

UNIVERSITY OF KENTUCKY



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INVENTORY OF
THE COUNTY ARCHIVES
OF KENTUCKY

NO. 34
FAYETTE COUNTY
(LEXINGTON)

THE HISTORICAL RECORDS SURVEY
WORKS PROGRESS ADMINISTRATION

INVENTORY OF THE COUNTY ARCHIVES
OF KENTUCKY

Prepared by
The Historical Records Survey
Division of Women's and Professional Projects
Works Progress Administration

NO. 34. FAYETTE COUNTY (LEXINGTON)
Vol. I

* * * * *

Louisville, Kentucky
The Historical Records Survey
August 1937

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PREFACE

The Historical Records Survey was initiated as a nation-wide project in January 1936, as a part of the Federal Writers' Project of the Works Progress Administration. In Kentucky the Survey became an independent unit in December 1936, but continued to operate as a part of the nation-wide project under the technical supervision of Dr. Luther H. Evans, National Director, Historical Records Survey, and under the administrative supervision of the Division of Women's and Professional Projects of the Works Progress Administration. Work of the Survey in Fayette County, Kentucky, was started in February 1936, suspended for a time, and completed in May, 1937.

The objective of the Survey in Kentucky has been the preparation of complete inventories of the records of the State and of each county, city and other local governmental unit. Although a condensed form of entry is used, the information given includes certain historical facts which may furnish clues to historians and genealogists. Particular effort has been made to supply the inclusive dates of all series of records and to give such description of individual record series that the reader will readily know what information is available and where it is located.

The Inventory of County Archives in Kentucky will, when completed, consist of a separate number for each county in the State, with the units of the series numbered according to the respective alphabetical position of the county. Thus, the inventory herewith presented for Fayette County is No. 34. The inventory of the state archives and of municipal and other local records will constitute separate publications.

The State Office of the Historical Records Survey in Kentucky was originally located in Lexington, which made possible numerous experiments required in developing a thorough method of listing records, not only in Fayette County and the City of Lexington, but in the State of Kentucky as well. The forms used by the field workers in listing the required information were prepared by the National Office of the Survey. These forms, together with instructions from the same source, provided for the nation-wide uniformity of the work. A careful recheck against the actual records within their respective depositories has been made, so that the inventory would be trustworthy.

The historical sketch cites the original boundaries of the county from the statutes and follows this with citations of all subsequent changes. The discussion of governmental organization includes a complete chart of the current governmental set-up. A review of each office precedes the entries of the county offices and includes their history, functions and records. These reviews are predicated on definite constitutional and statutory citations tracing the evolution of the respective offices. Recommendations for improvement of the arrangement and care of public documents, incorporated in the section on "Housing, Care and Accessibility of the Records", have been made only after comprehensive and unbiased study.

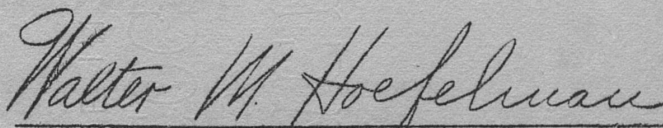
The various units of the Inventory of County Archives will be issued in mimeographed form for free distribution to government offices, libraries, and historical societies in Kentucky and libraries in other states. Requests for information concerning particular units of the Inventory should be addressed to the State Director.

The field work in Fayette County was done by Mrs. Frances F. Cassidy and Miss Margaret Stevens. Mr. Abraham Freeman and Mr. Albert Green were responsible for the legal details, and Miss Virginia Foley did the typing. The work

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of arranging the entries in the inventory was under the supervision of Mr. J. H. Raymer, Assistant State Director.

Particular appreciation for cooperation in our undertaking is expressed to the officials of the Works Progress Administration in Kentucky, the University of Kentucky, Lexington, the Federal Law Library, Louisville, and the following officials in Fayette County: W. E. Nichols, county judge, Samuel H. Cole, county attorney, S. Higgins Lewis, county clerk, George E. DeLong, circuit clerk, and J. Porter Land, sheriff.



Walter M. Hoefelman
State Director
The Historical Records Survey

Louisville, Kentucky,
August 31, 1937.

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HISTORICAL SKETCH

Fayette County, Virginia, named in honor of the Marquis de La Fayette and originally a part of Kentucky County, Virginia, was formed by an act of the Virginia Legislature in 1780. As described, it embraced "all that part of the ...county of Kentucky which lies north of the line, beginning at the mouth of the Kentucky River, and up the same to its middle fork to the head; thence southeast to Washington line" (Hening, Statutes at Large, Laws of Virginia, Vol. X, pp. 315-316). The exact territory embraced in this definition is disputed by present day historians, due to the inaccuracy of contemporary knowledge of the country's rivers (Cf. County Location Map included; and Map of the State of Kentucky; with the Adjoining Territories, J. Russell, 1794: facsimiles issued by the Kentucky State Historical Society, February 1, 1931).

The boundaries were changed four times before the county assumed its present outline. The first two changes, made by the Virginia Assembly, created Bourbon and Woodford Counties in 1785 and 1788 respectively (Hening, Op. Cit., Vol. XII, pp. 89, 628). The third, which occurred in 1792 at the time Fayette and other western counties of Virginia became part of the state of Kentucky, created Clark County from portions of Fayette and Bourbon (William Littell, Laws of Kentucky, Vol. I, p. 119). In 1798 Jessamine County was established from a part of Fayette, making the county boundaries as follows: on the north, Scott; on the east, Bourbon and Clark; on the south, Madison and Jessamine; on the west, Woodford (Littell, Op. Cit., Vol. II, p. 213).

The earliest permanent settlements made in Fayette County were Lexington and Bryant's (or Bryan's) and Grant's Stations, all three of which were established in 1779 (Robert Peter, History of Fayette County, pp. 54, 55; Entry 237).

In 1781 a county government was established in Fayette by an act of the Virginia Assembly, and Lexington was named the county seat (Hening, Op. Cit., Vol. X, pp. 315-316). Courts were held the same year. The first county officials were Levi Todd, county court clerk; Charles Carr, sheriff; John Maxwell, coroner; and Innis Brent, jailer. Members of the court of quarter sessions were John McDowell, Robert Todd and Thomas Lewis; Samuel McDowell was circuit judge, and Thomas Bodley, circuit clerk. The board of magistrates, which formed the county court, was composed of Joseph Crockett, William Campbell, Abraham Bauman, James McMillan, Hubbard Taylor, James Trotter, Walter Carr, Edward Payne and Percival Butler (Peter, Op. Cit., pp. 62, 64).

The early sessions of the county court were held in a log cabin. The first courthouse, a two-story structure built of logs, was not erected until 1782 (Entry 8, Deed Book F, p. 500). In 1788 a small stone courthouse was constructed to meet changing conditions. The rapid growth of the city of Lexington brought appeals for a still larger building, however, and a three-story brick courthouse was completed in 1806. This building was replaced by a more up-to-date one in 1884 (Entries 2, 3), which was in use only thirteen years before it was destroyed by fire on May 14, 1897. Construction of the present courthouse began in 1898 (Entry 4), but the new quarters were not occupied until 1900 (J. Winston Coleman, The Courthouses of Lexington, pp. 10, 11, 16, 30, 32).

The first school in Fayette County was opened by John McKinney one year after Lexington was permanently settled. His successor as school-master, about 1784, was John Filson, author of the first published book concerning Kentucky (Richard H. Collins, History of Kentucky, Vol. II, p. 183). In 1787 Isaac Wilson established the Lexington Grammar School (Ibid.). Ten years after McKinney's school was opened, Transylvania Seminary, from which grew Transylvania University,

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held its first commencement. "In the presence of a very respectable audience, several elegant speeches were delivered..., and in the evening a tragedy was acted,...the whole concluded with a farce" (Kentucky Gazette, April 26, 1790, quoted by R. H. Collins, Op. Cit., p. 193).

On the eleventh day of August, 1787, the first newspaper west of the Allegheny Mountains, the Kentucke Gazette, was issued at Lexington. The sheet rapidly became a dominant factor throughout the Fayette County region. It was not until March, 1789, that the spelling "Kentucky" was definitely adopted, as the result of action on the part of the Virginia Legislature (Collins, Op. Cit., pp. 180, 195). The paper has been out of existence for some time, but the site of the cabin in which it was first printed is suitably marked.

The first state constitution, adopted at Danville on April 19, 1792, required the general assembly to meet at Lexington the following June 4 to provide for a permanent seat of government. By June 18 the assembly had chosen five commissioners and granted them power to select the site. The following notice appeared in the Kentucky Gazette for July 28, 1792: "Notice is hereby given, that the commissioners for fixing the permanent seat of government, will attend at Brent & Love's Tavern in Lexington, on the first Monday in August next, and the succeeding day, to receive proposals from any persons authorized to make offers concerning the business of their commission, and will proceed from thence to view any place or places which will be thought most eligible" (quoted by Collins, Op. Cit., pp. 181, 194; see also Reuben Durrett, The Centenary of Kentucky, a Filson Club Publication, p. 57).

A significant petition was sent to the Virginia Assembly in 1787 by the citizens of Fayette County. It was requested that tobacco inspection be established in the county, as yet without warehouses or an established system of inspection, on the Kentucky River near Stone Lick. It was further stated that the citizens were desirous of "making tobacco to pay taxes and for other purposes" (James Rood Robertson, Petitions of the Early Inhabitants of Kentucky, p. 102). A responsive Assembly passed an act "to enable the citizens of the commonwealth to discharge certain taxes by the payment of tobacco" (Hening, Op. Cit., Vol. XII, p. 258).

From the county's founding tobacco has played the chief part in its prosperity. Recent markets have been occasions of great interest to the state at large because of the high prices paid and the unusual profits accruing (cf. The Lexington Leader, Dec. 19, 1936). White Burley is the variety most frequently grown.

Fayette County is the heart of the Bluegrass region, which has long been known for the thoroughbred horses it produces. The first recorded public race meeting in the county was held at Lexington in August, 1789. The Lexington Jockey Club was formed twenty years later (1809) and has flourished ever since, under various names, always seeking "to improve the breed of horses by encouraging the sports of the turf" (Collins, Op. Cit., p. 171). Elmendorf, Calumet, Dixiana, Walnut Hill and Idle Hour are some of the numerous stock farms in the county. Several of these farms are open to visitors at certain hours, and are centers of great attraction to persons interested in thoroughbreds.

A third important source of income for citizens of Fayette County, which was developed at an early date, is the manufacture of whiskey. The high percentage of lime and phosphorus present in the springs of the region is generally considered a prime factor in the production of the Bourbon Whiskey for which it

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is famous (Peter, Op. Cit., p. 205).

In 1793 Fayette County had four important roads: The Wilderness, the Nashville, the Lexington-Limestone and the Louisville Roads (R. S. Cotterill, History of Pioneer Kentucky, p. 236). Today, four federal highways (Nos. 25, 27, 60 and 68) traverse the county.

Small settlements in the county include Athens, Brier Hill, Montrose, South Elkhorn, East Hickman and Slickaway.

A short distance northwest of the city of Lexington a federal narcotic farm and hospital has been erected. The institution is unique in this part of the country.

Local nineteenth century historians were fond of applying the rather extravagant soubriquet "Mother of Counties" to Fayette. Even with the limitations of a more realistic outlook, however, some truth will be granted the lesser implication of the title when it is realized that originally Fayette County embraced approximately one-third of the state of Kentucky, or forty-seven of its present counties.

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" " " " " " " " .XII p. 628.

WILLIAM LITTELL, LAWS OF KENTUCKY. VOL. I. p.119.

GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

In November, 1936, the county of Fayette adopted the commission form of government as provided in the Constitution of 1891 (Carroll, Kentucky Statutes, 1936 ed., Stat. 1847). Under the commission plan three commissioners elected from the county at large, together with the judge of the county court, constitute a board of commissioners. The commissioners will replace the justices of the peace under the fiscal court system of government, which has consisted of the county judge and four justices of the peace, also provided for in the Constitution of 1891 (Ibid.). The commission plan of government will not go into effect, however, until the expiration of the terms of the present justices.

Elective offices of the county as provided by constitution are: (1) the county court clerk, who performs duties expressed in his title, is the state's recording agent in the county and acts as clerk of the fiscal court; (2) the county judge, who presides over the county, quarterly and fiscal courts, or board of commissioners, and is chief executive of the county; (3) the county attorney, who represents the state in criminal cases, the county and state in civil suits, and is legal advisor to county officials and boards; (4) four justices of the peace, who are judges of minor civil and criminal cases and, at present, district members of the fiscal court; (5) the sheriff, who executes various process or writs, acts as peace officer and collects various taxes; (6) four constables, who act as district sheriffs; (7) the jailer, who performs not only the duties indicated in his title but is charged with custody of the county property at the seat of justice; (8) the coroner, whose principal function is to investigate causes of death which occur under suspicious circumstances; (9) the surveyor, who is primarily an adjunct of the court in determining boundaries of real property in litigation (Const. of 1891, Sec. 99); and (10) the circuit clerk, who acts as recording agent of the circuit court, collects taxes and costs, forwards them to the auditor of public accounts and exercises certain judicial powers in the absence of the circuit judge (Ibid., Sec. 97).

Elective offices of the county mandatory by statutes are: (1) the county tax commissioner, whose duties consist wholly in evaluating property for taxation for both state and county purposes (Stat. 4042a-1); and (2) the five members of the board of education, who are responsible for determining school policies within that portion of the county not included in municipal or graded school districts (Stat. 4399-25).

Appointed offices mandatory by statutes are: (1) the three members of the board of tax supervisors, who review and equalize assessments (Stat. 4115); (2) the county treasurer, whose powers and duties are limited to the receipt of moneys and their disbursement upon authority of the fiscal court (Stat. 929); and (3) the county school superintendent, who is an agent of the state in administration of school laws and accounting for all funds spent in the county and an agent of the county board of education in local aspects of school administration and policy (Stat. 4399a-10a). County election commissioners are appointed by the state board of election commissioners to supervise county elections and appoint election officers (Stat. 1596a-2).

Optional offices provided by statute are: (1) the county board of health, which watches over interests not only of the county but also the state in eliminating and preventing communicable and contagious diseases (Stat. 2054a-3); (2) the county health officer, who is executive agent of both the county and state boards of health (Stat. 2054a-15); (3) the county road engineer, who acts under the direction of the fiscal court in the construction and maintenance of local roads (Stat. 4325); and (4) the county auditor, who is essentially an examiner of claims and accounts under the direction of the fiscal court (Stat. 137).

Governmental Organization and Records System

The courts consist of circuit, county, quarterly, magistrates and fiscal courts.

Since the county of Fayette is a separate judicial circuit (No. 22), the circuit court is one of continuous session, presided over by a circuit judge who is elected from the judicial district for a term of six years (Const. of 1891, Secs. 125, 129-131). It has jurisdiction in trials of all litigated controversies except the smallest and in the more important criminal cases. A master commissioner is appointed by the circuit judge and acts under his supervision (Stat. 409). The commonwealth attorney acts as law-enforcement officer and prosecutor for the judicial district (Const. of 1891, Sec. 97).

The county court is presided over by the county judge. This court exercises jurisdiction mainly in the administration of estates and juvenile cases (Ibid., Sec. 140). It meets the second Monday in each month.

The quarterly court, under the direction of the judge of the county court, meets monthly. Its jurisdiction is purely civil (Ibid., Sec. 139).

Each of Fayette's four districts contains a justice's court presided over by a justice of the peace, whose jurisdiction is coextensive with the county (Ibid., Sec. 142).

The fiscal court, which will be replaced by the board of commissioners under the commission plan of government, consists of the county judge and four justices. This court has control of fiscal affairs for the county (Stat. 1840).

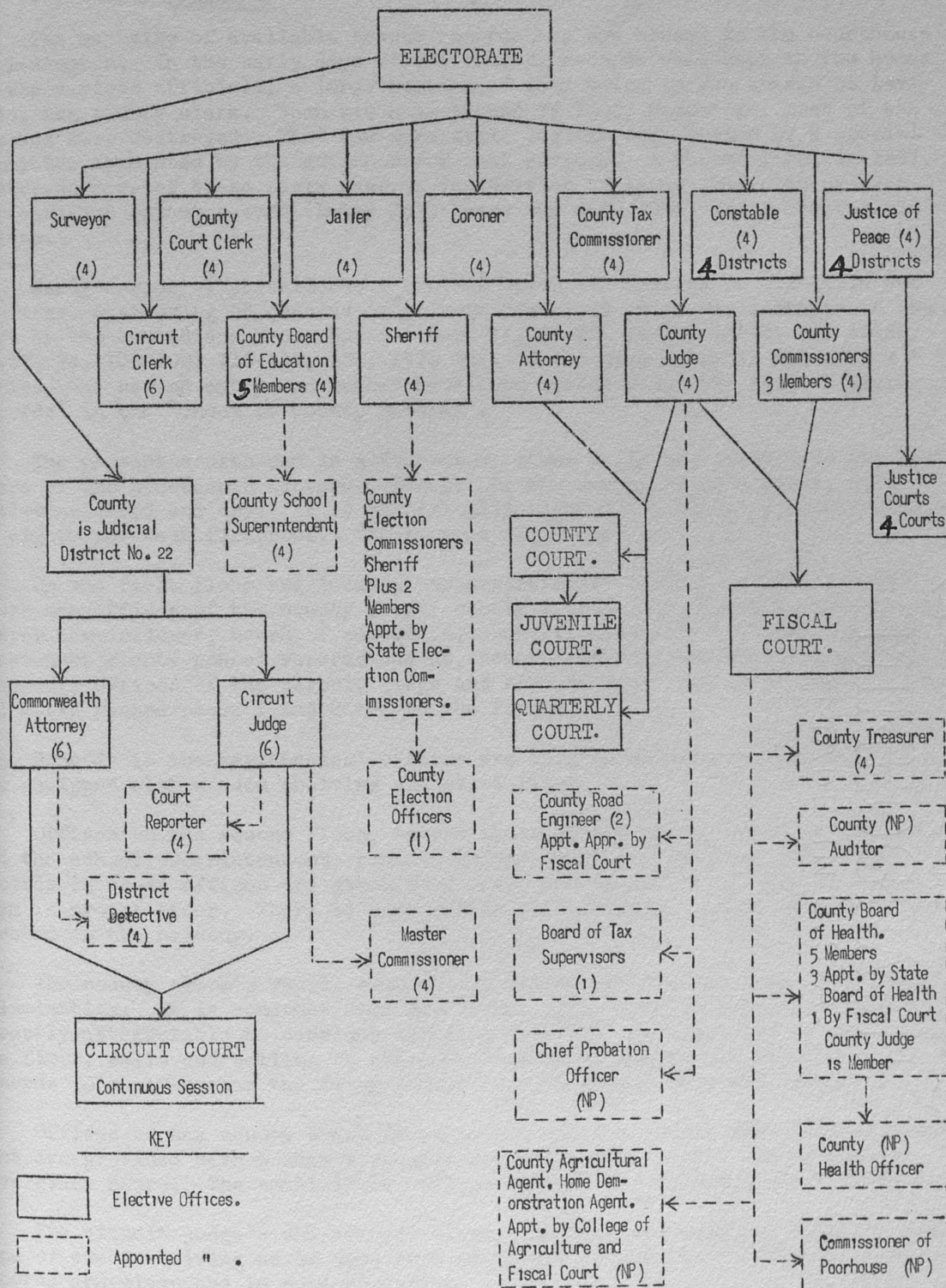
In regard to the records system, an effort is made to keep original instruments in file boxes and records of them in bound volumes. There are frequent instances, however, when records of the same type are divided between volumes and file boxes. The paper used at present is of good quality, and there is a general tendency to use the typewriter in filling out blank forms. Such practice is certainly commendable and will doubtless prolong the legibility of the records. Miscellaneous records are kept at a minimum, and a fair degree of uniformity within series is maintained. All too frequent gaps occurring in the records can only be attributed to carelessness on the part of responsible custodians. Binding in most cases is a good quality fabricoid, seemingly very durable.

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HOUSING, CARE AND ACCESSIBILITY OF THE RECORDS

The majority of available county records are now housed in the courthouse at Lexington. In the early days of the county, records were kept in the homes of the various officials, a large portion of them being in the charge of Levi Todd, the county clerk. When his home burned in 1803, therefore, most of the records were destroyed. What few were still legible were copied by a special committee appointed by the governor for that purpose. A second fire, in 1897, destroyed more of these early records in addition to later ones. At present, the earliest extant record (Entry 237) bears the date 1783; this, however, is unique.

Early series of certain basic records which are missing or illegible due to fires, scattering of records in private homes, or gross carelessness on the part of the custodians are: Entries 8-9, 11, 21-22, 35-36, 41-43, 46, 49-50, 56-57, 74, 108-109, 116-117, 131, 177, 183. Where gaps occur in dates of a series, the record entry and number have been listed under the title "Missing Records" in the "Index to County Records".

The present courthouse is a four-story stone building, erected in the last years of the nineteenth century. Except for the county clerk's vault, it is well-ventilated and dry. It is electrically lighted throughout and approximately eighty per cent fireproof. The roof is of slate.

On the first floor are located the magistrates' offices; on the second floor are offices of the county judge, county court clerk, auditor, treasurer, master commissioner, board of education, sheriff, constables, county tax commissioner, county school superintendent, county attorney and the county road engineer; offices of the circuit judge and circuit clerk are on the third floor; and attic record rooms 1 and 2 are on the fourth.

Records in the magistrates' offices are in good condition. The offices are equipped with wooden shelving and steel files.

Offices on the second floor, except those of the county board of education and the school superintendent, contain modern steel shelving and file boxes. Records in these offices are given good care, and an effort is made to keep them in proper order. There is very little dust or soot, except on a few files located on the balcony.

The county clerk's vault, connected with his office, has only artificial illumination. It is somewhat damp and dirty, both of which conditions are directly attributable to careless cleaning methods. Fittings are of steel and the floor, walls and ceiling of concrete, making it completely fireproof. Records on shelves near the floor suffer to some extent from the dampness.

Offices of the county board of education and the county school superintendent are provided with wooden bookcases and steel file cases. The bookcases have glass doors. The small locks with which they are fitted are not used.

The circuit judge's and circuit clerk's offices are equipped with the same type of steel shelving as is used in most of the second floor offices. The records are clean and in good condition.

Attic record rooms 1 and 2 are used to store non-current records of all departments, when space in the offices become cramped. The rooms have wooden shelving, and their contents are dusted annually. Top shelves, containing miscellaneous records, not systematically arranged, are quite dusty. The rooms, being located directly under the roof, frequently become excessively

Provisions have been made in the county clerk's and circuit clerk's offices for the accommodation of persons desiring to use county records in the care of these two officials. Assistance in locating desired information is freely and courteously given upon request. Records kept in other offices are procurable for anyone interested in examining them.

Records of the jailer and the coroner are kept at their respective offices. The jailer's records are kept in a wooden cabinet; those of the coroner are in a steel cabinet along with papers of the undertaking establishment of which he is a member. The records, too, are available upon request at reasonable times. Neither of the buildings in which they are housed are completely fireproof.

The board of health office is located at 521 South Mill Street in Lexington. All county health records are kept in locked steel file cabinets, arranged consecutively. The office is dry and sufficiently ventilated and lighted. Clinic records are located in the office of the Public Health Center, southwest corner of Upper and Mechanic Streets, Lexington.

We would recommend; (1) that some effective system of protecting records in the attic record rooms be considered; (2) that more care be exercised in cleaning the floors, particularly in rooms containing records close to the floors; and (3) that the records in the attic rooms and those in the circuit clerk's office and anteroom be placed in fireproof rooms or vaults to preserve them from the hazard of fire. The records in the attic rooms are open to the public without the presence of a custodian, and there may be a temptation to persons who see the records, not as public property to be protected and preserved, but only as a means of private gain.

LIST OF ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.-----alphabetical, alphabetically
arr.-----arranged
Art.-----Article
A. R. rm.-----Attic Record room
aver.-----average
Cf.-----Confer, Compare
chron.-----chronologically
Cir.-----Circuit
Clk's.-----Clerk's
Co.-----County
Com's.-----Commissioner's
Const.-----Constitution
Ct.-----Court
dist.-----district
docs.-----documents
ed.-----edition
et seq.-----et sequens, and following
fms.-----forms
hdw.-----handwritten
Ibid.-----Ibidem, same reference as the preceding
Ky.-----Kentucky
Mag's.-----Magistrate's
n.d.-----no date

t of Abbreviations, Symbols, and Explanatory Notes

no.	-----number, numbered
nos.	-----numbers
off.	-----office
Op. Cit.	-----Opere Citato - the work cited
p.	-----page
pp.	-----pages
pr.	-----printed
Sch.	-----School
Sec.	-----Section
Secs.	-----Sections
Stat.	-----Statute
Stats.	-----Statutes
Supt's.	-----Superintendent's
vlt.	-----vault
vol.	-----volume
vols.	-----volumes
x	-----by
---	-----current

The following assumptions have been adopted: (1) no arrangement shown for records indicates lack of systematic arrangement; (2) no mention of indexing indicates lack of index; (3) indexing is shown for only those years covered by an index; (4) size given in entries refers to size of bindings or containers and not to size of pages or documents; (5) the term, "file box", used in entries may indicate either filing cases or boxes; (6) condition of records is shown only when the condition is not excellent or good; and (7) titles of entries in capitals are the titles of current records of a series. Where the current title does not clearly indicate the contents of the record, an assigned title has been placed in parenthesis, lower case, immediately after the given title.

Unless otherwise specified in individual office writeups, *ibid.*, followed by a numeral, indicates reference immediately preceding but a different section or page; statutes, acts and digests, followed by numerals, refer to page number; and civil or criminal codes, followed by numerals, indicate section numbers.

I FISCAL COURT

The fiscal and governmental affairs of Fayette County, now controlled by the fiscal court, were originally administered by various other tribunals, patterned after the court system of Virginia. Prior to 1780, when Fayette County was officially created, fiscal court functions in this territory were almost entirely carried on by the county courts of Virginia. In 1792 the first constitution of Kentucky provided for a county court in Fayette County with a competent number of justices appointed for life by the governor (Const. of 1792, Arts. II, V).

The county court met monthly, consisting of the justices of the peace of the county, except those acting as justices of the quarter session. Any three could compose a court. Besides its other jurisdiction, the fiscal powers of the county court extended over cases regarding mills and roads, and included all cases which the county courts of Virginia had jurisdiction of, except those given to the quarterly courts. The court was also authorized to lay off the county into districts and appoint constables for each district (Littell, Statute Laws of Kentucky, Vol. I, pp. 90, 101). The same year the court was given power to settle the accounts of sheriffs and to levy money on the county for the payment of the state's attorney for the county (Ibid., 203). Subsequent fiscal duties and powers added to the county court were: To provide for the poor in the county in laying the county levy (Ibid., 191); to establish ferries, purchase sites for county seats, erect public buildings, and make rules for county prisons (Ibid., 361, 375); and to designate a place for the inspection of flour and hemp and supervise the same (Ibid., 235, 512).

In 1799 a second constitution was adopted providing that a county court should be established and a competent number of justices of the peace appointed (Const. of 1799, Art. IV); that the county court should recommend persons to the governor for appointment to the offices of justices of the peace, surveyor and coroner (Ibid.); that said court be authorized to appoint inspectors and other inferior officers within the county (Ibid., Art. III); and that each court should appoint its own clerk (Ibid., Art. IV). This constitution did not change the functions of nor the officers composing the court. Legislation authorized the county court to appoint a person to protect the public buildings (Morehead and Brown, Digest, Vol. I, p. 275); to modify and change constables' districts (Ibid., 423, 425); and to appoint inspectors, collectors, deputies, surveyors of the highways, constables and county jailers (Ibid., 506). It was required that a majority of the justices in the county should concur when the court laid the county levy or made orders for the erection of bridges or public buildings, and they were given power to lay a levy covering the amount of claims against the county (Ibid., 506, 507). The county court was also given power to permit gates to be erected across roads and to have them removed or repaired (Ibid., 509); to appoint patrollers (Ibid., 1257); to provide for the poor and widows and build poorhouses (Ibid., 1324); to appoint tax commissioners (Ibid., 1384); to lay off school districts (Ibid., 1418); to erect a pound at the courthouse (Ibid., 1513); to sell certain unappropriated lands (Loughborough, Digest, p. 386); and to procure for use in the county a set of weights and measures (Acts of the General Assembly, 1839, p. 84).

A third constitution was adopted in 1850, establishing a county court consisting of a county judge and two associate judges elected for a term of four years each, two of whom could transact business (Const. of 1850, Secs. 29, 30). The jurisdiction of the court remained the same as was previously vested in the county courts until it should be changed by law (Ibid., 33). The county was divided into justices' districts with two justices to be elected from each district (Ibid., 34). By the constitution of 1850 the General Assembly was given power to provide that the justices of the peace should sit at the court of claims and levy of the county court and assist in laying the county levy and

Fiscal Court

making appropriations only (*Ibid.*, 37). Jurisdiction held by the county court, now exercised by the fiscal court, was "to lay and superintend the collection of the county levy; erect and keep in repair necessary public buildings, bridges and other structures, and superintend the same; regulate and control the fiscal affairs and property of the county; make provision for the maintenance of the poor; provide for the good condition of the public highways in the county; and to execute all of its orders" (Bullock, Nesbit and Craddock, General Statutes of Kentucky, 307). The justices of the peace associated with the county judge to constitute the court of claims, which was confined to laying the county levy, appropriating money and transacting other financial business of the county (*Ibid.*, 306). The county court, when it met as the court of claims, was required to erect and maintain a sufficient jail (*Ibid.*, 307). The presiding judge and justices, as the court of claims, elected a county commissioner for the purpose of managing the school interest in the county (*Ibid.*, 215). The county court, a majority of the justices concurring, was given power to levy an ad valorem tax on property in the county for the purpose of maintaining public buildings (*Ibid.*, 702). The county court was also given power to establish justices' districts and places of voting and to appoint two election judges in each precinct (*Ibid.*, 376, 377). In addition to the specified general, fiscal and governmental functions, much local legislation was passed annually, giving the county court and court of claims authority to transact special business.

The present fiscal court in Fayette County, as authorized by the Constitution of 1891, Section 144, is composed of three commissioners, elected from the county at large, who act together with the judge of the county court, a majority of these members constituting a court for the transaction of business. A county judge is elected every four years by the voters (Const. of 1891, Sec. 142). The clerk of the county acts as clerk of the fiscal court (Carroll's Kentucky Statutes, 1936, Sec. 1835). Two regular sessions of the court are held each year at Lexington, but the county judge has power to call special terms (*Ibid.*, 1838, 1839).

Unless otherwise provided by law the fiscal court exercises the corporate powers of the county (*Ibid.*, 1834). Its jurisdiction, as defined by Section 1840 of the statutes, is to appropriate county funds authorized by law to be appropriated; to erect and keep in repair necessary public buildings, secure a sufficient jail and comfortable and convenient place for holding court at the county seat; to erect and keep in repair bridges and other structures; to regulate and control the fiscal affairs and property of the county; to cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county and have all accounts of county officers audited; to make provisions for the maintenance of the sick and poor, and provide hospitalization for said purposes; to provide for the good condition of the highways in the county; to appropriate funds to secure immigration into the county and advertise its resources; to appropriate county funds for the benefit of colleges; and to execute all orders of such other matters relating to the levying of taxes as were formerly conferred on the court of levy and claims.

In addition to these duties specific statutes add authorization for the following: To offer bounties for each crow killed in the county (*Ibid.*, 1840-1); to levy and collect a poll tax and ad valorem tax to pay off existing current indebtedness (*Ibid.*, 1882); to provide for the support of the blind (*Ibid.*, 1893a-10); to appropriate money to carry on extension work in agriculture and home economics (*Ibid.*, 4636g-2); to provide for crippled children (*Ibid.*, 331m-9); to buy and sell land for the county (*Ibid.*, 927); to appoint a county treasurer (*Ibid.*, 929); to create county health districts (*Ibid.*, 2054a-1 et seq.); to

maintain sanatoria for treatment of tuberculosis (*Ibid.*, 3061a-3); to acquire armories (*Ibid.*, 2711a-128); to appoint a person to fill a vacant office of county judge (*Ibid.*, 3758-1); to establish and maintain a playground and recreational system (*Ibid.*, 3909a-2); to appoint an inspector and weigher for grain warehouses (*Ibid.*, 4793); to issue bonds to finance indebtedness (*Ibid.*, 1855-80); to contract for the reclamation of swamp lands (*Ibid.*, 2415); to publish the financial condition of the county annually (*Ibid.*, 1846).

Since Fayette County contains a city of the second class (Lexington), its fiscal court is also empowered to: Provide for dependent children (*Ibid.*, 331n-1); take out insurance governing county vehicles and county employees (*Ibid.*, 1840a-1); maintain a law library (*Ibid.*, 1840b); provide for indexing of all real estate record books (*Ibid.*, 1840c); and establish and maintain clinics for indigent school children (*Ibid.*, 1840a-1).

Court Minutes

1. COURT RECORDS, 1874-93, 1921--. 10 vols., 2 file boxes. Minutes of court of claims and fiscal court meetings; date of meeting, rules, decisions, claims approved, names of presiding judge and members present. Arr. chron. 1874-93, alph. indexed by name of claimant. Hdw. Vols. aver. 475 pp. 18 x 12 $\frac{1}{2}$ x 2 $\frac{1}{2}$. File boxes aver. 60 docs. 10 3/4 x 4 3/4 x 13 $\frac{1}{4}$. 6 vols., 2 file boxes, 1874-93, 1931--, Co. Ct. Clk's. off.; 4 vols., 1921-30, A. R. rm. 1.

Building Commissioners

2. SETTLEMENTS WITH COURTHOUSE, 1882-83. 1 file box. Building commissioners' vouchers, contractors' reports and contracts and expenditures for improvements on public buildings passed by the court of claims. Arr. chron. by date filed. Hdw. 10 docs. 10 3/4 x 4 3/4 x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.
3. MINUTES OF BUILDING COMMITTEE, 1882-85. 1 vol. Building committee's motions, acts and orders for erection of courthouse and necessary county offices under the court of claims. Arr. chron. Hdw. 350 pp. 12 x 8 x 1 $\frac{1}{2}$. A. R. rm. 1.
4. INVOICE AND COURTHOUSE BONDS, 1898. 1 vol. Invoices and courthouse bonds issued by the fiscal court for building costs of courthouse; date, amount, no. of bond, date of maturity. Arr. numerically by instrument no. Hdw. pr. fms. 300 pp. 17 x 12 x 4. A. R. rm. 1.

Court Orders

5. FISCAL COURT ORDERS, 1874--. 20 vols. (1-3, 1-17). Orders of court of claims and fiscal court on claims against county; name of claimant, date, amount and purpose of claim. Arr. chron. Alph. indexed by name of claimant. 1874-1900, h/w.; 1901--, typed. Vols. aver. 500 pp. 17 $\frac{1}{2}$ x 11 $\frac{1}{2}$ x 2 $\frac{1}{4}$. Co. Ct. Clk's. off.

Claims

6. VOUCHERS (Claims against County), 1821--. 3 file boxes. Record of applications in old county court, court of claims, and fiscal court for payment of claims against county; name of claimant, date, amount and nature of claim. Arr. chron. Hdw. File boxes aver. 100 docs. 10 3/4 x 4 3/4 x 13 $\frac{1}{4}$. Co. Ct. Clk's. vlt.

Warrants for County Expenses

7. WARRANTS, 1896-1900. 1 file box. Discontinued as county record in 1900, now issued by State Auditor of Public Accounts, Frankfort, Ky. Warrants issued by fiscal court in payment of debts; date, amount and no. of warrant, payee, reason for payment. Arr. numerically by warrant no. Hdw. pr. fms. 90 docs. 10 3/4 x 4 3/4 x 13 1/4. Co. Ct. Clk's. off.

II COUNTY COURT CLERK

The office of the county court clerk was created with the passage of the act establishing county courts in Virginia. The clerk of the court had as his duty to keep records of the proceedings and causes and to take depositions with interested parties present. He was nominated and appointed and his fees fixed by the governor (Hening, Laws of Virginia, Vol. I, pp. 303, 305), but afterwards was appointed by the courts themselves (Ibid., 448-9).

The first constitution of Kentucky (1792) provided for the appointment of the clerk by the county court (Const. of 1792, Art. VI, Sec. 5). Acts of 1798-1801 provided that the clerk's duty should be to account for and pay taxes received by him (Littell, Statute Laws of Kentucky, Vol. II, p. 85); to transmit a list of deeds to other courts (Ibid., 261); to make out three alphabetical books of all persons and property subject to taxation (Ibid.); to receive and acknowledge deeds out of court (Ibid., 262); to transmit a list of justices to the secretary (Ibid., 68); to administer oaths (Ibid., 870); and to live at the seat of justice (Ibid., 300). The clerk also performed a variety of other duties not included in the statutes until much later.

Statutory provisions affecting the office of the county court clerk, passed subsequent to 1802, required the clerk to furnish statements to the auditor of moneys due on sale of land and kindred data (Ibid., Vol. III, p. 396); to furnish auditor with a list of certificates of land sold (Ibid., 359); to issue commissions for taking of depositions, in certain cases, of witnesses (Ibid., 524); to record relinquishments of dowers (Ibid., 133); to receive complete lists of all fines inflicted by the circuit court with return of sheriff or other officers responsible for collection and to include all fines not accounted for; to receive fines collected by constables and other officers which go to lessen county levy (Ibid., 375-6); to furnish clerks of circuit courts with lists of the surveyors of roads (Ibid., 295); to make a list of claims allowed at the term of the court, certified by him and filed with the circuit clerk (Morehead and Brown, Digest, p. 378); and to make out and transmit annually to auditor a list of claims allowed by the court payable out of the treasury (Ibid., 379). Additional duties were to furnish annually a list of taxes on deeds, seals, etc., received by him (Ibid., 405); to use style in transcripts and to keep record books ruled as prescribed and outlined by statute (Ibid., 410-11); to record verbatim all writings of conveyances acknowledged and proved before court, certify same and redeliver the original to owners and make docket of same in alphabetical order (Ibid., 441-2); to take proof of deeds, etc., anywhere in the county (Ibid., 453); to receive papers and record books of justice in case of removal, resignation or death (Ibid., 895); to deliver to sheriff list of persons chargeable with payment of levies (Ibid., 1115); to issue marriage licenses (Ibid., 1156); to preserve books and lists of taxable property returned to him and to keep them for public inspection (Ibid., 1373); and to make two copies of commissioners' books returned to him in May, one to be transmitted to the auditor and one to the sheriff or collector (Ibid., 1884).

County Court Clerk

The county court clerk is further authorized to issue licenses to tavern keepers, pedlers of clocks, owners and keepers of covering horses and jacks (*Ibid.*, 1382); to affix seals to instruments of claims of the widows and heirs of soldiers (*Loughborough, Digest*, p. 135); to endorse, on an inner envelope, all the steps taken in each case (*Ibid.*, 136); to register mortgages and deeds and index same in proper deed books (*Ibid.*, 144); to advertise once each year a list of unrecorded deeds (*Ibid.*, 145); to enter all conveyances alphabetically by name of grantor (*Ibid.*, 147); to receive poll books from sheriff, ascertain votes of each candidate, certify same and mail to state, and to safely keep poll books in office for open inspection (*Ibid.*, 223); to certify and register order and survey of vacant lands sold (*Ibid.*, 386); to record names of persons holding life estate in slaves (*Ibid.*, 554); and to file the sheriff's receipt for all money received for licenses of spirituous liquors in quantities prescribed by law (*Acts 1848-49*).

The third constitution (1850) made the office of county court clerk an elective one for a term of four years (*Const. of 1850, Art. IV, Sec. 30; Art. VI, Sec. 1*). In 1852, with the publication of a book of revised statutes, an attempt was made to put into statutory form all the common laws, customs of office, and statute law prevailing up to that time, and this, with subsequent revisions, defined more in detail the various additional duties of the county court clerk. The clerk was required to keep a docket of all causes pending in his court; write up proceedings of the court for each day, read and signed by the judge; keep office within two hundred yards of the courthouse; administer oaths in and out of court; keep the office open, free and accessible at all reasonable times; certify and fix seals to soldiers' claims; keep record of persons testifying in court on legal summons and upon request deliver to each witness a copy of such claim; at termination of each suit, file the tax on same paper with record of the costs of each party; procure a suitable book to be called a "general index" to be kept in decided cases; at expiration of term or removal to deliver all books, records and other papers belonging to his office to his successor or such persons as the court may direct; keep a book to record every execution and return of sheriff; not to permit removal of records of office except in great emergencies or order of court; and after termination of county court session to make out list of claims against public treasury and forward to auditor (*General Statutes adopted 1873, pp. 194, 198-204*).

Additional duties were to report and pay funds to trustee of jury fund; report statement of public dues received and verify same; furnish circuit court a list of persons licensed for grand jury; grant licenses for nine-or-ten-pin alley, etc., menagerie, circus, etc., stud, jack or bull, broker or exchange dealer, sellers of playing cards, peddlers of merchandise and wares (*Ibid.*, 688, 711-715, 727); report to circuit court a list of licenses granted (*Ibid.*, 728); keep a registry of suits to settle insolvent estates (*Ibid.*, 555); receive registries of clergymen, physicians and midwives whose respective duties are to keep such records (*Ibid.*, 962); keep an alphabetical list of all conveyances with full descriptions (*Ibid.*, 750); make a list of all licensed tavern keepers and vendors of spirituous liquor for circuit court (*Ibid.*, 805); make account of all public moneys received to circuit court (*Ibid.*, 578); prepare all ballots, etc., for election purposes (*Ibid.*, 381); not practice law while in office (*Ibid.*, 301); certify tax book to county court and send copy of order of approval to the auditor; to make two copies of assessor's book, one for the sheriff and one for the auditor (*Ibid.*, 727 et seq.); keep an alphabetical cross-index of all conveyances recorded in his office; advertise yearly a list of all unrecorded deeds and reason why they are not recorded (*Ibid.*, 261);

County Court Clerk

make report to the judge of all law books received on public account, safeguard books in his custody and not knowingly suffer and permit same to be removed from his office (Ibid., 612, 614); record all instruments, mortgages, pledges or liens on personal property and certify same (Ibid., 259); issue summons in the name of the commonwealth against tax delinquents (Ibid., 723); record all instruments of writing acknowledged or proved before him as required by law (Ibid., 261-262) and be clerk of court of claims when in session (Ibid., 306).

The fourth constitution (1891) reaffirmed the one of 1850, but further provided that all vacancies in the office of the county court clerk be filled by the governor and stipulated that the clerk must be 21 years of age, a resident of the state for two years preceding his election and one year in the county. Compensation is on a fee basis (Const. of 1891, Secs. 99, 100, 152; Carroll's Kentucky Statutes, 1936 ed., Sec. 720).

Present duties of the county court clerk, provided for by statute in addition to those authorized prior to the fourth constitution, include the following: list all stops in each case within thirty days after close of each term of court (Carroll, Op. Cit., Sec. 379); preserve all papers connected with the county court (Ibid., 1069); and return all unused licenses and stubs for the previous year to the game and fish commission (Ibid., 1954c-30). By virtue of his office, he is clerk of the fiscal court (Ibid., 1835), and he is to attend all sessions of the fiscal court and report all proceedings (Ibid., 1853). He is to safeguard all books for which he is responsible under bond (Ibid., 2430); keep a medical register of all physicians in the county (Ibid., 2611); act as clerk of the board of supervisors (Ibid., 4121); keep and make copies of orders of appointment of tax supervisors (Ibid., 4116); record and index report of sheriff pertaining to sale of property for taxes (Ibid., 4162); make an account of all public money received by him up to the first day of each circuit court (Ibid., 4242); enter in a well-bound book all moneys received (Ibid., 4243); and keep a minute book upon which to enter abstract of all pledges, mortgages or liens upon personal property (Ibid., 523b-8).

The county court clerk is not to be interested in any contracts with the county (Ibid., 1844). He is to record all settlements made by the county treasurer (Ibid., 933); furnish list of liens to the tax commissioner (Ibid., 4051a); grant automobile licenses, and account to state tax commissioner for same (Ibid., 2739g-32); report to state tax commissioner the sale of real estate and furnish list of mortgages and conveyance liens (Ibid., 4051a, 4051b); record wills (Ibid., 4864); certify the tax on all distilled spirits and forward to proper official for collection (Ibid., 4106); make out original bills for each person required to pay poll tax (Ibid., 4239i); before September 1 make out and certify to county tax commissioner a complete statement of all money for purchases, notes, mortgages and other obligations or liens for money due (Ibid., 4051a); and grant all licenses as agent for the state where business is proposed to be conducted in the county except as otherwise specially provided by law (Ibid., 4190), including "itinerants", transient merchants and other vendors of wares and miscellaneous operators (Ibid., 2615-3, 4214d-2, -3, -14, 4215, 4217b et seq., 4223a et seq., 4224).

The clerk is required to forward stubs of the licenses granted to the auditor of public accounts within two days and the receipts from them once a month, at this time collecting his five per cent commission (Ibid., 4195); receive listings between July 1 and October 1 of mineral rights, oil, gas, etc., and make out tax bills for same, assessing a penalty of 20 per cent if for non-compliance of owner, and turn over bill to sheriff for collection (Ibid., 4039); make a recapitulation of supervisors' work (Ibid., 4128a-1);

make out a bill for assessment of omitted property (Ibid., 4126); prepare a tabulated statement of all sales of real estate before July 10 (Ibid., 4114i-14); and receive on or before January 1 from the county tax commissioner tax schedules (except those of intangible property) which he files and preserves for five years (Ibid., 4114i-15).

Land Instruments

Deeds

8. DEED BOOKS, 1790--. 333 vols. (4 vols. A, 4 vols. B, 3 vols. C, 3 vols. D, 22 vols. E-Z, 1-297), 115 file boxes. Earlier records missing.

Vols. contain record of and file boxes original recorded deeds; names of grantor, grantee, location and description of property transferred, signature of clerk or deputy, dates recorded and filed. Arr. chron. and numerically by instrument no. 1790-1900, hdw.; 1901--, typed. 1790-1803, vols. rebound as "Burnt Records"; condition very poor, paper brittle, writing almost illegible. Vols. aver. 575 pp. $16\frac{1}{2} \times 11 \times 3$. File boxes aver. 75 docs. $10 \frac{3}{4} \times 4 \frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. vlt.

9. GENERAL INDEX TO DEEDS AND MORTGAGES, 1790-1934. 19 vols. Earlier records missing.

Alph. cross-index to entries 8 and 11 by names of grantor and grantee or mortgager and mortgagee, no. and p. of deed or mortgage book where instrument recorded, date of instrument, description of property transferred. Hdw. pr. fms. Vols. aver. 500 pp. $19 \times 15\frac{1}{2} \times 4$. Co. Ct. Clk's. vlt.

10. CURRENT INDEX TO DEEDS, 1935--. 2 vols.

Current alph. cross-index to entry 8 by names of grantor and grantee, no. and p. of deed book containing record, date of instrument, description of property transferred. Hdw. pr. fms. Vols. aver. 500 pp. $19 \times 15\frac{1}{2} \times 4$. Co. Ct. Clk's. vlt.

Mortgages

11. MORTGAGE BOOKS, 1871--. 261 vols. (1-261), 15 file boxes. Prior records missing.

Vols. contain record of and file boxes original recorded mortgages; names of mortgager and mortgagee, description of property, rate of interest, signature of clerk or deputy, dates recorded and filed. Arr. chron. 1871-1910, hdw. pr. fms.; 1911--, typed pr. fms. Vols. aver. 500 pp. $17\frac{1}{2} \times 11\frac{1}{2} \times 2 \frac{3}{4}$. File boxes aver. 75 docs. $4 \frac{3}{4} \times 10 \frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. off.

12. CURRENT INDEX TO MORTGAGES, 1935--. 2 vols. Index prior to 1935, see entry 9.

Current alph. cross-index to entry 11 by names of mortgager and mortgagee, no. and p. of mortgage book containing record, date of instrument, description of property. Hdw. pr. fms. Vols. aver. 500 pp. $19 \times 15\frac{1}{2} \times 4$. Co. Ct. Clk's. vlt.

13. MISCELLANEOUS (Releases), 1887--. 1 vol., 55 file boxes (1-55).

Releases of real estate and chattel mortgages; names of mortgager and mortgagee, date and amount of mortgage, date released. Releases of deeds; names of grantor and grantee, location and description of property, dates deed made and recorded, date released. Releases of inheritance rights; date released, names of party releasing rights and party to whom released, description of rights. Arr. chron. Deeds of release, 1927--, alph. cross-indexed by names of grantor

and grantee. 1887-1926, hdw. pr. fms.; 1927--, typed pr. fms. Vol. 500 pp. $16\frac{1}{2} \times 11\frac{1}{2} \times 2 \frac{3}{4}$. File boxes aver. 150 docs. $10 \frac{3}{4} \times 4 \frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. off.

Personal Property and Chattels

Corporations and Partnerships

14. ARTICLES OF INCORPORATION, 1873--. 13 vols. (1-13), 14 file boxes. Vols. contain record of and file boxes original articles; name of corporation, location, purpose for which incorporated, duration of article, indebtedness, powers, incorporators, membership, directors, record of meetings, amount of capital stock. Arr. chron. Alph. indexed by name of corporation. 1873-1913, hdw. pr. fms.; 1914--, typed pr. fms. Vols. aver. 500 pp. $17\frac{1}{2} \times 11\frac{1}{2} \times 2\frac{1}{2}$. File boxes aver. 40 docs. $10 \frac{3}{4} \times 4 \frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. off.

15. COMBINED RECORD BOOK (Articles of Incorporation), 1916. 1 vol. Articles of Standard Motor Company; date, names of stockholders, name, nature and location of corporation, amount of capital stock. Arr. chron. by date filed. Hdw. 225 pp. $14 \times 8 \times 1$. A. R. rm. 2.

16. FRANCHISE ASSESSMENTS, 1901--. 3 file boxes (1-3). Record of assessments imposed by state on corporations holding franchises; name of corporation, nature of franchise, amount of tax. Arr. alph. by name of corporation. Hdw. pr. fms. File boxes aver. 30 docs. $10 \frac{3}{4} \times 4 \frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. off.

17. FIRMS UNDER ASSUMED NAMES, 1917--. 2 vols., 2 file boxes. List of unincorporated city and county concerns operating under assumed names; owners' names, assumed name of concern, location. Arr. alph. by name of concern. Typed. Vols. aver. 250 pp. $12 \times 10 \times 2$. File boxes aver. 75 docs. $10 \frac{3}{4} \times 4 \frac{3}{4} \times 13\frac{1}{4}$. 2 file boxes, 1917-28, Co. Ct. Clk's. vlt.; 2 vols., 1929--, Co. Ct. Clk's. off.

18. RECORD BOOK (Minutes), 1898. 1 vol. Minutes of board of directors of Southern Mutual Investment Company; motions, actions taken, list of stockholders present. Arr. chron. Alph. indexed by subject. Hdw. 300 pp. $16 \times 10 \times 4$. A. R. rm. 2.

19. CERTIFICATE BOOK (Capital Stock Shares), 1903-6. 1 vol. Certificates for shares of Southern Mutual Investment Company's capital stock; date and amount of shares issued, purchaser. Arr. alph. by name of stockholder. Hdw. pr. fms. 25 pp. $17 \times 7 \times 1\frac{1}{2}$. A. R. rm. 2.

20. DISSOLUTION OF CORPORATION, 1933. 1 file box. Resolutions for dissolution made with consent of stockholders; provisions of resolutions, name and location of corporation, names of representatives of stockholders, date filed. Arr. alph. by name of corporation. Hdw. 25 docs. $10 \frac{3}{4} \times 4 \frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. vlt.

Livestock

21. SHEEP KILLED BY DOGS, 1906--. 2 file boxes. Prior records missing. Damage claims for sheep killed by dogs; names of owners of dog and sheep; date and amount of claim. Arr. alph. by name of claimant. Hdw. pr. fms. File boxes aver. 32 docs. $10 \frac{3}{4} \times 4 \frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. off.

Mortgages and Liens

22. MINUTES CHATTEL MORTGAGES, 1928--. 18 vols. (1-18), 11 file boxes (1-11). Prior records missing.

Vols. contain record of and file boxes original chattel mortgages; names of mortgager and mortgagee, description of property, date, amount. Arr. chron. Alph. cross-indexed by names of mortgager and mortgagee. Typed pr. fms. Vols. aver. 550 pp. 20 x 12 x 4. File boxes aver. 50 docs. 10 3/4 x 4 3/4 x 13 1/4. Co. Ct. Clk's. off.

23. MECHANIC'S LIEN, 1846--. 2 vols., 5 file boxes.

Liens filed against property to insure payment for labor and materials furnished; names of parties, description of property, amount of lien, reason for filing. Arr. alph. by name of property owner. Hdw. pr. fms. Vols. aver. 150 pp. 18 x 10 x 1. File boxes aver. 100 docs. 10 3/4 x 4 3/4 x 13 1/4. Co. Ct. Clk's. vlt.

24. BILLS DISCOUNTED, 1874-83. 2 vols.

Records of real estate notes; date and amount of note, names of parties, date due, rate of interest. Arr. chron. Hdw. Vols. aver. 150 pp. 18 x 11 x 3/4. A. R. rm. 2.

RevenueTaxes

25. BACK TAX AND DELINQUENT TAX REPORTS, 1922-29, 1931--. 2 file boxes. List of delinquent taxpayers; name of taxpayer, amount of tax due, description of property sold, sale price, name of purchaser, amount of tax collected. Arr. alph. by name of taxpayer. Hdw. pr. fms. File boxes aver. 100 docs. 10 3/4 x 4 3/4 x 13 1/4. Co. Ct. Clk's. vlt.

26. OMITTED LIST (Taxable Property), 1911-15, 1928--. 8 vols.

Record of property omitted from regular tax lists; valuation, amount of county, state and local tax, persons exempted, reason. Arr. alph. by name of property owner. Hdw. pr. fms. Vols. aver. 200 pp. 22 x 7 x 1 1/2. 2 vols., 1911-15, A. R. rm. 2; 2 vols., 1928-30, A. R. rm. 1; 4 vols., 1931--, Tax Com's. off.

27. RAILROAD PAPERS, 1859-89. 6 file boxes.

County clerk's affidavit that tax on privately owned railroad stock has been paid but tax receipts are missing; oaths of persons owning stock that statement is true, names of persons, amounts of stock, dates of affidavits. Hdw. File boxes aver. 30 docs. 10 3/4 x 4 3/4 x 13 1/4. Co. Ct. Clk's. off.

28. REPORT OF RETAIL DEALERS IN GASOLINE, 1923. 1 vol. Subsequent records in custody of State Tax Commission, Frankfort, Ky.

Record of amount due state from retail gasoline sales; quantity sold, tax per gallon, dealers' names and locations. Arr. alph. by name of dealer. Hdw. pr. fms. 600 pp. 18 x 16 1/2 x 2 1/2. A. R. rm. 1.

Fees

29. RECORD (FEE BOOK OF FAYETTE COUNTY CLERK), 1863-65, 1911-15. 2 vols. Subsequent records, see entry 34.

Record of fees collected on deeds, mortgages, marriage licenses, seals, liquor, tavern and occupational licenses; name of person paying fee, date, amount and

purpose of payment. Arr. chron. Hdw. Vols. aver. 223 pp. 20 x 18 x 2 $\frac{1}{2}$.
1 vol., 1863-65, A. R. rm. 1; 1 vol., 1911-15, A. R. rm. 2.

Licenses and Registration

30. APPLICATIONS FOR AUTOMOBILE LICENSE, 1922--. 1 vol., 91 file boxes, 107 manilla envelopes. Prior records issued by Secretary of State, Frankfort, Ky.

List of persons to whom licenses for automobiles have been issued; date, name of applicant, make and model of car, license no. Arr. alph. by name of applicant. Hdw. pr. fms. Vol. 150 pp. 18 x 12 $\frac{1}{2}$ x 1. File boxes aver. 300 docs. 10 3/4 x 4 3/4 x 13 $\frac{1}{4}$. Envelopes aver. 100 docs. 2 x 6 x 12. 107 envelopes, 1922-30, A. R. rm. 2; 1 vol., 91 file boxes, 1931--, Co. Ct. Clk's. off.

31. MEDICAL REGISTER, 1888--. 2 vols.

Applications of persons desiring to practice medicine in county; date, name of applicant, medical school attended, school granting diploma, date diploma received. Arr. chron. Alph. indexed by name of applicant. Hdw. pr. fms. Vols. aver. 500 pp. 17 $\frac{1}{2}$ x 11 $\frac{1}{2}$ x 2 3/4. Co. Ct. Clk's. off.

32. LICENSE RECORD, 1915--. 6 vols.

Record of licenses issued to business concerns; date, amount and no. of license, name of licensee, location and kind of business. Arr. chron. Alph. indexed by name of licensee. Hdw. pr. fms. Vols. aver. 450 pp. 22 x 20 x 3. 4 vols., 1915-29, A. R. rm. 1; 2 vols., 1930--, Co. Ct. Clk's. off.

33. HUNTING LICENSES, 1913--. 5 vols.

Record of hunting licenses issued; date and amount of license, applicant's name, age and physical description. Arr. chron. Alph. indexed by name of licensee. Hdw. pr. fms. Vols. aver. 325 pp. 14 x 10 x 2. 4 vols., 1913-33, A. R. rm. 1; 1 vol., 1934--, Co. Ct. Clk's. off.

Ledger

34. LEDGER, 1932--. 1 vol.

Record of all county clerk's collections; date, amount, source and purpose of payment, name of person from whom collected. (Clerk may take this record with him at expiration of his term of office.) Arr. chron. Hdw. 500 pp. 19 x 13 x 2. Co. Ct. Clk's. off.

Cash Book

35. CASH BOOK, 1894, 1903--. 3 vols. Prior records missing.

Itemized account of county's cash expenditures; date, amount, payee, purpose of payment. Arr. chron. Hdw. Vols. aver. 210 pp. 18 x 10 x 1. 1 vol., 1894, Co. Ct. Clk's. vlt.; 1 vol., 1903-20, A. R. rm. 2; 1 vol., 1921--, Co. Ct. Clk's. off.

36. DAILY CASH RECORD, 1903--. 24 vols. Prior records missing.

Clerk's daily cash collection books; date, amount and explanation of transaction, name of payer. Arr. chron. Hdw. Vols. aver. 525 pp. 16 $\frac{1}{2}$ x 12 x 2 $\frac{1}{2}$. 19 vols., 1903-29, A. R. rm. 1; 5 vols., 1930--, Co. Ct. Clk's. off.

Collections for Commonwealth

37. CASH RECEIPTS OF COMMONWEALTH OF KENTUCKY, 1872, 1874-83, 1922-28. 4 vols. Subsequent records, see entry 34.

Record of collections for commonwealth by county clerk; date, amount, source and purpose of collection. Arr. chron. Alph. indexed by name of payer. Hdw. Vols. aver. 450 pp. 19 x 12 x 2 $\frac{1}{2}$. A. R. rm. 1.

Bonds

Public Officials

38. OFFICIAL BONDS, 1902--. 3 file boxes.

Surety bonds of county officials for faithful execution of duties; names of bondee and sureties, date and amount of bond, description of duties. Arr. alph. by name of bondee. Hdw. pr. fms. File boxes aver. 100 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. 2 file boxes, 1902-25, Co. Ct. Clk's. vlt.; 1 file box, 1926--., Co. Ct. Clk's. off.

39. CONSTABLES' BONDS, 1852--. 2 vols.

Surety bond assuring faithful execution of duties; date and amount of bond, names of constable and bondsmen. Arr. chron. Alph. indexed by name of constable. Hdw. pr. fms. Vols. aver. 250 pp. 18 x 10 x 2. Co. Ct. Clk's. off.

40. NOTARY PUBLIC BOND, 1867--. 13 vols. (1-13).

Surety bond securing faithful execution of duties; date and amount of bond, names of notary and bondsmen. Arr. chron. Alph. indexed by name of notary. Hdw. pr. fms. Vols. aver. 300 pp. 14 x 10 x 3 $\frac{1}{2}$. Co. Ct. Clk's. vlt.

Private Individuals

41. DRUGGIST BONDS, 1932--. 2 file boxes. Prior records missing.

Surety bonds assuring faithful execution of duties and guaranteeing narcotic drugs and opiates will not be sold illegally; date and amount of bond, names of druggist and bondsmen. Arr. alph. by name of bondee. Hdw. pr. fms. File boxes aver. 30 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

42. TAVERN KEEPER'S BONDS, 1881-1909. 1 vol. Prior records missing.

Surety bonds assuring orderly establishment; names of tavern keeper and bondsmen, date and amount of bond. Arr. chron. Alph. indexed by name of bondee. Hdw. pr. fms. 179 pp. 16 x 9 x 2 $\frac{3}{4}$. Co. Ct. Clk's. vlt.

Vital Statistics

43. MARRIAGE RECORD, 1803--. 56 vols. (1-56), 76 file boxes. Prior records missing.

Vols. contain record of and file boxes original marriage declarations, bonds, licenses, and registrations; names, addresses and description of parties, names and address of parents, date of instrument; colored and white records separate, 1925--. Arr. chron. under subject. 1803-1914, 1919--., vols. alph. cross-indexed by names of contracting parties. Hdw. pr. fms. Vols. aver. 250 pp. 17 $\frac{1}{2}$ x 14 $\frac{3}{4}$ x 2 $\frac{3}{4}$. File boxes aver. 700 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

Naturalization Records

44. NATURALIZATION, 1825-1903. 2 vols. Discontinued as county record 1903; subsequent records kept by Federal Court Clerk, Federal Post Office Building, Lexington, Ky.

List of naturalized citizens who received naturalization papers in the county; name, age, sex, former nationality, date first, second and final papers received.

County Judge

45-48

Arr. alph. by name of alien. Hdw. pr. fms. Vols. aver. 250 pp. 18 x 10 x 3. Co. Ct. Clk's. vlt.

45. NATURALIZATION RECORD, 1886-1905. 2 vols. Discontinued as county record 1905; subsequent records kept by Federal Court Clerk, Federal Post Office Building, Lexington, Ky.

Stubs of second naturalization papers issued; name of alien, city in which he declared intention of becoming naturalized, date, signature of witnesses. Arr. alph. by name of alien. Hdw. pr. fms. Vols. aver. 200 pp. 15 x 10 x 1 $\frac{1}{2}$. A. R. rm. 1.

Power of Attorney

46. POWER OF ATTORNEY, 1934--. 1 file box. Prior records missing. Original powers of attorney to release or convey real estate or transact legal business for another; names of attorney and client, date appointment made and rescinded. Arr. alph. by name of attorney. Typed. 4 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{2}$. Co. Ct. Clk's. off.

Miscellaneous

47. MISCELLANEOUS BOOK, 1884--. 24 vols. (1-24). Records of power and limitations of power of attorney, revocation of same, deed of release, expressed will, release of mortgage, bill of sale, extension of agreement, assignments, fencing agreements, contracts, installment notes. Arr. chron. Alph. indexed by names of parties. 1884-1910, hdw.; 1911--, typed. Vols. aver. 550 pp. 18 x 12 x 2 $\frac{3}{4}$. Co. Ct. Clk's. off.

48. PAPER REMOVALS, 1912-15. 1 vol. Record of papers taken from various record rooms by attorneys; date of removal, return date, signature of attorney. Arr. chron. by date removed. Hdw. pr. fms. 500 pp. 20 x 12 x 3. A. R. rm. 2.

III COUNTY JUDGE

The office of county judge did not appear in the court system of Fayette County, or in Kentucky, until the constitution of 1850 established a county court, consisting of a presiding judge and two associate judges. Before this time the functions now performed by the county judge were performed by commissioners and later by justices of the peace in the monthly and subsequent county courts of Virginia, and by justices of the peace in the county and quarterly courts of Kentucky. From 1802 to 1852 the jurisdiction of the county judge, in the absence of a quarterly court, was exercised by the circuit judge.

In the 1850 county court of Fayette County any two judges could transact business as a court, but the provision was made that the legislature should have power to abolish the office of associate judges, in which event it might associate the justices of the peace with the county court to sit as a court of claims and assist in laying the county levy (Const. of 1850, Art. III, Secs. 29, 37). The judges were to be elected for a term of four years and be conservators of the peace commissioned by the governor, exercising such jurisdiction as had been previously vested in the county courts until it should be changed by law (Ibid., Art. IV, Secs. 30, 33, 35). In 1852 the office of associate judges was abolished (Acts of the General Assembly of 1852, 96) and in the same year the quarterly courts were established with the county judge as presiding officer (Ibid., 93).

County Judge

As judge of the county court, the county judge: made settlements with personal representatives and guardians in the county (Bullock, Nesbit and Craddock, The General Statutes of Kentucky, p. 302); inspected jails once a month (Ibid., 567); established justices' districts, divided them into election precincts and established voting places therein (Ibid., 376); appointed two judges and a clerk of the election of each precinct (Ibid., 377); admitted wills to probate and granted tavern licenses (Ibid., 305); exercised jurisdiction with the justices of the peace when the court met as a court of claims to lay and superintend the county levy, erected and kept in repair necessary public buildings, controlled the fiscal affairs of the county, made provision for the maintenance of the poor, and provided for the good condition of the highways (Ibid., 305); and elected a school commissioner (Ibid., 215). The judge also heard bastardy proceedings (Ibid., 215) and issued writs of elections to fill vacancies in offices (Ibid., 385).

As judge of the quarterly court he exercised jurisdiction: concurrent with justices of the peace in civil cases and concurrent with the circuit court where the amount in controversy did not exceed \$100.00; over proceedings against constables; to hold inquests upon idiots and lunatics; to grant injunctions and attachments; and to hold all the powers of a justice in penal and criminal proceedings and of a court of inquiry in such proceedings (Acts of 1852, 93, 94). At first the judge acted as his own clerk, but later was given power to appoint a clerk (The General Statutes, p. 901). The quarterly court was given power concurrent with justices in cases of riots and to issue and try warrants of forcible entry and detainer (Ibid., 300, 302).

The present constitution, adopted in 1891, provided for the election of a county judge for a term of four years who shall be a conservator of the peace commissioned by the governor (Const. of 1891, Secs. 99, 140). It also stipulated that there should be a county court to consist of a county judge, a quarterly court, the judge of which should be the county judge, and a fiscal court, which, in Fayette County, consists of three commissioners with the county judge as presiding officer (Ibid., 139, 140, 144).

As judge of the county court he was authorized to: call special terms of that court (Carroll's Kentucky Statutes, 1936 ed., Sec. 1058); fix the terms of the justices courts (Ibid., 1085); change the boundaries or divide precincts in the county (Ibid., 1444); establish ferries and grant ferry privileges (Ibid., 1800); establish inspection warehouses (Ibid., 2186) and appoint inspectors therefor (Ibid., 2188); appoint three processioners for the county (Ibid., 2367); have swamp lands reclaimed (Ibid., 2380-1); grant licenses to places of public entertainment where intoxicating liquors are sold (Ibid., 2554d-1); appoint a public administrator (Ibid., 3903); purchase and maintain a poorhouse, appoint commissioners to look after it (Ibid., 3925) and order poor persons to be taken to it (Ibid., 3931); appoint three or more persons to constitute the board of tax supervisors (Ibid., 4115); establish and maintain a workhouse and levy a sum sufficient to pay for it (Ibid., 4867); preserve records (Ibid., 1632); and construct levies (Ibid., 938-1). In addition to duties previously defined, the county judge also exercises jurisdiction over: the probate of wills, the appointment and removal of personal representatives, guardians, trustees, committees, curators and other fiduciaries (Ibid., 1057); assignments (Ibid., 76); violations of the game laws (Ibid., 1938a-1); the care and custody of idiots and their estates (Ibid., 2149); condemnation proceedings (Ibid., 839); forcible detainer and entry proceedings (Civil Code 454); cancellation of registration of voters (Carroll, Op. Cit., Sec. 1466bb-13); water courses and water districts (Ibid., 438g-1 et seq.); the county patrol (Ibid., 3780); cases involving dependent, neglected or delinquent children (Ibid., 331g-, 331o-z); cases where parents fail to educate deaf

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children (Ibid., 298fb); and the binding out of infant children (Ibid., 2591, 2602).

As judge of the quarterly courts the county judge must keep a docket, order book and execution book, fix a rule day for the return of executions and other process (Ibid., 1055), and he may appoint a clerk. He exercises jurisdiction in personal civil actions where the amount in controversy does not exceed \$200.00 (Ibid., 1051); motions against constables for money collected (Ibid., 1053); and appeals from justices and police courts (Ibid., 1054).

As judge of both the above courts, he has jurisdiction of penal and misdemeanor cases the punishment for which does not exceed a fine of \$500.00 or imprisonment for 12 months or both (Ibid., 1093).

Two regular sessions of the fiscal court are held each year at the county seat, but the county judge has power to call special terms (Ibid., 1838, 1839). Specific duties are given in the discussion on the fiscal court included in this volume.

The county judge may also: administer oaths and have all powers of a justice of the peace in penal and criminal proceedings and may hold a court of inquiry in such proceedings (Ibid., 1071); appoint guards (Ibid., 2044); offer rewards for the apprehension and conviction of felons (Ibid., 1241a-5); solemnize marriages (Ibid., 2103); and call out the militia to enforce the laws (Ibid., 2711a-145s).

IV CIRCUIT COURT

Jurisdiction now exercised by the circuit court was originally vested in the quarterly and later in the general courts of Virginia. (Hening, Statutes at Large, Vol. I, p. 145; Vol. II, p. 58). In 1782 a district court was established for the counties in the Kentucky District which was given the jurisdiction previously exercised by the general court and high court of chancery. This court was composed of one judge and two assistant judges chosen by the legislature who were independent of the general and chancery courts and superior to the lower courts (Const. of Virginia, 1776, II, p. 85).

After Kentucky became a separate state various courts were set up exercising the jurisdiction now vested in the circuit court. The quarterly court was established in Fayette County and consisted of three justices of the peace appointed for that purpose, with jurisdiction over causes at common law and in chancery except criminal cases where judgment upon conviction was for loss of life or member, and except causes of less value than 5 pounds or 1,000 pounds of tobacco (Littell, Statute Laws of Kentucky, Vol. I, p. 94). The court of oyer and terminer, consisting of three judges appointed by the governor, was given general criminal jurisdiction (Ibid., 99). The court of appeals was given original jurisdiction in all cases where title to land was involved (Const. of 1792, Art. V).

In 1795 the state was divided into districts and a district court was set up in each, these courts being presided over by two of six judges appointed to preside over all of them. The courts of oyer and terminer were abolished and the original jurisdiction of the court of appeals was taken away. The jurisdiction of the district courts extended over all causes at common law and chancery except criminal suits involving less than fifty pounds (Littell, Op. Cit., p. 302). In 1796 it was provided that the judges of the district courts should meet twice a year as a general court and try causes against public

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debtors and certain public officers. All appellate jurisdiction and original jurisdiction in cases of assault and battery, trespass, and slander was taken away from the district courts (*Ibid.*, 278). In 1799 it was provided that the general court should have original jurisdiction over controversies between non-residents and cases involving title to land, and that new and difficult questions arising in the district courts should be transferred to the general court (*Ibid.*, Vol. II, p. 309).

In 1802 the district and quarterly courts were abolished and the circuit courts established. These courts were presided over by nine circuit judges, appointed by the governor, who met at the general court and apportioned the districts among themselves. They were assisted by two assistant judges each appointed from the county in which the circuit courts were held. The circuit courts were given jurisdiction in all causes at common law and chancery except those of less value than 5 pounds, the same power and jurisdiction which the district courts and courts of quarter session had been vested with, and power to award injunctions, writs of certiorari, ne exant, and habeas corpus (*Ibid.*, Vol. III, pp. 37, 184). In 1816 the office of assistant judge of the circuit court was abolished and its powers included in those of the circuit judge (*Ibid.*, Vol. V, p. 346). The circuit court was given jurisdiction over appeals from ferry cases (Morehead and Brown, *Digest*, p. 139) and road cases (*Ibid.*, 141). It was also given authority to appoint attorneys to prosecute in the absence of attorneys for the commonwealth (*Ibid.*, 166); jurisdiction concurrent with the general courts in cases against public debtors (*Ibid.*, 355); jurisdiction to issue mandamus to compel the county court to district the county and appoint officers for them (*Ibid.*, 405); to appoint days for the return of executions each month (*Ibid.*, 627); and to license newspapers to publish advertisements (Loughborough, *Digest*, p. 30).

The constitution of 1850 provided that a circuit court be established in the county having the same jurisdiction as formerly, but subject to the change of the General Assembly. The circuit court was presided over by circuit judges elected from each district. The circuit judge had to be at least thirty years of age, a practicing lawyer or judge for eight years and term of office was for six years. The constitution directed the legislature to divide the state into twelve judicial districts, and it could establish one additional district every four years but not more than sixteen until the population exceeded 1,500,000 (*Const. of 1850*, Art. IV).

The circuit court had original jurisdiction of all matters, both in law and equity, of which jurisdiction was not exclusively delegated to some other tribunal, and all power necessary to execute its jurisdiction (*The General Statutes*, p. 279). It was a court of record and was held at the courthouse at a time specified by the legislature (*Ibid.*, 281) but a circuit judge could hold a special term and order grand and petit juries to be empannelled when necessary (*Ibid.*, 286). The circuit court had appellate jurisdiction over cases from the county court concerning ferries, roads, passways, wills, mills, water works and dams; and from the quarterly and justices courts where the amount was over \$16; and in all actions of trespass from the justices courts (*Acts of the General Assembly of 1852*, 90).

In 1874 a court of common pleas was established in Fayette County and the judge of this court possessed the same qualifications as the circuit judge. The court was given original jurisdiction of all civil business in actions at law, in equity, motion or otherwise which the circuit court had, except it had no criminal or penal jurisdiction; and appellate jurisdiction the same as the circuit court in civil actions and writs of forcible detainer; and attachments

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for rent, distress warrants and bonds to suspend the sale of property which were to be tried the same as in the circuit court. The procedure in the court of common pleas was the same as in the circuit court, and the circuit court officers, other than the judge, were required to perform the same functions in both courts (The General Statutes, 871).

The circuit, criminal, and chancery courts were given power to order the clerk thereof to make out an index or cross-index to the records of the courts (Civil Code, 313).

The present constitution, adopted in 1891, provides that a circuit court shall be established in the county, the jurisdiction of which should remain as previously established, giving the General Assembly power to change it. The General Assembly divides the state into a number of judicial districts. Fayette County, by virtue of its population, constitutes a district of its own, Judicial District No. 22 (Const. of 1891, Sec. 138). A circuit judge is elected in the county every six years. He must be at least thirty-five years of age and a practicing lawyer for eight years and shall be commissioned by the governor. Fayette County has a continuous session of the circuit court. The General Assembly cannot pass local or special acts to regulate the jurisdiction or practice of the circuit courts, nor create courts save those provided for by the constitution; the jurisdiction of the old circuit court and the common pleas court was transferred to the circuit court (Ibid., 59, 125-135, Schedule).

The circuit court is a court of record, has original jurisdiction of all matters, both in law and equity, which jurisdiction is not exclusively delegated to some other tribunal, and has jurisdiction in all cases where the title to land is involved, or in which it is sought to enforce a lien upon, or to subject land by provisional remedy to the payment of debt (Carroll's Kentucky Statutes, 1936 ed., Sec. 966). It has cognizance of all personal actions involving over \$50.00 (Ibid., 1051, 1086), and criminal actions where the fine upon conviction exceeds \$200.00 (Ibid., 1093). It has appellate jurisdiction of all judgments in civil actions where the amount involved is over \$25.00, and all judgments of the county courts except money judgments must exceed \$50.00 (Ibid., 978, 4302a-1). It has appellate jurisdiction of judgments of the justices' courts in forcible entry and detainer proceedings (Civil Code, 463), and actions of the board of tax equalization (Carroll, Op. Cit., Sec. 2992), judgments of the public service commission (Ibid., 3952-44), and judgments against defendants in criminal actions in the lower courts for imprisonment or fine of \$20.00 or more (Criminal Code, 362). The circuit court also has jurisdiction of violations of the common carrier laws (Carroll, Op. Cit., Sec. 201e-12, 13, 21, 22), of inquests concerning the mind or mental faculty of persons (Ibid., 216aa-68, 101), of claims upon the treasury (Ibid., 340a-2), of violations of the local option laws (Ibid., 2554c-32), of the offense of vagrancy (Ibid., 4758-3), of the care and custody of idiots and lunatics and their estates (Ibid., 2149), and to postpone judgment and probate persons before it charged with crime (Ibid., 979b-5). The circuit court also has authority to license newspapers to publish advertisements (Ibid., 13), to sell lands of dissolved societies for re-investment (Ibid., 324), to order delivery over of fugitives from justice (Ibid., 1927), to appoint guards for prisoners (Ibid., 2044), on occasion to order out the militia (Ibid., 2711a-1455), to appoint elisors (Ibid., 1597), and to render commitments to houses of reform (Ibid., 2095c-1 et seq.).

As Fayette County contains a city of the second class (Lexington), its circuit court has jurisdiction over condemnation proceedings by said city (Ibid., 3905). There are only five counties in Kentucky with cities of the second class.

Court Minutes

49. CIVIL MINUTES, 1883--. 26 vols. Prior records missing.

Record of civil cases in court of common pleas and circuit court; date of trial, names of litigants, appearances pursuant to order entered, petitions amended, jurors impanelled, divorces granted, bills of exceptions and transcripts of testimony rendered, motions for new trials filed, judgments. Arr. chron. Hdw. Vols. aver. 550 pp. 19 x 13 x 3. 16 vols., 1883-1916, A. R. rm. 1; 8 vols., 1917-30, A. R. rm. 2; 2 vols., 1931--., Cir. Clk's. off.

50. COMMONWEALTH MINUTES, 1883-1901, 1903-4, 1912--. 13 vols. Prior records missing.

Record of commonwealth cases before circuit court; names of litigants, term of court, date of trial, history of case, decision. Arr. chron. Hdw. Vols. aver. 500 pp. 19 x 13 x 3. 9 vols., 1883-1901, 1903-4, 1913-16, 1919-31, A. R. rm. 2; 1 vol., 1917-18, A. R. rm. 1; 3 vols., 1932--., Cir. Clk's. off.

51. CONDENSED REGISTER OF COURT COSTS, 1892-96. 1 vol. Subsequent records, see entry 59.

Record of costs in cases before circuit court; names of litigants and attorneys, style of case, steps taken, costs, date of trial. Arr. chron. by date filed. Hdw. 432 pp. 19½ x 13 x 2½. Cir. Clk's. ante-rm.

Petitions

52. HABEAS CORPUS, 1914--. 2 file boxes.

Petitions for writ of habeas corpus; names of petitioner and defendant, reason for petition, date filed. Arr. chron. Hdw. pr. fms. File boxes aver. 50 docs. 5 x 11 x 16. Cir. Clk's. off.

Warrants

53. BENCH WARRANTS AND PETITIONS, 1893--. 3 file boxes.

Petitions and warrants in equity cases; names of litigants, judgment, date rendered. Arr. chron. Hdw. pr. fms. File boxes aver. 200 docs. 10½ x 4½ x 13. 1 file box, 1893-99, A. R. rm. 2; 2 file boxes, 1900--., Cir. Clk's. vlt.

Summons

54. CRIMINAL CASES DISPOSED OF, 1892--. 1 vol., 6 file boxes.

Vol. contains record of and file boxes original summons issued by circuit court in criminal cases; names of litigants and person executing summons, date of appearance, costs, amount of debt. Vol. also contains bail bonds insuring appearance in court on appointed date; names of bondee and bondsmen, amount of bond, date of hearing, offense. Vol. arr. chron. under subject and alph. by name of defendant. File boxes arr. chron. Hdw. pr. fms. Vol. 400 pp. 18 x 10 x 4. File boxes aver. 100 docs. 8 x 6 x 4. 3 file boxes, 1892-1910, A. R. rm. 2; 3 file boxes, 1911--., Cir. Clk's. ante-rm.; 1 vol., 1892--., Cir. Clk's. off.

Suits

55. ORDER BOOK, 1818. 1 vol. Subsequent records, see entry 59.

Record of chancery cases before circuit court; names of litigants, date of judgment, decision. Arr. chron. Hdw. Condition poor, binding damaged by water. 600 pp. 24 x 12 x 5. A. R. rm. 1.

56. CIRCUIT COURT SUITS (Court of Oyer and Terminer, District Court,

Court of Common Pleas, Circuit Court), 1790--. 1349 file boxes, 21450 pamphlets (labelled by instrument no.). Earlier records missing.

Full proceedings in civil suits; names of litigants, term of court, date suit filed, action taken, decision. Arr. numerically by instrument no. 1790-1900, hdw.; 1901--, typed. Separate index entry 58. File boxes aver. 200 docs. 11 x 6 x 16. Pamphlets aver. 8 pp. 10 x 8 x 1/8. Cir. Clk's. off.

57. CRIMINAL SUITS, 1898--. 177 file boxes (labelled by instrument no.). Prior records missing.

Record of criminal suits brought before circuit court; names of defendant and attorney, offense, date of trial, decision of court, corresponding warrants and indictments by grand jury before trial. Arr. numerically by instrument no. 1898-1901, hdw.; 1910--, typed. File boxes aver. 45 docs. 11 x 5 x 16. 134 file boxes, 1898-1921, Cir. Clk's. off.; 43 file boxes, 1922--, Cir. Clk's. ante-rm.

58. COMMONWEALTH INDEX VOLUME (District Court, Court of Common Pleas, Circuit Court), 1796--. 19 vols.

Alph. cross-index to entries 56 and 57 by names of litigants, instrument no. of criminal or civil suit, no. of file box or pamphlet containing record. Hdw. Vols. aver. 500 pp. 19 x 13 x 3. Cir. Clk's. off.

Dockets

59. RULE DOCKET, 1884--. 58 vols. Prior records, see entries 55, 60. Docket of common law, equity, civil and chancery cases brought before court of common pleas and circuit court and condensed register of court costs; names of litigants and attorneys, style and no. of case, date of trial, steps taken, costs, return on process. Arr. chron. 1893--, alph. indexed by name of plaintiff. Hdw. Vols. aver. 490 pp. 19 x 13 x 3. 9 vols., 1884-92, A. R. rm. 1; 49 vols., 1893--, Cir. Clk's. off.

60. COMPLETE RECORD (Civil Docket), 1803-25. 8 vols. (A-H). Subsequent records, see entry 59.

Docket of civil suits brought before circuit court; names of plaintiff, defendant and attorneys, term of court, date suit filed, court action, judgment and date returned. Arr. chron. by date filed. Hdw. Vols. aver. 550 pp. 18 x 12 x 2 1/2. Cir. Clk's. ante-rm.

61. TRIAL DOCKET, 1913--. 5 vols.

Docket of cases for trial before circuit court; names of litigants, type of case, previous action, date of trial. Arr. chron. Hdw. Vols. aver. 525 pp. 19 x 13 x 3. 4 vols., 1913-31, A. R. rm. 2; 1 vol., 1932--, Cir. Clk's. off.

62. MOTION DOCKET, 1893--. 25 vols.

Motions made in cases brought before circuit court; date motion made, name of person making motion, names of litigants and attorneys, disposition of motion. Arr. chron. Hdw. Vols. aver. 500 pp. 19 x 13 x 3. 11 vols., 1893-1914, A. R. rm. 1; 10 vols., 1915-31, A. R. rm. 2; 4 vols., 1932--, Cir. Clk's. off.

63. COMMONWEALTH DOCKET, 1868--. 32 vols.

Docket of commonwealth cases to be tried; date of court term, no. of case, names of plaintiff (Commonwealth), defendant and attorney, offense, judgment, costs. Arr. chron. by date of term and numerically by case no. 1868-1928, hdw.; 1929--, typed. Vols. aver. 450 pp. 18 x 12 x 2 1/2. 29 vols., 1868-1924, A. R. rm. 1; 3 vols., 1925--, Cir. Clk's. off.

Judgments

64. CRIMINAL JUDGMENTS, 1851-81, 1926--. 3 vols.

Record of judgments in criminal cases; name of defendant, date and amount of judgment, p. and no. of order book where found, when and how satisfied. Arr. chron. Alph. indexed by name of defendant. Hdw. pr. fms. Vols. aver. 600 pp. 19 x 13 x 3. 2 vols., 1851-81, A. R. rm. 1; 1 vol., 1926--, Cir. Clk's. off.

65. TRANSCRIPTS (Judgments by Default), 1896--. 4 vols.

Record of judgments by default; names of litigants, order of court to constable, date and term of court. Arr. chron. Alph. cross-indexed by names of plaintiff and defendant. Hdw. Vols. aver. 500 pp. 19 x 13 x 3. Cir. Clk's. off.

Orders

66. LAND TRIALS (District and Circuit Courts), 1797-1802. 1 vol. Subsequent records, see entry 68.

Orders in land trials; names of plaintiff and defendant, history of case, date of trial, decision. Arr. chron. Alph. cross-indexed by names of plaintiff and defendant. Hdw. 361 pp. 19 x 12 x $3\frac{1}{2}$. Cir. Clk's. ante-rm.

67. ORDER BOOK, FAYETTE COMMON PLEAS, 1874-92. 8 vols. (1-8).

Orders in ordinary and equity cases before court of common pleas; names of litigants, order, date rendered. Arr. chron. Alph. indexed by name of plaintiff. Hdw. Vols. aver. 500 pp. 18 x 12 x $2\frac{1}{2}$. Cir. Clk's. off.

68. ORDER BOOK (District and Circuit Courts), 1798--. 198 vols. (A-Z, 1-172).

Orders of court in land trials and other civil cases; names of litigants, type of suit, date of order. Arr. chron. Alph. indexed by name of plaintiff. Hdw. Vols. aver. 550 pp. 20 x 13 x 3. 119 vols., 1798-1901, Cir. Clk's. ante-rm.; 79 vols., 1902--, Cir. Clk's. off.

69. COMMONWEALTH ORDER BOOK, 1916--. 10 vols. (1-10).

Orders in commonwealth cases before circuit court; name of defendant, nature of case, order of court, date. Arr. chron. Alph. indexed by name of defendant. Typed. Vols. aver. 640 pp. 19 x 13 x 3. Cir. Clk's. off.

70. RECORD OF PROBATION, 1935--. 1 vol.

Record of prisoners on probation; name, address, race, sex and age of prisoner, crime, date convicted, length of sentence, date of probation, order book p. and no. where order recorded, recommitment date, remarks. Arr. alph. by name of prisoner. Hdw. 250 pp. 16 x 11 x 2. Cir. Clk's. off.

Executions

71. CLERK'S EXECUTION BOOK, 1893--. 4 vols. (4-7).

Record of debts ordered collected in civil cases before circuit court; names of litigants and attorneys, amount of debt, date of judgment, costs, date of sheriff's return. Arr. chron. by date of return. Alph. indexed by name of plaintiff. Hdw. pr. fms. Vols. aver. 550 pp. 19 x 13 x $3\frac{1}{2}$. Cir. Clk's. off.

72. COMMONWEALTH EXECUTION BOOKS, 1881--. 4 vols., 1 file box.

Record of debts ordered collected in commonwealth cases brought before circuit court; name of defendant, amount of debt and costs, date of judgment, date of sheriff's return. Arr. chron. by date of return. Hdw. pr. fms. Vols. aver. 500 pp. 18 x 12 x 3. File box 75 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x $13\frac{1}{4}$. 3 vols., 1881-1918, A. R. rm. 2; 1 vol., 1 file box, 1919--, Cir. Clk's. off.

73. EXECUTION BOOKS, 1806-84, 1895--. 30 vols., 13 file boxes. Orders of court of common pleas and circuit court to sheriff for collection of debts in cases before court; names of litigants, amount of debt and costs, date of judgment, date of sheriff's return. Arr. chron. by date of return. Alph. cross-indexed by names of plaintiff and defendant. Hdw. pr. fms. Vols. aver. 500 pp. 18 x 12 x 3. File boxes aver. 100 docs. 5 x 5 x 12. 26 vols., 9 file boxes, 1806-84, 1895-1907, A. R. rm. 2; 4 vols., 4 file boxes, 1908--, Cir. Clk's. off.

Transcripts

74. TRANSCRIPT FROM FAYETTE QUARTERLY COURT (Civil Cases), 1901--. 2 file boxes. Prior records missing. Transcript of civil cases from quarterly court to recover debts; names of plaintiff and defendant, amount of debt, costs, date of trial, decision. Arr. alph. by name of plaintiff. Hdw. File boxes aver. 150 docs. 11 x 5 x 16. Cir. Clk's. off.

75. TRANSCRIPT OF TESTIMONY, 1907--. 2037 pamphlets. Testimony of witnesses in cases before circuit court; names of witnesses, style of case, date testified. 1907-21, hdw.; 1922--, typed. Pamphlets aver. 8 pp. 15 x 10 x 1/8. 153 pamphlets, 1907-22, A. R. rm. 2; 1884 pamphlets, 1923--, Cir. Clk's. off.

Bonds

76. SALES BONDS, 1923--. 2 file boxes. Bond insuring payment for property purchased; names of bondee and bondsmen, description of property, amount and date of bond, maturity date. Arr. chron. by date filed. Hdw. pr. fms. File boxes aver. 40 docs. 5 x 11 x 16. Cir. Clk's. off.

77. CANCELLED SALES BONDS, 1914--. 1 file box. Cancelled bonds insuring payment for property; names of parties, sureties and master commissioner, description of property, amount of bond, date cancelled. Arr. alph. by name of bondee. Hdw. pr. fms. 30 docs. 5 x 11 x 16. Cir. Clk's. off.

78. INJUNCTION BONDS, 1893--. 5 vols. (1-5). Surety bond furnished prior to decision of court for damages which may accrue if injunction illegal; names of plaintiff, defendant and sureties, date and amount of bond. Arr. chron. Alph. indexed by name of defendant. Hdw. pr. fms. Vols. aver. 500 pp. 15 x 10 x 2 1/2. 1 vol., 1893-1905, A. R. rm. 1; 2 vols., 1906-23, A. R. rm. 2; 2 vols., 1924--, Cir. Clk's. off.

79. REPLEVIN BONDS, 1882-83, 1913--. 3 vols. Bond furnished by person holding goods, guaranteeing their safe custody pending decision of court; amount of bond, names of bondsmen and bondee, date recorded. Arr. chron. Alph. indexed by name of bondee. Hdw. pr. fms. Vols. aver. 350 pp. 15 x 10 x 2. 1 vol., 1882-83, A. R. rm. 1; 2 vols., 1913--, Cir. Clk's. off.

80. ATTACHMENT BONDS, 1875--. 17 vols. Surety bond furnished by plaintiff for damages if attachment illegal; names of plaintiff and defendant, amount of bond, date filed. Arr. chron. Alph. indexed by name of bondee. Hdw. pr. fms. Vols. aver. 500 pp. 15 x 10 x 2 1/2. 5 vols., 1875-1919, A. R. rm. 1; 8 vols., 1885-1925, A. R. rm. 2; 4 vols., 1926--, Cir. Clk's. off.

Circuit Court, Claims against Court

81-89

81. RECEIVER BONDS, 1932--. 1 vol.

Bonds executed by receivers in bankruptcy cases guaranteeing faithful discharge of duties; names of bondee, bankrupt party and sureties, amount and date of bond. Arr. chron. Alph. indexed by name of bankrupt party. Typed pr. fms. 500 pp. 15 x 10 x 2 $\frac{1}{2}$. Cir. Clk's. off.

82. SUPERSEDEAS BONDS, 1914--. 6 vols.

Bonds securing damages resulting from stay of execution; names of bondee and bondsmen, amount and date of bond. Arr. chron. Alph. indexed by name of bondee. Hdw. pr. fms. Vols. aver. 300 pp. 18 x 12 x 2. 2 vols., 1914-21, A. R. rm. 2; 4 vols., 1922--, Cir. Clk's. off.

83. FORFEITED BONDS, 1914--. 2 file boxes.

Summons issued by circuit court for forfeiture of bond upon failure of bondee to appear; names of bondee and bondsmen, amount of bond, date summons issued, date bond due. Arr. chron. by date filed. Hdw. pr. fms. File boxes aver. 25 docs. 5 x 10 x 12. 1 file box, 1914-19, A. R. rm. 2; 1 file box, 1920--, Cir. Clk's. off.

84. COMMITTEES BONDS, 1894-96, 1914--. 8 vols.

Surety bonds furnished by committees in charge of lunatics and pauper idiots assuring faithful execution of duties; names of committeemen, bondsmen and lunatic or pauper idiot, amount and date of bond. Arr. chron. Alph. indexed by name of idiot or lunatic. Hdw. pr. fms. Vols. aver. 550 pp. 15 x 10 x 2 $\frac{1}{2}$. 1 vol., 1894-96, A. R. rm. 2; 2 vols., 1914--, Cir. Clk's. off.

Claims against Court

85. OFFICIAL CLAIMS, 1900--. 14 file boxes.

Claims for services; name of official, date and amount of claim, service rendered. Arr. chron. Hdw. pr. fms. File boxes aver. 50 docs. 5 x 11 x 16. Cir. Clk's. off.

Court Claims

86. INVESTMENT CLAIMS OF CIRCUIT COURT, 1902-8. 2 vols.

Record of claims filed by circuit court for judgments and other causes; name, address and occupation of person, where employed, date of claim. Arr. chron. Hdw. Vols. aver. 300 pp. 13 x 27 x 2 $\frac{1}{2}$. A. R. rm. 1.

Lunacy Proceedings

87. RESTORATION CASES, 1931--. 1 file box.

Cases brought before circuit court to prove sanity and restore status of persons previously adjudged insane; names of person and medical examiners, judgment, date of judgment. Arr. alph. by name of defendant. Hdw. pr. fms. 32 docs. 5 x 11 x 16. Cir. Clk's. off.

88. LUNACY NOTICES AND SUBPOENAS, 1922--. 4 file boxes.

Subpoenas issued by circuit court to persons charged with lunacy; name of person, date of appearance before court, date of subpoena. Arr. alph. by name of defendant. Hdw. pr. fms. File boxes aver. 25 docs. 5 x 11 x 16. Cir. Clk's. off.

89. LUNACY INQUESTS, 1911--. 9 vols. (1-9).

Circuit court inquests to test sanity of persons against whom lunacy warrant has been issued; names of defendant, petitioners and examining physicians

appointed by court, physicians' opinion, judgment, date given, term of court. Arr. chron. by date of judgment. Alph. indexed by name of defendant. Hdw. pr. fms. Vols. aver. 450 pp. 15 x 10 x 2 $\frac{1}{2}$. Cir. Clk's. off.

90. INQUESTS OF FEEBLE-MINDED PERSONS, 1918--. 1 vol.

Circuit court inquests to examine feeble-minded persons before commitment to an institution; names of defendant, petitioners and physicians, opinion of physicians, judgment, date given. Arr. chron. Alph. indexed by name of defendant. Hdw. pr. fms. 450 pp. 15 x 10 x 2 $\frac{1}{2}$. Cir. Clk's. off.

91. IDIOTS INQUESTS, 1924--. 1 vol.

Circuit court inquests into sanity of idiots; names of defendant, petitioners and examining physicians appointed by court; opinion of physicians, judgment, date given. Arr. chron. Alph. indexed by name of defendant. Hdw. pr. fms. 350 pp. 18 x 12 x 2. Cir. Clk's. off.

92. INCOMPETENT PAPERS, 1929--. 3 file boxes.

Cases of persons judged incapable of managing their property; name of incompetent, description of property, name of guardian appointed, date of decision. Arr. alph. by name of incompetent. Hdw. pr. fms. File boxes aver. 35 docs. 5 x 11 x 16. Cir. Clk's. off.

V CIRCUIT CLERK

The office of the circuit court clerk may be traced back to the clerks of the various courts in Virginia and Kentucky which preceded the present circuit court. In 1782, with the establishment of a district court in the Kentucky District, consisting at that time of Fayette, Jefferson and Lincoln Counties, the clerk of the court was to sign all process. All papers and pleading in all actions, suits and other matters depending in the high court of chancery and general court were to be transferred to the docket of the district court and all such papers and pleading delivered to the clerk and filed by him (Hening, Statutes at Large, Laws of Virginia, Vol. IX, p. 87).

The first constitution of Kentucky (1792) provided for the appointment of clerks by each court to hold office during good behavior (Const. of 1792, Art. VI, Sec. 5). The second constitution (1799) reaffirmed the appointment of clerks (Const. of 1799, Art. IV, Sec. 10).

With the abolishment of the district and quarterly courts and the establishment of the circuit court in their place in 1802, the office of circuit court clerk as such emerges. The circuit court clerk was appointed by the court and held office during good behavior. He was to receive from the district and quarterly court clerks all records and papers belonging to those offices. His duty was to docket such causes of the above mentioned courts in his court, to make out a court docket and to furnish oath, bond and security. His authenticated records of former courts (quarter sessions and district courts) were to be accepted as those of his court; and he was to receive acknowledgment and proof of deeds out of court (This last, however, was repealed December 22, 1806, and all acknowledgment and proof of deeds or recording given to the county clerk) (Littell, Statute Laws of Kentucky, Vol. III, p. 37 et seq., 87 et seq., 88, 358).

The clerk and his deputies were not to act as attorneys in their own courts (Morehead and Brown, Digest, p. 175), but they were to endorse the time of filing pleas (Ibid., 302). The clerk was to form new writs (Ibid., 312); receive fees in money instead of tobacco (Ibid., 316); administer oaths to plea

Circuit Clerk

of non est factum (Ibid., 330); draw up and record orders of court each day, to be signed by the judge (Ibid., 329); make out the docket for the succeeding term of court (Ibid., 333); endorse executions (Ibid., 344, 348); give account to auditor of all money for taxes received by him (Ibid., 357); procure seal of office (Ibid., 365); make and certify a list of claims allowed each term, payable out of the treasury, forwarding same to auditor (Ibid., 378, 379); deliver fee bills to the sheriff for collection (Ibid., 383, 389); take oath of office (Ibid., 384); not remove records out of the county except in case of invasion or insurrection, keep an execution book, keep office at or near the courthouse, and on removal or resignation deliver all records and papers to such person whom the court shall appoint (Ibid., 385); produce fee bills chargeable to the persons, and set up in the courthouse and office, for public inspection, a list of the fee bills (Ibid., 386); transmit a list of judges removed from office to the secretary of state (Ibid., 387); execute his bond every five years and transmit to clerk of appeals (Ibid., 391); make complete records of court proceedings, if required, as in cases of appeal (Ibid., 392, 399); take recognizances for the peace in certain cases, administer oaths out of office term, and not charge fees for searches (Ibid., 400); and not charge revolutionary soldiers for fixing seal of office on documents requiring same (Ibid., 406).

The circuit court clerk was further to: tax costs on papers filed before execution (Ibid., 474); be responsible for lawbooks in his charge, make out a list periodically of all law books received to the judge and transmit a copy to the secretary of state (Ibid., 568, 569); note returns of executions (Ibid., 629); be liable for taking insufficient security in replevin bond (Ibid., 655); give certificate of number of terms judge attended (Ibid., 879); receive tax on law process or writs (Ibid., 1366); certify the value of slaves condemned and executed to the auditor (Ibid., 361); furnish his own books, presses, stationery, etc., chargeable to the treasury (Ibid., 366); transmit abstracts of certain judgments to treasurers of seminaries (Ibid., 398); deliver to the county clerk a list of fines before the tenth day preceding the meeting of the court of claims (Ibid., 388); deliver recognizances and statements of evidence to the commonwealth attorney to enable him to prepare cases and present them to the grand jury (Ibid., 539); make a list of idiots and lunatics and their committees in a docket book (Ibid., 802); certify to the governor a copy of conviction of officers convicted of certain crimes (Ibid., 1246); transmit to keeper of the penitentiary a statement of the expenses of convicting prisoners (Ibid., 1308); forward papers when a change of venue is granted and be answerable for the fidelity of persons trusted with the papers (Ibid., 1525, 1526).

Further duties were to: endorse, on an inner envelope, all steps taken in each cause (Loughborough, Statute Laws of Kentucky, p. 136); receive a list of jurors and take oath not to divulge names before time (Ibid., 368); forward to the auditor copies of settlement with trustee of the jury fund and of a list of fines and forfeitures (Ibid., 372-374); and make out a list of jury fines and forfeitures at each term (Ibid., 362).

The third constitution provided for the election of the clerk for a six-year term and stipulated that he must be twenty-one years of age, a resident of the state for two years and of the county for one year (Const. of 1850, Art. VI, Sec. 1). Duties outlined by statute after this constitution provided that he was to: keep office within 200 yards of the courthouse (General Statutes 201); keep a book of witnesses' attendance (Ibid.); keep an account of all public money received to be furnished to his court (Ibid., 727); keep a registry of suits to settle insolvent estates (Ibid., 555); keep a book to

enter all public money received by him for the commonwealth (Ibid., 728); keep a book called a general index and enter names of parties in the case after the case is decided, and reference to bundle number in which papers are filed (Ibid., 203); issue executions and put in the hands of the sheriff (Ibid., 728); report to the auditor money on hand on the second day of the term of court in writing, verified by oath (Ibid., 579); and keep equity and common law dockets (Ibid., 200).

The fourth constitution retained substantially the same provisions (Const. of 1891, Secs. 98, 100, 106). Further statutory duties, in effect today, provide that the circuit court clerk is to: certify the list of all claims by court and payable out of the public treasury to the auditor of public accounts within twenty days after termination of each session of the circuit court (Carroll's Kentucky Statutes, 1936, Sec. 359); upon resignation or termination of office deliver all papers and records pertaining to his office to his successor (Ibid., 374); keep a record of every execution and return made by the sheriff, record all sales of real estate under execution and all data concerning same (Ibid., 375); write up each day's proceedings in court (Ibid., 378); list all steps taken in every action and file summary thereof with other papers in case within thirty days after close of each term (Ibid., 379); issue subpoenas for appearance before grand juries (Ibid., 381); certify soldiers' claims (Ibid., 382); enter in separate book data concerning all summons (Ibid., 383); make a full report to the state auditor in November of each year as to all cases filed in court the preceding year (Ibid., 385); keep a general index setting out names of parties and style of each case before the court (Ibid., 386); keep judgment and enter thereon all civil and criminal judgments, alphabetically indexing same (Ibid., 388a-1); make a transcript of all papers when change of venue is ordered and forward same to the clerk of the court where cause is removed (Ibid., 1099); tax costs of each party on paper filed with case at termination of action (Ibid., 906); submit list of pauper idiots in his county to state auditor on or before September 10 of each year (Ibid., 216aa-62); transmit a certified copy of inquest proceedings to state auditor (Ibid., 216aa-61); keep all books entrusted to him in his office for the use of the public (Ibid., 2424); make a biennial report to the judge of all books received on public account and of all those remaining in his office (Ibid., 2429); make a report of all taxes and other public money received up to the first day of each circuit court (Ibid., 4242); keep a book and enter thereon all money received (Ibid., 4243); attend to collection of fines and forfeitures and keep a record of the jury fund (Ibid., 2290-1); issue executions (Ibid., 4244); issue process (Ibid., 4245); make lists of all receipts and expenditures and make a full report in writing every four months to circuit judge (Ibid., 4252); act as librarian of county library, keep room in order, preserve books, make inventories, receipt all books, maps and furniture and give same to state librarian (Ibid., 2438c-8); as ex-officio county librarian, give, at his discretion, such non-current documents and reports as not needed by the county to the Kentucky University and libraries of the four state teachers' colleges (Ibid., 2438c-11a); pay jurors' compensations (Ibid., 2290-2); issue operators' licenses in behalf of the state tax commissioner (Ibid., 2739m et seq.); keep a rule docket and enter thereon names of parties in cases and steps taken (Ibid., 990); and perform all duties and functions pertaining to proceedings prescribed in the Kentucky Code.

Indictments

93. REPORTS OF GRAND JURY, 1911--. 1 file box.

Reports of grand jury to judge; date, jury's decision, names of defendant and jurors. Arr. chron. by date filed. Hdw. pr. fms. 47 docs. 15 x 11 x 16. Cir. Clk's. off.

License

94. APPLICATIONS FOR LICENSE TO PRACTICE LAW, 1912--. 2 file boxes. Original applications to practice law in county; date, name, residence and qualifications of applicant, county judge's decision. Arr. alph. by name of applicant. Hdw. pr. fms. File boxes aver. 35 docs. 10 x 5 x 4. 1 file box, 1912, A. R. rm. 2; 1 file box, 1913--, Cir. Clk's. off.

Financial

95. INDIVIDUAL LEDGER, 1866-1903. 14 vols. (1-14). Subsequent records, see entry 59.

Record of money received by court of common pleas and circuit court for court costs; amount, date received, name of payer, location and amount of property sold to satisfy costs. Arr. chron. Hdw. Vols. aver. 450 pp. 19 x 14 x 3. A. R. rm. 1.

96. COMMONWEALTH WITNESS CERTIFICATE, 1896-97. 1 vol. Subsequent records, see entry 99.

Certificate of payment for attendance of witnesses for commonwealth; date of trial, name of witness, no. of days served, amount paid. Arr. chron. Hdw. pr. fms. 300 pp. 18 x 10 x 3. A. R. rm. 2.

97. SHERIFF'S CLAIM, 1914-22. 1 file box. Subsequent records, see entry 189.

Claims made by sheriff for services; name of sheriff, service rendered, amount of claim, date filed. Arr. chron. by date filed. Hdw. pr. fms. 75 docs. 5 x 11 x 16. Cir. Clk's. off.

98. CASH BOOK, 1893--. 2 vols.

Receipts and disbursements of circuit court; date, amount and purpose of disbursement or collection. Arr. chron. Hdw. Vols. aver. 425 pp. 19 x 12 x 3. 1 vol., 1893-1914, A. R. rm. 1; 1 vol., 1915--, Cir. Clk's. off.

99. CURRENT LEDGER, 1911--. 3 vols.

Itemized account of circuit court's purchases; name and cost of item, date purchased. Record of payments for commonwealth witnesses' attendance; name of witness, no. of days served, amount paid, date. Arr. chron. under subject. Hdw. Vols. aver. 800 pp. 11 x 6 x 4. 1 vol., 1911-15, A. R. rm. 2; 2 vols., 1916--, Cir. Clk's. off.

Jury Fund

100. FEE BOOK (Court of Common Pleas, Circuit Court), 1880-84, 1886--. 5 vols.

Fines and forfeitures paid to circuit court and court of common pleas; style of suit, charge, attorneys' fees, sheriff's and clerk's costs, names of witnesses and amount due each, date and amount paid. Arr. chron. Alph. indexed by name of defendant. Hdw. Vols. aver. 550 pp. 18 x 13 x 3½. 1 vol., 1880-84, A. R. rm. 1; 2 vols., 1886-1925, A. R. rm. 2; 2 vols., 1926--, Cir. Clk's. off.

101. JURY FEE BOOK, 1876-88, 1915--. 6 vols., 2 file boxes.

Record of fees paid jurors in circuit court cases; names of jurors, no. of days served, date of payment. Arr. chron. Hdw. pr. fms. Vols. aver. 450 pp. 17 x 11 x 2. File boxes aver. 150 docs. 5 x 11 x 16. 2 vols., 1876-88, A. R. rm. 1; 2 vols., 1915-24, A. R. rm. 2; 2 vols., 2 file boxes, 1925--, Cir. Clk's. off.

102. REPORTS OF TRUSTEE OF JURY FUND, 1919--. 2 vols.

Report of trustee of jury fund on fines and forfeitures collected; date and amount of collection, name of payer, offense, date of judgment, signatures of trustee, judge of circuit court and district attorney. Arr. chron. by date of collection. Hdw. pr. fms. Vols. aver. 350 pp. 19 x 13 x 3. Cir. Clk's. off.

Witness Attendance

103. WITNESS ATTENDANCE OF CIVIL CASES (Court of Common Pleas, Circuit Court), 1875-1901, 1906--. 17 vols.

Record of witness attendance in civil cases; names of witnesses, for whom appearing, no. of days served, amount paid. Arr. chron. Hdw. pr. fms. Vols. aver. 500 pp. 16 x 10 x 3. 13 vols., 1875-1901, A. R. rm. 1; 3 vols., 1906-25, A. R. rm. 2; 1 vol., 1926--., Cir. Clk's. off.

104. FELONY WITNESS CERTIFICATE, 1920--. 9 vols. (1-9).

Stubs of certificates issued witnesses showing they have served on felony cases; names of defendant and witness, date served, amount due. Arr. chron. Hdw. pr. fms. Vols. aver. 250 pp. 15 x 10 x 2. 7 vols., 1920-32, A. R. rm. 2; 2 vols., 1933--., Cir. Clk's. off.

105. WITNESS BOOK (Criminal and Misdemeanor Cases), 1888-92, 1920--. 3 vols.

Record of attendance of witnesses in criminal and misdemeanor cases; names of witness and person from whom appearing, no. of days served, amount due. Arr. chron. Hdw. Vols. aver. 200 pp. 18 x 10 2/3 x 2. 2 vols., 1888-92, 1920-25, A. R. rm. 2; 1 vol., 1926--., Cir. Clk's. off.

Miscellaneous

106. MISCELLANEOUS BONDS AND REPORTS, 1811-1921. 2 file boxes.

Reports of grand jury, license to practice law, liens, cancelled sale bonds, orders of circuit court, list of petit jurors to be summoned, claims, petitions, bail bonds, affidavits. Hdw. pr. fms. File boxes aver. 35 docs. 5 x 11 x 16. Cir. Clk's. off.

107. MISCELLANEOUS PAPERS, 1870--. 320 bundles on 4 shelves.

Circuit court affidavits, vouchers, disbursements, transcripts of testimonies, warrants, summons, orders. Hdw. 80 bundles to a shelf. Shelves aver. 400 docs. 16 x 29 x 12. Bundles aver. 50 docs. 12 x 10 x 4. A. R. rm. 2.

VI MASTER COMMISSIONER

The office of master commissioner can be traced back to 1789 when the General Assembly of Virginia passed an act, amending several previous acts, which provided that it shall be lawful for the high court of chancery, in such cases as may require a report which cannot be performed by the court without delay to other business, to employ one or more commissioners (Hening, Statutes at Large, Vol. XII, p. 766; Littell, Statute Laws of Kentucky, Vol. I, p. 520). In 1811 an act in Kentucky provided that, when executors decline to act, commissioners be appointed to convey land (Littell, Op. Cit., Vol. IV, p. 238). An act of 1839, however, first makes use of the full name, Master Commissioner, and provides that it be his duty, after the court referred the matter to him, in cases of estates which were insufficient to pay their debts and the representative filed a bill in chancery for settlement, to ascertain and report the estate, debts, and date fixed by court when debtors shall be required to prove their

Master Commissioner

debts (Loughborough, Digest, p. 240).

The present master commissioner's office was not created until 1874, when an act provided for his appointment by the circuit court, to continue in office not more than four years without reappointment. Before acting as such he was to be sworn and a bond executed, with surety, to be approved by the court, for the faithful performance of his duties. His duties were to settle accounts of insolvent estates adjudicated in the court of which he was the master commissioner, to perform such other duties as the court required of him, and to execute a new bond or special bond when required. He had power to administer oaths, grant certificates thereof, swear witnesses and take their proof in writing, compel attendance of witnesses by subpoena and attachment and execute judicial sales. He had the additional power to fine or/and imprison persons refusing to testify before him. Parties or their attorneys were permitted by the court to select a receiver or commissioner in any action or proceeding to perform the duties of the master commissioner, if they wished (The General Statutes of Kentucky, Chapter 75, pp. 656-658).

Where the office of the commissioner or receiver of any court became vacated by death, resignation or removal from the county, the judge supplied the same by appointment at next term of court (Ibid., 964-965). An act concerning commissioners of circuit courts provided further that commissioners were: to keep a docket in their offices containing the number of actions, style, names of plaintiffs and defendants and date of reference; to enter all claims filed in their offices in such actions, giving date, by whom filed, the nature and amount of claims and whether and from what date claims bear interest; and to endorse the date of filing on back of or on margin of claims and attest same. It was also provided that the commissioner be empowered to appoint a deputy whenever in the opinion of the court it became necessary for him to have one, and, if more than one was necessary, the court was to determine the number to be appointed. The deputies took oath of office, furnished bond, and essentially performed all of the duties of the master commissioner. They were removable at the pleasure of the commissioner. This act further provided that, unless otherwise specially ordered by the court, the commissioner was to make all conveyances of real property which are authorized by law to be made by a commissioner appointed by the court. Commissioners' fees were to be taxed as costs and collected as fees of circuit clerks (Acts of the General Assembly of 1893, Chapter 149, pp. 493, 494).

Various later statutes further defined the duties of master commissioner. He is appointed by the circuit judge for a four-year term and may be removed by him for cause; he takes oath of office and executes a bond (Carroll's Kentucky Statutes, 1936, Sec. 392); persons aggrieved may take action on his bond (Ibid., 393). He is to make settlements of insolvent estates (Ibid., 394); to administer oaths, grant certificates, swear witnesses, coerce their attendance by subpoenas and attachments and execute judicial sales (Ibid., 395); no allowance is to be made to him until his statement is filed (Ibid., 396); vacancy of his office shall be filled by the judge (Ibid., 397-398); he may be selected by parties (Ibid., 400); he keeps a docket to enter all actions and claims thereof (Ibid., 404); he has power to appoint deputies (Ibid., 405); he makes conveyances of real property authorized by law and in case of partition of land makes only one deed, unless otherwise ordered by court (Ibid., 406); his fees are fixed as costs (Ibid., 407); the same person may be commissioner and receiver at discretion of court (Ibid., 409); he reports money on hand the first day of court, giving style of case in which money is collected (Ibid., 402); and he keeps all money paid him under order of the court and pays same out only on duly attested court order (Ibid., 412).

Land Instruments

108. DEEDS AND DIVISION OF LAND (Court of Oyer and Terminer, District Court, Court of Common Pleas, Circuit Court), 1790--. 3 vols., 3 file boxes. Earlier records missing.

Record of commissioner's deeds and reports of land division in estate settlements; date filed, names of deceased and grantees, description and location of estate, amount and description of property allotted each grantee. Arr. chron. Alph. indexed by name of deceased. Hdw. pr. fms. Vols. aver. 433 pp. $13\frac{1}{2}$ x $10\frac{3}{4}$ x $4\frac{3}{4}$. File boxes aver. 60 docs. 5 x 11 x 16. Co. Ct. Clk's. vlt.

109. COMMISSIONERS CERTIFICATE (Court of Oyer and Terminer, District Court, Court of Common Pleas, Circuit Court), 1790--. 3 vols. (1-3). Earlier records missing.

Registration of land surveys in county; date, description of land, name of owner. Arr. chron. Alph. indexed by name of land owner. Hdw. pr. fms. Vols. aver. 150 pp. 15 x 19 x 2. A. R. rm. 1.

Financial

110. RECEIPTS, 1913--. 23 vols.

Master commissioner's receipts from circuit court judgments; names of plaintiff and defendant, amount of judgment, date and amount paid commissioner. Arr. chron. Hdw. pr. fms. Vols. aver. 400 pp. 18 x 10 x 4. 18 vols., 1913-30, A. R. rm. 2; 5 vols., 1931--, Master Com's. off.

111. CHECKS, 1910--. 28 vols.

Stubs of checks issued by master commissioner; date, name of payee, amount, reason for payment. Arr. chron. Hdw. pr. fms. Vols. aver. 185 pp. 18 x 10 x $1\frac{1}{2}$. 20 vols., 1910-31, A. R. rm. 2; 8 vols., 1932--, Master Com's. off.

VII COUNTY COURT

The county court of Fayette County was adopted from the county courts of Virginia, which were, in turn, modeled after the courts of England. The county court, as such, exercised a variety of duties and powers in the past, but we shall take up here, as nearly as possible, only such jurisdiction as is exercised by the county court at present.

With the formation of the state of Kentucky in 1792, an act was passed saying that any four justices should constitute the county court which would have jurisdiction of all cases at common law or in chancery within the county except criminal cases and certain other cases (Hening, Statutes at Large, Vol. XIII, p. 449). The county court of Fayette County, thus established in 1792, was composed of the justices of the peace of the county, appointed by the governor, any three of whom could act as the county court. Jurisdiction was given this court of all cases regarding wills, letters of administration, mills, bastardy proceedings, appointment of guardians, superintending public inspections, granting of tavern licenses, regulation of tipling houses, admitting of deeds and other writings to record, providing for the poor in the county, and all powers exercised by the county courts of Virginia except those expressly delegated to the quarterly courts (Littell, Statute Laws of Kentucky, Vol. I, p. 90). The county court heard appeals from the justices courts (*Ibid.*, 157, 377), and was given power to bind out poor orphan children as apprentices and to receive complaints against the masters (*Ibid.*, 191, 677).

In 1799 a new constitution was drawn up which provided further that the

County Court

county court should appoint its own clerk; that it should recommend persons to the governor for appointment to the offices of justices of the peace, surveyor and coroner (Const. of 1799, Art. IV); and that it might be authorized to appoint inspectors and other inferior officers within the county (Ibid., Art. III). The general functions of and officers composing the county court were not changed by this constitution. Some of the powers added to the above, however, were: to appoint a person to take care of public buildings (Morehead and Brown, Digest, p. 275); to district counties and appoint one constable to each district (Ibid., 422); to appoint inspectors, collectors and their deputies, surveyors of the highways, constables, and county jailers (Ibid., 506); to authorize gates to be erected across public roads with power to have the same repaired or removed (Ibid., 509); to select three justices annually, to be invested with power to award injunctions, etc. (Ibid., 813); to supervise inspections (Ibid., 817); to appoint a tax collector (Ibid., 1116); to license magistrates and ministers to marry persons (Ibid., 1158); to bind out poor free children of color (Ibid., 1162); to hear complaints of servants against their masters (Ibid., 1165); to appoint commissioners to take depositions (Ibid., 1235); to appoint patrollers (Ibid., 1257); to hear appeals from the evaluation of the tax commissioner (Ibid., 1376); to divide the county into school districts (Ibid., 1418); to fix the number of trustees to each town in their respective counties (Ibid., 1509); to open streets and alleys (Ibid., 1513); and to appoint guardians for non-resident infants having property in the county (Loughborough, Digest, p. 264).

In 1850 a third constitution was adopted which provided that the county have a county court consisting of a presiding judge and two associate judges, any two of whom could transact business (Const. of 1850, Art. IV, Sec. 29), and that they should be elected for a term of four years (Ibid., 30). The jurisdiction of said court was to remain as then vested in the county court until changed by law (Ibid., 33). The county was divided into justices' districts and two justices were elected from each district (Ibid., 34). In 1852 the office of associate judge was abolished (Acts of 1850, 96). The judges made settlements with personal representatives and guardians in the county (Bullock, Nesbit and Craddock, General Statutes of Kentucky, 302); and inspected the jails once a month (Ibid., 567). The county courts were given power to establish justices' districts, divide them into election precincts, and establish places of voting in such precincts (Ibid., 376). The county court was also given the power to appoint a clerk and two judges of the elections at each precinct (Ibid., 377).

With the adoption of our present constitution in 1891 the county courts became established much as they are today. It was provided that a county court should be established to consist of a judge who shall be a conservator of the peace (Const. of 1891, Sec. 140), elected to office every four years (Ibid., 99). He must be at least twenty-four years of age, a citizen of Kentucky and a resident of his county for two years (Ibid., 99, 100). The jurisdiction of the county court remained the same as before, subject to change by law (Ibid., 141). The county court is held once each month, but special terms may be called by the judge (Carroll's Kentucky Statutes, 1936 ed., Sec. 1058). The county court fixes the terms of the justices' courts (Ibid., 1085), and has jurisdiction to probate wills, appoint and remove personal representatives, guardians, trustees, committees, curators and other fiduciaries, and to grant tavern licenses (Ibid., 1057). It has jurisdiction of assignments (Ibid., 76); of penal and misdemeanor cases, the punishment for which is limited to a fine not exceeding \$500.00 or imprisonment not exceeding twelve months, or both (Ibid., 1093); of cases where parents fail to educate deaf children (Ibid., 298fb); and of cases involving dependent, neglected, or delinquent children (Ibid., 331g-, 331e-z).

The county court has power to change the boundaries or divide precincts in the county (Ibid., 1444); to establish ferries and grant ferry privileges (Ibid., 1800); to try persons violating the game laws (Ibid., 1938a-9); and to establish inspection warehouses (Ibid., 2186) and appoint inspectors therefor (Ibid., 2188). It has jurisdiction of the care and custody of persons and estates of idiots and lunatics (Ibid., 2149) and appoints three proctors for the county (Ibid., 2367). The county court has authority to have swamp lands reclaimed (Ibid., 2380-1). All places of public entertainment where intoxicating liquors are sold must obtain a license from the county court (Ibid., 2554d-1). This court appoints a public administrator (Ibid., 3903) and has power to purchase and maintain a poorhouse, appoint commissioners to look after it (Ibid., 3925), and to order a poor person to be taken to it (Ibid., 3931). Three or more persons are appointed each year by the county judge to constitute the board of tax supervisors (Ibid., 4115). The county court also has power to establish and maintain a work house and to levy a sum sufficient to pay for it (Ibid., 4867); to bind out infant children (Ibid., 2591); and to hear complaints and make order concerning same (Ibid., 2502, 2603). It further has jurisdiction over condemnation proceedings (Ibid., 839), forcible entry and detainer proceedings (Criminal Code, 454) and cancellation of registration of voters (Carroll, Op. Cit., Sec. 1468bb-13), preservation of records (Ibid., 1632), water courses and water districts (Ibid., 938g-1 et seq.) and county patrols (Ibid., 3780).

Wills

112. WILLS, 1791--. 44 vols. (1 vol. not no., A-Z, 1-17). Record of and original wills, see also entries 47, 116.
Record of wills; names of deceased and beneficiaries, location, description and division of property, names of witnesses, date recorded. Arr. chron. 1791-1910, hdw.; 1911--., typed. 1 vol., 1791-94, condition very poor; badly damaged in fire of 1897, practically illegible. Vols. aver. 500 pp. $17\frac{1}{2} \times 11\frac{1}{2} \times 2 \frac{3}{4}$. Co. Ct. Clk's. vlt.

113. INDEX TO WILLS, 1791--. 2 vols.
Alph. index to entry 112 by name of deceased, no. and p. of will book containing record. Hdw. Vols. aver. 300 pp. $17\frac{1}{2} \times 11\frac{1}{2} \times 1\frac{1}{2}$. Co. Ct. Clk's. vlt.

Appointment of Special Commissioners

114. COMMISSIONERS BONDS, 1897--. 2 vols.
Surety bonds furnished by special commissioners appointed by county judge to check settlements of guardians, administrators and executors; names of bondee and bondsmen, date and amount of bond. Arr. chron. Alph. indexed by name of commissioner. Hdw. pr. fms. Vols. aver. 500 pp. $19 \times 13 \times 3$. Co. Ct. Clk's. vlt.

Inventories and Appraisements

115. INVENTORIES AND APPRAISEMENTS OF ESTATES, 1794--. 14 vols. (1-13, 1), 12 file boxes.
Vols. contain record of and file boxes original inventories and appraisements; date, description and valuation of property, name of deceased, appraisers' signatures. Arr. chron. Alph. indexed by name of deceased. 1794-1909, hdw.; 1910--., typed. Vols. aver. 500 pp. $17\frac{1}{2} \times 11\frac{1}{2} \times 2\frac{1}{2}$. File boxes aver. 30 docs. $10 \frac{3}{4} \times 4 \frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. off.

116. WILLS, SETTLEMENTS AND INVENTORIES, 1803--. 373 file boxes. Prior records missing.

Original wills; date made, names of testator, beneficiaries and witnesses, provisions, signatures of testator and witnesses. Original inventories; date, name of deceased, description of property, valuation, signatures of appraisers. Original settlements; names of deceased, heirs, fiduciary, settlement, date, signature of county judge. Arr. chron. by date filed. 1803-1909, hdw.; 1910--, typed. File boxes aver. 40 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. 372 file boxes, 1803--, Co. Ct. Clk's. off.; 1 file box, 1917--, Cir. Clk's. off.

Fiduciaries' Settlements

117. SETTLEMENTS OF EXECUTORS, ADMINISTRATORS AND GUARDIANS, 1817--.

37 vols., 68 file boxes. Prior records missing.

Estate settlements by fiduciaries; date, amount and source of receipts, date, amount and reason for disbursement, names of deceased and fiduciary, final settlement. Arr. chron. Alph. indexed by name of deceased or ward. 1817-1909, hdw.; 1910--, typed. Vols. aver. 500 pp. 19 x 13 $\frac{1}{2}$ x 3. File boxes aver. 50 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

Apprenticeships

118. INDENTURE OF APPRENTICESHIP, 1867-69, 1892--. 3 vols.

Contract between master and apprentice guaranteeing faithful execution of duties; date, provisions of contract, names of apprentice and master. Arr. chron. Alph. cross-indexed by names of apprentice and master. Hdw. pr. fms. Vols. aver. 179 pp. 16 x 9 x 2 $\frac{3}{4}$. 1 vol., 1867-69, Co. Ct. Clk's. vlt.; 2 vols., 1892--, A. R. rm. 1.

Fiduciaries' Bonds

119. ADMINISTRATORS' BONDS, 1803--. 22 vols. (1-22).

Surety bonds for faithful execution of duties in administering estates; date and amount of bond, names of administrator, sureties and deceased. Arr. chron. Alph. indexed by name of deceased. Hdw. pr. fms. Vols. aver. 250 pp. 14 x 10 x 3 $\frac{1}{2}$. Co. Ct. Clk's. vlt.

120. EXECUTORS' BONDS, 1803--. 21 vols. (1-21).

Surety bonds for faithful execution of duties; names of deceased, executor and surety, date and amount of bond. Arr. chron. Alph. indexed by name of deceased. Hdw. pr. fms. Vols. aver. 250 pp. 14 x 10 x 3 $\frac{1}{2}$. Co. Ct. Clk's. vlt.

121. GUARDIANS' BONDS, 1803--. 21 vols. (1-21).

Surety bonds assuring faithful performance of duties in care of estates of minors; date and amount of bond, names of guardian, ward and bondsmen. Arr. chron. Alph. indexed by name of ward. Hdw. pr. fms. Vols. aver. 250 pp. 18 x 10 x 2. Co. Ct. Clk's. vlt.

122. TRUSTEES' AND ASSIGNEES' BOND, 1904--. 7 vols. (1-7).

Surety bonds securing faithful execution of duties; date and amount of bond, names of bondee and sureties. Arr. chron. Alph. indexed by name of estate. Hdw. pr. fms. Vols. aver. 240 pp. 15 x 9 x 2. 3 vols., 1904-17, Co. Ct. Clk's. vlt.; 4 vols., 1918--, Co. Ct. Clk's. off.

License

123. RENEWAL OF LIQUOR LICENSE, 1913. 1 vol. Discontinued as county record in 1913, now in custody of State Tax Commission, Frankfort, Ky.

County Court, Petitions

124-131

Record of applications for liquor licenses; name of applicant, location of dispensary, date of application. Arr. chron. Hdw. pr. fms. 150 pp. 10 x 5 x 1. Co. Ct. Clk's. vlt.

Petitions

124. CONDEMNATION PAPERS, 1924-27. 3 file boxes.

Record of court procedure condemning and taking property for use of private corporations owning utility lines; owner's name, location of property, reason condemned, commissioner's report. Arr. chron. Hdw. pr. fms. File boxes aver. 50 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. vlt.

125. BLIND MAN PENSIONS, 1910. 1 file box.

Pension applications filed by blind persons; date, name, sex, age and length of residence in county of applicant. Arr. chron. Hdw. pr. fms. 5 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

Summons

126. TAX CASES AND SUMMONS, 1893--. 2 file boxes.

Summons by sheriff in tax cases; date, reason issued, names of sheriff and person summoned, date set for appearance. Hdw. pr. fms. File boxes aver. 50 docs. 4 x 5 x 10. 1 file box, 1893-1927, Co. Ct. Clk's. vlt.; 1 file box, 1928--., Co. Ct. Clk's. off.

127. QUARTERLY COURT PAPERS (County Court Summons), 1895--. 4 vols. (1-4), 1 file box.

Summons issued by county court; names of persons executing summons, plaintiff and defendant, date issued, date of appearance, costs, amount to be paid plaintiff. Arr. chron. Hdw. pr. fms. Vols. aver. 475 pp. 17 x 13 x 2 $\frac{1}{2}$. File box 80 docs. 8 x 6 x 4. 1 file box, 1895-96, A. R. rm. 2; 4 vols., 1897--., Co. Ct. Clk's. off.

Suits

128. ENCUMBRANCES ON REAL ESTATE, 1896--. 8 vols. (1-8), 5 file boxes.

Suits in which encumbrances on real estate have been contested in county court; names of litigants, nature of encumbrance, description of property. Some suits give amount of encumbrance, court judgment and date returned. Arr. chron. by date filed. 1896-1921, hdw.; 1922--., typed. Vols. aver. 400 pp. 17 $\frac{1}{2}$ x 11 $\frac{1}{2}$ x 2 $\frac{3}{4}$. File boxes aver. 50 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. vlt.

129. INDEX TO ENCUMBRANCES ON REAL ESTATE, 1896--. 1 vol.

Alph. index to entry 128 by name of property owner, nature of encumbrance, description of property, vol. and p. no. containing record. Hdw. 400 pp. 17 $\frac{1}{2}$ x 11 $\frac{1}{2}$ x 2 $\frac{3}{4}$. Co. Ct. Clk's. vlt.

Dockets

130. RULE DOCKET, 1931--. 5 vols. (1-5).

Record of civil cases of county court called for trial second Monday in each month; names of plaintiff and defendant, steps taken at previous session, date of trial, type of case. Arr. chron. Hdw. Vols. aver. 500 pp. 17 $\frac{1}{2}$ x 10 $\frac{1}{2}$ x 2 $\frac{3}{4}$. Co. Ct. Clk's. off.

Judgments

131. GENERAL ALPHABET (Index to Judgments and Decrees of County Court),

F1 34-48

County Court, Orders

132-139

1798-1862. 5 vols. (1-5). Record which this index serves cannot be located.

Alph. index by names of parties to suit, suit no., date judgment rendered, vol. and p. containing record. Hdw. Vols. aver. 500 pp. 18 x 16 x 3. A. R. rm. 1.

Orders

132. ORDER BOOKS, 1803--. 58 vols. (1-58).

Orders in county court cases; names of plaintiff and defendant, nature of case, date and term of court, order. Arr. chron. Alph. cross-indexed by names of parties. 1803-1929, hdw.; 1930--, typed. Vols. aver. 500 pp. 17 $\frac{1}{2}$ x 11 $\frac{1}{2}$ x 2. Co. Ct. Clk's. off.

Bonds

133. BAIL BONDS, 1925--. 1 vol.

Bond furnished by person released from jail guaranteeing appearance at trial; names of bondee and bondsmen, offense, court sentence, amount and date of bond. Arr. chron. Alph. indexed by name of bondee. Hdw. pr. fms. 500 pp. 15 x 10 x 2 $\frac{1}{2}$. Co. Ct. Clk's. off.

134. APPEAL BOND, 1909--. 2 vols.

Bond furnished by plaintiff guaranteeing payment of costs in cases appealed to higher court; date and amount of bond, names of bondee and bondsmen. Arr. alph. by name of bondee. Hdw. pr. fms. Vols. aver. 250 pp. 14 x 8 x 2. 1 vol., 1909-14, A. R. rm. 2; 1 vol., 1915--, Co. Ct. Clk's. off.

Liquor Sales

135. WHISKY WITHDRAWALS, 1900-1923, 1932--. 3 file boxes.

Record of whiskey withdrawn from warehouses in county by drug stores; amount and date of withdrawal, taxes on whiskey, name of dealer. Hdw. pr. fms. File boxes aver. 60 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

Juvenile Court

136. BASTARDY WARRANTS, 1900--. 1 file box.

Record of bastardy warrants issued by county court; child's name and age, names of parents, date of warrant, court decision regarding child's support, date rendered. Arr. chron. Hdw. pr. fms. 47 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. vlt.

137. JUDGE'S DOCKET (Juvenile Cases), 1884--. 15 vols.

Docket of juvenile cases for trial; date, style of case, names of parties, judgment. Arr. chron. Hdw. Vols. aver. 375 pp. 18 x 12 x 2. 12 vols., 1884-1925, A. R. rm. 1; 3 vols., 1926--, Co. Judge's off.

138. JUVENILE CASES, 1934--. 7 file boxes.

Cases in juvenile court; name of offender, charge, date of trial, decision, reports after case settled. Arr. numerically by instrument no. Hdw. pr. fms. File boxes aver. 100 docs. 5 x 24 x 16. Co. Judge's off.

Lunacy Proceedings

139. RECORD OF INQUESTS (Insanity), 1885--. 13 vols.

Record of persons brought before jury on insanity charges; name of person, date of hearing, history of case, action taken. Arr. chron. Typed. Vols. aver.

400 pp. 20 x 9 x 3. Co. Ct. Clk's. off.

Miscellaneous

140. COUNTY COURT PAPERS (Civil and Criminal Cases), 1891-94, 1896--. 77 file boxes.

Record of civil and criminal cases in county court: Complaints; name of complainant, date and nature of complaint, action taken. Subpoenas; date issued, names of witness and litigant for whom serving, style of suit, date set for appearance in court, signature of issuing officer. Summons: date issued, name of person summoned, date set for appearance in court, charge, signature of issuing officer. Motions; date, description of motion, disposal. Warrants of arrest; date, names of defendant and arresting officer, charge, signature of issuing officer. Petitions; date, names and signatures of petitioners, nature of petition, disposal. Arr. chron. by date filed. Hdw. pr. fms. File boxes aver. 100 docs. 10 3/4 x 4 3/4 x 13 1/2. 1 file box, 1891-94; A. R. rm. 2; 76 file boxes, 1896--, Co. Ct. Clk's. vlt.

VIII QUARTERLY COURT

The quarterly court of Fayette County grew out of the quarter courts of Virginia, which name was given to several courts in that state from time to time. The quarterly court in force when Kentucky was admitted to the Union was created out of the county courts in 1785 and had jurisdiction over criminal cases, suits at common law and in chancery, where the sum exceeded five pounds or eight hundred pounds of tobacco (Hening, Statutes at Large, Vol. XII, pp. 32, 468).

Although the first constitution of Kentucky did not establish quarterly courts, such a court was authorized in Fayette County in 1792 by an act of the General Assembly which provided that a court of quarter sessions should be established, consisting of three justices appointed for that purpose, two of whom were sufficient to constitute a court. They were given jurisdiction over all causes at common law and in chancery, except criminal cases where judgment upon conviction was for the loss of life or member and except cases of less value than five pounds or one thousand pounds of tobacco (Littell, Statute Laws of Kentucky, Vol. I, p. 94). The quarterly court was given jurisdiction of all matters respecting escheats and forfeitures and power to award writs of ne exeat, injunctions and habeas corpus. It was a court of record and had power to administer oaths and punish all contempts of its authority (Ibid.). It also tried slaves charged with capital offenses (Ibid., 157).

Upon the establishment of the circuit court in 1802, the quarterly court was abolished and its jurisdiction included in that of the circuit court (Ibid., Vol. III, pp. 45, 184). The only courts in the county inferior to the circuit court were the justices and county courts. The quarterly court was an intermediate court between the lowest and highest courts in the county, but, its jurisdiction being taken over by these other courts, it did not reappear until 1852.

Soon after the third constitution (1850) was adopted, the legislature established quarterly courts, presided over by the county judge, having concurrent jurisdiction with justices of the peace in civil cases and concurrent with the circuit court where the amount in controversy did not exceed \$100.00. The quarterly courts also had jurisdiction over proceedings against constables, to hold inquests upon idiots and lunatics, to grant injunctions and attachments, and all the powers of a justice in penal and criminal proceedings, and of a court of inquiry in such proceedings. The judge acted as clerk of his own court and held

four sessions of court yearly at the courthouse (Acts of 1852, 93, 94). These courts had no jurisdiction if the title to real estate was involved but could issue and try warrants of forcible entry and detainer. The judge was given jurisdiction concurrent with justices in cases of riots and power to appoint a clerk (The General Statutes of Kentucky, 300-302, 901). The jurisdiction of the quarterly court was extended, in 1876, over cases for the recovery of money or personal property where the matter in controversy did not exceed \$200.00 (Ibid., 901), but it had no jurisdiction over any matter for injury to person or character (Ibid., 903).

The constitution of 1891 established the quarterly court as a successor to the statutory quarterly court, but its jurisdiction was to remain the same until changed by uniform law (Const. of 1891, Sec. 139, Schedule). The county judge presides over the quarterly court at least four times each year, but he may order monthly or continuous sessions to be held (Carroll's Kentucky Statutes, 1936 ed., Sec. 1050). The judge is required to keep a docket, order book and execution book in which are recorded the proceedings of the court, and fix a rule day for the return of executions and other process; he may also appoint a clerk of the quarterly court (Ibid., 1055).

The quarterly court in civil cases has jurisdiction concurrent with justices and city or police courts of all actions within the county for the recovery of money or personal property where the value in controversy is between \$50.00 and \$200.00 (Ibid., 1051). It is given jurisdiction concurrent with justices' courts of motions against constables for money collected (Ibid., 1053). Appeals may be taken to the quarterly court from all judgments and orders of justices, fiscal, city or police ordinance courts in civil cases (Ibid., 1054). In criminal cases the quarterly courts have concurrent jurisdiction with justices, county and police courts where the punishment is limited to a fine not exceeding \$20.00 and concurrent with the circuit courts where the punishment does not exceed a fine of \$500.00 or imprisonment not exceeding twelve months, or both (Ibid., 1093). The quarterly court has also been given jurisdiction to try violations of the liquor law (Ibid., 2554b-79, 2554c-32).

Suits

141. FAYETTE QUARTERLY COURT, 1926--. 6 file boxes.
Record of civil cases in quarterly court; date, names of plaintiff, defendant and lawyers, judgment. Arr. alph. by name of plaintiff. Hdw. pr. fms. File boxes aver. 200 docs. 19 x 13 x 10. 5 file boxes, 1926-35, A. R. rm. 2; 1 file box, 1936--., Co. Ct. Clk's. off.

Judgments

142. JUDGMENTS, BACK TAX, 1902--. 11 file boxes, 1 file drawer.
Judgments rendered concerning back taxes; description of property, amount of tax, name of taxpayer. Arr. chron. and alph. by name of property owner. Hdw. pr. fms. File boxes aver. 100 docs. 10 3/4 x 4 3/4 x 13 1/2. File drawer 1000 docs. 16 x 5 x 24. 11 file boxes, 1902-29, Co. Ct. Clk's. vlt.; 1 file drawer, 1930--., Co. Ct. Clk's. off.

Orders

143. CIVIL ORDERS, QUARTERLY COURT, 1899--. 5 vols.
Record of orders in civil cases tried in quarterly court; date, names of plaintiff, defendant and attorneys, action taken, decision. Arr. chron. Alph. indexed by name of plaintiff. Hdw. pr. fms. Vols. aver. 475 pp. 19 x 14 x 2.

2 vols., 1899-1915, A. R. rm. 1; 3 vols., 1916-- , Cir. Clk's. off.

IX COMMONWEALTH ATTORNEY

Functions now performed by the commonwealth attorney were originally performed in England by the attorney general, solicitor general and such other lawyers appointed to represent the crown in judicial proceedings. When Virginia became independent of England the duties of representing the commonwealth were taken over by the attorney general appointed by the Assembly (Hening, Statutes at Large, Vol. IX, p. 117).

In Kentucky the office of attorney general was established by the first constitution. He was appointed by the governor with the consent of the senate to represent the commonwealth in criminal prosecutions and civil cases, in which the commonwealth was interested, in the superior courts, and perform such other duties as prescribed by law (Const. of 1792, Art. II). He was required to attend all the district and general courts, but if he failed to attend any of the said courts the judges were authorized to employ a person to prosecute for the commonwealth in his stead (Littell, Statute Laws of Kentucky, Vol. II, p. 77). Attorneys were also appointed to represent the commonwealth by order of the courts without any provision of law to that effect, but in 1803 it was provided that they should be compensated for their services out of the county levy (Ibid., Vol. III, p. 146). These attorneys came to represent the commonwealth in most of the cases in the circuit courts which were established in 1802. In 1813 an act was passed providing that the governor, with the consent of the senate, should appoint an attorney for the commonwealth in each judicial district for a period of two years to attend the several circuit courts within the district and prosecute the pleas and interest of the commonwealth arising therein. He is paid for his services out of the public treasury (Ibid., Vol. V, p. 19). Acts similar to this were passed about every two years until 1850.

Powers and duties vested in the commonwealth attorney during this period other than those mentioned above were: to take an oath to prohibit the importing of slaves (Morehead and Brown, Digest, p. 168); to prosecute delinquent attorneys at law (Ibid., 179); to oppose improper applications for divorce (Ibid., 168); to attend to writs of habeas corpus in favor of infants or fomes covert improperly detained by religious societies (Ibid., 126); to prosecute writs of error in road cases in the circuit courts (Ibid., 141); to attend taking of depositions for the commonwealth (Ibid., 353); to prosecute persons keeping billiard tables (Ibid., 244); to direct a seire facias to issue on forfeited recognizance (Ibid., 537); to draw bills of indictments (Ibid., 539); to prosecute and collect fines and forfeitures (Ibid., 721); to apply for appointment of committees for persons of unsound mind (Ibid., 794); to file an indictment against persons consummating incestuous marriages (Ibid., 1157); to institute suits against persons violating the suffrage law (Ibid., 1299); to prosecute officers violating the currency laws (Loughborough, Digest, p. 204) and obtain injunctions to prevent said violations (Ibid., 206); to require committees of idiots to show cause why the allowance should not cease (Ibid., 269) and to see that the trustee of the jury fund faithfully applied the fund (Ibid., 373).

The third constitution provided that a commonwealth attorney should be elected for each judicial district, with a term of office the same as that of the circuit judge and who should be at least twenty-four years of age and a practicing attorney for two years (Const. of 1850, Art. VI). It was the duty of the attorney for the commonwealth to attend each circuit court held in his

County Attorney

district and prosecute all violations of the criminal and penal laws therein and discharge all other duties assigned him by law. He was paid a salary out of the treasury and received fees of judgments rendered the commonwealth (The General Statutes of Kentucky, 151, 152). Specific powers and duties given him by statute were: to prosecute attorneys who fail to pay clients' money collected by them (Ibid., 149); to prosecute attorneys for neglect to duty (Ibid., 148); to give advice to the trustee of the jury fund (Ibid., 152); to prosecute motions against delinquent collecting officers (Ibid., 152); to file a statement in writing, setting forth reasons for dismissing indictment or entering a nolle prosequi (Ibid., 153); to issue injunctions against violators of currency laws (Ibid., 368). The commonwealth attorney was forbidden to practice law except in civil proceedings in his own district (Ibid., 361).

The present constitution provides that there shall be elected in the circuit court district every six years a commonwealth attorney who must be at least twenty-four years of age and have been a practicing attorney for four years (Const. of 1891, Secs. 97, 100); his compensation shall be by salary and such percentage of fines and forfeitures as may be fixed by law, but the office of commonwealth attorney may be abolished by the legislature, in which event the duties of said office shall be discharged by the county attorney (Ibid., 98, 108).

It is the duty of the commonwealth attorney to attend each circuit court held in the district and prosecute all violations of the criminal and penal laws therein, and discharge all other duties assigned him by law. He must attend to civil cases and proceedings in the circuit courts of his district in which the commonwealth is interested; but in civil cases the governor may employ counsel to assist the commonwealth attorney (Carroll's Kentucky Statutes, 1936 ed., Sec. 118). In his absence the circuit judge may appoint an attorney to act in his place (Ibid., 120). Other powers and duties specified by statute are: to advise the collector for the commonwealth in regard to delinquent collecting officers (Ibid., 122); to file a statement in writing setting forth the reasons for his dismissing an indictment or entering a nolle prosequi (Ibid., 123); to investigate all unsatisfied judgments in his district in favor of the commonwealth (Ibid., 130); to prosecute delinquent attorneys and those failing to pay their clients money collected (Ibid., 102, 105); to represent the commonwealth in inquests concerning insanity (Ibid., 216aa-71); to enforce the game and fish laws (Ibid., 1954c-18); to assist the forestry department in the enforcement of its regulations (Ibid., 2007i-25); to prosecute suits instituted by the state auditor for collection of taxes due the state (Ibid., 4169); and to prosecute violations of sanitation laws (Ibid., 2060b-11). He receives a commission from the governor (Ibid., 3758).

The commonwealth attorney must not: receive anything from persons charged with crime in consideration not to prosecute the persons (Ibid., 1360); nor defend any criminal in the state (Ibid., 121); and his law partner must not defend any person whom it is his duty to prosecute (Ibid., 109).

In Fayette County, since it contains a second class city, the commonwealth attorney may appoint a district detective for a four-year term and may remove him at any time.

X COUNTY ATTORNEY

In the early courts of Kentucky, when the attorney general or attorney for the commonwealth could not attend the inferior courts in behalf of the state or county, it was the custom for the judge to appoint some standing attorney to look after the interest of the state or county. In 1829, the county court, a majority

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of the justices concurring, were given authority to appoint annually an attorney for the county, whose duty it was to attend each of the courts for his county; to attend to all cases and business pending in court, wherein the rights or interest of the county was concerned; to give legal advice to said court, or to any justices; to conduct motions or prosecutions in the county court against constables, sheriffs or other officers; to be present at the court of claims and assist in investigating claims; to see that none but those which were just and legal were passed; to see that the law was complied with in granting tavern licenses; and to assist in enforcing the laws against riots and breaches of the peace. The county attorney was paid by the county court out of the county levy (Morehead and Brown, Digest, p. 168). The county attorney was further required to prosecute the sheriff for failure to transmit certificates of election to the secretary of state (Ibid., 169); to prosecute delinquent attorneys at law (Ibid., 178); to examine the clerk's list of deeds and seals and compare it with the number recorded (Ibid., 405); to prosecute masters for inhuman treatment to apprentices (Ibid., 1163); and to prosecute tavern keepers, pedlars of clocks, and owners and keepers of covering horses and jacks, for failure to pay taxes and obtain licenses (Ibid., 1381).

The constitution of 1850 provided that an attorney for the county be elected every four years who should be at least twenty-four years of age and a licensed practicing attorney for two years (Const. of 1850, Art. VI). Duties of the county attorney during this period were: to attend all county courts held in the county and conduct all cases and business touching the interest of the county; to give the court and county officers legal advice; to attend the court of claims and oppose all claims not legally presented or unjust; to oppose the improper granting of tavern licenses and to prosecute an appeal to the circuit court if the license be improperly granted; to attend to the prosecution of all riots and breaches of the peace in the county except in the circuit court; to oppose the wrongful alteration of public roads; when directed by the county court to institute and conduct suits of every description in any court in the state in which the county is interested; to prosecute all charges of felony or other public offenses before examining courts in his county; to prosecute lawyers for failure to pay over money collected to their clients (The General Statutes, 149-151); to file a statement setting forth reasons for dismissal or failure to prosecute before entering a nolle prosequi (Ibid., 154); to prosecute in bastardy proceedings (Ibid., 163); and to prosecute delinquent taxpayers (Ibid., 723). The county attorney was allowed reasonable salary out of the county levy (Ibid., 151) and was paid fees out of fines and taxable costs in cases prosecuted by him.

The present constitution provides that a county attorney be elected in the county every four years and must have the same qualifications as set forth in the 1850 constitution (Const. of 1891, Secs. 99, 100). His fees are regulated by law (Ibid., 106). In addition to duties previously defined, the county attorney is required: to attend to the prosecution of all cases in the county in which the commonwealth or county is interested and, when so directed by the county or fiscal court, to institute or defend, and conduct all actions before any of the courts in the state in which the county is interested; to attend the circuit courts held in the county and aid the commonwealth attorney in all prosecutions therein, and in the absence of the commonwealth attorney attend all the commonwealth's business in said courts (Carroll's Kentucky Statutes, 1936, Sec. 127); to attend examining trials before magistrates (Ibid., 128); to oppose the wrongful opening, alteration or discontinuance of public roads, oppose the improper granting of tavern, merchant and drug license, and, if he thinks a license has been improperly granted, appeal to the circuit court (Ibid., 129); and to investigate all unsatisfied judgements in his county in favor of the commonwealth and take steps to collect them (Ibid., 130). In the absence of

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the county attorney the county may appoint a pro tem attorney to take his place (Ibid., 131).

Other specific duties mentioned by statute are: to prosecute attorneys who fail to pay over money collected for their clients (Ibid., 104); to conduct prosecutions for violation of the Labor Act (Ibid., 33a-1); to file a signed statement setting forth the reason before dismissing an indictment or entering a nolle prosequi (Ibid., 123); to prosecute in bastardy cases (Ibid., 178); to enforce game and fish laws (Ibid., 1954c-18); to cause election instructions to be printed (Ibid., 1466); to represent actions brought by the forestry department (Ibid., 2007i-25); to represent the state and local boards of health within his jurisdiction (Ibid., 2054a-19); prosecute violators of the health laws (Ibid., 2058; 2060b-11) and hotel and restaurant inspection laws (Ibid., 2059a-14); to resist every application for divorce (Ibid., 2119); to resist release of apprentices and defend for them (Ibid., 2599); to examine candidates for the office of tax commissioner (Ibid., 2042a-11); to prosecute to recover penalties for tax evasions, erroneous entries in mortgages and deeds and for failure of county clerk to perform his duties in that regard (Ibid., 4068); and to appeal from decisions of the board of tax supervisors to the quarterly court in behalf of the county, or to represent the board when a taxpayer appeals to the quarterly or circuit court (Ibid., 4128).

In Fayette County, because it contains a city of the second class, the county attorney may appoint a stenographer to the office of county attorney for a four-year term, but said stenographer may be removed at any time (Ibid., 136c-2).

XI JUSTICES OF THE PEACE

The office of justice of the peace in Kentucky was modeled after the similar office in Virginia, which, in turn, had its origin in the governmental organization of England. As provided for by the first constitution of Kentucky, Fayette County had a competent number of justices of the peace appointed by the governor and commissioned during good behavior (Const. of 1792, Arts. II, V). The justices were compensated by fees regulated by law (Littell, Statute Laws of Kentucky, Vol. I, p. 112) and were required to keep a record of their proceedings (Ibid.).

The justices were members of superior courts as they had been in Virginia. They were conservators of the peace within the county and had cognizance of all causes of less value than five pounds or 1,000 pounds of tobacco, in which cases they would award executions against goods and chattels but not against the body of the defendant. Their jurisdiction was final in cases where the amount did not exceed fifty shillings or five hundred pounds of tobacco (Ibid., 91). The justices were required to execute tavern regulation laws (Ibid., 196); to issue warrants in bastardy cases (Ibid., 282); to examine charges against vagrants (Ibid., 288); to issue warrants for arrest of traitors, felons, etc. (Ibid., 505); to aid in the return of runaway slaves (Ibid., Vol. II, p. 5) and stray boats, etc. (Ibid., 78); to license free Negroes and Indians to keep firearms (Ibid., 114); and to examine charges against slaves (Ibid., 215).

The constitution of 1799 further provided that, when a justice of the peace was needed in the county, one of two persons recommended by the county court be appointed by the governor (Const. of 1799, Art. IV, VI). Justices were given final jurisdiction over sums less than twenty-five shillings and were given power to issue executions to constables in other counties to which debtors removed (Littell, Op. Cit., Vol. II, p. 465). They were forbidden to sign blank warrants (Ibid., Vol. III, p. 48) and were authorized to furnish copies of all proceedings (Ibid., 375), to give judgments on notes or accounts which were reduced by credits below five

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pounds (Ibid., 503), and to issue attachments and contempt proceedings to force parties to answer charges (Ibid., Vol. IV, p. 35).

In 1812 the jurisdiction of the courts was increased to cover debts and accounts not exceeding \$50.00 and appeals could be taken from cases involving over five pounds. The justice was required to keep a record of his proceedings and to transmit a copy thereof with other papers before him to the circuit clerk on appeals (Ibid., 342). He was given exclusive jurisdiction where credits were endorsed so as to reduce them to \$50.00 (Ibid.). The justices were given exclusive original jurisdiction of all sums not exceeding \$50.00, founded on any specialty, bill, or note in writing or account, and to summon and charge a jury, determine questions of law, render judgment agreeable to the verdict, and fine constables for neglect of duty and disorderly or delinquent jurors (Ibid., Vol. V, p. 28).

When the office of a justice of the peace became vacant, the county court appointed the most convenient adjoining justice to receive the papers and carry on the duties of the vacant office (Ibid., 257). Justices were given the same authority as a circuit judge to make or take oaths or affidavits (Acts of the General Assembly, 1820, 976) and jurisdiction over bank notes and contracts not exceeding \$50.00 (Morehead and Brown, Digest, pp. 901, 902); to examine with another justice criminal charges, the punishment of which was capital, imprisonment, or corporal (Ibid., 538); to issue warrants for the arrest of persons charged with stabbing, shooting, or wounding (Ibid., 540); and to issue escape warrants (Ibid., 614, 615). Justices were required to furnish the county clerk a list of fines laid in his court (Ibid., 717); and to suppress gaming and lotteries (Ibid., 717). They were authorized to solemnize marriages (Ibid., 1158); to examine cases of free negro immigrants (Ibid., 1220); to issue distress warrants for rent (Ibid., 1356); to suppress riots, etc. (Ibid., 1390); to grant certificates for compensation to persons killing wolves (Ibid., 1551); to give judgments against constables for monies collected and not paid over (Loughborough, Digest, p. 137); to issue warrants for the arrest of fugitives (Ibid., 263); to file a list of fines and forfeitures rendered by them to the trustee of the jury fund (Ibid., 364); and to order payment to plaintiff where executions have been returned with no property found (Ibid., 376). Justices courts were given equitable jurisdiction of cases under five pounds (Ibid., 377).

The third constitution (1850) provided that the county should be laid off into districts and two justices elected for each district for a term of four years by the voters and commissioned by the governor (Const. of 1850, Art. IV, Secs. 45, 35). The justices were authorized to hold inquests in the absence of the coroner (Acts of the General Assembly, 1851, 10). They had jurisdiction in all penal cases where the fine did not exceed \$16.00; and could try persons for riots, breaches of the peace, and disorderly conduct, bind persons to keep the peace and be responsible for their appearance at court. They had authority to impanel a jury and grant a new trial or rehearing; jurisdiction in all cases of contract not over \$50.00 and in all cases of law and equity where the amount does not exceed \$16.00; and authority to issue process, to subpoena witnesses, to administer oaths, and of motions against constables. Their jurisdiction in cases of idiocy and lunacy was repealed. Two justices could examine all infractions of penal and criminal laws, the final trial of which was cognizable in the circuit courts (Ibid., 99, 100).

Jurisdiction of the justices also extended to subject the choses in action and property of non-residents to demands; to try penal and criminal cases at any time; and to carry into execution all jurisdiction conferred upon themselves (Ibid., 100, 102). Justices were given power to arrest or issue warrants therefor

for the disturbance of public service, shooting or stabbing in sudden affray and unlawful shooting at another (General Statutes, 344).

The present constitution provided for the division of Fayette County into four districts, from each of which one justice was to be elected, the justices having jurisdiction coextensive with the county (Const. of 1891, Secs. 99, 106, 142; Carroll's Kentucky Statutes, 1936, Secs. 1078, 1731). They hold office four years and are compensated by fees regulated by law. In civil cases the justices' courts have jurisdiction over: personal actions where the amount involved does not exceed \$100.00 (Ibid., 1086); distress warrants and attachment for rent (Ibid., 2301, 2302); and forcible entry and forcible detainer proceedings (Civil Code, 454). In criminal cases they have jurisdiction where the fine is limited to \$100.00 or fifty days imprisonment, or both (Criminal Code, 13-15). They have jurisdiction of motions against constables (Carroll's, Op. Cit., Sec. 1086) and may make court rules not inconsistent with the codes of practice (Ibid., 1083a-12). The justices are required to keep an order book and execution book and properly index same, recording therein a record of judicial proceedings (Ibid., 1088). They render new judgments where records are lost or destroyed (Ibid., 1091) and furnish persons desiring the same a copy of any record or proceeding in their custody (Ibid., 1092). The justices have jurisdiction over stray or glandered animals (Ibid., 23 et seq.); to conduct examining trials, but must notify the county attorney thereof (Criminal Code, 49; Carroll, Op. Cit., Sec. 128); to order mad dogs to be killed (Ibid., 68a-9); to issue warrants for arrest or search of violators of game laws (Ibid., 1953); to try violations of the liquor law (Ibid., 2554b-78, 2554c-32). It is the duty of the justice to report every four months the amount of money due the commonwealth and collected by him (Ibid., 4252). A justice may administer oaths, issue subpoenas and original or final process in any case within his jurisdiction (Ibid., 1087).

Justices' courts are considered open at all times to try the offense of vagrancy (Ibid., 4758-3). The justices hold court once each month at a time fixed by the county court (Ibid., 1085) and at a place in his district fixed by the fiscal court (Ibid., 1083a-10).

Warrants

144. DISTRESS WARRANTS, 1914--. 1 file box.

Warrants issued by justice of the peace authorizing retention of certain goods for debts; date issued, names of debtor and creditors, amount. Arr. chron. Hdw. pr. fms. 150 docs. 12 x 17 x 24. Cir. Clk's. off.

Suits

145. SUITS (First Magisterial District), 1930--. 40 file boxes.

Full proceedings in suits of first district court; date, names of parties, nature of case, decision, judgment rendered. Arr. alph. by name of plaintiff. Typed. File boxes aver. 50 docs. 14 x 4 $\frac{1}{2}$ x 15. Mag's. off., 1st dist.

146. MAGISTRATES' RECORDS (Second Magisterial District), 1914--. 75 file boxes.

Full proceedings in suits of second district court; date, names of plaintiff and defendant, type of case, steps taken, decision. Arr. alph. by name of plaintiff. Typed. Condition fair. File boxes aver. 50 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. 35 file boxes, 1914-30, A. R. rm. 2; 40 file boxes, 1931--. Mag's. off. 2nd dist.

147. SUITS (Third Magisterial District), 1896--. 120 file boxes.

Full proceedings in suits of third district court; term, type of case, names of parties, debt, steps taken, judgment. Arr. alph. by name of plaintiff. 1896-1910, hdw.; 1911--, typed. Condition fair. File boxes aver. 33 docs. 14 x 4 $\frac{1}{2}$ x 15. 14 file boxes, 1896-1912, A. R. rm. 2; 106 file boxes, 1913--, Mag's. off., 3rd dist.

148. SUITS (Fourth Magisterial District), 1930--. 40 file boxes. Full proceedings in suits brought before fourth district court; term of court, type of case, names of parties, debt, steps taken, judgment, date rendered. Arr. alph. by name of plaintiff. Typed. File boxes aver. 50 docs. 14 x 4 $\frac{1}{2}$ x 15. Mag's. off., 4th dist.

Dockets

Civil

149. CIVIL DOCKET (First Magisterial District), 1933--. 9 vols. Civil cases brought before first district court; names of parties and attorneys, date and nature of trial, amount involved, action taken. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 500 pp. 18 x 12 x 2. Mag's. off., 1st dist.

150. CIVIL DOCKET (Second Magisterial District), 1918--. 8 vols. Civil cases brought before second district court; names of plaintiff, defendant and attorneys, type of case, action taken. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 375 pp. 18 x 12 x 2. Mag's. off., 2nd dist.

151. JUSTICE CIVIL DOCKET (Third Magisterial District), 1925--. 38 vols. Civil cases brought before third district court; names of plaintiff, defendant and attorneys, date of trial, type of case, steps taken, judgment rendered. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 400 pp. 18 x 12 x 2. Mag's. off., 3rd dist.

152. CIVIL DOCKET (Fourth Magisterial District), 1927--. 2 vols. (6-7). Civil cases brought before fourth district court; names of plaintiff, defendant and attorneys, type of case, action taken. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 500 pp. 18 x 12 x 2. Mag's. off., 4th dist.

Criminal

153. DOCKET BOOKS (First Magisterial District), 1910--. 10 vols. Criminal docket of first district; date of trial, names of plaintiff, defendant and attorneys, nature of case, court action. Arr. alph. by name of defendant. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 375 pp. 18 x 12 x 2. Mag's. off., 1st dist.

154. JUSTICE'S DOCKET (Second Magisterial District), 1902--. 14 vols. Criminal docket of second district; date of court term, names of plaintiff, defendant and attorneys, offense, steps taken, fine, court action. Arr. alph. by name of defendant. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 375 pp. 18 x 12 x 2. 4 vols., 1902-24, A. R. rm. 1; 10 vols., 1925--, Mag's. off., 2nd dist.

155. MAGISTRATE DOCKET (Third Magisterial District), 1895--. 16 vols. Docket of criminal cases, third district; names of plaintiff, defendant and

attorneys, nature of case, judgment, fine, action. Arr. alph. by name of defendant. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 375 pp. 18 x 12 x 2. 14 vols., 1895-1934, A. R. rm. 1; 2 vols., 1935--., Mag's. off., 3rd dist.

156. CRIMINAL DOCKET (Fourth Magisterial District), 1933--. 1 vol.
Docket of criminal cases, fourth district; names of plaintiff, defendant and attorneys, action of court, offense. Arr. alph. by name of defendant. Alph. cross-indexed by names of parties. Hdw. 500 pp. 18 x 12 x 2. Mag's. off., 4th dist.

Orders

Civil

157. CIVIL ORDERS (First Magisterial District), 1927--. 14 vols.
Orders in civil cases of first district; date of trial, type of case, names of plaintiff and defendant, disposition of case. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 500 pp. 18 x 12 x 2. Mag's. off., 1st dist.

158. CIVIL ORDER BOOKS (Second Magisterial District), 1918--. 10 vols.
Orders in civil cases of second district; names of plaintiff and defendant, type of case, date of trial, disposition of case. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 375 pp. 18 x 12 x 1 $\frac{1}{2}$. Mag's. off., 2nd dist.

159. CIVIL ORDERS (Third Magisterial District), 1925--. 12 vols.
Orders in civil cases of third district; date of trial, type of case, names of plaintiff and defendant, disposition of case. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 500 pp. 18 x 12 x 2. Mag's. off., 3rd dist.

160. CIVIL ORDER BOOK (Fourth Magisterial District), 1921--. 21 vols.
Orders in civil cases of fourth district; names of plaintiff and defendant, type of case, date of trial, disposition of case. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. Vols. aver. 450 pp. 18 x 12 x 2. Mag's. off., 4th dist.

Criminal

161. CRIMINAL ORDER BOOK (First Magisterial District), 1910--. 10 vols.
Orders in criminal cases tried by first district court; date of trial, name of defendant, offense, disposition of case. Arr. chron. Alph. indexed by name of defendant. Hdw. Vols. aver. 374 pp. 18 x 12 x 2. Mag's. off., 1st dist.

162. CRIMINAL ORDER BOOK (Second Magisterial District), 1930--. 1 vol.
Orders in criminal cases tried by second district court; name of defendant, offense, judgment, date rendered. Arr. chron. Alph. indexed by name of defendant. Hdw. 375 pp. 18 x 12 x 2. Mag's. off., 2nd dist.

163. CRIMINAL ORDER BOOK (Third Magisterial District), 1914--. 1 vol.
Orders in criminal cases of third district; name of defendant, offense, judgment, date rendered. Arr. chron. Alph. indexed by name of defendant. Hdw. 500 pp. 18 x 12 x 2. Mag's. off., 3rd dist.

164. CRIMINAL ORDER BOOK (Fourth Magisterial District), 1930--. 1 vol.
Orders in criminal cases of fourth district; name of defendant, offense,

disposition of case, date. Arr. chron. Alph. indexed by name of defendant.
Hdw. 375 pp. 18 x 12 x 2. Mag's. off., 4th dist.

Executions

165. EXECUTION BOOK (First Magisterial District), 1919--. 1 vol.
Executions of first district court; execution no., names of parties, amount of judgment, date issued, to whom delivered, return day, remarks. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. 375 pp. 18 x 12 x 2. Mag's. off., 1st dist.

166. EXECUTION BOOK (Second Magisterial District), 1918--. 1 vol.
Executions of second district court; execution no., names of parties, amount of judgment, costs, date judgment rendered, return day, remarks. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. 375 pp. 18 x 12 x 2. Mag's. off., 2nd dist.

167. EXECUTION BOOK (Third Magisterial District), 1932--. 1 vol.
Executions of third district court; date and no. of execution, names of parties, amount of debt, costs, date judgment issued, to whom delivered, return day, remarks. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. 300 pp. 16 x 11½ x 1½. Mag's. off., 3rd dist.

168. EXECUTION BOOK (Fourth Magisterial District), 1922--. 1 vol.
Executions of fourth district court; execution no., names of parties, amount of judgment, date issued, to whom delivered, return date, remarks. Arr. alph. by name of plaintiff. Alph. cross-indexed by names of parties. Hdw. 300 pp. 18 x 12 x 2. Mag's. off., 4th dist.

Attachments and Garnishments

169. ATTACHMENTS AND AFFIDAVITS, 1902--. 25 file boxes.
Records of attachments and garnishments; names of plaintiff and defendant, order of court to sheriff to attach property of defendant, date of order, amount of attachment, signature of justice of peace. Arr. numerically by instrument no. Hdw. pr. fms. File boxes aver. 1000 docs. 6½ x 4½ x 10. Cir. Clk's. off.

XII SHERIFF

The office of the sheriff is known to have existed in England as early as 690. His duties depend upon numerous statutes beginning in 1328, the chief of which were to execute the king's writs and keep peace and order (Encyclopaedia Britannica, Vol. XXIV, p. 848). Sheriffs were appointed in the Virginia colony by the governor and council, and had the same powers as sheriffs in England (Hening, Statutes at Large, Vol. I, p. 223). Many Virginia laws were subsequently enacted concerning the office of the sheriff, but only the laws of Kentucky concerning the sheriff will be enumerated.

The first Kentucky constitution (1792) provided that sheriffs should be elected in the county by the voters for a term of three years, but no person should be twice chosen sheriff in any term of six years (Const. of 1792, Art. VI). The second constitution, eight years later, provided that the governor should appoint a sheriff from one of two persons recommended by the county court for that office, but if the county court omitted to make a recommendation, the governor should, with the consent of the senate, appoint a sheriff (Const. of 1799, Art. III).

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Legislation concerning the sheriff during this period provided: that the sheriff should deliver to the person from whom taxes are to be collected a list of every article of the demand before making a distress (Morehead and Brown, Digest, p. 1454); and that every sheriff should take oath and enter bond for the faithful performance of his duties. The sheriff was directed: to execute all writs and process legally issued him, and directed within his county, and make due return thereof; to actually visit the residence of the defendant before making a return of "not found"; to endorse on every writ of execution the date it was received by him; to receive and collect all fines, levies, forfeitures and amercements, and all officers fees, and account for and pay the same as directed by law; to distrain the goods of persons failing to pay taxes or levies; to convey land sold by virtue of an execution; to collect and account for the fees of deputy sheriffs; to deputize persons to serve process when unable to serve them himself, but be responsible for the acts of his deputies (Ibid., 1455-1469); to make certificates of the execution of shaves (Ibid., 361); to notify road surveyors of their appointments (Ibid., 388); to advertise and conduct elections and deliver certificates of election to the persons elected (Ibid., 509-507). For a while all the sheriffs met in Frankfort, with the votes of their respective counties to determine who had been elected governor and lieutenant governor, but this law was later repealed. All the sheriffs in a congressional district met to count the votes for representatives, and, in case of ties, the sheriffs determined who should take office (Ibid.). Other duties given the sheriff were: to take charge of estates of which there was no administrator and sell so much as would satisfy the debts of the deceased (Ibid., 670); to act as jailer where the jailer had been committed to jail (Ibid., 863); to summon grand and petit juries for the trial of all causes in his county (Ibid., 880-883); to collect the county levy (Ibid., 1115, 1117); to return a list of delinquent taxpayers (Ibid., 1118); to collect militia fines (Ibid., 1178); to pursue convicts escaped from the penitentiary (Ibid., 1283); to arrest persons disturbing public worship (Ibid., 1288); to make a list of insolvent taxpayers and a list of those who had removed from the county (Ibid., 1362); to arrest persons committing riots, routs, unlawful assemblies or breaches of the peace and impanel a jury for their trial (Ibid., 1390); and to appoint deputies to attend voting places (Loughborough, Digest, p. 481).

The third constitution provided that a sheriff should be elected in each county by the qualified voters thereof whose term of office should be two years; that he be eligible for a second term but not for the succeeding term after the second term; and, before entering upon the duties of his office, he should give such bond and security as required by law (Const. of 1850, Art. VI).

Power and duties of the sheriff, in addition to those previously given, were: to appoint deputies and make special appointments for the execution of process, but be responsible for the acts of his appointees; to execute and make due return of notices and process against any person or property in his county; upon request, to deliver to the person from whom fees are demanded an account of every item of the demand; to execute persons condemned to be hung, convey all persons to the penitentiary condemned to confinement therein, and to execute the sentence of the court in other criminal or penal cases; to command and take with him, if need be, the power of the county, or a part thereof, to aid him in the execution of the duties of his office, civil or criminal; to break doors in executing certain writs and to make arrests; to attend and keep order in the circuit, county, quarterly courts, and the court of claims and obey the court orders (Ibid., 781-786); to make arrests in bastardy proceedings (Ibid., 161); to make a settlement with the county court concerning collections of the county levy (Ibid., 274); to cause elections to be held and make, compare, and certify election returns (Ibid.,

Sheriff

375-395); to hold the property of insolvent debtors in trust for creditors (Ibid., 555); to summon grand and petit juries (Ibid., 571-574); to make a settlement with the trustee of the jury fund on the first day of the term of the circuit court (Ibid., 579); to see that pedlars obtain licenses (Ibid., 688); to report persons failing to list property for taxation (Ibid., 723); to collect the revenue (Ibid., 730); to distrain and sell the property of persons failing to pay taxes (Ibid., 732, 734, 735); to make a report and account for all sums for which he is bound to the state treasury, to the auditor of public accounts (Ibid., 733); to report a list of property omitted by the assessor (Ibid., 736); and to execute attachments for the collection of taxes (Ibid.).

The present constitution provides that there shall be elected in the county every four years, a sheriff, who must be twenty-four years old and live in the county in which he is sheriff. The sheriff is ineligible for re-election or to act as deputy for the succeeding term (Const. of 1891, Secs. 99, 100). He may with the approval of the county court, appoint his own deputies and may revoke the appointment at his pleasure. He may also appoint a special person to execute a process, but he is liable for the acts of persons so appointed (Carroll's Kentucky Statutes, 1936 ed., Secs. 4141, 4565-5563). For two years after the expiration of his term of office he may collect distrainable fee bills placed in his hands for collection during his term of office (Ibid., 4564). He is required to execute and return all notices and process which comes to, and may be lawfully executed by him against any person or property in the county (Ibid., 4565); to endorse on every execution the date he received the same (Ibid., 4571); to collect fines and forfeitures and all officers fees payable in his county and to account for and pay over the same to the persons entitled thereto (Ibid., 4572); to collect the county poll or ad valorem tax levy (Ibid., 1884); to keep his books in a manner specified by the auditor of public accounts (Ibid., 4139); to report each month to the auditor of public accounts and to the county court the money he has collected the previous month (Ibid., 4143, 4147); to keep his office open at all reasonable hours for the collection of money and record the said collection (Ibid., 4140); to provide a voting place in each precinct of the county for each election (Ibid., 1467); to preserve order at the polls, enforce the election law, act as umpire when the judges disagree (Ibid., 1484) and deposit with the county clerk election returns from the different precincts (Ibid., 1596a-5); to issue dog licenses and impound dogs running at large and unlicensed dogs (Ibid., 68b-7, 18); to collect assessments made by the board of water commissioners (Ibid., 938g-13); to enforce game and fish laws (Ibid., 1954b-14, 1954c-18); to execute summons and orders issued by railroad commission (Ibid., 201g-15); to act as jailer when the jailer is committed to jail or when the office of jailer becomes vacant (Ibid., 2231); to call out militia to enforce the laws (Ibid., 2711a-145s); to turn in an itemized statement to the fiscal court, annually, of funds collected, received, held, or disbursed by him (Ibid., 3747a-1); to suppress places of gambling (Ibid., 3914b-1); to notify all taxpayers whose property has been raised or assessed by the board of supervisors (Ibid., 4122); to collect all state, county and district taxes, unless the law directs payment to be made to some other officer (Ibid., 4129); to purchase real estate for the state, county, or district when such real estate is sold for taxes and no one will purchase the same (Ibid., 4151-2); to report on the first day of each circuit court session, and in counties having continuous session, every four months, the amount of moneys due the commonwealth and collected by him, except state and district taxes (Ibid., 4252); to collect road taxes (Ibid., 4307b-4); to keep a cash book and enter thereon as collected the sums collected, from whom collected, and on what account, and to enter thereon the amounts paid into the state treasury and the date of payment thereof (Ibid., 4701a-2); and to summon grand and petit jurors and make a return thereof (Ibid., 2246). The sheriff is permitted to carry concealed weapons for the enforcement of the laws (Ibid., 1313).

Tax Collections

170. TAXES RECEIVED, 1892-1905, 1910--. 170 vols.

Record of taxes turned over to county clerk by sheriff; name of taxpayer, date, amount. Arr. numerically by dist. no. and alph. by name of taxpayer. Hdw. pr. fms. Vols. aver. 425 pp. 20 x 13 x 2 $\frac{1}{2}$. 20 vols., 1892-1905, 1910-12, A. R. rm. 2; 150 vols., 1913--., Co. Ct. Clk's. off.

171. RECORD OF LAND SALES, 1880, 1887--. 7 vols. (A, 1-6).

Property sold by sheriff for unpaid taxes; name of delinquent taxpayer, value of property, sale price, unpaid taxes, exemptions, purchaser, purchase price, initial payment, bonds given by purchaser for balance, sheriff's settlement. Arr. alph. by name of purchaser. Hdw. pr. fms. Vols. aver. 200 pp. 17 x 11 x 2. 1 vol., 1880, A. R. rm. 1; 6 vols., 1887--., Co. Ct. Clk's. off.

172. INDEX TO RECORD OF LAND SALES, 1887--. 6 vols.

Alph. index to entry 171 by name of property owner, vol. and p. no. containing record. Typed. Vols. aver. 100 pp. 17 x 11 x 3/4. Co. Ct. Clk's. off.

173. INHERITANCE TAX, 1917--. 2 file boxes.

Record of inheritance tax; amount of tax, name of heir, description of property, name of deceased. Arr. alph. by name of heir. Hdw. pr. fms. File boxes aver. 50 docs. 10 3/4 x 4 3/4 x 13 $\frac{1}{4}$. Co. Ct. Clk's. vlt.

Strayed Animals

174. STRAYS, 1808-76. 3 file boxes. Record discontinued July 7, 1876.

Record of lost animals; description and value of animal, name and address of owner. Arr. chron. Hdw. File boxes aver. 100 docs. 10 3/4 x 4 3/4 x 13 $\frac{1}{4}$. Co. Ct. Clk's. vlt.

License

175. DOG TAX BOOK, 1886-1914, 1918--. 5 vols.

Name and address of owner applying for dog license; date of application, breed and sex of dog, date license issued, amount of tax. Arr. chron. by date of application. Hdw. pr. fms. Vols. aver. 350 pp. 17 x 9 x 2. 2 vols., 1886-1914, 1928--., Co. Ct. Clk's. off.; 3 vols., 1918-27, A. R. rm. 1.

Journal

176. JOURNAL OF SHERIFF, 1898-1905. 1 vol.

Itemized list of state and county taxes, executions, miscellaneous receipts collected by the sheriff; date, amount, reason for payment, name of payer. Arr. chron. Hdw. 390 pp. 20 x 10 $\frac{1}{2}$ x 3 $\frac{1}{2}$. A. R. rm. 1.

Settlements

177. SHERIFF'S REPORT (SETTLEMENTS), 1852-96, 1904, 1911--. 12 file boxes.

Prior records missing.

Monthly reports of settlements by sheriff; date, amount and nature of collections and disbursements, name of payor or payee, date report filed with county clerk. Arr. chron. Hdw. pr. fms. File boxes aver. 75 docs. 10 3/4 x 4 3/4 x 13 $\frac{1}{4}$. 10 file boxes, 1852-96, 1914--., Co. Ct. Clk's. off.; 2 file boxes, 1904, 1911-13, Co. Ct. Clk's. vlt.

XIII CONSTABLES

The office of the constable derives its name from the comes stabuli, who was the keeper of the stables under the Roman emperors and exercised high military command under the Frankish kings. It was carried to England with the conquest but did not assume its present characteristics until 1285, when the village bailiff was given a military office in addition to his old magisterial powers. The constables continued to be the executive legal officers in the counties of England until after the United States became an independent nation (Encyclopaedia Britannica, Eleventh Edition, Vol. VI, p. 983). The early Virginia statutes do not enumerate the duties of the constable, but he seems to have assumed his common law functions in early Virginia, although his duties were not defined by statute (Hening, Statutes at Large, Vol. IV, p. 73).

When Kentucky became a separate state, the first legislature provided that the county court should lay off the county into districts and should appoint a constable for each district who should execute the duties enjoined them by law (Littell, Statute Laws of Kentucky, Vol. I, p. 101).

The second constitution, a few years later, provided that the county court be authorized by law to appoint constables (Const. of 1799, Art. III, Sec. 9). They were required to execute bond with security and take oath in open court for the faithful execution of their duties before taking office (Morehead and Brown, Digest, p. 415). Powers and duties of the constable during this period were to: levy any execution or attachment, or serve and execute warrants or other process anywhere within the limits of his county (Ibid., 162, 163, 423); summon witnesses; carry criminals to jail; apprehend persons charged with felony (Ibid., 366); apprehend fugitives from justice; whip slaves by order of the justice (Ibid., 367); serve notices and make return thereof in cases of injunctions; take depositions; make surveys by order of the court; give notice of ejectment and every other notice required by law to be given, endorsing thereon the time when such notice was given (Ibid., 1230); execute warrants in bastardy cases (Ibid., 241) and against person breaching contracts with owners of boats (Ibid., 258); collect bonds forfeited by other constables (Ibid., 417); apprehend persons for riot and breaches of the peace (Ibid., 418); collect officers' fees (Ibid., 419); reside in the precinct assigned him (Ibid., 424); collect fines and forfeitures (Ibid., 77); call a sufficient number of persons to aid him and execute warrants to destroy gambling devices (Ibid., 756); search all suspected places for deer skins to detect violations of the hunting laws (Ibid., 787); endorse all warrants executed by him (Ibid., 896); take forthcoming bonds and replevin bonds (Ibid., 418, 419); and deliver property attached by him to the sheriff where the amount was over \$50.00 (Loughborough, Digest, p. 49).

Before 1835 the constable held office until removed for cause by the county court, but was required to renew his bond every two years (Morehead and Brown, Op. Cit., pp. 419, 422). In 1835, however, it was provided that he should hold office for a term of two years only and be eligible for reappointment from time to time (Loughborough, Op. Cit., p. 137).

The third constitution provided that a constable should be elected in every justice's district every two years whose jurisdiction should be co-extensive with the county (Const. of 1850, Art. VI, Sec. 5). Before taking up the duties of his office, the constable was required to give bond with sureties and take oath to faithfully execute his duties (The General Statutes, 239). He was given authority to execute bench warrants, warrants of arrest, distress, or other warrants, summons, subpoenas, attachments of all kinds, notices, rules, and orders of the court in all criminal, penal, and civil cases; and to distrain fees for his own or other offices. He was required to return all process executed by him on or before the return day thereof, noting the time of execution on them; to visit the home

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of the defendant, if known to him, before returning that the defendant was not found; to account for officers' fees placed in his hands for collection; to put up additional security when required by the county court; to return and account for all claims and papers in his hands when removed from or when vacating office and to execute and return all process or precepts in his hands at the termination of his office. The constable was not required to receive precepts, fee bills or order for witnesses attendance or other claims against persons known to reside out of his district unless such precept was in behalf of the commonwealth or was against property in his district (*Ibid.*, 240-244); and he could execute warrants in bastardy cases (*Ibid.*, 161).

The present constitution provides that there shall be elected in each justice's district, every four years, a constable, who must be at least twenty-four years of age, a resident of his district, possess the same qualifications as sheriffs and whose jurisdiction is co-extensive with the county in which he resides (*Const. of 1891, Secs. 99-101, 234*). Before entering upon the duties of his office, the constable is required to execute bond, with sureties, and take an oath of office to faithfully perform all the duties of his office (*Carroll's Kentucky Statutes, 1936 ed., Sec. 424*). In addition to powers previously given, the constable must levy on and satisfy fee bills, orders of witnesses' attendance, distress warrants, and attachments according to the priority of time in which they were placed in his hands (*Ibid.*, 442); and he cannot execute a process in which he is interested, nor levy on nor sell land (*Ibid.*, 437, 438). He is required to renew his bond biennially and give such additional security as the county court may require (*Ibid.*, 426) and when he vacates or is removed from office he must return and account for all claims, process and papers in his hands in the same manner as if he had continued in office (*Ibid.*, 428). He is also required to enforce the game and bird law (*Ibid.*, 1954b-14). He is permitted to carry concealed weapons (*Ibid.*, 1313); to appoint one or more deputies by and with the consent of the county judge (*Ibid.*, 425); and to distrain for his own fees, or distrain for other officers, fees placed in his hands for collection (*Ibid.*, 441).

The constable is compensated by fees fixed by law (*Ibid.*, 1733). In magisterial districts wherein there is no qualified constable and in which there is situated a town of the sixth class, the marshal of said town may act as constable in the district as long as the office remains vacant.

XIV JAILER

Duties of the Jailer in Virginia were performed by the sheriff until 1748, when it was provided that the governor appoint some person to be keeper of the public gaol (*Hening, Statutes at Large, Vol. VI, p. 135*). In 1788 the Virginia Assembly further defined the duties of the Jailer, providing that he take into his custody all persons committed to him by the court and keep them until discharged by due course of law (*Ibid.*, Vol. XII, p. 755).

In 1795 the Kentucky Legislature provided that the governor appoint a public jailer to each district court who should give bond and should constantly attend said court and execute its commands (*Littell, Statute Laws of Kentucky, Vol. I, p. 317*). In 1799 it was made the duty of the respective county courts to appoint a county jailer, as often as it should be necessary, to hold office during the pleasure of said court. He was to take oath and enter bond with security as might be required by law, before entering the duties of his office (*Morehead and Brown, Digest, p. 861*). Upon the abolition of the district courts and the establishment of the circuit courts in 1802, it was provided: that the county jailer should have the custody of all persons committed to jail in his county by said circuit court; that the circuit judge should have power to superintend and regulate

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the jail; that the jailer should attend the circuit court and execute its commands; that the jailer should be exempt from militia and jury service; and, upon order of the circuit judge, that he impress or hire guards necessary for the safekeeping of prisoners (Ibid., 862). The jailer was authorized to receive prisoners committed to his charge by the United States (Ibid., 863); and to take bail bonds the same as sheriffs (Ibid., 862). He was directed to reside in or near the jail (Loughborough, Digest, p. 351) and to execute process when the coroner or the sheriff were unable to execute them (Ibid., 124).

In 1820 the county court was authorized to appoint a person to superintend and take charge of its public works and public buildings, including the courthouse, jail, clerk's office and stray pen with all appurtenances belonging on the public square; and the person appointed was given power to bring an action for any injury to said property.

The constitution of 1850 provided that a jailer should be elected in the county every four years who should be at least 24 years of age (Const. of 1850, Art. VI). Before entering the duties of his office, the jailer was required to take oath and execute sufficient bond (The General Statutes, 565). The county jailer was also jailer and an officer of the circuit and county courts, and as such he was exempt from militia duty and jury service. It was his duty; to receive and keep all persons lawfully committed to jail until they were lawfully discharged; to treat them with humanity, furnish them with proper food and lodging and deliver those who died in jail to their friends, or bury them; to keep the prisoners of the United States until lawfully discharged; to reside near the jail and to have the custody, rule and charge of the jail; to keep the jail clean and warm and provide the prisoners with sufficient bed clothing; to receive prisoners when removed from another county to his, by order of the judge; and, when he went out of office to deliver to his successor the custody of the jail, with its keys, furniture, etc., and the persons confined therein, with all official papers by which persons had been committed to his custody, or liberated therefrom. The jailer acted under rules prescribed by the county court for the government and treatment of prisoners and cleanliness of the jail (Ibid., 566-569).

The jailer was made superintendent of the public square, courthouse, jail, clerk's office, stray pen and other public county buildings at the seat of justice, and it was made his duty to institute suits for any injury to said property (Ibid., 703). He was also directed to execute process of the quarterly court (Ibid., 301).

The present constitution provides that the jailer shall be elected every four years, but the General Assembly may at any time consolidate the offices of jailer in any county or counties (Const. of 1891, Secs. 99, 105). Before entering the duties of his office, the jailer is required to take oath and execute bond in the county court (Carroll's Kentucky Statutes, 1936 ed., Sec. 2224). He is an officer of the circuit and county courts for the county and he may execute process from any court in civil, penal or criminal cases the same as the sheriff (Ibid., 2234). His duties, in addition to those outlined in the previous constitution, are: to cause persons condemned under sentence of death to be conveyed to the penitentiary (Ibid., 1137-2); to turn over to the manager of the workhouse or work crew all prisoners sentenced to hard labor and report once each month to the county court the disposition made of such persons (Ibid., 1379-7, 1382); and on the first day of each month to make a statement showing the expenses of his office and the fees received by him during the preceding month, and pay the same to the auditor (Ibid., 1773). With the approval of the county court, he may appoint one deputy who may be removed by him at any

time (Ibid., 2237). When the office of the jailer becomes vacant the sheriff acts as jailer, but if the sheriff cannot act, he may appoint a person to act for the occasion (Ibid., 2231, 2232).

In Fayette County, because it contains a city of the second class, the fiscal court has custody of the courthouse and public grounds and the jailer is relieved of the duties of furnishing the courts with fuel, water, light, etc., (Ibid., 938f-2). A city jailer is elected every four years in Lexington who has control of all property, machinery, etc., of the city jail, and he may grant to any prisoner confined in the city jail one day off for each ten days sentence for which said prisoner is confined in the city jail (Ibid., 3145).

An act was passed in 1934 for the purpose of combining the office of the jailer with that of the sheriff, but this was later declared unconstitutional (Ibid., 2237-1).

All records of the jailer are kept in the front room of his home, two miles from Lexington, on the old Frankfort Pike.

Register of Prisoners

178. COUNTY PRISONERS, 1933--. 1 vol.

Record of prisoners committed to county jail; name, race and sex of prisoner, dates committed and released, offense, duration of sentence, by whom sentenced, name of arresting officer, amount of fine and fees, no. days imprisoned. Arr. chron. by date of commitment. Hdw. pr. fms. 300 pp. 24 x 20 x $1\frac{1}{2}$.

179. STATE PRISONERS, 1930--. 1 vol.

Record of state prisoners committed to county jail; name, race and sex of prisoner, dates committed and released, offense, by whom sentenced, name of arresting officer, no. days imprisoned. Arr. chron. by date of commitment. Hdw. pr. fms. 300 pp. 14 x 10 x $1\frac{1}{2}$.

180. FEDERAL PRISONERS, 1929--. 2 vols.

Record of federal prisoners committed to county jail; name, race and sex of prisoner, dates committed and released, offense, by whom sentenced and released, no. days imprisoned, amount of fees. Arr. chron. by date of commitment. Hdw. pr. fms. Vols. aver. 300 pp. 24 x 20 x $1\frac{1}{2}$.

Daily Expenses

181. PRISONERS' RECORD AND DAILY EXPENSE ACCOUNT, 1931--. 1 vol.

Daily record of no. of prisoners and total disbursements; aver. cost per prisoner, total fees collected each day. Arr. chron. Hdw. 600 pp. 20 x 15 x 4.

XV CORONER

The office of coroner can be traced back to before the twelfth century in England where it was the duty of the county and borough coroners to go places where persons were slain, or suddenly dead or wounded, or where houses were broken into or treasure found and make an inquiry if a crime had been committed (Encyclopaedia Britannica, Eleventh Edition, Vol. VII, p. 187). In Virginia a justice of the peace first acted as coroner (Hening, Statutes at Large, Vol. II, p. 325), but later the coroner held inquisitions and aided the sheriff in executing process (Ibid., Vol. IV, p. 418).

The first constitution of Kentucky provided for the office of coroner, to

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be elected by the citizens of the county for a term of three years (Const. of 1792, Art. VI, Sec. 1). Under the second constitution, when a coroner was needed in any county, the county court, a majority of its justices concurring, recommended to the governor two persons to fill the office, one of whom he appointed; but, if the county court failed to make a recommendation, the governor, with the consent of the senate, appointed someone to fill the place (Const. of 1799, Art. IV, Sec. 8). It was the duty of the coroner, upon request, to inquire upon the view of any person killed, wounded or suddenly dead, or, where a house was broken into, to order the sheriff or constable to summon a jury to said place and conduct an inquest to determine if any crime had been committed, and, if so, to have the criminal apprehended (Morehead and Brown, Digest, pp. 461-463).

The coroner was authorized: to execute any writs in suits where the sheriff was interested or could not act, and was subject to the same laws applying to the sheriff when he acted as such (Ibid., 463); to summon a jury in any case in which an inquisition was required by law to be held (Ibid., 464); to execute process where the deputy sheriff was interested in any suit in the county or circuit courts (Ibid.); to execute judgments in cases where the process was served by him (Ibid., 465); where a judgment had been obtained against property of the sheriff and could not be sold in the county, to remove it to other counties for sale (Ibid., 352); to execute warrants in bastardy proceedings (Ibid., 239); and to execute process in criminal cases where the sheriff was defendant or related to the defendant (Ibid., 535).

The third constitution provided for the election of the coroner in the county for a term of four years (Const. of 1850, Art. VI, Sec. 1). It was his duty to hold an inquest upon the body of any person slain, drowned or otherwise suddenly killed, or where a house was broken into; to swear the witnesses; to reduce to writing the substance of the evidence given the jury; to recognize the witnesses to appear in the circuit court; to arrest the guilty person or cause it to be done; and to bury the person over whom an inquest was held or to deliver him to his friends if required (The General Statutes 263). The coroner was authorized: to execute process in criminal, penal and civil cases; to employ a surgeon to have a post mortem examination of a dead person during an inquest (Ibid., 264); and to execute process returnable to the quarterly court (Ibid., 301). Any justice of the peace in the county could hold an inquest in the absence of the coroner (Ibid., 311).

Under the present constitution the coroner is elected in the county by the voters every four years (Const. of 1891, Sec. 99). He must be at least twenty-four years of age and a resident of the county (Ibid., 100, 234). It is his duty, when the death of a human being has resulted from unnatural cause without an attending physician or by reason of crime, homicide, suicide, drowning or otherwise suddenly killed, or when a person dies from a wound within ninety days, to hold an inquest over said body (Carroll's Kentucky Statutes, 1936 ed., Sec. 528). In holding the inquest the coroner swears the witnesses, reduces the substance of their testimony to writing, and recognizes them to appear before the circuit court (Ibid., 530). The coroner may: employ a surgeon or physician to have a post mortem during an inquest (Ibid., 532); cause a search to be made to find dead bodies (Ibid., 534); have buried bodies exhumed to determine the cause of their death (Ibid., 537a); and summon a jury to aid in the inquest (Ibid., 533). The coroner must bury the dead body or deliver it to friends and pay over valuables found thereon to the county judge (Ibid., 531); he must arrest any person found guilty of a crime by the inquest or issue his precept for the arrest, and commit such person to jail or, if the person has fled, the coroner may summon aid and pursue him anywhere in the state (Ibid., 529). In case the coroner cannot act, he may appoint a deputy to hold an inquest, but, if he does not, any justice of

the peace in the county may hold an inquest (Ibid., 535).

The coroner may execute process in criminal, penal and civil cases and, when so acting, the laws in regard to the sheriff or his deputy apply to him (Ibid.). When the office of the sheriff is vacant or if the sheriff or his deputy is a candidate in any election, the coroner performs the duties of the sheriff in regard to elections (Ibid., 1451).

Inquests

182. INQUESTS, 1926-- . 3 vols.

Record of inquests; date, name, age, race, place of death, cause. Arr. chron. Alph. indexed by name of deceased. Hdw. pr. fms. Vols. aver. 700 pp. 12 x 8 x 5. Kerr Bros. Funeral Home, 463-65 East Main Street, Lexington, Ky.

XVI TAX COMMISSIONER

Functions of the present tax commissioner were originally performed in Virginia by the Burgesses and later by persons appointed by the courts to take lists of taxable property and by the sheriffs who were required to present the assembly a list of taxable goods and tithable persons (Hening, Statutes at Large, Vol. I, pp. 143, 340, 341).

The first Kentucky Assembly provided that commissioners of the tax should be appointed by the county courts for terms of two years, to call on every person in their respective districts and make a list of taxable property (Littoll, Statute Law of Kentucky, Vol. 1, pp. 63, 89). Subsequent changes were made in the length of their terms of office and in the districts for which they were appointed. The commissioner of the tax was required: to turn in a list of tithable persons (Morehead and Brown, Digest, p. 1113); to ascertain the value of taxable property for the county court (Ibid., 1384); to report delinquents to the court (Ibid., 1373); to make lists of all taverns, stud horses and jacks (Ibid., 1383); to administer oaths to persons listing their property for taxation (Ibid., 1385); to make a list of voters in the districts (Ibid., 1387); to make a list of imported merchandise (Ibid., 1388); to take a list of children in the district between the ages of 4 and 14 (Ibid., 1418), and later of all white children between the ages of 7 and 17 (Loughborough, Digest, p. 516).

The constitution of 1850 provided that a county assessor should be elected in the county for a term of four years, unless changed by law, and that he should have power to appoint such assistants as should be necessary (Const. of 1850, Art. VI, Sec. 11). His assistants were appointed with the approval of the county court and he could remove them at will (The General Statutes, 718). All persons in the county were required to list their property with the assessor, and, if any failed, the assessor took steps to see that they did so. The assessor was authorized to administer oaths to persons listing their property, and to fix a full and fair value upon all the estates listed with him for taxation, and to enter the same in the tax book, giving also the aggregate value. He was required: to list his own estate to the county clerk; to list in his tax book all tavern keepers and owners and keepers of studs, jacks and bulls who had obtained licenses; to make a return, with his tax book, of the number of voters in the county; and to make out the tax book in legible writing, in alphabetical order, add the amount of value to each column, give the aggregate thereof, and prove its accuracy before he returned the same (Ibid., 418-424). At the time he assessed the taxable property of persons, the assessor required them to furnish him the names of all persons in their families who were chargeable for county levies (Ibid., 269). He was required: to make a separate list in his book of the

property of colored persons subject to tax for colored schools (Ibid., 855); and to ascertain and record all births, marriages and deaths in the county and return the same to the county clerk (Ibid., 962). By an act of 1874, the assessor was made ineligible to the same office for the succeeding term (Ibid., 1874).

The present constitution provides that there shall be elected in the county an assessor, whose term of office shall be four years, but that he shall be ineligible for the succeeding term and that said office might be abolished by the General Assembly, which, however, should have power to re-establish the office and prescribe its duties (Const. of 1891, Secs. 99, 104).

In 1918 the office of assessor was abolished and all powers and duties previously exercised by the assessor were transferred to the state tax commission and county tax commissioner, except as were changed by law (Carroll's Kentucky Statutes, 1936 ed., Sec. 4042a-1). The term of office of the tax commissioner was made equal to the term of the assessor, but the commissioner is eligible for re-election (Ibid., 4042a-2). The commissioner, subject to the supervision of the state tax commission, assesses all property in the county except as otherwise provided for, and prepares assessment books (Ibid., 4042a-7). With the consent of the state tax commission, he may appoint as many deputies to assist him as he deems necessary (Ibid., 4042a-3).

It is his duty to: keep his office open at reasonable times from July 1 to October 31 each year for the purpose of assessing property, and either see in person or call at the residence of all taxpayers of the county and there furnish a schedule and secure the assessment of the property of such taxpayer; see every taxpayer in person who fails or refuses to list his property for taxation; between November 1 and December 31 make up his assessment book and perform such other duties as may be required to obtain a fair and equitable assessment of the property in the county (Ibid., 4042a-12); meet with the board of supervisors to furnish them information concerning the tax (Ibid., 4042a-15); fix the value upon all estates listed with him and report to the board of supervisors a list of all taxpayers whose tax lists have been increased by him (Ibid., 4053); make out his tax book and prove its accuracy before he returns the same (Ibid., 4054); make and return with his tax book a list of the qualified voters in the county (Ibid., 4055); report to the county clerk the names of all persons refusing to list all their property (Ibid., 4061); give in a list of his property to the board of supervisors (Ibid., 4069); attend an annual meeting with the state tax commission and other county tax commissioners for the purpose of learning better how to assess property (Ibid., 4114i-12); complete the assessment of property and file the tax books with the county clerk, and file a list of intangible property with the state tax commission (Ibid., 4114i-15); furnish the commissioner of agriculture with such information as he may require (Ibid., 34); and make a list of dogs in the county and notify owners to obtain licenses (Ibid., 68b-16).

The fiscal court is required to provide for the tax commissioner a suitable office in which are kept the books, maps, taxpayers' lists, papers and all other records pertaining to the assessment of property within the county, except such books or records as are required by law to be placed in the custody of other officers (Ibid., 4042a-14).

Assessments

183. TAX ASSESSOR'S BOOK, 1894--. 406 vols., 935 file boxes. Prior records missing.
Lists of persons owning taxable property; name and address of owner, list of real estate, tangible and intangible property, bank shares, livestock and poultry.

individual and total valuation, assessment, receipt no., exonerations, delinquency, penalty, date of redemption, payee, remarks. Arr. numerically by district no. Alph. indexed by name of taxpayer within district. Hdw. pr. fms. Vols. aver. 400 pp. 14 x 10 x 3. File boxes aver. 100 lists 10 3/4 x 4 3/4 x 13 1/4. 386 vols., 1894-1934, A. R. rm. 1; 20 vols., 935 file boxes, 1930-- Tax Com's. off.

XVII BOARD OF TAX SUPERVISORS

Before 1852 the county court had general supervision of the tax collector, and it was its duty to examine the books returned by the commissioner, comparing them with the lists of preceding years and with the poll books to ascertain the number of persons that had been omitted and to certify to the auditor of public accounts the amount allowed the commissioner (Morehead and Brown, Digest, p. 386).

After the county court came to consist of a judge instead of justices of the peace, the judge and clerk of said court, by virtue of their office, were made to constitute a board of tax supervisors for the county. They met at the clerk's office and examined the tax book, each year, to correct any errors of the assessor, whether in fact or in relation to the valuation of the estate listed, and, where they thought the estate had been incorrectly valued, fixed the same at its proper value. The board was assisted by the assessor and had power to compel the attendance and examination of witnesses before them. The board could receive the tax list of any person omitted by the assessor; it reported to the county court any tax lists omitted and certified to the auditor of public accounts its approval of the tax book (Revised Statutes, Vol. II, 257).

About 1862 it was provided that the county court should appoint three taxpayers, citizens of the county, as a board of supervisors, to hold office one year and be eligible for reappointment. This board had the same powers and duties as the previous board (The General Statutes, 724). In 1874 it was provided that the county court, composed of the county judge and the justices of the peace, at the court of claims each year, should appoint one citizen and taxpayer from each voting precinct in the county, who, when they assembled, should compose a board of supervisors and should perform all the duties and be subject to the same regulations as formerly provided by law (Ibid., 979).

An act of 1892 provided that the county judge should appoint five housekeepers, residing in different parts of the county, who should constitute the board of supervisors of the tax (Acts of 1892, Chapter 103, Art. VI). In Fayette County, because it contains a city of the second class, the judge appointed three additional persons from Lexington, and from different wards, to sit on the board (Ibid.). They met once each year, and the county clerk delivered to them the assessor's books for the county, of which they made a careful examination. They were authorized to change items which were clearly wrong and to list all property omitted by the assessor and the value of property for which they could find no owner (Ibid.). The county clerk acts as clerk for the board of supervisors. In reassembling, the board heard all complaints and passed finally upon the assessment of all taxpayers from which there was no appeal. The board had power to summon and swear witnesses and require them to testify. The supervisors were required to keep a record of their proceedings, correcting the tax book thereby, examining, approving and returning same with the record of their proceedings to the county court (Ibid.).

In 1906 taxpayers were given the right to appeal to the courts from actions of the courts from actions of the board of supervisors (Acts of 1906, Chapter 22, Art. VII). In 1917 it was provided that the county judge each year should appoint three housekeepers and owners of real estate residing in different parts of the county, who should constitute the board of supervisors of the tax, one of whom

should be a resident of the largest city in the county (Acts of 1917, Chapter 1, p. 16). The state and county were also given the right to appeal from the decisions of the board (*Ibid.*, 20). This act was amended the next year, giving the judge the right to appoint three or more to the board, provided the number should not exceed one for each magisterial district in the county (Acts of 1918, Chapter 5, p. 15). The board, although changed in number, retained the former powers and regulations applicable to it.

Other statutes provide that: when it appears to the board that intangible property has been omitted by the assessor it shall assess such property (Carroll's Kentucky Statutes, 1936 ed., Sec. 4121-3); the county court clerk shall, after examination and approval of the commissioners' books by the board of supervisors, make and record a recapitulation of the books as revised by the supervisors (*Ibid.*, 4128a-1); the board shall assess the property of persons failing to list their property with the assessor (*Ibid.*, 4065), and shall correct the tax books by a schedule of intangible property as corrected by the state tax commission and return said schedule to the tax commission (*Ibid.*, 4114i-15).

Revision of Assessments

184. SUPERVISORS NOTICE, 1929. 7 bundles in 1 file box. Record discontinued March 18, 1929.

Notices by board of supervisors of increase in valuation of certain taxable property; owner's name and address, amount of increase on tangible, intangible property and real estate, date protest may be made, date notice executed, name of sheriff, signature of deputy sheriff. Arr. chron. by date filed. Hdw. pr. fms. File box 74 docs. 10 $3/4$ x 4 $3/4$ x 13 $1/4$. Bundles aver. 11 docs. 6 x 5 x $1/4$. Co. Ct. Clk's. off.

XVIII TREASURER

The county treasurer does not emerge before 1893 as a separate and distinct officer. The duties of this office in many instances, however, were included in the duties of the respective clerks of the courts. With the establishment of the courts, particularly the county courts, both in Virginia and Kentucky, the clerks received all moneys from the various collecting agents, certifying and submitting these lists to the auditor of public accounts (Littell, Statute Laws of Kentucky, Vol. II, p. 83). The county court clerk was also the clerk of the court of claims and levy when it held its sessions.

Although various acts pertaining to treasurers of particular counties were passed from time to time prior to 1891, it was only after the adoption of the fourth constitution in this year that the general assembly provided for the office of county treasurer. The act creating and regulating the office of county treasurer was approved February 27, 1893 (Acts of 1893, Chapter 153, pp. 522-526) and provided for a term of office of two years, stipulating that the county treasurer be thirty years of age and a resident of the county for two years (Acts of 1912, pp. 296-299).

The county treasurer is elected in Fayette County by the commissioners, who, with the county judge, constitute the fiscal court. He executes bond as required by law (Carroll's Kentucky Statutes, 1936 ed., Secs. 928 et seq.) and takes oath of office (Const. of 1891, Sec. 228).

His duties are: to receive and receipt for all money due or to become due from the several collecting officials or from any person whose duty it is to pay money into the county treasury; to institute actions in the name of the county

against all delinquent sheriffs or collectors and against any others having money belonging to the county who refuse to pay over the same when due; to keep an accurate set of books in which he shall show all money received or disbursed, the source and for whom paid out; to balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made; to keep a record of all actions instituted by him on behalf of the county; to keep office in the county seat and keep same open for collection of money at all reasonable times; to report to the county judge in writing all money paid him; to settle his accounts as county treasurer whenever required by the fiscal court, making complete settlement each year; to publish in the newspaper having the largest circulation in the county a complete statement yearly, showing all receipts and disbursements (Carroll, Op. Cit., Sec. 3747a-1); to have his books open for inspection for members of fiscal court and as, "public records," at all reasonable times, for any taxpayer; to keep as part of his record a book to be known as the "Budget Ledger," wherein the county budgets are to be kept by him, accounting for each budget fund separately; to file with the fiscal court at meetings a financial statement showing the balance in each budget of the ledger, to be signed by him and recorded by the county court clerk; and to deliver all official papers to his successor (*Ibid.*, 929 et seq.).

Ledger Accounts

185. JOURNAL (County Expenses), 1904-8. 1 vol. Subsequent records, see entry 189.

Expense accounts of county for repair and upkeep of jail, roads and machinery, purchases of merchandise; date, amount and explanation of expenditure. Arr. chron. Hdw. 596 pp. 16 x 10 x 2. A. R. rm. 2.

186. GENERAL ACCOUNTS AUDITED, 1908-28. 5 vols. Subsequent records, see entry 189.

Itemized expense account of county for jail, juvenile court, infirmary and courthouse expenses, clerk's and sheriff's fees; amount, date, reason for expenditure. Arr. chron. Hdw. Vols. aver. 500 pp. 14 x 17 x 3. A. R. rm. 1.

187. GENERAL LEDGER, 1868-97. 6 vols. (1-6).

Record of accounts of concerns and banks; name and address of concern or bank, date, amount. Arr. chron. Hdw. Vols. aver. 550 pp. 19 x 13 x 3. A. R. rm. 1.

188. GENERAL BLOTTERS, 1871-84. 11 vols. (10-12, 10-17). Record discontinued December 9, 1884.

Daily bank balance for county; names of banks in which county has deposits, amount of bills discounted, expenses and dividends paid, itemized list of accounts with various firms. Arr. chron. Hdw. Vols. aver. 500 pp. 19 x 14 x 3. A. R. rm. 1.

XIX AUDITOR

The office of Auditor, an optional office, is purely statutory, being provided for in an amendment to "an act to amend Section 1840 of the Kentucky Statutes, Carroll's 1915 Edition, relating to jurisdiction and powers generally of fiscal courts," approved March 22, 1922. The portion relating to the county auditor, still in effect today, follows:

"The fiscal court shall have jurisdiction to...cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, and have the accounts of all county officers audited, when necessary, and it may employ a competent person to keep such accounts and records, and to make such audits, and to pay such person to keep such accounts and records, and

to make such audits, and to pay such person a reasonable compensation for such services..." (Carroll's Kentucky Statutes, 1936 ed., 1840).

Lodger Accounts

189. LEDGER (County Expenses), 1864--. 22 vols.
Itemized expense accounts of various county bureaus; date, purpose and cost of expenditure, list of each item. Arr. chron. Alph. indexed by name of bureau. Hdw. Vols. avor. 450 pp. 15 x 19 x 1. 17 vols., 1864-1925, A. R. rm. 1; 5 vols., 1926--. Auditor's off.

XX COUNTY ELECTION COMMISSIONERS

In 1799 the General Assembly provided that justices of the county court should, each year, appoint two of their own body as judges of elections, and a proper person to act as clerk; but, if the persons appointed failed to attend or the county court failed to make appointment, the sheriff should appoint persons to act in their places. They received votes and made a statement of the whole thereof. The sheriff proclaimed the names of the persons elected and to what office (Morehead and Brown, Digest, p. 590). Where more than one county voted for an officer the sheriffs of all the counties met and compared polls (Ibid.). At this time all votes in the county were cast in the courthouse; but, later, election precincts were established in the county. In 1837 the county courts were directed to appoint two of their own body as justices for each precinct, if there should be justices enough for that purpose; and if not, then one justice and some other person, together with a clerk at each precinct. These appointees performed duties the same as were required of the judges and clerks at the county seat (Loughborough, Digest, p. 224). The sheriff appointed a deputy to attend each precinct, who, after the votes were in, met with him at the courthouse and compared polls and made out certificates of election (Ibid.). An act of 1842 authorized the county court to appoint two voters, at each precinct, preferably justices of the peace from different political parties; and a clerk, different in politics from the sheriff, who should continue in office one year (Ibid., 481).

In 1852 a board to examine the poll books of each county and give certificates of election was established. It consisted of the county judge, the county clerk, and the sheriff. If two of the named persons could not act, their places were supplied by two justices of the peace. The board met in the clerk's office to compare the polls, ascertain the correctness of the summing up of the votes and issue certificates of election for offices exclusively within the gift of the county, keeping one certificate in the clerk's office, sending one to the secretary of state, and another to the persons elected. For offices not within such gift, the board kept one certificate showing the number of votes in the county in the office of the clerk and delivered another to the sheriff. Where two or more counties voted together for an officer, the sheriffs of the counties met to compare the certificates of the examining boards of the several counties and issued certificates of election (Revised Statutes, Vol. I, p. 436). The county court annually appointed as judges two justices of the peace, if there were so many, or one justice and one other person, and a clerk of the election in each precinct of the county. It also appointed, every second year, two persons as judges, and a clerk, for each district for the election of justices of the peace and constables in the county. If any of the judges, or clerks, were not present to act at the election, the sheriff or his deputy could appoint a person. The judges were required to superintend election in county,

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offered, see that they were properly recorded with the voters name in the poll book, deliver the same to the sheriff, and make out statements of the number of votes received by each candidate. When the judges disagreed, the sheriff acted as umpire. The clerk was required to sign each page of the poll book (Ibid., 432).

An act of 1892 provided that the county court should, annually, appoint in each election precinct, two judges, one clerk and one sheriff of the election, all of whom should be resident householders of the precinct and not be candidates. The judges were to be of different political parties, and a likewise difference was to exist between the clerk and the sheriff. If any officer failed to attend the election, the others appointed a person in his place, and, if none were present, the voters present elected officers (Acts of 1892, Chapter 65, Art. III). The duties of the election officers and the board for examining returns and giving certificates remained the same as before (Ibid., Art. V).

Upon establishment of the state board of election commissioners in 1898, it was provided that the said board should, annually, appoint three electors of each county to constitute the board of county election commissioners, a majority of whom could act as the county board. The state board had power to remove members of the county board and fill vacancies therein, but the county board could fill vacancies temporarily (Acts of 1898, Chapter 13, Sec. 2). The county board was authorized to appoint for each election precinct in the county, two judges, one clerk and one sheriff annually for election in the same manner, which officers had the same qualifications and duties as those appointed by the previous county board of election commissioners (Ibid., Sec. 3).

In 1900 the present county board of election commissioners was created, consisting of two electors of the county, appointed by the state board of election commissioners, annually, and the sheriff, who presides at meetings and votes in cases of disagreement of the other members (Carroll's Kentucky Statutes, Sec. 1596a-2). The two members of the county board are appointed, one each from five names designated by executive committees of the two largest political parties in the county. The board chooses one of its members as secretary to keep a record of its proceedings, which record is public and kept in the county clerk's office. A majority of the board may do any act the board is empowered to do, and, if a vacancy occurs, the state board appoints a person from the names already submitted by the party in which the vacancy occurs. When the sheriff cannot act, the circuit clerk acts in his place (Ibid.). The county board of election commissioners examines and canvasses the election returns of the county and gives triplicate or more certificates of election to those who have received the highest number of votes for any office exclusively within the gift of the county: one copy goes to the secretary of state, one to the person elected, and the other is retained in the clerk's office. For offices not within such gift, the board gives duplicate certificates of the election of the number of votes given the county, city, district or precinct: one to be retained in the clerk's office, one delivered to the sheriff, and one, in case of municipal or district elections, to the governing authority or district (Ibid., 1596a-5, 1596a-8a, 1596a-9). The county election commissioners may employ, at county expense, necessary clerical help to count the votes. Fayette County, because it contains a city of the second class, may also employ extra tabulators (Ibid., 1482).

The county board of election commissioners also annually appoints for each election precinct, two judges, one clerk and one sheriff of election, all of whom must be voters of the precinct for which appointed. If the county executive committees of the two political parties each submit a list of names for each precinct, a judge and clerk must be appointed from one and a judge and the sheriff

from the other. The board may remove any of the officers prior to five days before an election (*Ibid.*, 1596a-3). If any election officer refuses to attend or to act at the polls, the attending officer of his party may appoint one to take his place, or, if both are absent, the voters of their party present may elect persons to act in their stead (*Ibid.*, 1596a-4). It is the duty of the election officers to compare each applicant's signature with his signature on the precinct register before issuing him a ballot, and to swear such persons as cannot sign their names and keep a record thereof (*Ibid.*, 1489b-45). It is the clerk's duty, after issuing a ballot to any registered voter, to record that such person voted (*Ibid.*). When they close the polls, the election officers must seal up the ballot box, etc., and deliver same to the county clerk (*Ibid.*, 1482). It is the duty of all election officers to give information of all infractions of the election law to the commonwealth attorney, and they may have the offender apprehended (*Ibid.*, 1592).

Registration of Voters

190. CERTIFICATE OF REGISTRATION, 1904--. 240 vols.

List of legal voters in county; name, address, description of voters, signatures of county clerk and sheriff. Arr. alph. by name of voter. Hdw. pr. fms. Vols. aver. 300 pp. 17 x 14 x 2. 180 vols., 1904-35, A. R. rm. 1; 60 vols., 1936--., Co. Ct. Clk's. off.

191. REMOVAL CERTIFICATES, 1927--. 7 file boxes.

Certificates issued to cancel registration of former residence and give right to vote in district of present residence; name of voter, present and former addresses, date certificate issued. Arr. alph. by name of voter. Hdw. pr. fms. File boxes aver. 100 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

Petitions

192. SCHOOL BOARD AND COMMISSIONERS FORM, 1912--. 2 file boxes.

Petitions by voters that certain persons be selected as candidates for office of school commissioner and members of the board of education; names of persons recommended, names and addresses of petitioners, date of election. Arr. chron. Hdw. pr. fms. File boxes aver. 20 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. vlt.

193. REGISTER OF CANDIDATES FOR NOMINATION, 1913--. 2 vols.

Record of prospective candidates for various county offices; name of candidate, residence, party affiliation, title of office sought, date petition filed. Arr. chron. Alph. indexed by name of candidate. Hdw. pr. fms. Vols. aver. 300 pp. 18 x 10 x 4. Co. Ct. Clk's. off.

194. NOTIFICATION AND DECLARATION, 1929--. 4 file boxes.

Records of declaration of candidates running for county offices; date, name of person making declaration, title of office sought. Arr. chron. Hdw. pr. fms. File boxes aver. 39 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

Elections

195. ELECTION COMMISSIONERS' RECORD, 1853--. 12 vols., 1 file box.

Tabulated statement of votes cast at primary; date, precinct, names of candidates, title of office sought, no. of votes cast for each candidate. Arr. chron. Alph. indexed by name of candidate under each precinct. Hdw. pr. fms. Vols. aver. 500 pp. 17 $\frac{1}{2}$ x 10 x 2 $\frac{3}{4}$. File box 100 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. 6 vols., 1887-1929, A. R. rm. 1; 6 vols., 1 file box, 1853-86, 1930--., Co. Ct. Clk's. off.

Certifications

196. NOMINATION PAPERS, 1905-15, 1921--. 12 file boxes. Official notices to candidates for various county offices of nomination in primary; name of candidate, title of office sought, no. of votes received. Arr. chron. Hdw. pr. fms. File boxes aver. 100 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

Expenses

197. EXPENSE ACCOUNTS OF CANDIDATES, 1919--. 3 file boxes. Itemized expense accounts of candidates for county offices; name of candidate, office sought, expense incurred during campaign. Hdw. pr. fms. File boxes aver. 10 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. 2 file boxes, 1919-32, Co. Ct. Clk's. vlt.; 1 file box, 1933--. Co. Ct. Clk's. off.

198. DEMOCRATIC CAMPAIGN EXPENSE ACCOUNT, 1924--. 5 file boxes. Itemized expense account of county Democratic campaign; date, amount, nature of expenditure, payee. Hdw. pr. fms. File boxes aver. 15 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13 $\frac{1}{4}$. Co. Ct. Clk's. off.

XXI COUNTY BOARD OF EDUCATION

The first important legislation concerning general education was the establishment of a literary fund, to consist of one-half of the profits from the state bank, to be used for a system of general education and distributed to all counties of the state (Morehead and Brown, *Digest*, p. 1418). The county courts were to divide their counties into four to sixteen school districts, and the commissioners of the tax were directed to prepare a list of school children in the county for transmittal to the auditor. It was the duty of the county clerks to deliver to the commissioners a statement of the boundaries of the school districts (*Ibid.*, 1419).

In 1825 an act to encourage establishment of private schools provided that any five persons might associate and acquire a school house and school grounds, a deed to be made to the county court for their use. The county court appointed seven trustees who operated the school and made annual reports to the court (*Ibid.*, 1419). In 1828 it was provided that these trustees should be elected by the parents and guardians to continue in office for one year; that the parents and guardians should adopt a constitution and bylaws for government of the trustees; and that the principal teacher should make an annual report to the county court concerning course of study, books, and the number of children taught. The body of subscribers as organized was authorized to solicit subscriptions to build, improve, or repair school houses (*Ibid.*, 1419). In 1830 the county court was authorized to lay off the county into school districts. School commissioners, annually elected in each district, composed a body corporate, looked after administration of schools in the districts, and made reports to the county clerk (*Ibid.*, 1421).

In 1838 it was provided that the state board of education should appoint five persons in each county as commissioners of common schools, to continue in office twelve months and until their successors were in like manner appointed (Loughborough, *Digest*, p. 530). These commissioners were a body corporate whose duty it was: to aid and superintend the dividing of the county into school districts; to apply for and receive from the superintendent of public instruction all moneys apportioned for use of common schools in the county, and from the sheriff all moneys raised in the county for the same purpose; to apportion same

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among the school districts; to make reports each year to the state board of education, showing the number of school districts in the county, the districts from which reports were made, the length of time schools were kept open, the number of children in each, the amount of money received by the commissioners during the last year, and the amount and purpose of expenditures; together with the trustees, to examine persons offering themselves as candidates for teachers; to make a list of property subject to school taxes; and, upon termination of their offices, to render to their successors an account of the moneys received and disbursed by them (*Ibid.*, 531-536). The school commissioners were given power to divide the county into school districts, to alter the same, and to appoint examiners to test persons who applied as teachers (*Ibid.*, 541).

In 1852 it was provided that the county court should appoint one, two, or three commissioners for common schools in the county, remove them for misfeasance, and fill any vacancy that might occur (*Revised Statutes*, Vol. II, p. 320). The commissioners held office for two years, were a corporate body, and could hold or dispose of real and personal estate for the use and benefit of common schools of the county or of any district therein. They were required to settle their accounts with the county court annually and forward a certificate thereof to the state superintendent. It was their duty: to make an annual report to said superintendent showing the districts in which schools had been open, the length of school terms, the number of children in each district, the amount received from the state the preceding year and how distributed; to draw an order on the auditor for the county's share of the school fund; to distribute it among trustees of the schools in the county; to keep a record of proceedings and an account of moneys received and disbursed; and, when term of office expired, to deliver to the other commissioners, or their successors, money, papers, property, etc., remaining in their hands as commissioners (*Ibid.*).

An act of 1861 provided that the justices of the peace and the presiding judge at the court of claims should elect one county school commissioner who should hold office for two years and be governed by the same regulations as required by existing laws (*Supplements to Revised Statutes*, p. 438). In 1864 further powers and duties specified for the commissioner were: to visit each school district annually and investigate the operation of the school system; to organize a county teachers' association; to hold in trust any devise, gift, or donation of property in aid of the common schools; to administer oaths to teachers, trustees, or other persons in matters relating thereto; to report to the county judge delinquency of school trustees; and to report to the superintendent the amount raised by tax (*Ibid.*, 445-449, 454, 474). The commissioner was given power to remove delinquent trustees (*Ibid.*, 753), and he decided all questions of difference or doubt having reference to the interest of the schools in his county (*The General Statutes of Kentucky*, p. 220).

In 1884 the duties of the county school commissioner were taken over by the county school superintendent, whose office was created at the same time (*Acts of the General Assembly of 1884*, 121).

Upon reorganization of the school system in 1908 it was provided that each county should compose one school district, except, where a town in any county maintained a separate system of public schools, the balance of the county outside the town should constitute a school district (*Carroll's Kentucky Statutes*, 1915 ed., Sec. 4226a et seq.). Each county was divided into educational districts which were in turn divided into school sub-districts. A trustee for each sub-district was elected by the voters for a term of two years, and all trustees in an educational division constituted a division board and elected a chairman thereof. A county board of education was established, to be composed of the chairmen

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of the several division boards in the county and the county superintendent, who was ex officio chairman. The county board of education was authorized: to establish county high schools, and to unite with city authorities for that purpose if necessary; to estimate and lay before the fiscal court the educational needs of the county; to receive and expend taxes collected by the sheriff for school purposes; upon petition, to submit to the voters of sub-districts whether or not a tax should be levied for school purposes in the sub-districts; to canvass returns of such election and, if a majority were in favor of the tax, to levy such tax; to establish new school sub-districts, or change existing ones; to purchase, lease, sell, rent, or repair school sites, buildings and necessary furnishings; to receive gifts, grants, or donations for the benefit of the schools; to condemn property for school use; to employ and fix salaries of teachers in the high schools, established by them, and to prescribe course of study and select textbooks to be used in said high schools (Ibid.).

The county board of education was a corporate body vested with the title, care and custody of all school houses, sites, or other property belonging to the districts of the county. The board met at specified times and places designated by the school superintendent. Each member reported to the board at least twice a year the status of educational affairs in his division (Ibid.). The county boards of two counties could establish a sub-district composed of parts of both counties (Ibid., 4425a-18). The county boards were authorized: to consolidate two or more school sub-districts; to lay off a boundary including a number of sub-districts, and to submit to the voters in that boundary a tax for consolidating schools; to employ supervisors for rural schools; to pay expenses of the county superintendent and said supervisors; to distribute the state fund; to submit a salary schedule to the state board of education; to fill vacancies in the office of school trustee; and to furnish each school house sufficient furniture and apparatus (Acts of the General Assembly of 1916, Chapter 24).

An act passed in 1920, amended in 1922, provided that each county district should be under the management and control of a county board of education consisting of five members, one to be elected from each of five divisions in which the county school district was to be divided (Carroll, Op. Cit., 1930 ed., Sec. 4399a-1a). Term of office of members of the board was four years. The county superintendent was made executive officer and secretary and was required to attend all meetings, except when his own tenure, salary, or the administration of his office was under consideration (Ibid., 4399a-2). The board designated its regular meeting days, but special meetings could be called by a majority of its members or the superintendent. The county superintendent could advise on any question but could not vote (Ibid.). The board of education was given the same power, authority and jurisdiction as ~~were~~ formerly conferred on the boards of education (Ibid., 4399a-2a). Further powers and duties were: to determine, upon consent and advice of the county superintendent and subject to the bylaws of the state board of education, the educational policies of the county, and prescribe rules and regulations for conduct and management of the schools; to exercise, through its executive officer and his assistants, control and supervision over schools of the county; to have control of county school funds, in its corporate capacity (Ibid., 4399a-5); to provide water closets or outhouses for each school (Ibid., 4399a-6); to appoint all principals, teachers and supervisors from a list of names submitted by sub-district trustees; to call a meeting of teachers in a session to confer and give instruction concerning their work; to suspend or remove from office the county superintendent, any teacher, other employee, or sub-district trustee, for cause; to hold title to all school property (Ibid., 4399a-7); to appoint a county superintendent for a term of not more than four years (Ibid., 4399a-10); to appoint a district trustee for each district (Ibid., 4399a-14); and to employ supervisory attendance officers (Ibid., 4399b-1).

County Board of Education

An act of 1934 provides that each county shall constitute a school district, except in counties in which there are independent school districts. In the latter case, the county school district shall be composed of the remainder of the county outside such independent school districts (Ibid., 1936 ed., Sec. 4399-2). All school districts, embracing cities of the first five classes and territory outside the city added for school purposes, and all independent graded common school districts having two hundred and fifty or more white children, are independent school districts (Ibid., 4399-3). Each school district is under the management and control of a board of education consisting of five members elected for four-year terms from the district at large (Ibid., 4399-17, 4399-24). To be eligible for membership a person must have attained the age of twenty-four years, must have been a citizen of Kentucky for three years preceding election, must be a voter in the district for which he is elected, and must have completed at least the eighth grade (Ibid., 4399-22). Each board of education must hold at least one regular meeting a month, but special meetings may be called by the chairman and the secretary upon request of three members. A majority constitutes a quorum, and a member failing to attend three consecutive regular meetings without excuse vacates his office (Ibid., 4399-29). The members receive no salaries but may receive expenses incurred in the performance of duties (Ibid., 4399-32).

Each board of education is a body politic and corporate with perpetual succession (Ibid., 4399-18), and title to all school property in the district is vested in the commonwealth of Kentucky for the benefit of the district board of education (Ibid., 4399-19). Each board of education appoints a superintendent of schools for a term of one, two, three, or four years. He is the board's executive agent and must attend all meetings, except when his own tenure, salary, or the administration of his office is under consideration (Ibid., 4399-34). The board of education may appoint or reject sub-district teachers nominated by the sub-district trustee (Ibid., 4399-9). Since the board has general control and management of public schools in its district, it may establish schools and provide courses and services deemed necessary for promotion of the education, general health and welfare of pupils, if such are consistent with rules and regulations of the state board of education (Ibid., 4399-20). It must provide, by establishment of a school or by contract with another district, at least an approved twelve-grade school service for the pupils in its district (Ibid., 4399-2) and maintain schools for pupils of elementary grades (Ibid., 4399-20). It has control and management of all school funds and public school property within the district; exercises all powers in administration of the public school system; and appoints such officers, agents and employees as it may deem necessary, prescribes their duties, and fixes their compensation and terms of office (Ibid., 4399-20). It has power to fix the time and place of its meetings and to make bylaws for government, regulation and management of public schools and school property, qualifications and employment of teachers, and conduct of pupils (Ibid.).

Other powers and duties of the board are: to purchase and condemn real estate (Ibid., 4399-21); to fill vacancies in the board (Ibid., 4399-30); to pay expenses of the superintendent and other employees (Ibid., 4399-25); to appoint as many assistant superintendents as it deems necessary (Ibid., 4399-34); to appoint a secretary for a term of one, two, three, or four years (Ibid., 4399-38); by concurrent action with other contiguous school districts, to merge the district with other school districts (Ibid., 4399-4); to lay off a proposed sub-district boundary and submit to the voters within that boundary or to the voters of any sub-district the proposition of a tax for school purposes (Ibid., 4399-12); to cause a description of the boundary of their district and all sub-districts to be kept (Ibid., 4399-14); to submit to the voters whether or not the board shall issue bonds and levy taxes to pay for them (Ibid., 4399-13); to issue work permits

to children (Ibid., 4434-4); to appoint an attendance officer (Ibid., 4434); to maintain a permanent and continuing school census (Ibid., 4434-25); to provide for instructing of children with defective eyesight and/or hearing or physical or mental handicaps (Ibid., 4434-33); to furnish textbooks and other school supplies to indigent children (Ibid., 4363-12); to prepare a school budget, estimating the total to be received from the common school fund and the amount that must be raised by local taxation, and file a copy thereof with the clerk of the tax levying authority of the district (Ibid., 4399-40); to elect a treasurer of the board, if the secretary does not serve (Ibid., 4399-42); to appoint a bank or trust company to serve as its depository (Ibid., 4399-43); to borrow money on the credit of the board and issue negotiable instruments in anticipation of revenues from school taxes (Ibid., 4399-44); to maintain separate schools for white and colored children and provide for education of colored children residing in an independent graded school district which embraces a city of the fifth or sixth class located in the county (Ibid., 4399-49); to make reports to the state board of education on all phases of its school service and publish for the information of the public the progress of the schools (Ibid., 4399-54); to summon and enforce the attendance of witnesses in any investigation or proceeding before it (Ibid., 4399-55); to take possession of, sue for and recover, sell, or convey property in the district that escheats to the state (Ibid., 4399-56); to convert to its general school fund money that it owns for which it is to receive only the income (Ibid., 4399-60); and, to provide for roads or pass-ways to its school buildings (Ibid., 4399-61).

School Buildings and Equipment

199. INVENTORY OF BUILDINGS AND CLASSROOMS, 1932--. 1 file box.
Inventory records of buildings and classrooms of county grade and high schools; itemized account of classroom supplies, condition of rooms. Arr. alph. by name of school. Hdw. pr. fms. 200 docs. 15 x 15 x 24. Co. Sch. Supt's. off.

200. DEED REFERENCE, 1934--. 1 file box.
Deed reference to all property of county board of education; description of property, date of acquisition, vol. no. and p. of deed book, entry 8, where deed recorded. Arr. chron. Hdw. 25 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

Financial

201. PUPILS' RECORD OF TUITION, 1930--. 1 file box.
Record of pupils paying tuition in county schools; amount, name of pupil, grade, no. of months attended school. Arr. alph. by name of pupil. Hdw. 75 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

202. SETTLEMENT OF SCHOOL COMMISSIONER, 1851-95. 1 vol., 3 file boxes.
Itemized account of county school funds; date, amount and source of collection, date, amount and purpose of expenditure. Arr. chron. Hdw. Vol. 172 pp. 17 $\frac{1}{2}$ x 10 x 2. File boxes aver. 65 pp. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 13. 1 vol., 1851-73, Co. Sch. Supt's. off.; 3 file boxes, 1861-95, Co. Ct. Clk's. off.

203. ANNUAL AUDITS OF COUNTY BOARD, 1921--. 1 file box.
Audited accounts of county board of education's receipts and disbursements; date, amount, reason for collection or disbursement, name of payer or payee. Arr. chron. Hdw. pr. fms. 500 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

Census

204. CENSUS REPORT OF SCHOOL CHILDREN, 1898-1919, 1922--. 24 vols.
Report of county school census; names and addresses of children and parents.

description of child, school attended. Arr. alph. by name of pupil. Alph. indexed by school district. Hdw. Vols. aver. 500 pp. 19 x 13 $\frac{1}{2}$ x 3. 16 vols., 1898-1919, A. R. rm. 1; 8 vols., 1922--, Co. Sch. Supt's. off.

205. PERMANENT RECORD CENSUS, 1934--. 3 file boxes.

Census cards of county schools; name, age, residence and description of pupil, school attended. Arr. alph. by name of school and pupil. Hdw. pr. fms. File boxes aver. 1000 cards. 15 x 16 x 24. Co. Sch. Supt's. off.

206. ILLITERATE AND HANDICAPPED PEOPLE OUT OF SCHOOL, 1935--. 1 file box.

Survey of illiterate, crippled or otherwise handicapped children of school age in county; name of child, nature of handicap, names and residence of parents. Arr. alph. by name of child. Hdw. pr. fms. 75 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

Miscellaneous

207. NOTICES (County Board of Education), 1930--. 1 file box.

Notices of meetings of board; date of meeting, business transacted, members present. Arr. chron. Hdw. pr. fms. 200 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

XXII COUNTY SCHOOL SUPERINTENDENT

The office of county school superintendent was established in 1884 to succeed the county school commissioners (Acts of the General Assembly of 1884, Chapter 1330, Art. VI, pp. 121-128). The act provided that the county school superintendent must be capable of examining and certifying teachers and must possess good moral character, good english education, and the ability to manage common school interests of the county efficiently. He had to be at least twenty-four years of age, a citizen of the United States, a resident of the state for two years, and a resident of the county for one year. He was elected for a two-year term. Before being eligible for office, he had to procure a certificate from the circuit court judge that he had been publically examined by him, or a person appointed by him, and that he was qualified to discharge the duties of his office as required by law. He took oath of office and was required to furnish bond.

His duties were: to visit each district school once a year; to investigate and direct operations of the school system and promote, by address or otherwise, the cause of common school education; to condemn any school house which was dilapidated, unhealthy, or otherwise unfit for school use, and to notify the trustees of same; on or before June 1 of each year, to prepare for the superintendent of public instruction a report certified by the county judge or clerk, showing the total number of children between the ages of six and twenty years residing in the various county districts, the report to be based upon the census taken during the month of April and reports made to him by district trustees; if reports of any district were not in by May 10, to appoint a suitable person to take the census of such district; on July 1 of each year, to prepare for the superintendent of public instruction a report, certified by the county judge and sworn to by the county superintendent, showing districts in which schools were taught for the full session or one-half the session; upon approval by the superintendent of public instruction and certification of the amount due the schools, to send the report to the auditor for issuance of a warrant on the treasury in payment, to collect same, and to pay teachers in proportions so entitled in the district (except in cities organized as one district, where the president or chairman of the school board performs these duties); to carefully file and preserve all reports made to him subject to his revision and correction; to settle

County School Superintendent

his accounts with the county judge on or before September 1 after termination of each school year, showing dates, amounts and explanations of receipts, disbursements and unpaid sums; to forward a copy of same, certified by the county clerk, to the superintendent of public instructions; to make a report to the said superintendent before September 1, showing the districts in which schools were open, the length of school terms, the highest, lowest and average number of school children, the cost per child, the number of private schools, academies and colleges taught in the county, the length of their sessions, the average number of teachers, male, female and total, for common schools, their average wages, the amount of money collected and disbursed for county school purposes, the number, value and kind of school, the number of libraries in the districts, the number of volumes in each, the increase during the year, and the amount received for official compensation and expenses.

The county school superintendent was also required to keep a detailed account of all money received and distributed by him and a record of all business transacted by him as county superintendent, together with reports of trustees, the names, number and description of school districts, and all other papers and documents connected with his office; to be subject to inspection and examination at all times by any officer or other person interested in the common schools; to see that special taxes, fines, forfeitures, etc., provided for in this act, are collected and paid into the state school fund and to make report of same to the superintendent of public instruction, showing amount paid and due during the previous year; to hold in trust gifts, devises, and donations of any real or personal estate in aid of common schools; to make settlement in regard thereto in the same manner and at the same time he makes settlement of money received from revenue of the school fund; to send a copy of school settlement to the superintendent of public instruction; to administer oaths required of trustees, teachers or others in matters relating thereto; to attend office the fourth Saturday in every year to administer oath of office to trustees-elect; to keep a record of trustees qualified, and to furnish them needed blanks for the current school year and other information they may request in regard to their duties; to be in his office, at the county seat, on the first Saturdays in January, February, May and July, and such other times as necessary, to receive reports of district trustees and to transact the business required of him; in cases of controverted rights to the office of trustee, to recognize a trustee from among the contestants until the dispute had been settled; except in cities and towns organized as one district by special acts of the General Assembly, to conduct or superintend personally the examination of all persons applying for positions of common school teachers, in regard to moral character, education, and ability to teach said schools; to issue successful candidates certificates of qualification; to pay teachers' salaries upon receipt of certificates from the trustees that they had taught in the schools; not to buy or transfer to himself or another any teacher's claim, upon penalty; to suspend or remove any teacher or trustee for incompetency, neglect of duty, immoral conduct or other disqualification, except in cities and towns of one district, or death, resignation, etc.; within ten days of such vacancy to appoint another teacher or trustee; to decide all questions of difference or doubt with reference to the school's interests, except appeals from his acts and decisions, which would be taken to the state board of education; to conform to such reasonable rules and requirements as the superintendent of public instruction issued; to receive compensation as fixed by the court of claims and from funds raised by taxation as provided in the act (in counties where no tax was levied, to receive salary out of county levy); to report in detail to the superintendent of public instruction the full amount allowed him by the court of claims; and to deliver to his successor or the county clerk, within ten days, all money, books and property of office. Vacancies in his office were filled by appointment by the county judge (Ibid.).

County School Superintendent

In 1908 a reorganization of the school system took place with the passage of an act requiring a uniform system of common schools to be maintained throughout the state. This act further required the school superintendent to have a diploma or certificate from the state board of examiners. He was elected now for a four-year term by his county; but, in first and second class cities which maintained a system of public schools separate and distinct from the common schools, he was to reside and be elected from outside such cities (Carroll's Kentucky Statutes, 1909 ed., Sec. 4401). At the same time, the superintendent became ex officio chairman of the county board of education established by this act. He was authorized to designate places and times of board meetings and to keep an exact record of all receipts and disbursements, reporting same in detail to the board when required and to the fiscal court on a specified date each year (Ibid., 4426a).

His duties, in addition to those previously defined, but now performed separately from the county board of education, were: to lay off, abolish or consolidate districts; to condemn unfit school property and equipment; to visit school districts at least once a year and make a record of school attendance and absence, names of children unable to purchase books, condition of school and property, conduct, discipline and method of instruction; to counsel trustees and see that they discharge their duties, especially in securing full and regular attendance; to advise with teachers and give such instructions regarding discipline and teaching as deemed necessary; to admonish teachers for neglect of duties in regard to school property, ventilation and cleanliness of school, and to complain to trustees in case of gross neglect of such duties; to examine teachers' registers and gradebooks and the trustees' register; if the boundary of the district was not given correctly, to correct it; to see that the contract with the teacher, the levy of a tax, if any, and the official visits and proceedings of the trustees were properly recorded; and, by every means in his power, to strive to promote and advance the cause of common schools (Ibid., 4403); to report to the county judge the number and cost of textbooks needed to supply indigent children (Ibid., 4405); to make all additional reports required by the superintendent of public instruction (Ibid., 4406); to pay teachers' salaries upon receipt of certificate from the district board of trustees for months completed but not for any fraction of a month (Ibid., 4407); to make settlement with the county judge annually, on August 1, for the previous school year; to forward to the superintendent of public instruction copy of settlement, certified by the county clerk, showing moneys received and disbursed; to refund to the state treasurer any part of a fund received which was uncalled for (Ibid., 4409); to make a complete report to the superintendent of public instruction on August 1, similar to the report previously required of him before September 1 (Ibid., 4410); to hold office at the county seat on the second Saturday of each month and at such other times as may be necessary to transact his official business (Ibid., 4415); not to act as textbook agent (Ibid., 4416); to receive compensation as fixed by the fiscal court (Ibid., 4419); to report such districts composing adjoining counties, together with a census of school children; to keep books in his office, subject to public inspection, describing each county district by number and boundary, forwarding to the trustee of each district a description thereof (Ibid., 4429-30); not to be interested in contracts to build or repair school houses; to approve plans for building schools (Ibid., 4440a); to furnish each chairman of the board of trustees with trustees' record book (Ibid., 4438); to receive money for district taxes from the sheriff, giving him a receipt thereof; to report same in his annual report to the superintendent of public instruction, showing amount raised and manner of appropriation (Ibid., 4462a); to hold such money for the district, paying same on order of the board of trustees (Ibid., 4443); except in cities with separate school system, to take separate receipts for all salaries paid out of the county tax fund and make settlement with the

county judge for the county tax fund (Ibid., 4463a); to organize and cause to be held annually, for not less than five or more than ten days, a teachers' institute for the education, improvement and better qualification of teachers in his county, for which he might employ instructors; to attend meetings, keep a roll call and strict register, and see that proceedings are published, forwarding a copy to the superintendent of public instruction and making an annual report to him of those meetings (Ibid., 4507-08, 17); to keep a county teachers' library under his care in his office and be a member of the library committee (Ibid., 4518); to furnish a statement of boundaries of school districts for purposes of tax assessment to companies operating railroad or bridge, and to receive all taxes from such companies (Ibid., 4099-4100); and, to be chairman of the county school book commission created by Act of February 8, 1904 (Ibid., 4421a).

An act in 1920 made provision for appointment of the school superintendent by the county board of education in 1921 for not more than four years. His duties were substantially the same (Ibid., 1930 ed., Sec. 4399a-10a).

By an act approved in 1934, the county school superintendent is appointed by the county board of education for a term of one, two, three or four years, and is required, before assuming his duties, to present to the board a statement signed by the superintendent of public instruction that he has been issued a certificate of administration and supervision (Ibid., 1936 ed., Sec. 4399-34). He is the board's executive agent; his salary is determined by the board; he is required to see that laws relating to schools and bylaws, rules and regulations of the state board are enforced; and he is responsible to the board for the carrying out of his duties (Ibid., 4399-34).

Further duties are: to devote entire time to public school business; to enforce all laws, rules, etc., relating to schools; to have power to appoint necessary clerks; to prepare rules, regulations, bylaws and statements of policy for approval and adoption by the board; to have general supervision, subject to control of the board, of the conduct, course of instruction, management of teachers, discipline of pupils and management of business affairs; to nominate for appointment by the board all principals, assistants and teachers; to assign, transfer and recommend promotions of same; to pay teachers' salaries; to prepare an annual budget and seek to secure adequate funds for the support and development of public schools; to conduct correspondence and receive all reports (Ibid.); to furnish corporations a statement of boundaries of school districts for purpose of tax assessment (Ibid., 4399-16); to appoint members to such free libraries as may be established in the county (Ibid., 938d-5); to be exempt from jury service during school sessions (Ibid., 2253a-2); and to make a yearly report at close of the scholastic year to the state board of education, giving an itemized account of all funds received from the state and other sources and a statement of all expenditures for the year (Ibid., 4370-5).

Teachers' Applications

208. TEACHERS' RECORDS, 1930--. 1 file box.
Record of qualifications of county teachers; name, experience, practical training, health, education, schools attended. Arr. alph. by name of teacher. Hdw. pr. fms. 150 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

Enrollments

209. SCHOOL ENROLLMENT CARD, 1935--. 3 file boxes.
Record of all grade school enrollments in county; name, age, sex, grade, race of pupil, name of school, name and residence of parents. Arr. alph. by name of

pupil under school district. Hdw. pr. fms. File boxes aver. 1000 cards. 15 x 16 x 24. Co. Sch. Supt's. off.

High School Graduates

210. COMMENCEMENTS, 1931---. 1 file box.

Record of graduates of county high schools; name, age, residence, school attended, date of graduation. Arr. alph. by name of graduate. Hdw. pr. fms. 1000 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

Attendance Records

211. TRUANT OFFICER'S RECORD, 1919---. 1 vol.

Truant officer's record of children absent from school without consent of parents or principal; name, age, residence of child, names of parents or guardian, date absent. Arr. alph. by name of child. Hdw. pr. fms. 100 pp. 19 x 12 $\frac{1}{2}$ x 1. A. R. rm. 1.

212. RECORD BOOK OF PUPILS, 1924---. 15 vols.

Attendance record, achievement and promotion of pupils in county schools; name, age, school attended. Arr. alph. by names of school and pupil. Hdw. pr. fms. Vols. aver. 150 pp. 10 x 12 x 2. Co. Sch. Supt's. off.

Miscellaneous

213. MISCELLANEOUS (School Records), 1922---. 1 file box.

Records of schedules for county grade and high schools, titles of text books adopted, annual statistical reports, amounts of teachers' salaries, free classes, free lunches and health activities furnished by county or private funds. Arr. alph. by name of school. Hdw. pr. fms. 1000 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

214. SCHOOL FILE, 1934---. 1 file box.

Records pertaining to county schools; attendance reports, methods of transportation, recreational activities, statistical records, reports on condition of school buildings. Arr. alph. by name of school. Hdw. pr. fms. 1000 docs. 15 x 16 x 24. Co. Sch. Supt's. off.

XXIII COUNTY BOARD OF HEALTH

In 1893 an act of the General Assembly authorized the state board of health to appoint for a two-year term three or more intelligent and discreet citizens, residing in the county, to constitute the county board of health. Duties were essentially the same as those of the present board. Compensation was determined by the county court (Acts of the General Assembly of 1893, Chapter 185, pp. 824-826). When this act was amended in 1904, the state board was given power to appoint for a term of two years three intelligent, discreet, licensed and practicing physicians residing in the county, who, together with the county judge and one person elected by the fiscal court, constituted the county board (Acts of the General Assembly of 1904, Chapter 35, pp. 106-107).

In 1918 an act regarding the county board of health defined its duties as they stand today (Acts of the General Assembly of 1918, Chapter 65, pp. 290-353). No change was made in the method of appointing members of the board, but it was stipulated that they were to draw no compensation (Carroll's Kentucky Statutes, 1936 ed., Sec. 2055).

The board has authority: to require heads of families and other persons to execute such sanitary regulations as it may consider expedient to prevent the outbreak and spread of cholera, smallpox, yellow fever, scarlet fever and other communicable diseases; to bring infected populations under prompt and proper treatment during premonitory or other stages of the diseases; to inspect premises believed unclean and infectious; to determine and fix the location of an eruptive hospital for the county sufficiently remote from habitation and public highways; to enforce rules and regulations adopted by the state board of health; and to subject persons failing to comply with them to a fine of not less than \$10.00 or more than \$100.00 for each day of non-compliance. It is the duty of local physicians and heads of families in the county to report all the above-mentioned or other communicable diseases.

The board makes reports to the state board at least every three months: first, the character of infectious, epidemic and communicable diseases prevailing in the county; second, the number of persons reported infected with such diseases; third, the action taken by the county board of health in arresting progress of epidemics; and fourth, the visible effect of such action. The county board also makes such special reports as required or desired by the state board (Ibid.).

Vital Statistics

215. RECORD OF BIRTHS, 1886-1905. 1 vol., 1 file box. Prior records, 1850-60, are kept by Kentucky Historical Society, Frankfort, Ky. Record of births; name, sex, color, date and place of birth of child, circumstances concerning birth, names, residence and birthplaces of parents. Arr. alph. by name of infant. Hdw. pr. fms. Vol. 150 pp. 24 x 12 x 1. File box 75 docs. 10 $\frac{3}{4}$ x 4 $\frac{3}{4}$ x 10 $\frac{1}{4}$. Co. Ct. Clk's. off.

216. BIRTH RECORDS (County and City of Lexington), 1906-21. 30 vols. (dated by years). Record of county and city births; place and date of birth, name, sex and color of child, circumstances concerning birth, names and addresses of parents, certificate of attending physician or midwife. Arr. chron. Hdw. pr. fms. Vols. aver. 900 pp. 6 x 10 x 4. City Health Department, Municipal Building, Lexington.

217. INDEX TO BIRTH RECORDS (County and City of Lexington), 1906-21. 16 vols. Alph. index to entry 216 by name of infant, day, month and year of birth. Hdw. Vols. aver. 12 pp. 14 x 12 x $\frac{1}{2}$. City Health Department, Municipal Building, Lexington.

218. COUNTY BIRTHS, 1922--. 17 vols. (dated by years). Record of county births; place and date of birth, name, sex and color of child, circumstances concerning birth, names and address of parents, certificate of attending physician or midwife. Arr. chron. Hdw. pr. fms. Vols. aver. 300 pp. 6 x 10 x 2. City Health Department, Municipal Building, Lexington.

219. INDEX TO COUNTY BIRTH RECORDS, 1922--. 17 vols. Alph. index to entry 218 by name of infant, day, month and year of birth. Hdw. Vols. aver. 12 pp. 14 x 12 x $\frac{1}{2}$. City Health Department, Municipal Building, Lexington.

220. RECORD OF DEATHS, 1886-1901. 1 vol. Death records; name of deceased, address, race, sex, age, date and place of birth, place and cause of death, date. Arr. chron. and alph. by name of deceased. Hdw. pr. fms. 150 pp. 24 x 12 x 1. Co. Ct. Clk's. vlt.

221. DEATH RECORDS (County and City of Lexington), 1902--. 43 vols. Record of county and city deaths; name, age, sex, race, marital status of deceased, place, date and cause of death, names of parents, medical certificate of death. Arr. chron. Alph. indexed by name of deceased. Hdw. pr. fms. Vols. aver. 750 pp. 11 x 7 x 6. City Health Department, Municipal Building, Lexington.

Clinic Records

222. MATERNAL CLINIC RECORD, 1931--. 4 file drawers. Record of maternal cases attending clinic; nurses' pre- and post-natal calls, name, address, sex, age, race of patient, general description of case. Arr. alph. by name of patient. Hdw. File drawers aver. 400 docs. 18 x 18 x 36. Co. Health off.

223. VENEREAL DISEASE RECORD, 1931--. 1 file drawer. Clinical and field record of venereal disease treated; name, age, race, sex of patient, date of treatment, report of tests. Arr. alph. by name of patient. Hdw. 350 docs. 18 x 18 x 36. Co. Health off.

224. PATIENTS RECORDS, 1910--. 10 file drawers (1-10). Charts containing full history of each patient; name, address, age, sex, race, type of disease and treatment, no. of treatments, name of physician, case no. Arr. numerically by case no. File drawers aver. 100 charts. 18 x 18 x 36. Hdw. pr. fms. Public Health Center off.

225. INDEX TO PATIENTS RECORDS, 1910--. 10 file boxes (1-10). Permanent card index to entry 224 containing important information from charts; name, age, sex, race and address of patient, type of treatment, signature of physician. Arr. alph. by name of patient. Hdw. File boxes aver. 100 cards. 3 x 5 x 36. Public Health Center off.

Inoculations and Immunizations

226. IMMUNIZATION CARDS, 1931--. 12 file boxes. Records of patients inoculated; name, date, type of serum, name of doctor or nurse administering serum. Arr. alph. by name of patient. Hdw. File boxes aver. 1000 cards. 3 x 5 x 18. Co. Health off.

227. INOCULATION RECORDS, 1910--. 20 file boxes (1-20). Cards of patients inoculated for typhoid and dyptheria; name of patient, age, sex, color, address, name of physician. Arr. numerically by case no. Hdw. File boxes aver. 1000 cards. 3 x 5 x 36. Public Health Center off.

228. MISCELLANEOUS (Child Health), 1931--. 4 file drawers. Record of infant and preschool examinations and inoculations, school examinations and field work, dental clinic roll call, clinical forms and summary sheets. Arr. chron. within divisions. Hdw. File drawers aver. 1000 docs. 18 x 18 x 36. Co. Health off.

Diseases

229. RECORD OF TUBERCULOSIS, 1931--. 5 file drawers. Record of all tuberculosis cases in the county; name, age, sex, race, date of x-ray, description of case, date of admittance to sanatorium, date of discharge. Arr. alph. by name of patient. Hdw. File drawers aver. 400 cards. 6 x 9 x 18. Co. Health off.

230. BASIC COMMUNICABLE DISEASES, 1931--. 8 file boxes.

Record of basic communicable diseases; name of patient, age, sex, race, date of illness, type of disease, treatment. Arr. alph. by name of patient. Hdw. File boxes aver. 1000 docs. 3 x 5 x 18. Co. Health off.

Adult Hygiene

231. ADULT HYGIENE RECORD, 1931--. 1 file drawer.

General medical record of adult hygiene; date, case no., name of adult, address, age, race, sex, general description of case. Arr. alph. by name of patient. Hdw. 400 docs. 3 x 5 x 18. Co. Health off.

Inspections

232. RECORD OF SANITATION, 1931--. 1 vol., 4 file drawers.

Record of inspections of private privies, tourist camps, schools; date, address of place inspected, findings. Record of nuisance complaints; date, name of complainant, charge, action taken. Arr. chron. Hdw. Vol. 250 pp. 18 x 18 x 2. File drawers aver. 400 docs. 18 x 18 x 36. Co. Health off.

233. FOOD AND MILK INSPECTION, 1931--. 1 file drawer.

Record of farm and dairy inspection; date, address of farm and dairy, description of sanitary conditions. Arr. alph. by name of owner. Hdw. 500 cards. 6 x 9 x 18. Co. Health off.

Laboratory Tests

234. LABORATORY INSPECTION, 1931--. 1 file drawer.

Record of specimens submitted for analysis; name, address, age, sex, race of person, report of analysis, date. Arr. alph. by name of patient. Hdw. 400 cards. 6 x 9 x 18. Co. Health off.

Reports

235. CLERICAL REPORT, 1931--. 1 file drawer.

Daily, monthly and statistical reports of county health department; date, names of patients, case nos., types of diseases, treatments. Arr. chron. Hdw. 1000 docs. 18 x 18 x 36. Co. Health off.

XXIV COUNTY HEALTH OFFICER

An act of 1893 authorized appointment by the county board of health of a competent physician to act as county health officer for a two-year term (Acts of 1893, Chapter 185, pp. 824-826).

In 1904 this act was amended to provide for the health officer to serve as secretary of the board. His duty was to see that the rules and regulations of the state board were enforced. He held office at the pleasure of the county board and received such salary as fixed by the fiscal court (Acts of 1904, Chapter 35, pp. 106-108). In 1918 an act redefined the position of county health officer but made practically no changes in the office (Acts of 1918, Chapter 65, pp. 290-353).

Reports

236. REPORTS, 1931--. 1 file box.

Annual report of county health officer regarding school children; homes visited,

Surveyor

work performed, persons attended, history of cases, action taken. Arr. chron. and alph. by name of child. Hdw. pr. fms. 100 docs. 15 x 16 x 24. Co. Health off.

XXV SURVEYOR

The office of surveyor is found in the early history of Virginia, where surveyors were chosen by the commissioners of each county. A law of 1624 fixed the surveyor's fees and required all planters to have their lands surveyed (Honing, Statutes at Large, Vol. I, pp. 125, 404). In 1783 an act, reducing the several Virginia acts concerning surveyors into one act, provided that the surveyor should be nominated by the county court, examined and certified by the faculty of William and Mary College, and, if of good character, commissioned by the governor (Ibid., Vol. II, p. 352). He held office during good behavior and, when necessary, recommended to the county court deputy surveyors, for whose acts he was liable. He issued receipts to persons who lodged land warrants with him for waste or unappropriated lands, entered the location of said lands in a book kept for that purpose, surveyed the lands after giving notice to such persons, administered oaths to chain carriers, and made and recorded plats of all lands surveyed by him. The surveyor's office was inspected annually by persons appointed by the county courts to examine all entries and surveys. The surveyor was compensated by fees fixed by law (Ibid.).

In 1792 the Kentucky Assembly provided that the governor and senate should appoint in each county a surveyor to hold office during good behavior, but no previous examination was necessary to authorize such appointments (Littell, Statute Laws of Kentucky, Vol. I, p. 61).

In 1799 the second constitution provided that, when a surveyor should be needed in any county, the county court should recommend to the governor two proper persons to fill the office, one of whom he should appoint thereto to hold office during good behavior (Const. of 1799, Art. IV, Sec. 8; Art. II, Sec. 12). An act of 1800 provided that orders of survey might be directed by the court to any person elected (Morehead and Brown, Digest, p. 328). The surveyor was compensated by fees fixed by law (Ibid., 697). It was his duty: to survey lands in the county and return the survey to the register of the land office which issued patents thereon (Ibid., 877); to keep a record of lands to which title, interest, or claims were relinquished by persons (Ibid., 1102); and to administer oaths to chain carriers (Ibid., 562).

The third constitution authorized election of a surveyor in each county for a term of four years (Const. of 1850, Art. VI, Sec. 1). He was required to give an obligation and take oath before entering office. Upon his recommendation the county court could appoint one or more deputies for whose conduct he was answerable. It was his duty to execute every order of survey, made by any court, of lands lying in his county, and make out and return a plat and certificate thereof (The General Statutes of Kentucky, pp. 800, 683). When the office of surveyor became vacant, the county court ordered the clerk to take charge of books and papers of said office until another should qualify. In any case, an order of survey could be directed to any person, at the discretion of the court or by consent of the parties, and, when the county surveyor was one of a set of commissioners appointed to survey land, he could administer oath to the other commissioners and act himself upon his oath of office (Ibid., 801).

The present constitution again provides that a surveyor shall be elected in each county for a term of four years (Const. of 1891, Sec. 99). He must be twenty-four years of age, a resident of the county, and give such bond as required

by law; he is compensated by fees regulated by law (*Ibid.*, 100, 103, 106). Before entering the duties of office, he must file with the county clerk a certificate from some college or from the circuit judge that he is competent to perform the required duties (*Carroll's Kentucky Statutes*, 1936 ed., Sec. 4672a-1). Any surveying and civil engineering work which the courts can order him to do and fine him if he does not comply must be considered as belonging to the office of county surveyor, unless, by order of court, another surveyor is appointed. This work might include the processing of land, the locating of lost corners and dividing lines, the survey and division of an estate, land being sold by order of the court, and surveying, locating, and superintending construction of roads, canals, levies and ditches that are financed by taxation. In all orders of the court, the surveyor has selection of chainmen and other necessary help (*Ibid.*, 4672a-2). He is a member of committees or commissioners appointed by the courts to locate, inspect, care for, and report on bridges and other public improvements (*Ibid.*, 4672a-3).

In addition to previously defined duties, he is required to keep a record of all plats and explanatory notes of surveys made by him or his deputies in a book furnished by the county court. All such records are property of the county and are kept at the county seat in the surveyor's office (*Ibid.*, 4672a-4, 5).

In counties where no record plat books have been kept, the fiscal court, by contract with the surveyor, may order him to record, by plat and explanatory notes, such surveys as he has made while in office and such other surveys made by his predecessors as the court may deem necessary to be in the county surveyor's record (*Ibid.*, 4672a-6). In considering application for appointment of another surveyor for special work, the court must give preference to the county surveyor (*Ibid.*, 4672a-7). On recommendation of the surveyor, the county court may appoint one or more deputies who may act in any case in which a principal could act and for whose acts the principal is answerable (*Ibid.*, 4673). It is the surveyor's duty to append to the field notes of every survey made by him the date of such survey and the variation of the needle from the true meridian at the time of making such survey (*Ibid.*, 4676).

When the office of surveyor is vacant, the county court orders the clerk to take charge of books and papers of said office until another surveyor is qualified (*Ibid.*, 4677) and temporarily fills the office until the successor is elected (*Ibid.*, 1526). Before permitting the entry of any land for survey and patent, the surveyor must require an affidavit from the applicant that the same is vacant land; and, after surveying the land by order of the court, he must forward to the register of the land office, with his plat and certificate of said land, his own affidavit that the land has not been patented before.

Surveys

237. FAYETTE COUNTY SURVEYS, 1783--. 5 vols. (A-E).

Record of county land surveys; date, description of land, names of owner and surveyor. Arr. chron. Alph. indexed by name of owner. Hdw. Vols. aver. 400 pp. $17\frac{1}{2} \times 11\frac{1}{2} \times 2\frac{1}{2}$. Co. Ct. Clk's. vlt.

Plats

238. PLAT BOOKS, 1880--. 3 vols. (1-3), 3 file boxes (1-3).

Plats of city, subdivisions and county; names of surveyors and draftsmen; date, signature of clerk. Scale varies from 1" = 20' to 1" = 60'. Arr. chron. Alph. indexed by name of land owner. Hdw. Vols. aver. 175 plats. $22\frac{1}{2} \times 15\frac{1}{2} \times 3$. File boxes aver. 175 plats. $10\frac{3}{4} \times 4\frac{3}{4} \times 13\frac{1}{4}$. Co. Ct. Clk's. off.

XXVI COUNTY ROAD ENGINEER

The office of county road engineer had its origin in Virginia, where as early as 1657 the county courts were authorized by law to appoint surveyors of the highways for maintenance of roads and bridges (Hening, Statutes at Large, Vol. I, p. 436).

After Kentucky became a separate state an act was passed in 1797 which provided that the several county courts should divide all public roads into precincts, and, as often as necessary, appoint precinct surveyors whose duty it was to superintend the roads in their precincts and see that same were cleared and kept in good repair. Each Surveyor was to continue in office until his successor was appointed (Morehead and Brown, Digest, p. 1396). An act of 1799 authorized the county court to appoint a surveyor of highways for the county (Ibid., 506). Later statutes provided further that no surveyor should be allowed, except by consent of the court, to resign under two years, unless he removes from his precinct, and that he was to be assisted on roads by all able-bodied male laborers over sixteen and under fifty years of age, except licenses ministers of the gospel (General Statutes of 1877, Sec. 764).

In 1894 an act provided that all roads, on which the several county courts appointed surveyors to work and allotted lands thereof, should be declared public roads (Carroll's Kentucky Statutes, 1899 ed., Sec. 4287), and that the fiscal court of any county wherein the roads are worked by taxation may, at its next regular term and every two years thereafter, appoint a supervisor of roads in and for the county (Ibid., 431). Duties of the supervisor were: to post on the courthouse door a printed notice for bids on contracts to build or repair roads and bridges; to superintend the opening, widening and changing of roads and the erection of gates on public roads; to receive new roads and alterations in roads and report same to the county court at the time and in the manner directed by the court; and to see that all roads and bridges are kept clear of obstructions and in good order at all times for travel and transportation; to report in writing to the judge of the county court all failures of contractors to comply with their contracts, and to appear in suits against them; with the consent of the county judge, to designate certain roads or parts of roads that are not to be let out, but which are to be worked and kept in repair by special contracts privately made, by hands and teams hired by him, by delinquent taxpayers, or by persons sentenced to labor who, by law, may be liable to work out fines; to return to the county court at its annual September term a descriptive list of such roads, which shall be recorded in its order book; to report in writing all hands and teams hired, amounts paid, length of time and place employed; to give a similar report of delinquents and names of persons working out fines; to supervise all said work and to employ competent persons to oversee; if necessary, to put ball and chains on convicts to prevent their escape (Ibid., 4315); to be responsible for tools and implements furnished him by order of the court (Ibid., 4318); to post sign boards at cross-roads (Ibid., 4320); not to be personally interested in contracts (Ibid., 4332); to report to the fiscal court when called for information (Ibid., 4334); on order of court, to have hills cut down by contract (Ibid., 4339); to plant shade trees (Ibid., 4340); to establish wells and cisterns (Ibid., 4341); and to appoint assistant supervisors (Ibid., 4344).

The fiscal court, having general control and supervision of public roads and bridges either by taxation or by hands allotted to work on same, appointed overseers for each precinct to supervise, control and oversee labor and material and to report to the county judge in a manner similar to the county supervisor (Ibid., 4307-4314).

An act of 1912 created the office of county road engineer (Acts of the General Assembly of 1912, Chapter 110, p. 309). Two years later this was reaffirmed and the act of 1894 repealed, provision being made for appointment of the county

road engineer by the county judge, subject to approval of the fiscal court, for a two-year term. He must be either a reputable civil engineer or a man who has had practical experience as a road supervisor or builder for two years and has passed a creditable examination by the state commissioner of public roads or one of his representatives (Carroll, Op. Cit., 1915 ed., Sec. 4325). The offices of road supervisor and road overseer were abolished by an act of 1914 (Ibid., 1936 ed., Sec. 4356k).

Duties of the county road engineer are: to exercise general charge over all public roads and bridges within the county, except turnpikes or bridges owned privately; to keep same repaired; to supervise all construction; to make such reports as directed by the county judge and fiscal court; to advise and direct those employed by various contractors the best way to repair, maintain and improve such roads and bridges; to examine various formations and deposits of gravel for the purpose of ascertaining the most suitable materials; to submit such samples, upon request, to the state commissioner of public roads; to provide for necessary grades and drainage; to consider plans, specifications and estimates submitted for erection, repair and maintenance of public roads; to hold road meetings in each magisterial district yearly; to inspect or cause inspection of each road or bridge during its construction and improvement and certify to the fiscal court that work is carried on according to contract, and, when it is not, to stop such work until the fiscal court passes on it (Ibid., 4328); to hear and examine complaints (Ibid., 4332); to certify claims of contractors (Ibid., 4333); to inspect roads every six months, remove obstructions, post guide boards and place foot bridges across streams (Ibid., 4334); to acquire gravel beds and stone quarries for grading purposes with the approval of the fiscal court (Ibid., 4337); to enter any lands adjacent to public roads to drain same (Ibid., 4352); to hold hearings to adjust damages (Ibid., 4353); to bring suits to enforce public rights in the name of the county (Ibid., 4356d); to see that owners keep approaches in repair (Ibid., 4356b); to examine toll bridges (Ibid., 4356c); to turn over his books to his successor (Ibid., 4356b); and to post notices of closed roads (Ibid., 4356f).

The act of 1914 authorized overseers for counties worked by hands, to have charge of roads and bridges in their respective precincts, a copy of the appointments to be delivered to the road engineer (Ibid., 4356p to 4356r). The county judge makes the appointment, and term of office is for two years.

Surveyor's Reports

239. PROFILE OF TURNPIKES, n.d. 2 vols.
Black and white drawings with varying scale of important roads in county; names, locations of turnpikes, bridges and culverts, names of farms bordering roads.
Vols. aver. 15 pp. 21 x 21 x 3/4. A. R. rm. 1.

Commissioner's Reports

240. LEDGER, ROAD DEPARTMENT, 1917. 1 vol. Subsequent records, see entry 189.
Itemized expense account of road commission; date of construction, name and length of road, no. of square yards built per day, hauling, labor and miscellaneous costs, total costs. Arr. chron. Hdw. 350 pp. 17 x 12 x 2. A. R. rm. 1.

Repairs

241. TURNPIKE CLAIMS, 1906-25. 8 vols. Subsequent records, see entry 189.
Claims paid for road labor and supplies; name of claimant, amount of claim, check

no., date issued. Arr. chron. Hdw. pr. fms. Vols. aver. 350 pp. 24 x 18 x $1\frac{1}{2}$.
A. R. rm. 1.

XXVII MISCELLANEOUS

Public Records

242. RESOLUTIONS, SPECIAL JUDGES APPOINTED, 1908--. 1 file box.
Resolutions on death of prominent people, appointment of special judges for
commonwealth cases when regular judge unable to preside; date, signature of
governor and secretary of state. Arr. chron. by date filed. Hdw. pr. fms.
40 docs. 5 x 11 x 15. Cir. Clk's. off.

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