before the Lexington City Court, at a designated hour, and to pay all the costs occasioned thereby; and upon the Court's hearing the evidence, it shall be empowered to have any number of stripes, not exceeding twenty, inflicted on such slave.

Exception for cases of urgent necessity.

Slave to be put in watchhouse and released for \$2, or whipped.

How to avoid both, by surety of Master for his appearance in City Court.

SEC. 311. The Watchmen shall arrest all slaves found violating any of the ordinances of the city, or laws of the State, during the night, and detain them until the next morning, when they shall be taken before the Lexington City Court, and dealt with according to law, or the ordinance of the city: they shall also apprehend all free persons found in company with slaves, at any unlawful assembly, and take them before said Court, to be dealt with according to law.

Slaves committing offences to be arrested, and taken to City Court.

So free colored people, in company with slaves at illegal assemblies.

SEC. 312. The Watchmen shall apprehend all disorderly free persons, and all suspected persons found rambling or loitering about in the night, and all others, who after 10 o'clock refuse to give their names, when desired by a Watchman to whom they are unknown, and all persons actually engaged in the commission of any riot, rout, unlawful assembly, or breach of the peace, and confine them in the Watchhouse until the next day, and then take them before the Lexington City Court, to be dealt with according to law.

So all disorderly free persons, or idle and vagrant ones; all refusing to give their names after 10 o'clock, rioters, etc., kept in watch house and taken to Court.

SEC. 313. The Night Watchmen shall give information to the Marshal of all slaves who hire their own time; of all persons who violate the laws against tippling houses; and of all who keep disorderly houses, and aid in bringing the offenders to justice; and also of any other nuisance which may be found in their respective Wards.

Inform Marshal of slaves hiring their time. Of tippling houses and violators of law, and any nuisance.

SEC. 314. No Watchman shall resign, without first giving to the Mayor twenty day's notice of his intention to do so, under a penalty of \$10, to be deducted from his wages; nor shall a Watchman, under any pretext, retail spirituous liquors, deal with slaves, or receive money, or property from them, to procure their discharge when apprehended, harbor them, or suffer

Watchman not to resign without notice; penalty \$10; nor sell liquors, deal or collude with slaves.

If drunk it vacates his office.

them to go at large and hire their own time contrary to law, nor shall he intoxicate himself, under the penalty of immediate forfeiture of his office.

Free person resisting Watch, penalty \$20 to \$5.

SEC. 315. If a free person shall resist, or oppose, or obstruct any Watchman in the discharge of any of the duties prescribed to him by the ordinances of the city, it shall be the duty of the Night Watchman so resisted, or opposed, or obstructed, to give information thereof the next day to the Lexington City Court; and the free person so offending, shall forfeit and pay a sum not exceeding \$20, nor less than \$5.

Slave resisting how dealt with.

SEC. 316. If any slave shall resist, or oppose, or obstruct any Night Watchman in the discharge of any of his duties, it shall be the duty of the Night Watchman, so resisted, or opposed, or obstructed, forthwith to apprehend such slave so offending, and take him or her to the Watchhouse, and there detain such slave until morning, when he or she shall be taken before the City Court, and if such slave so offending shall escape, so that he or she can not be apprehended, it shall be the duty of such Night Watchman to prosecute such slave so offending, and any slave so offending shall receive, on his or her bare back, not exceeding thirty-nine lashes.

Penalty.

Mayor and Council to examine Watchmen on oath, in relation to the state of the police.

SEC. 317. The Mayor and Council shall, at their stated monthly meetings, examine the Captain of the Watch and the Watchmen, on oath, touching the general order and police of the city, and in regard to the manner in which their fellow-watchmen have discharged their duties.

Posse comitatus summoned by the Watch-Persons, refusing to be fined. Penalty not more than \$20.

SEC. 318. The Night Watchmen shall have the authority to summon the *posse comitatus* within the city of Lexington, to aid and assist them in the execution of the duties of their office; and any person, who shall fail to attend and assist the Night Watchmen, or either of them when summoned, shall forfeit and pay not exceeding \$20.

To prosecute offenders against the Market House ordinances. Other officers by this not exempted.

SEC. 319. It shall be the duty of the Night Watchmen to prosecute, before the City Court, such person or persons, as at any time offend against the ordinances, which relate to the cleanliness of the Market House and the pavements around it; but this shall not be construed as exempting any other officer from the duty of attending to such prosecutions.

Penalty for failure of duty.

SEC. 320. Any Watchman who shall fail to perform any duty herein prescribed, shall be fined in any sum not exceeding \$20.

See ACCOUNTS; MARSHAL; MAYOR; OFFICERS; SALARIES.

NUISANCE.

Penalty for

SEC. 321. Any person who shall keep, or permit to remain on his premises, a hog pen, or other thing, in such manner as to be offensive to the neighborhood, or who shall erect or keep any other public nuisance, not herein specially provided for, shall be fined in a sum not exceeding \$10 for each day such nuisance shall exist.

See DISORDERLY HOUSES; HIDES; MARSHAL; NIGHT WATCH; POTTER'S FIELD; PRIVIES; SLAUGHTER HOUSE; STAGNANT WATER.

OFFICERS.

SEC. 322. The Mayor and Board of Councilmen shall, at any time after the first meeting in January, (after ten days notice in the city papers,) in each year, elect the following Officers, viz.: A Clerk of the City; An Auditor of City Accounts; An Assistant Assessor; A City Collector; A City Surveyor; A City Printer; A Clerk of the Market; A Weigher of the Market; A Physician to Poor and Work House; A Trustee of Transylvania University; An Inspector of Weights and Measures, and a Keeper of Potter's Field. ^{What and when to be elected.}

SEC. 323. All officers shall, before entering on the duties of their respective offices, take the oath prescribed for officers by the Constitution of Kentucky, and hold their offices till their successors are elected. ^{Oath.}

SEC. 324. All officers of the City may be removed by a vote of seven Councilmen or six Councilmen and the Mayor. ^{How removed.}

SEC. 325. If any officer who is required so to do, shall fail to give bond within one week after his election, his office shall be *ipso facto* vacated, and the Council shall at its next meeting fill the vacancy. The Mayor and Council shall also, by election, fill any vacancy which shall occur after the regular election in each year in any office which they have a right to fill, or for the filling of which they have a right to provide. ^{Failure to give bond to vacate office. How vacancies to be filled.}

See ATTORNEY; CLERK OF THE CITY; SALARIES.

OBSCENITY.

SEC. 326. Any person who shall, within this city, commit any indecent, obscene or lewd act, in public, or in such a situation that ordinary passers by may see the same; or who shall utter any bawdy, lewd, or obscene words within the hearing of any other person; or expose to view, in any street, alley, or public place, any obscene print, picture, or other indecent exhibition, shall be fined in any sum not exceeding \$20. ^{Acts. Prints, &c. Penalty.}

PEDLARS.

SEC. 327. No pedlar or itinerant retailer of goods, wares and merchandize of any description, shall sell his articles of traffic in this city, without having first obtained a license so to do, under the penalty of \$10 for each article sold. ^{To obtain license.}

SEC. 328. The Clerk of the City shall issue a Pedlar's license to any one applying for it, who shall have paid to the Treasurer \$25, and who shall produce the Treasurer's receipt therefor. ^{When Clerk to issue. Tax on.}

SEC. 329. A Pedlar's license shall not authorize any other person to sell than the one therein named. ^{Who to sell under.}

PHYSICIAN.

Duty. SEC. 330. The City Physician shall attend and give medical advice in all cases of sickness occurring in the Watch House and Poor and Work House, including Obstetrical and Surgical cases, and all other diseases.

PISTOL GALLERIES.

Penalty for keeping. SEC. 331. No owner, agent or keeper of any Pistol Gallery, kept in this city for the purpose of charging or receiving any compensation for shooting therein, shall knowingly permit any shooting therein without a license having been first obtained for such gallery, under the penalty of \$10 for each offence.

When Clerk to issue license. Tax. SEC. 332. The Clerk of the city shall not issue a license for a Pistol Gallery to any person to whom the same shall be granted, until such person shall have paid therefor, into the Treasury, \$50, and produced to him the Treasurer's receipt therefor.

To close at 10 o'clock. SEC. 333. No owner, agent, or keeper of any Pistol Gallery shall knowingly permit any shooting in such gallery after 10 o'clock at night, under the penalty of \$10 for each offence.

No betting. SEC. 334. If any betting shall take place on any shooting, in any such gallery, with the knowledge and consent of any owner, keeper or agent thereof, or under circumstances which should reasonably lead such owner, keeper, or agent to suspect the same, he shall for the first offence be fined \$50, and for the second fined in a like sum, and the license of the gallery shall be forfeited.—
Penalty. But this shall not prohibit the compensation for the use of the gallery and pistols, in any match or round of shooting, from being paid by the loser of it.

Compensation for use of, may be paid by loser.

PLAYING CARDS.

Penalty for selling etc., to slaves. SEC. 335. No person shall sell or trade Playing Cards to any minor or slave, under the penalty of \$10 for each pack so sold or traded.

PLAYING ON SUNDAY.

Penalty for. SEC. 336. No person shall, within this city, play bandy, cards, football, marbles, or other game on Sunday, under the penalty of \$3 for each offence.

POOR AND WORKHOUSE.

Overseers.

Who to be. SEC. 337. The Committee on the Poor and Work House herein directed to be appointed, shall be denominated "The Overseers of the City Poor and Work House."

Duties. SEC. 338. Said Overseers shall superintend the Poor and Work House, and prescribe rules and regulations for its govern-

ment, and for that purpose shall visit it at least once each week. They shall give orders for all necessary repairs and alterations, and articles purchased for the use of the institution and not paid for in cash. They shall draw from the Treasury and superintend the expenditure of all appropriations made by the Council for its support; and at the stated meetings of the Council in April and October, they shall make a written report of their actions and doings.

SEC. 339. The Mayor and Board of Councilmen shall, from time to time, make appropriations of money to be by the said Overseers laid out in defraying the ordinary expenses of the institution. But no new appropriation shall be made until the preceding one has been so nearly expended, that the balance, which may be left, will be insufficient for another month, and until a full and accurate account of its expenditure has been rendered by the Overseers to the Council.

Rules in relation to appropriations for.

SEC. 340. They shall, from time to time, report to the Council how many day's labor in each week will be a reasonable compensation for the board of persons committed for default of surety to keep the peace, and for their good behavior.

And duties in relation to persons confined for default of surety.

Keeper.

SEC. 341. The Keeper of the Poor and Work House, shall be elected by the people on the first Saturday in January, being the day of the regular City Election.

SEC. 342. He shall execute bond to the city, to be approved by the Mayor and Council, in the penalty of \$500, conditioned to pay over to the Treasurer all monies of the city which may come into his hands, and for the faithful discharge of the duties of his office.

Bond.

SEC. 343. He shall pay over to the Treasurer, every month, all monies of the city which shall have come into his hands, and take duplicate receipts therefor, one of which he shall lodge with the Clerk of the city for safe keeping.

When to settle with Treasurer.

SEC. 344. He shall, under the direction of the Overseers, furnish all persons committed to the institution wholesome provision, comfortable bedding, and in proper cases, suitable clothing, and he shall have the rooms and clothing kept clean and well aired.

Duties to prisoners.

SEC. 345. He shall keep a record book of commitments, in which he shall enter a minute of every execution, and warrant of commitment, and the warrant or cause of discharge. He shall also keep a regular book of accounts of all the receipts and expenditures of the institution, and the work done therein.

What books to keep.

SEC. 346. He shall under the regulations of the Overseers, keep all prisoners, committed to the Work House, confined within the enclosure, at some healthful and profitable labor; enforce discipline among them, and prevent any communication between

Other duties.

Prisoners.

them and other persons, without written or personal permission from one of the Overseers.

When to discharge prisoners. SEC. 347. He shall discharge all prisoners committed upon *capias pro fine*, upon the satisfaction of the amount of the *capias*, giving each prisoner credit by fifty cents for each day on which he shall have been imprisoned: Provided, that a prisoner shall receive no credit for any day when he shall be able, but shall refuse to labor.

When and what to report to overseers. SEC. 348. He shall, once each month, make a detailed report to the Overseers of all commitments and discharges, and the causes thereof; the number of persons remaining in the institution; the quantity of work which shall have been done, and the probable value thereof. And he shall immediately report all escapes to the Mayor and take his advice as to pursuit.

Not to permit use of liquor. SEC. 349. He shall not permit the use of ardent spirits in the institution, except on the prescription of the attending physician.

Keeper of City Grave Yard. SEC. 350. He shall be Keeper of the City Grave Yard.

Prisoners on Peace Warrants, &c.

How long such to labor each week. SEC. 351. Persons committed to the Work House, for default of surety to keep the peace or for their good behavior, shall labor so many days in each week, as the Mayor and Board of Councilmen shall, from time to time, by resolution determine to be a fair compensation for their Board.

Price of Board. SEC. 352. The price of board for each person committed for default of surety to keep the peace or for their good behavior, and all others whom the city may be bound to maintain while confined in the Work House, shall be and is hereby fixed at \$3 per week.

Penalty for escaping. SEC. 353. Any prisoner escaping from the Work House until duly and lawfully discharged, shall be re-imprisoned until he has worked the full time for which he was sentenced; shall have no credit for the time he was absent by reason of such escape, and shall be fined by the City Court in any sum not exceeding \$15.

Duty of police. SEC. 354. It shall be the duty of the Marshal, Assistant Marshal and Night Watchmen to arrest any such escaped prisoner and recommit him or her. And the Keeper of the Work House shall enter in his book the time of such escape and re-commitment.

Penalty. SEC. 355. Any of the police above-named failing to arrest and re-commit as above without good excuse, shall be fined in any sum not exceeding \$25 and the costs. And such conviction shall be evidence against such officer on motion to remove him.

POTTERS FIELD.

Where. SEC. 356. The lot on Sixth street, purchased by the city, from Orlando F. Payne, and at present used for that purpose, shall

continue to be the "City Potters Field," and shall be used for all purposes for which such fields are usually appropriated.

Keeper.

SEC. 357. The Keeper of Potters Field shall, before entering on the duties of his office, execute bond payable to the City of Lexington, with surety to be approved by the Mayor and Board of Councilmen, for the sum of \$300, conditioned to discharge faithfully the duties of his office. He shall receive as compensation for his services the use of the house and grounds attached, and \$50, to be paid quarterly.

Bond.

Condition.

Compensation.

SEC. 358. He shall keep at all times prepared, within the plank fence, a number of graves or ditches, at least five feet deep, sufficient to bury all carrion, or other offensive matter, which may be carried thither for that purpose. He shall see that all carrion or other offensive matter carried to Potters Field, is properly buried and so covered with earth as to prevent its becoming a nuisance to the neighborhood.

To keep graves ready.

See offensive matter covered.

Carrion and other offensive matter.

SEC. 359. Every person who shall have any animal to die in the city, or have on his or her premises any stinking or offensive matter, or shall cause any such to exist elsewhere in the city, which if not removed will become a public nuisance, shall have the same removed to Potters Field, and there properly buried at his or her expense.

Who to send to Potters Field.

SEC. 360. Carrion and other offensive matter must be carried to Potters Field well concealed in a cart or wagon, or in some other manner arranged so as to be as little disgusting and offensive as possible to persons near whom it shall pass.

Carried well concealed.

SEC. 361. Any person who shall violate any of the provisions under this title shall be fined in any sum not exceeding \$10.

Penalty.

See ACCOUNTS; MARSHAL; OFFICERS; SALARIES.

PRINTER.

SEC. 362. The City Printer shall, from time to time, receive such compensation for his services as shall be agreed upon with him; and if no special contract be made, he shall receive a reasonable compensation for his services.

Compensation.

SEC. 363. If the City Printer shall be the printer or editor of a newspaper, printed in the city, the City Ordinances shall be published in his newspaper unless otherwise ordered by the Council.

Ordinances to be published in his paper.

SEC. 364. All printing ordered by the Board of Councilmen shall be executed by the City Printer, unless the Board shall otherwise direct.

All printing executed by, unless otherwise directed.

SEC. 365. The City Printer shall, in consideration of his salary herein provided for, report, or procure some one to report, a

To report and publish proceed- ings of Council.

synopsis of the proceedings of each meeting of the Council, and publish them in his paper under the penalty of \$5 for each failure.

See ACCOUNTS; OFFICERS; SALARIES.

PRIVIES, ETC.

Penalty for permitting privy or other thing to become a nuisance. SEC. 366. No person shall permit any privy or other thing offensive to the smell to remain on any premises, of which he or she shall have the control, in such a condition as to be a nuisance to the neighbors; and any person who shall be notified by the Marshal that any such nuisance exists on his or her premises, and shall fail or refuse to remove or abate the same, shall be fined

\$5 for each day he shall so fail or refuse.

How deep.

Not to become full.

Penalty.

SEC. 367. Privy pits in the city shall be at least five feet deep unless the bottom thereof shall be on solid rock, in which case they shall be at least four feet deep. They shall be well walled with stone, brick or wood. And shall never be permitted to become so full that the contents thereof shall be within two feet of the surface of the ground, without being filled up with lime or good earth, or cleaned out and limed. And any person who shall erect or permit a privy to remain on premises over which he or she shall have control, in contravention of the provisions of this section, shall be fined \$5 for each day it shall so continue.

Stables to have. SEC. 368. The occupier of every livery stable in the city shall have a privy attached and convenient to it, under the penalty of \$5 for every day he shall so fail to have it.

When to be limed.

Penalty.

SEC. 369. All persons having the control of premises on which privies are situated, shall have them well limed in the months of May or June, and again in August or September, under the penalty of \$3 for each failure so to do.

PROPERTY.

Penalty for injuring. SEC. 370. Any person who shall, in this city, wantonly cut, injure or deface, by marking or otherwise, the property of another, whether public or private, shall be fined in any sum not exceeding \$10.

SALARIES.

SEC. 371. The salaries of the city officers shall be payable monthly, and shall be per annum as follows:

Mayor,	\$600
Clerk of the City,	200
Marshal,	350
Deputy Marshal,	350
Attorney,	100
Auditor,	100

Assessor,	100
Assistant Assessor,	100
Treasurer,	200
Keeper of Poor and Work House,	250
City Physician,	100
Captain of Night Watch,	475
Subordinate Watchmen, each	450
Clerk of the Market,	150
Weighers, each	150
City Printer,	50
City Surveyor,	50

SEC. 372. The salaries of the Principals and Teachers of the City Schools, shall be from time to time fixed by resolution of the Mayor and Board of Councilmen, upon the recommendation of the Committee of the schools. Of Teachers of City Schools, how fixed.

SEC. 373. No allowance of salary shall be made in advance, unless by unanimous vote of the Mayor and Councilmen present at the time of the allowance. Not to be paid in advance.

SEC. 374. No salary shall be paid to any officer for any month in which he, in the opinion of the Mayor and Board of Councilmen, has failed to discharge faithfully the duties of his office. Not paid if officer has not discharged his duty.

SEC. 375. No officer shall receive any salary except from and after the taking of the oath by him, which is herein prescribed. To run from the taking of oath.

SEC. 376. No officer who is required to give bond shall receive any salary except from and after the time of the execution of the bond by him and his sureties, approved as herein required. And executing of Bond.

See ACCOUNTS.

SCHOOLS.

Named.

SEC. 377. The City School located in Ward No. 3 shall be called the Morton City School No. 1. The School located in Ward No. 1 shall be called the Harrison City School No. 2, and the School located in Ward No. 4 shall be called the Dudley City School No. 3. Name and location.

Committee on the City Schools.

SEC. 378. The Committee on the City Schools, to be appointed as provided in section 280, shall from time to time lay off the city into three School Districts, which will contain the residences of, as nearly as possible, an equal number of the scholars in attendance upon the Public Schools. To divide city into three districts.

SEC. 379. Said Committee shall also, from time to time, prescribe uniform rules and regulations, and uniform sets of books and courses of study for the City Schools; and the courses of study shall be such as to prepare for College those scholars who desire it. To prescribe rules, books and courses of study.

Sec. 380. The Chairman and the Committee shall have the general superintendence thereof.

To employ teachers.

When to discharge them.

Teachers may appeal to Council.

To visit once a week.

May suspend or expel scholars.

To keep houses in repair.

Purchase fuel, books, &c.

Not to expend over \$50 for one article without consent.

Chairman to report semi-annually.

Sec. 381. The School Committee shall employ for each school, a Principal and such assistant teachers as they may consider necessary, and they shall discharge any of such teachers when such discharge shall, in their opinion, be demanded by the best interests of the school. But any teacher who may consider himself or herself wrongfully discharged, may appeal to the Mayor and Board of Councilmen.

Sec. 382. The Committee shall visit each school at least once in each month, and a majority of them may suspend or expel any scholar whose conduct shall, in their opinion, deserve it.

Sec. 383. They shall, subject to the control of the Mayor and Councilmen, have the school houses kept in repair, and purchase such fuel, books, stationery, apparatus, and other articles as may be necessary for successfully conducting the schools. But they shall not expend more than \$50 for any one article, without previously obtaining the consent of the Mayor and Council.

Sec. 384. The Chairman shall make a semi-annual report to the Mayor and Council of all the actings and doings of the Committee.

Scholars.

Who may attend gratis.

How children in one district may attend school in any other.

How children of strangers may attend.

Playing on ground.

Penalty.

Sec. 385. The children of every citizen of Lexington may attend the school, in the district in which they reside, free of charge.

Sec. 386. The children in one district may attend the school in any other, upon paying into the City Treasury \$3 per session of 5 months, and producing to the Principal of the school the Treasurer's receipt therefor.

Sec. 387. The children of persons not citizens of Lexington, may attend either of the City schools, upon paying into the City Treasury such tuition fee as the Committee thereof may, from time to time, prescribe, and producing to the Principal of the school the Treasurer's receipt therefor.*

Sec. 388. No one shall, hereafter, during the session of the City Schools play upon the grounds connected with either school as play ground for the same, except the Pupils and Teachers and officers thereof, under the penalty of \$10 for every such offence, besides costs.

Trustees of the School Funds.

Sec. 389. The Mayor and Board of Councilmen shall, at their regular meeting in January in each year, and, if they omit it

*NOTE.—An Ordinance in relation to Scholarships in Transylvania University: Be it ordained by the Mayor and Board of Councilmen of the City of Lexington: That in filling the vacancies in the Scholarships, owned by the City of Lexington, in Transylvania University, the pupils of the City Schools, as now established or as they may be hereafter established, shall have the preference, but the vacancies may be filled by others than pupils of those schools.

Passed the Mayor and Board of Councilmen on the 7th of March, 1851.

then, as soon thereafter as their attention may be called to the subject, elect three Trustees of the City School Funds, two of whom shall be members of their own body, and one not a member thereof. Mayor and Council to elect.

SEC. 390. The Trustees of the City School Funds shall have charge of the Bonds of the City in which the Morton Fund has been invested, and see that the interest is annually expended by the Mayor and Board of Councilmen for the support of the Morton School. To have charge of Morton Fund.

SEC. 391. If at any time the City Bonds, in which the Morton Fund is invested, shall be paid, or if it shall be deemed expedient to sell them and otherwise invest the Fund, said Trustees shall make such sale and reinvestment only with the approval of the Mayor and at least two-thirds of the Councilmen in office, or of three-fourths of the Councilmen without the Mayor. To re-invest Morton Fund.

SEC. 392. Said Trustees shall, in the month of January of each year, ascertain what amount of the fines inflicted in the Lexington City Court, during the preceding year, shall be due the City Schools, under the provisions of the City Charter, and if any sum shall be so due they shall draw the same and invest it, as is above provided for investing the Morton Fund. To collect and invest receipts from fines.

SEC. 393. They shall in like manner, under the direction of the Mayor and Council, receive and invest any other sums of money which may be, in any way, or by any person, set apart to be appropriated to the City Public Schools, To invest other School Funds.

SEC. 394. If it shall be at any time deemed advisable to loan out any school fund, such loan shall be secured by personal surety, and by mortgage on real estate in Fayette County, valued by two disinterested persons, under oath, at twice the amount loaned. How funds to be loaned out.

SEC. 395. Said Trustees shall report to the Council, at the regular monthly meetings in March and September, the exact condition of all School Funds the city may have, and the receipts and disbursements thereof which shall have been made since their last report. To report semi-annually.

See ACCOUNTS.

SHOOTING.

Guns and Pistols.

SEC. 396. No person, except watchmen or militia men in the discharge of their duties, unless in defense of life or liberty, shall fire a gun or pistol in the following limits, viz: Beginning at the white house owned and occupied by ——— Lawless, on Upper Broadway, thence to the residence of Dr. Lloyd Warfield, thence to D. Megowan's residence, thence to Waller's residence, thence to the City Poor and Work House, thence to M. C. Johnson's residence, thence to David Adams' residence, thence to the beginning. Nor shall any person shoot between such limits. Not to shoot in shooting bounds. Nor out of them off their own premises.

Penalty. and the city limits, except on his own premises, or with the permission of the occupier of the premises on which he shoots, under the penalty of \$3 for offense.

Squibs, Crackers and Fire-works.

SEC. 397. No person shall shoot or set off squibs, crackers, rockets, or any other species of fire-works within the shooting limits prescribed in the last section, under the penalty of \$3 for each offense.

For firing cannon. SEC. 398. The firing of cannon within the city limits is hereby prohibited under the penalty of \$50 for each offense.

SINKING FUND.

What to constitute, and its purpose. SEC. 399. The rents of all property belonging to the city which shall be rented, and five-eighths of all the revenue received from taxes, except the fire tax and such tax as may be levied for City Schools, shall be and they are hereby sacredly set apart as a sinking fund for the payment of the city debts, which were contracted prior to the 7th day of April, 1842, and all debts which have been or shall be contracted for the purpose of raising funds to pay any such.

See TREASURER.

SLAUGHTER HOUSES.

Penalty for within 100 yards of a residence. SEC. 400. No Slaughter House shall be erected or permitted to remain in this city within one hundred yards of any building occupied as the residence of a family, under the penalty of \$5 for each day such Slaughter House shall be used as such.

SLAVES.

How Punished.

Offences for which penalties are prescribed against the commission by freemen. SEC. 401. Any slave who shall commit any offence, against the commission of which by a freeman, a penalty is prescribed in these ordinances, or shall hereafter be prescribed by any city ordinance, shall, unless otherwise provided for, receive on his or her bare back, at the public whipping post, two lashes for every dollar of fine which would be inflicted against a freeman for the same offense, said lashes however never to be less than ten nor to exceed thirty-nine.

How lashes may be commuted. SEC. 402. The punishment of slaves by lashes may be by the Court commuted for the immediate payment of 50 cents for every lash to be inflicted, and the costs of the prosecution.

Offenses by.

SEC. 403. Any slaves found within the city loitering in the streets, or lots, or collected together in groups off their master's premises, drinking, rioting, or in any way disturbing good order, shall each receive ten lashes on his or her bare back. Loitering about or disturbing good order. Penalty.

SEC. 404. No slave shall, unless by an order of his or her master, take charge of the baggage of any passenger arriving in the city, by a railroad car or other public conveyance, for the purpose of carrying the same to the stopping place of such passenger, except such slave be a servant at such stopping place, under the penalty of receiving not more than ten lashes on his or her bare back for each offense. Not to take baggage from railroad cars. Penalty.

SEC. 405. Any slave who shall, without his master's consent, take any employment from any other person shall receive ten lashes on his or her bare back. Taking employment without master's consent.

SEC. 406. Any slave who shall, without the permission of the owner or hirer, write for or deliver to any slave or slaves a written authority for any purpose whatever, in the name of the owner or hirer or other person, or in the name of any fictitious person, shall be punished by the infliction of thirty-nine lashes. Giving passes or other written authority.

Offenses, relating to.

SEC. 407. Any master or owner of a slave who shall permit him or her to hire his or her time within the city, shall, besides having his slave confined in the City Work House, be fined \$50. And any slave so found hiring his or her own time shall be arrested and carried before the City Court, and if necessary shall be by said court committed to the City Work House until a warrant can be served on his master, to show cause why he should not be fined, and his slave not be imprisoned as provided in the City Charter. Owners permitting to hire their time. Penalty. Slave how dealt with.

SEC. 408. Any person who shall employ a slave without the consent of his or her master or mistress, shall be fined in any sum not exceeding \$10. Penalty for employing without consent of master.

SEC. 409. Any person who shall permit five or more slaves to be, and remain at any one time, in any house or premises of which he or she shall have control, without the written permission of the masters of such slaves, shall be considered as keeping a disorderly house, under the provisions of these ordinances, and shall be fined accordingly. Such person shall also, in addition thereto, be fined \$1 for every slave so permitted to be on his premises. Permitting more than five to collect.

SEC. 410. Any free person who shall be present at any unlawful assembly of slaves, in any manner giving encouragement or countenance thereto, shall be fined in any sum not exceeding \$20. Freemen present at lawful assemblies of. Penalty.

See MARKET ; NIGHT WATCH ; PLAYING CARDS.

STAGNANT WATER.

Lots to be drained by owners.

SEC. 411. Every owner of a lot on which water collects and becomes stagnant, shall have the same well drained and kept dry, or so filled up and graded that the water will cease to collect on it. And any owner or occupier of a lot who shall permit water to collect on it and become stagnant and offensive, shall be fined in any sum not exceeding \$5 for every twenty-four hours it shall so remain.

Penalty.

When Marshal to drain lots.

SEC. 412. When the cost of removing any stagnant and offensive water, by grading or draining, shall not exceed \$20, and the person owning the lot on which it has collected, shall have failed to remove it, after having been for twenty-four hours notified so to do by the Marshal, the Marshal shall cause the same to be done immediately at the cost of the city; and the person so failing shall be fined in any sum not less than the cost of such draining and grading, and not more than \$20.

STREETS AND ALLEYS.

Repairs on.

Occupiers of lots to keep sidewalks and gutters repaired.

SEC. 413. The occupiers of lots in the city shall keep the sidewalks and gutters, in front of their respective lots, in good repair; and any person who shall fail or refuse to repair a sidewalk or gutter, which shall need repairing, before any lot occupied by him or her, after having been for three days notified so to do by the Marshal, shall be fined \$3 for every day on which he or she shall thereafter so fail or refuse.

Penalty.

City Hands to repair carriage ways.

SEC. 415. The carriage ways of the several streets shall be kept in repair by the city hands, and the materials for the same shall be procured at the expense of the city, under the direction of the Committee of Internal Improvements.

To be kept clean.

Occupiers of lots to keep gutters and sidewalks clean.

SEC. 415. The occupiers of lots shall keep the gutters and sidewalks in front thereof, and the gutters leading therefrom, clean and in good order; and any person who shall fail or refuse to clean their sidewalks and gutters for twenty-four hours after having been notified so to do by the Marshal, shall be fined \$3 for every day they shall so fail or refuse.

Penalty.

Occupiers to have mud raked up.

SEC. 416. The occupiers of lots shall, when notified by the Marshal so to do, have the mud in the streets, from the sidewalk to the middle of the street, well scraped up in heaps; and any person failing or refusing so to do, for twenty-four hours after such notification, shall be fined \$3 for every day they shall so fail or refuse.

Penalty.

Obstructions.

SEC. 417. Any person who shall be engaged in erecting a building, paving a street or sidewalk, or making any other improvement in the city may, while he is so actually engaged, and subject to the directions of the Mayor and Marshal, obstruct so much of the street as may be reasonably necessary for such purposes, provided that a free and ample passage for foot passengers and vehicles shall always be left unobstructed, and that the gutters be kept open and unobstructed for the passage of water. And any person who shall make any such obstruction, while not so actually engaged, or who, while so engaged, shall fail or refuse to leave a free and ample passage for vehicles and foot passengers, or to obey any directions of the Mayor or Marshal in relation to such obstructions, shall be fined \$3 for each day's continuance of either of such offenses.

When and how
builders, &c.,
may obstruct the
streets.

Penalty for
breach of this
section.

SEC. 418. Any person, when it shall be necessary for any of the purposes in the last section mentioned, may, with the consent of the Mayor, place boards, ropes, chains, and other guards to protect their work, and keep or warn off vehicles, horsemen, or foot passengers; and any person who shall wilfully break down such guards, or injure any such work by riding, driving, or walking overt it, or otherwise, shall be fined \$3 for each offense.

When builders,
&c., may erect
guards to protect
their work.

Penalty for
breaking them
down.

SEC. 419. No person shall permit any building materials, wood, coal, barrels, hogsheds, or other things belonging to him or her, which will obstruct either the sidewalks, gutters, or carriage ways, to remain on the street more than twelve hours, except as above authorised, under the penalty of \$3 for each day such offense shall continue; except that merchants and grocers may occupy four feet of the pavements on which their respective business houses front: provided, however, that harrows, plows, hempbreaks, stoves, pots and kettles, shall not be left on the streets during the night; and all persons may occupy the same space of the pavements on which their houses front, with steps, cellar doors and windows, and other such things appertaining to their houses, unless forbidden so to do by the Marshal.

Obstructions not
permitted.

Penalty.

Exceptions.

SEC. 420. No person shall permit his or her wagon to remain all night on any street or alley, except market wagons in attendance on market. Wagon Makers and Blacksmiths, shall have the privilege of keeping wagons, carts, carriages and buggies on one-third of the side of the streets opposite their respective shops, while such vehicles shall be undergoing repairs, provided that no vehicles shall remain over four days at one time.

Wagons not to
remain all night.

Penalty.

Wagon makers
and Blacksmiths
privilege.

SEC. 421. Nor at any time shall any person feed his or her horses on any street or alley, under the penalty of \$3 for each offense.

Penalty for feed-
ing horses on.

SEC. 422. No person shall erect any building, or fence, so that it will project into any street or alley, or permit any building or fence which he shall have so erected so to continue, un-

Buildings not to
project into.
Penalty.

der the penalty of \$3 for every day any such obstruction shall so continue.

Horse racks and blocks not to be without consent. Penalty. Sec. 423. No person shall, without the consent of the Mayor or Board of Councilmen, erect any rack for hitching horses, or any block for dismounting, in any street or alley, or permit any such which he or she shall have so erected to remain, under the penalty of \$3 for each day's continuance of the offense.

Of Riders and Drivers.

Not to ride, drive, &c., on pavements. Not faster than a moderate trot. Nor in turning corners faster than a slow trot. To pass to the right. Penalty.] Sec. 424. No person shall ride, lead, drive, or otherwise cause any horse, mule, ass, ox, or vehicle to be upon any sidewalk, except in crossing the same, to or from premises inside the sidewalk, into which such person may, with such animal or vehicle, lawfully enter, nor shall they cause any such animal or vehicle to remain stationary on any sidewalk. Nor shall any person either ride or drive any animal, either attached to a vehicle or otherwise, in any of the streets, in a faster gait than a moderate trot. Nor in turning corners, or going through alleys, shall they go faster than a slow trot. Persons so riding and driving who shall meet in narrow passways, or when the streets are crowded, shall pass each other to the right; and any person violating either of the provisions of this section, shall be fined \$5.

Riding and driving against another. Penalty. Sec. 425. Any person who shall wilfully, carelessly, or recklessly ride or drive against any other person, or the property of any other person, shall, if the offence does not amount to felony, be fined any sum not exceeding \$50.

Leaving them without unhitching. Or so as to obstruct passage. Penalty. Sec. 426. No person having the charge of a wagon and team, shall go from or leave the same alone, without unhitching the animals attached to the same. Nor shall any such person place and permit his wagon to remain stationary, so that it will obstruct the passage of any street under the penalty of \$3.

Wells, Holes and Cellar Doors.

Wells not dug without consent of Council. Pumps to be placed in or well covered. Penalty. Sec. 427. No well shall be sunk or dug in any of the streets, alleys, or public grounds of the city, without the consent of the Mayor and Council therefor shall have been previously obtained. A pump shall be placed in all wells so dug or sunk, unless the same shall be dispensed with by the Council, and then such well shall be so covered over or boxed as to obviate all danger to persons passing near it, either in the night or day, and any person violating either of the provisions of this section, shall be fined in any sum not exceeding \$10 for each day the offence shall continue.

Not to dig holes without consent. Nor fail to have it securely covered. Sec. 428. No person shall, for any purpose, dig any hole in any of the streets or alleys of the city, without having first obtained the consent of the Mayor and Council therefor. Nor shall any person digging such hole or opening fail to have the

same securely covered every night. Nor shall any person have control of any cellar door, or other opening in the street, fail to have the same securely covered over, with a door or otherwise, every night, under the penalty of \$3 for each offense.

Nor fail to have cellar, door covered.
Penalty.

Animals at large.

SEC. 429. No owner of any horse, colt, ass, or mule shall permit the same to run at large in the public streets and alleys, under the penalty of \$3 for each day any such animal shall run at large.

Horses, etc., not to run at large.
Penalty.

SEC. 430. No owner of any goat or hog shall permit the same to run at large in the public streets and alleys, under the penalty of \$1 for each day such goat or hog shall run at large.

Nor goat or hog.
Penalty.

SEC. 431. No owner of any proud bitch shall permit her to run at large on the streets or alleys, under the penalty of \$5 for each day she shall run at large.

No proud bitch.
Penalty.

Nuisances.

SEC. 432. No person shall directly or indirectly place or cause to run upon any of the streets or alleys, any dirt, chips, trash, dead carcasses, dung, scraps of leather, pieces of tin, or glass, ashes, shavings, suds or slop from a kitchen, hatter's shop, or dyer's shop, or other substance whatever which will become a nuisance, under the penalty of \$3 for each offense.

Trash, dead carcasses, etc.
Penalty.

Kites.

SEC. 433. No person shall fly a kite in, near, or across any of the streets or alleys, or permit one which he shall be flying elsewhere, to fall near or across any street or alley, under the penalty of \$2 for each offense.

Not to be flown in or across.
Penalty.

Injuries to Streets and Appurtenances.

SEC. 434. No person shall drive any wagon over any of the streets with a wheel thereof locked, under the penalty of \$2 for each offense.

Penalty for driving wagon with locked wheel.

SEC. 435. No person shall remove the earth or stone from any of the streets without permission of the Mayor or Council, under the penalty of not exceeding \$5 for each offense.

Removing earth and stone.
Penalty.

SEC. 436. Any person who shall wilfully remove or injure any lamp-post, awning frame, tree, tree-box, pump, well, or other lawful appurtenance to any of the streets, shall be fined in any sum not exceeding \$5 for each offense.

Injuring appurtenances to.
Penalty.

Public Square.

SEC. 437. No person shall expose for sale, cut or eat a melon

Melons not be
sold, cut or eat
on.
Penalty.

of any kind on the public square, or any of its pavilings or pavements, under the penalty of \$3 for each offense.

SEE MARSHAL; MAYOR and COUNCIL.

SURVEYOR.

Duty.
Fee.
May enter upon
private premises.

SEC. 438. The City Surveyor shall, whenever required by any person, ascertain and mark the lines and corners of any lot in the City of Lexington, for which service he shall be entitled to a fee of \$1; and he may make entry on the premises of any person whatsoever, when such entry may be necessary to the performance of the duties of his office.

To fix grade of
streets, etc.

SEC. 439. All persons who shall hereafter be required to grade and curb any street within the City of Lexington by the Council, or otherwise, shall call on the City Surveyor for the proper grading of said street, or curbing of the same. And any person failing so to do shall be subject to a fine of ten dollars to be collected by warrant: Provided, that no free person shall be required to have the Surveyor where the corners of said street have already been surveyed and fenced according to this ordinance.

Penalty for re-
sisting.

SEC. 440. Any person who shall resist the Surveyor in the performance of his duties, shall be fined in any sum not exceeding \$10 for each offense.

To keep a record

SEC. 441. The Surveyor shall keep a record of all lines and corners marked by him, and deliver the same to his successor in office.

Lines and cor-
ners of buildings
to be determined
by.

SEC. 442. No person shall commence the erection of any permanent building, binding on any street, without having the lines and corners thereof first determined by the Surveyor, under the penalty of \$20. And from any decision of the Surveyor an appeal may be had to the Mayor and Council.

Penalty.

See ACCOUNTS; OFFICERS; SALARIES.

TAXATION.

To be laid by
resolution of
Mayor and
Council.

SEC. 443. A tax for City purposes of not exceeding forty cents on the \$100 worth, shall be annually, by resolution of the Mayor and Board of Councilmen, laid and levied on all property hereinbefore directed to be by the Assessor valued for taxation, except the goods, wares and merchandize, groceries, and vehicles forming part of the stock in trade of merchants, grocers and keepers of carriage depositories.

On what.

Stores and groce-
ries.

On first rate.

Second rate.

Third rate.

Fourth rate.

SEC. 444. For the same purpose an annual tax of \$75 is hereby laid and levied on each store and grocery, which shall be as hereinbefore directed, rated as "first rate." \$50 on each which shall be rated as "second rate." \$30 on each which shall be rated as "third rate," and \$10 on each which shall be rated as "fourth rate." But any "fourth rate" grocery or store which shall have license from the State of Kentucky to sell spirituous

liquors, shall be rated as "third rate," and taxed accordingly. Carriage depositories.
 And a tax of \$40 on each carriage depository which shall be rated as "first rate." \$30 on each which shall be rated as "second rate." \$20 on each which shall be rated as "third rate," and \$15 on each which shall be rated as "fourth rate." And a tax of \$50 on each commission and forwarding house which shall be classed as "first rate:" \$30 on each which shall be classed as "second rate:" \$20 on each which shall be classed as "third rate," and \$10 on each which shall be classed as "fourth rate." On first rate.
 Second rate.
 Third rate.
 Fourth rate.
 On Commission Houses.
 First rate.
 Second rate.
 Third rate.
 Fourth rate.

SEC. 445. For the same purpose a tax of \$1 is hereby laid and levied on each dog, bitch or puppy which shall be listed by the Assessor or Collector as hereinbefore directed, which shall be paid by the person having control of the premises on which such dogs, bitches or puppies shall generally stay; except such as are allowed house keepers living in the suburbs, in ordinance on dogs. SEC. 105. On dogs, etc.
 Exception.

SEC. 446. For the same purpose also, taxes shall be laid and levied on licenses as prescribed under the several heads herein, under which the granting of licenses is authorized. Licenses.

Fire Tax.

SEC. 447. A tax of five cents on the \$100 worth of all property hereinbefore directed, to be by the Assessor valued for taxation, including the stock of merchants, grocers and keepers of carriage depositories, is hereby laid and levied for the use of the Fire Department of this city. Five cents on \$100 worth of all property.

Tax for City Schools.

SEC. 448. A tax of ten cents on the \$100 shall be levied upon all assessed property in said city, which shall be collected by law, and the fund arising therefrom shall be kept by the Treasurer distinct and separate from other funds, and shall be expended only under the direction and management of the Board of Councilmen for the support and maintenance of the Public City Schools. School tax.

Tax on Negro Jails.

SEC. 449. The annual tax on Negro Jails shall be \$200.

TEN PIN ALLEYS, ETC.

SEC. 450. No owner, agent, or keeper of any Ten Pin Alley, Bagatelle or Dutch Billiard Table, or other Table or Alley for playing any game, kept in this city, for the purpose of charging or receiving any compensation for bowling or playing thereon, or directly or indirectly making any profit thereby, shall knowingly permit any such bowling or playing, without a license having Penalty for keeping without license.

been first obtained for each Alley or Table so kept, under the penalty of \$20 for each offence.

When Clerk to issue license. SEC. 451. The Clerk of the City shall not issue any license for a Ten Pin Alley, Bagatelle or Dutch Billiard Table, to any person to whom the same shall be granted, until such person shall have paid into the Treasury, and produced to him the Treasurer's receipt for \$50, for each Alley or Table for which he shall have been granted a license.

Tax on. SEC. 452. If any betting shall take place upon any game played on any Ten Pin Alley, Bagatelle or Dutch Billiard Table, with the knowledge or permission of any owner, keeper, or agent thereof, or under circumstances which should reasonably lead such owner, keeper, or agent to suspect the same, he shall, for the first offence, be fined \$50, and for the second fined a like sum, and the license of all the Alleys or Tables kept by such person shall be forfeited. But this shall not prohibit the compensation for the use of the Alley, in playing any game, from being paid by the loser of it.

Betting not to be allowed.

Penalty.

Loser may pay for use of alleys.

TREASURER.

Bond.

Penalty. SEC. 453. The Treasurer shall, before entering on the duties of his office, execute bond in the sum of \$20,000, with good and sufficient surety, to be approved by the Mayor and Board of Councilmen, payable to the City of Lexington, conditioned well and truly to discharge the duties of his office, to account for all monies, bonds, notes and other assets of the city which may come into his hands, and pay over the same to the order of the Mayor and Board of Councilmen.

Condition.

What to receive, keep and dispose of, and how.

To receive all city monies. SEC. 454. He shall receive and safely keep all monies of the City of Lexington, derived from any source whatever and person whatever, paid or collected, and give a receipt for each sum to the person from whom he receives it; deposite the same, when received, in his name as Treasurer of the city, in such bank or banks as may be from time to time designated by resolution of the Mayor and Board of Councilmen; and pay the same out only on the order of the Mayor and Board of Councilmen, certified by the Clerk of the City, and countersigned by the Mayor.

Deposite same in the Banks selected by Mayor and Council.

How to pay them over.

To keep bonds and choses in action. And how dispose of them.

SEC. 455. He shall receive and safely keep all bonds, notes and other choses in action belonging to the city, except the bonds of the Treasurer, Collector, Marshals, Captain of the Night Watch, and Clerk of the City, and when the same shall mature or become payable, he shall hand them to the proper person for collection.

SEC. 456. He shall record in a book, to be kept for that pur-

pose, the Auditor's reports, hereinbefore directed to be furnished to him by the Clerk of the City, within two days after each meeting of the Council, together with any certificate of the Clerk of any changes in the allowance therein of accounts, which shall have been made by the Council, and he shall pay no claim which shall not appear from such report and certificate to have been by the Council ordered to be paid, and then only such balance as may appear from such report to be due to the claimant from the city.

To record Auditor's reports.

What claims to pay.

SEC. 457. He shall only pay out the monies constituting the Sinking Fund, on the orders of the Committee of Ways and Means, countersigned by the Mayor, which shall appear on the face thereof, to be drawn for the purpose of paying some debt, for the payment of which said fund is set apart.

How pay out Sinking Fund.

When to Account.

SEC. 458. The Treasurer shall exhibit at each monthly meeting of the Mayor and Council, an account of all his receipts and disbursements for the month, and his vouchers therefor, together with his bank book and checks; and if it shall, at any time, appear that he has used any portion whatever of the monies of the city for his private purposes, or permitted any other person so to do, he shall be removed from his office,

To exhibit account of receipts and expenditures at each meeting of the Council.

To be removed if he has used City monies.

SEC. 459. He shall, at the monthly meeting of the Council in December in each year, lay before it a detailed statement of all the accounts hereinafter directed to be kept by him, showing all monies paid out and received on each. He shall also, at such time and whenever else by them called on so to do, produce all his vouchers to the Committee of Ways and Means, and have a full settlement of his accounts with them.

In December to report detailed statements of all accounts.

And settle with Committee of Ways and Means.

What accounts to keep.

SEC. 460. The Treasurer shall keep a separate account for each house and lot, and piece of real estate owned by the city, for each individual, company, or corporation, with whom or which the Mayor and Board of Councilmen shall have an account; for each road or corporation in which the city shall own stock; for each officer whose duty it shall be to collect and pay any money into the Treasury from any source whatever, or who shall receive any money from the Treasury for salary, costs, or otherwise, showing the amount of all such payments and receipts, and on what account they shall have been paid or given. He shall also open accounts under the following titles, showing all monies which shall be paid or received on account of each: The City of Lexington, the Poor and Work House, the Market House, Morton City School, No. 1, Harrison City School, No. 2, Dudley School, No. 3, Potters Field, the Fire Department, Bills Payable, Bills Receivable, Licenses, Fines and Penalties, Shows

and Exhibitions, and an account, under a proper title, for all casual or incidental expenses, not properly chargeable to any other account.

To countersign and keep account of all City bonds and notes. And report to each monthly meeting of the Council.

SEC. 461. He shall countersign all bonds and notes of the city, keep an account of the dates, amounts of the same and to whom, and when they shall be payable, and lay before the Mayor and Board of Councilmen, at each of their regular monthly meetings, an abstract of all which he shall have signed during the month.

See ACCOUNTS; CLERK OF THE CITY; COLLECTOR; HOSPITAL AND WORK HOUSE; MARKET; MARSHAL; MAYOR; NIGHT WATCH; OFFICES; SALARIES.

WARDS.

SEC. 462. The City of Lexington shall be laid off into four Wards, to be designated by their respective numbers, viz.; No. 1, No. 2, No. 3, and No. 4.

Four of them. How designated.

SEC. 463. Ward No. 1, shall consist of all that part of the city within the following boundary, to-wit: Beginning at the intersection of the middle line of Main street and the middle line of Mill street, running thence North-Westwardly, with the middle line of Main street, to the exterior circumference of the city; thence, with the circumference of the city, South-Westwardly to the middle line of Mill street; thence, with the middle line of Mill street, to the place of beginning.

Their boundaries.

Ward No. 1.

SEC. 464. Ward No. 2, shall consist of all that part of the city within the following boundary, to-wit: Beginning at the intersection of the middle line of Main street and the middle line of Market street; thence, with the middle line of Market street extended, North-Eastwardly to the circumference of the city; thence, with the circumference of the city, North-Westwardly to the middle line of Main street, and thence with the middle line of Main street, to the place of beginning.

Ward No. 2.

SEC. 465. Ward No. 3, shall consist of all that part of the city within the following boundary, to-wit: Beginning at the intersection of the middle line of Main street, and the middle line of Market street; thence, with the middle line of Market street extended, North-Eastwardly to the circumference of the city; thence, with the circumference of the city, South-Eastwardly to the middle line of Main street; and thence, with the middle line of Main street, to the place of beginning.

Ward No. 3.

SEC. 466. Ward No. 4, shall consist of all the balance of the city not included in Wards No. 1, No. 2, and No. 3.

Ward No. 4, all the City not in the other Wards.

See NIGHT WATCH.

PUBLIC WEIGHERS.

Licenses.

Only licensed weighers to weigh for sale. Penalty.

SEC. 467. Any person who shall weigh hay, coal, grain or other article for sale or barter within the city, without being a licensed Weigher, shall be fined \$5 for each offence.

SEC. 468. License to Weighers must be granted by the Mayor and Board of Council, and before the same shall be issued by the Clerk of the City, the person applying therefor shall produce to him a receipt from the City Treasurer for the sum of \$5, by him paid for such license, a certificate of the Inspector of Weights and Measures, that he has inspected the scales and weights of such person and found them correct; and file with him a certificate of some officer authorized to administer an oath that such person has before him taken an oath that he will weigh, fairly and truly, all articles which shall be presented to him for that purpose, and that he will issue none but true certificates or statements of the weight of any article which may be weighed by him. And such license shall also include any deputy who shall have been nominated by the person applying for the license, and approved by the Mayor and Board of Councilmen, and who shall file with the Clerk a certificate that he has also taken the oath above prescribed.

Licenses to be granted by Mayor and Council.

Tax on.

Certificate of Inspector of Weights and Measures.

Oath.

To include Deputy.

SEC. 469. Licenses to Weighers must designate the locality of their scales, and a separate license must be obtained for each scale.

To designate locality of scales.

SEC. 470. If any article, when weighed, shall be in or upon any vehicle or other thing, such vehicle or other thing, with the poles, ropes, &c., belonging to it, shall be weighed separately to obtain the nett weight of the article.

To weigh vehicles separately.

SEC. 471. For each parcel or load weighed, the weigher shall receive a fee of twenty-five cents. But he shall not be entitled to any extra compensation for weighing the vehicle or other thing containing the article for sale.

Fees for each parcel weighed.

SEC. 472. Upon the payment of his fee for weighing any parcel, the weigher shall give to the person, presenting the same to be weighed, a certificate of its weight correctly dated.

To give certificate of weight.

SEC. 473. Any Weigher or Deputy Weigher who shall willfully weigh any article incorrectly, or knowingly give a false statement of the weight of any article, shall be fined \$25 for each offence, and liable to any person sustaining damage thereby for the full amount of such damage.

Weighing incorrectly.

Or giving false certificate.

SEC. 474. Any Weigher or Deputy Weigher who shall receive any greater fee than is herein allowed, shall be fined \$5.

Overcharging.

Selling.

SEC. 475. Any person who shall sell and deliver any hay, (otherwise than by the stack,) or any coal in quantities of twenty-five bushels or more, within the city, without delivering for each load or parcel a statement from some licensed weigher of the weight thereof, shall be fined \$5 for each offence.

Selling without Weigher's certificate.

WEIGHTS AND MEASURES.

Inspector.

SEC. 476. The Inspector of Weights and Measures shall, be-

Bond. fore entering upon the duties of his office, execute bond in the sum of \$200, with surety to be approved by the Mayor and Board of Councilmen, payable to the City of Lexington, conditioned to discharge faithfully the duties of his office, to keep safely the standards of Weights and Measures, and the stamp or seal of his office belonging to the city, and to deliver them to the Mayor or to his successor in office upon the order of the Mayor.

To receive and keep standards. SEC. 477. He shall receive the standards of Weights and Measures belonging to the city, from the Mayor or his predecessor in office, and keep them safely in his possession.

Duties generally. SEC. 478. He shall carefully compare with such standards all Weights, Measures, Balances and Beams which shall be presented to him for that purpose, and mark with his stamp or seal all such as he shall find correct. And for this service he shall be entitled to the fees therefor allowed by law—that is to say, for comparing and marking or sealing every steel-yard, twenty-five cents, for comparing and marking any other weight or measure, twelve and a half cents.

Fees. SEC. 479. The Inspector shall, with reasonable dispatch, rectify and put in good order for use, all weights, measures and beams which shall be presented to him for that purpose, and seal the same, and may charge therefor a reasonable compensation.

Other duties. SEC. 480. He shall keep a book in which he shall enter the names of all persons whose weights, measures or beams shall be by him marked, with the date of marking, and a description of those marked for each person.

To keep record. SEC. 481. The Inspector of Weights and Measures as well as all Police Officers, shall from time to time inspect and examine all the Weights, Measures and Beams used in the city. And any person who shall refuse to exhibit his or her Weights, Measures or Beams, or any of them to the Inspector or any Police Officer for inspection, when demanded, or who shall in any other way obstruct or resist them in the performance of the duty imposed by this section, shall be fined \$20 for each offence.

To inspect Weights, &c., from time to time.

Weights and Measures to be Examined and Marked.

Weights, etc., to be marked once a year. SEC. 482. No Weight, Measure or Beam shall be used in this city for weighing or measuring any article for sale or barter until it has been previously marked or sealed by the Inspector, and all such shall be by him compared with the standards once each year, and re-marked or sealed only if found incorrect. Any person who shall so use any such weight, measure or beam which has not been marked or sealed by the Inspector, or which has not been by him compared with the standards within one year previous to the time of so using them, shall be for each offence fined \$10.

Penalty.

SEC. 483. Any person who shall knowingly use any weight,

measure or beam, whether it has been marked by the Inspector as herein required or not, which does not conform to the standards, shall be fined in any sum not exceeding \$5 for each offence, and shall, in addition, forfeit such false weight, measure or beam to the Inspector of Weights and Measures.

Penalty for using
Weights, etc.,
not conforming
to standards.
Forfeiture.

Be it ordained by the Mayor and Board of Councilmen of the City of Lexington, That the Ordinances as revised, and herein published, are the Laws of the City; and all ordinances or parts of ordinances conflicting with any portion or the same, are hereby repealed.

Passed the Mayor and Board of Councilmen the 3d day of June, 1858.

WM. SWIFT, Mayor.

Attest: ED. DUNCANSON, City Clerk.