UNIVERSITY OF KENTUCKY
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INVENTORY
OF THE
COUNTY ARCHIVES
OF
KENTUCKY

ANDERSON COUNTY
Lawrenceburg

NO. 3

THE KENTUCKY HISTORICAL RECORDS SURVEY
WORK PROJECTS ADMINISTRATION

INVENTORY OF THE COUNTY ARCHIVES OF KENTUCKY

NO. 5. ANDERSON COUNTY (LAWRENCEBURG)

Prepared by

The Kentucky Historical Records Survey Project
Division of Community Service Programs
Work Projects Administration

Sponsored by

University of Kentucky

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Louisville, Kentucky
The Kentucky Historical Records Survey Project
September 1941

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"To bring together the records of the past and to house them in buildings where they will be preserved for the use of men living in the future, a nation must believe in three things. It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its people so to learn from the past that they can gain in judgment for the creation of the future."

Franklin Delano Roosevelt

FOREWORD

The Inventory of the County Archives of Kentucky is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Anderson County, is number 3 of the Kentucky series.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, businessmen, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey Program attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire county will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey Program was organized by Luther H. Evans, who served as Director until his appointment as Director of the Legislative Reference Service of the Library of Congress. He was succeeded on March 1, 1940, by Sargent B. Child, who had served in the capacity of Field Supervisor since the inauguration of the Survey. The Survey Program operates as a Nation-wide series of locally sponsored projects in the Division of Community Service Programs, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

Howard O. Hunter
Commissioner of Works Projects

PREFACE

The Historical Records Survey was begun in January 1936, under the national directorship of Dr. Luther H. Evans, as a part of the Federal Writers' Project of the Works Progress Administration. On March 1, 1940, Mr. Sargent B. Child succeeded Dr. Evans as National Director. Dr. T. D. Clark was appointed supervisor of the Kentucky project, under the administrative direction of Dr. U. R. Bell, State Director of the Federal Writers' Project. In July 1936 Dr. Clark was succeeded by O. B. Wilder, and in December 1936, Walter M. Hoefelman was made State Director. Mr. Hoefelman directed the project until July 31, 1939, when he was succeeded by Earl D. Hale, who from August 1, 1939, until January 26, 1940, was in charge of the project. On the latter date, Mr. Hale was succeeded by Clifford R. Rader, under whose technical supervision the work has been continued. On March 31, 1941, the survey was placed under the general administrative supervision of Ralph D. Brown.

In December 1936, the National Survey was separated from the Federal Writers' Project, and became an independent unit of Federal Project Number 1. As of September 1, 1939, the Historical Records Survey was changed from one Nation-wide WPA-sponsored Federal Project, to a series of State-wide projects sponsored by legally constituted public agencies. At present, the Kentucky Historical Records Survey Project, sponsored by the University of Kentucky, is under the administrative control of the Division of Community Service Programs of the Work Projects Administration.

The Anderson County Inventory is divided into two parts. Part A deals with the general information on the history and government of the county, housing and care of the records, and abbreviations and explanatory notes. Part B is devoted to the inventory proper.

In Part B of the inventory the agencies are arranged according to governmental functions: i.e., administration; registration of property titles; administration of justice; law enforcement; finance; elections; education; health; and miscellaneous. The structural organization of the agency, the functions, and the records requirements are discussed in a section preceding the inventory of the records of each agency. Records are classified, in general, according to the agencies which make them, unless other disposition of the records is directed by law. Under agencies, records have been classified, as far as possible, according to the subjects with which they deal.

Records are described in formal entries giving information concerning the title, dates, quantity, labeling, contents, arrangement, indexing, nature of recording, also size of volumes or containers, and location.

The original survey of Anderson County was begun in April 1939 by Mrs. Virginia McCoy, under the supervision of Mr. John C. Simmons, Assistant Project Technician. In January 1940, Mrs. Irene S. Ledridge was assigned to the project and assisted Mrs. McCoy in completing the field work in the county. In March 1940 the original listing was rechecked under the direction of Mr. Simmons, assisted by Messrs. Joseph Gurganus and Joseph T. Murray, editors in the State office. Mr. Harry P. Hoskins, editor, did the research

Preface

work involved in compiling data for the historical sketch, and Mr. Carroll R. Callis contributed to the legal research for the essays, under the supervision of Mrs. Elizabeth Johnston, Assistant Project Technician. Messrs. Gurganus and Murray edited the entries under the supervision of Mr. Simmons, who arranged the entries in final form.

Messrs. Frank A. Kenney, Robert P. McAdams, George W. Buck, Arthur C. Best, Richard D. Spriggs, and Benjamin H. McFerran, under the supervision of Mrs. Johnston, were responsible for the essays and the final editorial work necessary for the publication of this inventory.

The Kentucky Historical Records Survey wishes to express its deep appreciation to Mabel S. Brodie, of the editorial staff in the Survey's Washington office, for her careful editorial analysis.

This volume could not have been written without the cooperation and interest of the officials of Anderson County; especially do we appreciate the assistance given our workers by the Circuit Court Clerk, Miss Lulie Walker; the County Court Clerk, William Routt; and County Attorney, William E. Dowling.

Forthcoming volumes of the Inventory of the County Archives of Kentucky will be issued in mimeographed form for free distribution to government offices, libraries, and historical societies in Kentucky, as well as to selected libraries and depositories in other states. For a list of publications of the Historical Records Survey in Kentucky, see p. 378. Requests for information concerning particular volumes should be addressed to the State Supervisor, 550 South Fifth Street, Louisville, Kentucky

Clifford R. Rader

Clifford R. Rader
Project Technician
Kentucky Historical Records Survey Project

Louisville, Kentucky
September 29, 1941

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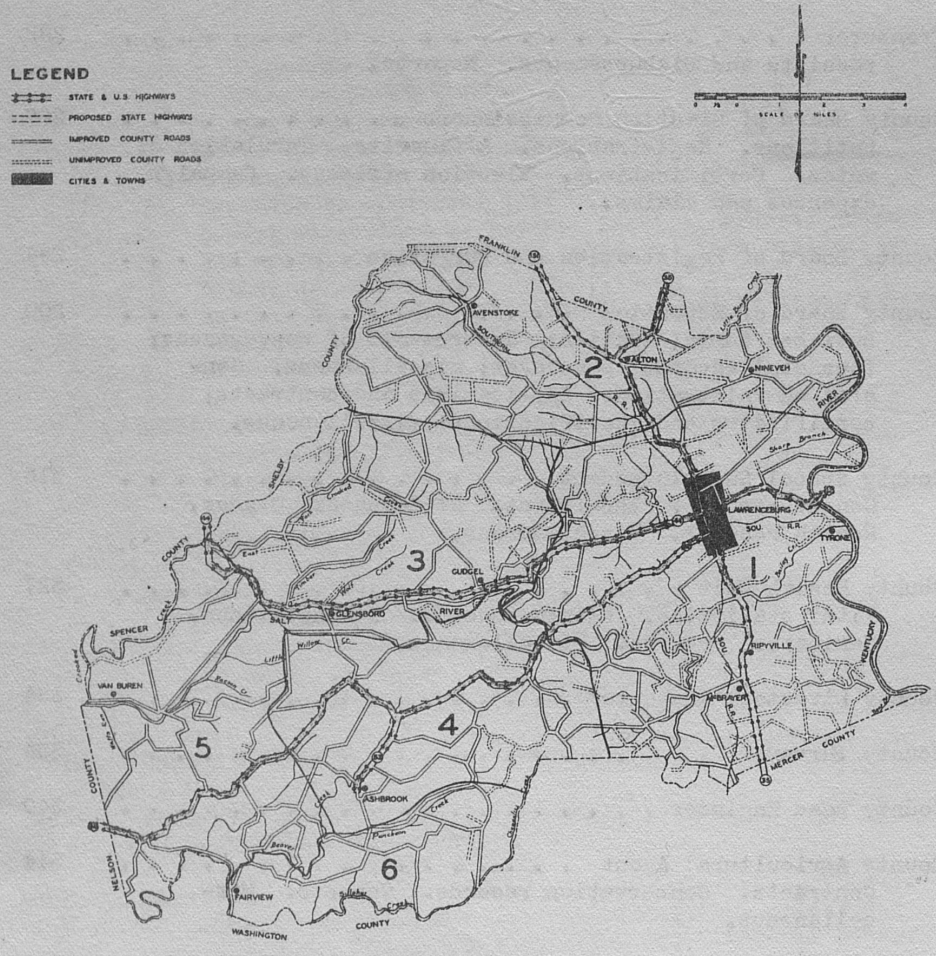
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ANDERSON COUNTY


LEGEND
STATE & U.S. HIGHWAYS
PROPOSED STATE HIGHWAYS
IMPROVED COUNTY ROADS
UNIMPROVED COUNTY ROADS
CITIES & TOWNS
SCALE OF MILES
FRANKLIN COUNTY
SHELBY COUNTY
SPENCER COUNTY
NELSON COUNTY
WASHINGTON COUNTY
MERCER COUNTY
BOONE COUNTY
KENTUCKY RIVER
SALT RIVER
SOU. R.R.
SHAWNEE RUN
Sharp Branch
Willow Cr.
Pigeon Cr.
Lillies Cr.
Beaver
Pleasant Run
Clear Cr.
Valley Cr.
Cedar Cr.
Chaplin
Bull Lick
Bear Grass
Bonds Cr.
Hickman
Hanks Cr.
Rolling Fork
Buffalo Cr.
Brashears Cr.
Mud Cr.
Wilson Cr.
Bloody Run
Bird Cr.
Bear Cr.
Bull Run
Bee Lick
Bee Lick Cr.
Glenns Cr.
Dry Run
Dry Run Cr.
Hickory Cr.
Hickory Grove
Hickory Grove Cr.
Hickory Grove Run
Hickory Grove Run Cr.
Hickory Grove Run Cr.
Hickory Grove Run Cr.

(First entry, p. 110)

1. HISTORICAL SKETCH

Creation

Anderson, the eighty-second county established in Kentucky, was created by an act of the legislature approved January 16, 1827. (1) A supplementary act, approved January 18, 1827, provided that the act of creation should become effective January 20, 1827. (2) Formed from parts of Franklin, Mercer, and Washington Counties, the boundaries of Anderson were described as "Beginning at the mouth of Little Benson creek on Kentucky river in Franklin county; thence with the meanders of said creek, to Brock's spring, near the Harrodsburg road; thence on a straight line to Caleb Tinsley's leaving him in Franklin county; thence by a line due west to the line of Shelby; thence along the same line to the mouth of Crooked creek on Salt river; thence along the dividing line of Washington and Nelson to the mouth of Beaver creek, on Chaplin's fork on Salt river; thence up said creek to where the road from Springfield to Frankfort crosses the same; thence with a line east so as to leave Vincent Morgan in Washington county, to the dividing line between Washington and Mercer; thence with the Washington and Mercer line to a point from which a line due east, will include the house of James Downey; thence a straight line to include the house of Thomas Hardisty on the Harrodsburg road; thence a straight line to the Kentucky, at the ferry of Costello Dawson, Sr.; thence down the river to the beginning." (3)

The county was named in honor of Richard Clough Anderson, Jr., a person of more than local historical significance. His father, Richard Clough Anderson, Sr., was an important figure in pioneer Kentucky where he conducted the State's first Military Land Office at the "Falls of the Ohio." Before her marriage, his mother was Elizabeth Clark, a sister of George Rogers Clark. After graduating from the Law Department of William and Mary College, Williamsburg, Virginia, he practiced for a time in Louisville. Later he was elected to the Kentucky Legislature, served one term as Speaker of the House, was elected to Congress, and finally was appointed by President Monroe as the first Minister to the newly-created Republic of Columbia. He died in 1826 on his second mission to that country. The following year the Kentucky Legislature honored him by giving this county his name. (4)

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1. ACTS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY, 1826-27, P. 44, HEREINAFTER CITED AS ACTS.
2. IBID., P. 55.
3. IBID., P. 44.
4. MAJOR LEWIS W. MCKEE AND MRS. LYDIA K. BOND, A HISTORY OF ANDERSON COUNTY, 1780-1936, P. 105; LOUISVILLE TIMES, JUNE 1, 1921.

Historical Sketch (First entry, p. 110)

Boundary Changes

Several changes of the original boundaries have been made. The first concerned the Anderson-Franklin County line, which was altered by an act approved February 14, 1846. This act read as follows: "That the county line between Anderson and Franklin Counties be so changed as to commence at the mouth of Boon's Branch, in Little Benson, on the Anderson and Franklin line; and from thence a southwesterly course to Hogshead's old house; thence down Parker's Spring Branch to Little Benson, so as to include the dwelling house lately owned and occupied by Fielding L. Conner, but now owned by James D. Parker, in the county of Anderson, and leaving the Presbyterian meeting-house in Franklin." (5)

Eight years later this line was again changed. An act approved January 28, 1854, stated that "the line between Franklin and Anderson Counties be so changed as to include the house in which R. C. McKee now resides within the county of Anderson." (6)

In 1878, an act, approved February 23, altered the Anderson-Mercer boundary, by providing that "the line between the corner of Anderson and Washington Counties, in the Mercer county line, near the residence of Jas. P. Sharp, and near Cheese Lick creek; thence southwardly with the line between the counties of Mercer and Washington to Cheese Lick creek; thence up said creek to the mouth of a small stream flowing into said creek on the southeast side, opposite J. C. Griffey's barn; thence up said small stream to a line between the lands of R. L. Rice and T. W. Cox, deceased, now belonging to W. P. Cox; thence with the line of said lot eastwardly to a corner at the turn of a lane in a line between the lands of W. P. Cox and Mary Morris; thence a straight line to the Anderson county line, at the residence of J. T. Cunningham, so as to include him in Anderson County. And so much of the territory as is taken from the county of Mercer lying between the proposed line and the original boundary, by the foregoing boundary line shall be a part of the county of Anderson." (7)

After 6 years this boundary was again changed "so as to include the lands of Steven Arnold and Andrew J. Bickers in the county of Anderson." This act was approved May 12, 1884. (8)

The most recent changes in the boundaries of this county were made by an act approved April 15, 1890, which provided that "the boundary line between Washington and Anderson Counties be changed as follows: Beginning at the corner of Nelson and Anderson Counties in the Washington county line,

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5. ACTS, 1845-46, 10, 11.
6. ACTS, 1853-54, I, 6.
7. ACTS, 1877-78, P. 245.
8. ACTS, 1883-84, I, 104.

as now established; thence a southeastern direction to the center of Beaver creek, where the turnpike crosses same; thence with the turnpike as it meanders to the center of Sulphur creek; thence up Sulphur creek as it meanders to a point directly north of the junction of the turnpikes leading to Dugansville and Duncansville, in Mercer County, near the residence of Henry Graham.

"That the boundary line between the counties of Anderson and Mercer, across that portion of Washington County hereby detached shall be as follows: Beginning at the point in Sulphur creek north from the junction of the turnpikes leading to Dugansville and Duncansville as aforesaid; thence up the center of Sulphur creek as it meanders to Cheese Lick; thence up Cheese Lick to the Anderson county line at or near the corner of Mercer County, as now established.

"That the portion of Washington County as hereby detached, by changing the line between said counties as aforesaid, that is, beginning at the corner of Nelson and Anderson Counties; thence to the pike crossing Beaver creek; thence with the pike to Sulphur creek; thence up Sulphur creek to Cheese Lick creek; thence up Cheese Lick creek to the Mercer and Anderson line, shall hereafter constitute a part of Anderson County, and the remainder of the detached portion of Washington County shall constitute a part of Mercer." (9)

Topography

Anderson County, located in the central portion of the State, has an area of approximately 200 square miles or 128,640 acres, and is composed largely of rolling and hilly country. It is bounded on the north by Franklin and Shelby Counties; on the east by the Kentucky River and Woodford County; on the south by Mercer and Washington; and on the west by Nelson and Spencer. The surface of the county varies from extremely rough near the Kentucky River to rolling in the remaining sections. The elevation averages from 480 to 900 feet above sea level. Some 93 percent of its area is in farm land. (10)

The Kentucky River forms the county's eastern boundary. Into it, in an easterly direction, flow several small creeks. The greater part of the county, however, is drained by Salt River and creeks tributary to it, which flow in a westerly direction. The more important of these creeks are Crooked, Beaver, Puncheon, and Sulphur. (11)

Several springs are also worthy of note. One of the larger of these, Boiling Spring, although it contains sulphuric properties, has been used

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9. Acts, 1889-90, II, 508.
10. Edward F. Seiller, comp., Kentucky-Natural Resources, Industrial Statistics, Industrial Directory by Counties, Bulletin 34, Issued by the Bureau of Agriculture, Labor, and Statistics, pp. 117, 118.
11. Ibid.

in the manufacture of whiskey. Brock Spring is also the source of water supply for a distillery. Buffalo Spring, in former years, was patronized for its medicinal properties, while that at Eagle Mill has been, and is today, used largely to assist in manufacturing enterprises. (12)

First Settlers

Inasmuch as Anderson County was not created until about three decades after Kentucky had evolved from a pioneer State, its early history is, at least in part, the same as that of the counties from which it was formed. Perhaps of the white men who came to this region, Christopher Gist, a surveyor, and his party were the first. Representing the Ohio Company which had been organized in the Colony of Virginia in 1748, he made a journey of exploration into the country west of the Alleghenies. In order to colonize this territory the Colony of Virginia had granted to the Ohio Company a tract of 200,000 acres, on condition that the company locate one hundred families thereon. Upon fulfillment of this condition, the company would be granted an additional 300,000 acres. (13)

To aid in this colonizing project, the Ohio Company made available to prospective settlers large quantities of merchandise and supplies imported from England, and stored them in a warehouse established across the river from Cumberland, Maryland. Roads were also constructed to connect the settlements east of the Alleghenies with the mountain trails. Christopher Gist, with a company of men, traveled over these roads and trails. His particular task was to observe the topography of the region; the trails and passes; the types of soil and products; rivers and their tributaries with regard to size and depth, and the falls belonging to them; the names of the Indian tribes, their number, and their trade requirements. He was instructed to select and measure the largest and most fertile tract of level land and mark it in such a way as would make the tract easy to rediscover. In order to find good land he was authorized to proceed as far as the Mississippi River. In 1750, with his party, Gist crossed the Ohio River at the place which is now Pittsburg, Pennsylvania. Coming down on the north side of the Ohio River he recrossed into Kentucky at the mouth of Licking River in November of that same year. (14) His path led through the region that now comprises Greenup, Mason, Harrison, Scott, Bourbon, and Franklin Counties to Lee and Letcher. After reaching the Salt Lick below Frankfort, he pushed on into Bullitt County. Returning east, it is evident that his party crossed the area which is the site of Anderson County, today, although no permanent record was left. (15)

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12. McKEE AND DOND, OP. CIT., PP. 74, 75.
13. IBID., PP. 7, 8.
14. WILLIAM DARLINGTON, CHRISTOPHER GIST'S JOURNALS, PP. 33, 34; J. STODDARD JOHNSTON, FIRST EXPLORATIONS OF KENTUCKY, PP. 106, 107.
15. McKEE AND DOND, OP. CIT., PP. 7, 8.

Stations

Because of the nearness of Anderson County to Kentucky's earliest stations, of which Harrodsburg was among the most important, there seems little doubt that hunting and exploring trips were made into it.

Of greater historical significance was the station established by a company led by Captain John Arnold at the mouth of Little Benson Creek on the Kentucky River in 1780. This seems to have been among Kentucky's first seven such settlements. Captain Arnold's band erected cabins in this region, and formed a vigilance committee for the wilderness extending south of the Ohio River and west of the Kentucky. Frequently they learned of impending Indian attacks and apprised the settlers in time to seek safety in the station. In addition to serving as an outpost to give warning of Indian attacks, it also seems to have been the first effort of white men to establish homes in this area, for cabins were soon built near the station. (16)

Within the area at present included in the county, a Dutchman, Jacob Coffman or Kaufman - historians differ as to spelling of his name - was probably the first landowner. In January 1780 he entered a claim for about 400 acres and in the following June, in lieu of preemption rights granted by the Virginia General Assembly, he entered a second claim for an additional 1,000 acres. These included the land on which the present county seat, Lawrenceburg, is situated except that part of the town lying north of Ballard Street. Near the present corner of Main and Woodford Streets, Coffman built his cabin. He was killed by the Indians in 1792. (17) Other of the pioneers who posted land claims were Peter Arturgus who made his entry February 11, 1780, and William McBrayer who made his about the same time. Thomas Madison, Colonel S. Trigg, and James Crockett entered their lands on June 13, 1782; John Harvie and Lewis Clark, on May 15, 1786.

Among the early settlers, many of whose descendants still reside in Anderson and adjoining counties, are Thomas Prather, John Routt, Thomas Phillips, Jordon Walker, Woodford Payne, John Whip, Zach and Phillip White, John and William Lawrence, Samuel Arbuckle, and John F. and William Hudgins. (18)

First County Court and Officers

The act creating Anderson County, approved January 16, 1827, and the supplementary act, approved January 18, 1827, set the first county court day for February 5, 1827, and provided that the court should be held in the house of William Hudgins in the town of Lawrence on the first Monday in

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16. IBID., P. 17.
17. W. H. PERRIN, ET AL., KENTUCKY: A HISTORY OF THE STATE, P. 549; MCKEE AND BOND, OP. CIT., P. 15.
18. IBID., P. 22.

each month with the exception of those days on which the circuit court was in session. Inasmuch as the office of county judge had not as yet been established, Jesse Guess, who had been a justice of the peace in Washington County, was made the presiding officer at the first meeting. The other justices appointed by Governor Desha, namely, James W. McBrayer, Dixon G. Dedman, John Wash, Andrew McBrayer, John Busey, Christopher Lillard, Reuben Boston, John C. Richardson, and Thomas Phillips, took their seats. (19)

As the first business of the day, after the call to order, David White, Jr., presented his certificate of qualification from the Court of Appeals, signed by Judges George M. Bibb, William Owsley, and Benjamin Mills, for the position of clerk of the county court. After giving bond for $10,000 with sureties, he was appointed and immediately undertook the duties of the office. John F. Blackwell was appointed sheriff and was so commissioned by the Governor. He was also given additional duties as collector of internal revenue. Jordon Walker and Sanford McBrayer were later appointed as his deputies. (20)

On the following day the court was again in session. At this meeting the county was divided into five districts and James Hackley, James J. Morgan, Joshua McMichael, Randol Walker, and Joel Boston were appointed constables. (21) Dixon B. Dedman, Thomas Phillips, and Andrew McBrayer were appointed and commissioned with authority to grant injunctions and award writs of ne exeat and habeas corpus during vacations of the circuit court. As escheator of the county, Alvin Herndon was recommended and appointed. Commissioned by the Governor, Lewis J. Witherspoon was made the first surveyor of Anderson County and Everard White was commissioned coroner. (22) The first jailer appointed for the new county was George Morris. (23)

The earliest lawyers licensed to practice in the county were Lewis Sanders, Jr., Nelson Cole Johnson, Washington Dorrell, John Stutt Greathouse, Thomas Triplett, and Preston Samuel Longborough. (24)

Tavern rates were also established at this meeting: "Payment in specie, lodging, twelve and one-half cents; bedding, twelve and one-half cents; supper and breakfast, each twenty-five cents; dinner, twenty-five cents; horse for the night, thirty-seven and one-half cents; horse feed, twelve and one-half cents; whiskey per half pint, twelve and one-half cents; French brandy, peach brandy, rum, and wine, each per half pint, twenty-five cents; whiskey toddy per quart, twenty-five cents; brandy and rum toddy, each per quart, fifty cents." (25)

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19. Acts, 1826-27, pp. 44, 55, 57; County Court Orders, first vol. not labeled, pp. 1, 2, in Anderson County Archives, entry 194.
20. Ibid., p. 4, see entry 194.
21. Ibid., pp. 14-16.
22. Ibid., pp. 9, 11.
23. Ibid., p. 10.
24. McKee and Cond, op. cit., p. 51.
25. Ibid.

Establishment of the County Seat

As the pioneer period in Kentucky's history evolved into that characterized by the establishment of a more stable society and its institutions, the creation of towns was a natural development. It was in the second decade of the nineteenth century that the town Lawrenceburg, as one instance in this trend, was established. In three transactions between 1814 and 1818, Nellie Coffman, the heir of Jacob Coffman, sold to William Lawrence and Samuel Arbuckle seven lots and three alleys on what is now Main Street. These men were the chief promoters in the subsequent development of the town.

As early as 1815, William Lawrence erected in this vicinity a tavern called the Galt House, and later he built and conducted the Lawrence Tavern. Gradually the place became known as Lawrence, and was so specified in the preamble used when three lots which Lawrence and Arbuckle conveyed in 1818 to the trustees, William B. Wallace, John C. Richardson, William Hudgins, Samuel Russell, and Joel Medley, were divided into town lots and sold. Again in 1820 it was incorporated as the town of Lawrence by the county court of Franklin County, and new trustees were appointed. (26) Perrin states that the town was named in honor of Captain James Lawrence of the United States Navy. (27) The act creating Anderson County in 1827 specified that the name of the town should be changed to Lawrenceburg. (28)

By the act creating the county, six commissioners, any five of whom could act, were appointed to decide upon the county seat. These commissioners were William Trotter, of Franklin County; R. D. Shipp, of Woodford; Joel P. Williams, of Mercer; Stephen Lee, of Washington; William T. Webber, of Shelby, and Elias Kincheloe, of Nelson. They were instructed to meet at the home of William Hudgins in March or April 1827. (29)

At the second term of the county court, held in March 1827, the commissioners appointed at the first meeting of the court were ordered to select a site for the county seat, and additional commissioners were appointed at this time for the same purpose. This committee, at the session held on April 2, 1827, recommended that Lawrenceburg be selected as the seat of justice, and that the courthouse be erected "on the plot now occupied by the residence of George Morris, and including two lots adjoining, belonging to the Messrs. Hudgins." (30)

Public Buildings

Courthouses

At the term of the Anderson County Court held in May 1827, the commissioners appointed to secure land and construct a jail thereon were also

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26. IBID., PP. 25-27, 34.
27. PERRIN, OP. CIT., P. 549.
28. ACTS, 1826-27, P. 45.
29. IBID., PP. 45, 46.
30. MCKEE AND BOND, OP. CIT., PP. 57, 58.

instructed to draw preliminary plans and ascertain the approximate cost for the construction of a suitable courthouse. Their report provided for a building with stone foundation and brick body, the cost of which was not to exceed $3,000. The body and roof were to be completed by December 1828, and the remainder by the following October. This house was built, in part, by means of popular subscriptions of money, labor, and even whiskey. In 1828 the Masonic Lodge was given permission to complete and furnish the garret rooms for their own use. (31)

The first session of the county court held in the new courthouse met on October 12, 1829. However, the building was not formally received by the commissioners until July of the next year, at which time the commissioners, Ephraim Lillard, David White, William Lawrence, and John F. Hudgins, turned over the key to George Morris, the jailer, who was appointed keeper of the grounds and building. (32)

The building was a two-story brick structure, with a stone foundation and a cupola. "There were two doors of entrance, one on either side of the front. There was an entrance to the clerk's office from the front and a door entering the court from the inside. The upper rooms were used as jury rooms and were also used by the Masonic fraternity, which supplied the only furnishings. The offices of the sheriff and county attorney were in two separate buildings of two rooms each on the square." (33)

During the night of October 26, 1859, fire destroyed this building. Of the records only a few volumes were completely lost, including the order book from June 12, 1844, to September 12, 1853. Temporary quarters were secured at a yearly rental of $80. On January 1, 1860, in order to provide funds for the construction of a new building at a cost of approximately $14,000, the county court made a levy (34), under authority granted by the legislature, on all taxable property in sufficient amount to raise $7,000 in each of the years 1860 and 1861. (35)

The new structure was accepted as complete January 3, 1861. It was of stone construction, with slate roof, a cupola, and four ornamental pillars in front. Wings of the building housed the offices of the clerks, the sheriff, and the county judge. An additional amount, $585 above contract cost, which included $60 for plans and $220 for a bell, was granted the superintendent of construction. This building was enlarged in 1905 by order of the fiscal court at an expense of $5,000 by contract with C. E. Bond. (36) A first floor hall was added and the bell was hung in the remodeled cupola. (37)

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31. IBID., P. 42.
32. IBID., PP. 43, 44.
33. IBID., P. 45.
34. COUNTY COURT ORDERS, VOL. D, P. 270, SEE ENTRY 194.
35. ACTS, 1859-60, I, 266.
36. FISCAL COURT MINUTES (ORDERS), VOL. 2, P. 288, IN ANDERSON COUNTY ARCHIVES, ENTRY 1.
37. RICHARD H. COLLINS, HISTORY OF KENTUCKY, I, 36; McKEE AND BOND, OP. CIT., PP. 48, 49.

On April 13, 1915, fire also destroyed this building. Several records, including a number of those belonging to the circuit court were destroyed. The county clerk and fiscal court were temporarily housed in the Masonic Building. To replace this structure a bid of $34,722 was accepted, and the contract was let to A. J. Stair of Knoxville, Tennessee. (38) A clock was installed in the cupola for $750 and the building was wired for $420. Other expenses increased the total cost of the structure to $39,146. When the courthouse was rebuilt, the front wall was moved nearer the street, and a separate building was constructed for a heating plant. The new courthouse was not completely paid for until 1936. (39)

Jails

The first jail was a small stone building, two stories in height, and was completed in December 1827. Wooden steps on the outside led to the second story and the first floor could be reached only through a trap door from above, thus affording the prisoners a minimum opportunity for escape. Felons were housed on the lower floor, which was ventilated by only one small window. A court order of October 21, 1884, provided for the erection of a new jail to meet more adequately the needs of the county. (40) The structure, built on the rear of the courthouse grounds, was completed in 1885 and was connected with the courtroom by a passage way. (41)

As was customary, the court provided the usual modes for punishing transgressors of the law, and in March 1833 that body authorized a pillory and stocks to be erected on a plot of ground next to the stray pen. The maximum punishment was 250 lashes which were administered at 5-day intervals, the number of lashes inflicted on the offender being 25 at each interval. The stocks consisted of a wooden frame, provided with holes which confined the legs of the guilty person. The pillory was a similar frame for confining the head and hands. According to the early records, the officer meting out punishment was allowed $1 per person as compensation. (42)

Transportation

Trails and Roads

As elsewhere in Kentucky the earliest overland ways were not roads in the modern sense of the word, but traces or "runs" - simply paths worn bare by the passage of animals. Explorers and hunters followed either these or the various waterways and Indian trails when traveling from one

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38. FISCAL COURT MINUTES, VOL. 4, P. 137, IN ANDERSON COUNTY ARCHIVES, ENTRY 1.
39. MCKEE AND BOND, OP. CIT., P. 49; ANDERSON COUNTY NEWS, MARCH 26, 1936.
40. COUNTY COURT ORDERS, VOL. G, P. 218, SEE ENTRY 194.
41. MCKEE AND BOND, OP. CIT., P. 53.
42. IBID., P. 55.

point to another. But soon the pioneers felt the need of a better pathway, one over which goods could be carried in some quantity. One of the earliest of such roads connected the settlements of the Bluegrass with the strategic "Falls of the Ohio." This was actually an extension of the historic Wilderness Trail which led from the east through Cumberland Gap to Crab Orchard, and crossed within the present boundary of this county. (43)

Undoubtedly, before the county was created as a distinct political entity, the area to be incorporated therein was affected by passageways used for the convenience of the settlers, and by the early roads already made by the counties from which it was formed. In 1832 Anderson inaugurated its own road-building program. In March of that year the first order was issued for a survey from Main Street to Sublett's Ferry. In the next year provision was made for constructing a road to Dawson's Ferry on the Kentucky River via Hawkins' Mill on Gilbert Creek. The first act of the legislature concerning the roads in this county was approved February 12, 1834, and provided for the improvement of the road from Franklin County. (44) In November of the same year a tax of 25 cents in silver or 80 cents in Commonwealth paper money was passed by the legislature to build the Hardinsburg pike. The same year a "Board of Internal Improvement of Anderson County" was created and given power to build that section of the Hardinsburg-Crab Orchard turnpike which passed through the county. (45)

The pike to Shryock's Ferry was completed in 1924 with State and supplementary subscriptions from the Kentucky River Stone and Sand Company and the Shryock's Ferry Company. This road was made a part of Road Project 20 by an act of 1920, and is maintained at State expense. (46)

From time to time other roads have been constructed, and today the county is adequately served by roads of various kinds. In 1938 there was a total of 310.2 miles of all weather roads and 44.1 miles of dry weather or unsurfaced roads. Two Federal highways cross the county; the Taft, north and south, which originally was a deer trail, and Route 62, east and west. The Midland Trail, which connects Cumberland Gap and Louisville, also passes through the county. In addition, the county is served by State Highways 44, 53, 55, and 151. The county is served by the Louisville Division of the Southern Railway System. (47)

Ferries

Ferries played an important part in the early transportation history of the county. Several of these were necessary along the Kentucky River.

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43. Ibid., pp. 74, 75.
44. Acts, 1833-34, p. 485 ff.
45. Ibid., p. 485.
46. McKee and Bond, op. cit., pp. 13, 62.
47. Ibid., p. 52.

Louis Sublett of Virginia operated one of the first ferries, which was later called Shryock's Ferry. In the beginning it was propelled by oars; then it was guided by an overhead wire, and finally by a gas launch. The more important ferries have been replaced by bridges. (48)

Religious Development

Kentucky's principal protestant religious denominations were all represented in the area included in Anderson County at its creation. At least two Baptist congregations had been established: The Old Salt River Primitive Church, "constituted" in Franklin County in 1798, and the Old Goshen Primitive Church, which was organized on January 4, 1812. (49)

Elder William Taylor, as Moderator, and seven members formed the membership of the former church. Business meetings were held on the second Saturday of each month. Among the rules of this church the following are interesting: Members were admitted by unanimous vote; any member who believed in a general redemption from hell, and could not be reclaimed, must be excluded; only one person could speak at a time; and any member who allowed his child to go to dancing school forfeited his membership. Any member, furthermore, who wore earrings, went to barbecues, or jumped at a log rolling were considered "wrong." (50)

Old Goshen Primitive Baptist Church building was erected in 1812. It was organized with 25 members and was similar to the Salt River Baptist Church, without being so strict in the interpretation of its doctrines and rules. There was a division in the Goshen Church in 1839. In the year 1889 - McKee and Bond's history gives the year as 1887 - subscriptions in the amount of $360 were made for the building of a new edifice. Members themselves built the foundation. (51)

The Reverend John Penny was influential in building additional churches at Goshen, Salt River, Fox Creek, and Little Flock, as well as in Lawrenceburg. These buildings seem to have been constructed between the years of 1820 and 1840, and probably laid the foundation for the present strength of that denomination in the county. In number of members it ranks second. (52)

The building erected by the Presbyterians in 1826 gave them the distinction of being the first to construct a church in the town then known as Lawrence. Later the building burned and was rebuilt at another location. In 1905 this structure also burned. (53)

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48. IBID., PP. 155, 157, 159.
49. J. H. SPENCER, HISTORY OF KENTUCKY BAPTISTS, II, 50, 51; MCKEE AND BOND, OP. CIT., PP. 127, 140.
50. IBID., P. 140.
51. IBID., P. 128; SEE ALSO ANDERSON COUNTY CHURCHES IN KENTUCKY, HISTORICAL RECORDS SURVEY FILES, LOUISVILLE, 1939.
52. MCKEE AND BOND, OP. CIT., P. 86.
53. IBID.

Of historical importance was Hebron, the only Cumberland Presbyterian Church located in the county. Organized in 1827 on the farm of Thomas McCall on Gilbert's Creek, it moved in 1844 to a location on the Louisville-Crab Orchard Road. In 1906 it became affiliated with the Presbyterian Church in the United States of America and later joined the Transylvania Presbytery of the Presbyterian Church in the United States. (54)

Today the county's largest religious body is the Disciples of Christ. The oldest of the congregations of this denomination is that at Fox Creek, "constituted. . . the fourth Lord's Day of July 1841." About 1870, as was often the case with members of this faith, a division developed over the question of the installation of an organ. Corinth Christian Church was formed largely from those who withdrew from the older body. (55) The New Liberty Church was probably organized in the late 1870's. (56) While the date of its origin is not known, the congregation in Lawrenceburg was of sufficient strength to purchase a lot October 18, 1847. Subsequently several buildings have been constructed as needed by an expanding congregation. (57)

The date of the beginning of Methodist activity in the county is as difficult to determine as are the exact routes of travel of the early circuit riders. They came west on the very heels of the explorers in the first line of permanent settlers and sought the isolated cabins of the pioneers. They formed many classes of which no record remains. It seems quite probable that these itinerant preachers early came to what is now Anderson County and that, a few years later, "points" on the Salt River and other circuits were located there. Still later, as the country became more thickly populated, congregations were formed.

A Methodist church was built at Alton in 1871. It was used until 1892, when the congregation united with the Lawrenceburg Methodist Church. (58) The members of the Pleasant Valley Methodist Church first held services in the old log cabin at Pleasant Ridge. Later they moved to a new building at Glensborough. In 1889 a site was purchased and the next church, when erected, was called Pleasant Valley. The Methodist circuit riders visited the pioneers, conducted meetings in their homes, and assisted in the organization of this church. At the present time it lies within a circuit, and is connected with that of Salt River. (59)

In Lawrenceburg a Roman Catholic congregation was organized, which had gained sufficient strength by April 28, 1873, to purchase a lot, on which later a church was built. In 1894 this building was sold, and as late as 1936 services were held twice a month by a priest serving both Lawrenceburg and Versailles. The Episcopal Church is represented by a

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54. IBID., PP. 146, 147.
55. IBID., P. 142.
56. IBID., P. 145.
57. IBID., P. 89.
58. IBID., P. 145.
59. IBID., PP. 88, 145.

small congregation who purchased a lot in 1916 but had not, as late as 1937, erected a church. (60)

In 1926 a total of 4,558 of the inhabitants of Anderson County were members of some religious denomination. These were divided as follows: Southern Baptist, 1,485; Churches of Christ, 528; Disciples of Christ, 2,012; Methodist Episcopal Church, South, 324; African Methodist Episcopal Church, 24; Presbyterian, 172; Protestant Episcopal Church, 7; Catholic, 6. (61)

Educational Development

The earliest schools in what has become Anderson County were in no sense stable affairs. Transient schoolmasters would find their way to the region, tarry a while, teach "scholars" the elementary principles of reading, writing, and ciphering in exchange for food, lodging, and possibly a little cash or produce, and then wander to some other community to repeat the same process. Sometimes these schools were held in the homes of the subscribers; sometimes they were conducted in cabins erected for that purpose. On days when the court was not in session they were even held in the courtroom, as was the case in 1830 when a Mr. Benedict conducted a 30-day school term. (62)

Before 1830 the General Assembly seems to have considered the elementary education of children entirely a local problem to be solved by the individual family or by each community. It seems to have ignored a memorial presented to the Anderson court requesting a grant of land for the use of schools. On July 11, 1831, the court took action in an effort to secure lands to provide for a seminary. To this request the legislature also failed to make a grant. An act approved February 27, 1839, however, provided for the appropriation of $600 to the Anderson County Seminary, which the trustees were to receive from the State Treasurer upon the presentation of a warrant issued in their favor by the State Auditor of Public Accounts. The money was to be applied as directed by the act approved January 28, 1837, which incorporated the Seminary. (63) Another act approved February 20, 1840, specified that the residue of the estate of John Scott, freedman, which had been willed to his son, now deceased, was to be paid over to the trustees of the Anderson County Seminary, provided they furnish the necessary bond. By the same act, all vacant and unappropriated lands in the county were vested in trustees for the benefit of the seminary. (64) In 1851 this appropriation realized the sum of $15. (65)

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60. IBID., P. 88.
61. U. S. BUREAU OF THE CENSUS, RELIGIOUS BODIES, 1926, I, 616-618.
62. MCKEE AND BOND, OP. CIT., P. 92.
63. ACTS, 1838-39, P. 373.
64. ACTS, 1839-40, P. 269.
65. DEEDS, VOL. G, P. 603, SEE ENTRY 55.

Historical Sketch (First entry, p. 110)

The seminary had its beginnings even before this action of the legislature. In 1835, a tract of land - a part of a lot bought 2 years previously by a Baptist church - was purchased for $200. Here a two-room, two-story brick building was erected, and classes were held. Two small rooms constructed of frame, adjoined this brick building and a stairway led from the large room to the second floor. In 1873, this structure was destroyed by fire, and was again rebuilt - this time a one-story, two-room brick structure which was later enlarged by a four-room frame addition in front. (66)

This property was transferred from the trustees of the seminary to the trustees of the Lawrenceburg Graded School in 1894. (67) The Seminary operated until 1887. At this latter date J. H. B. Birdwhistle opened a private academy. This school was discontinued some years ago. (68)

In 1903 Mrs. Rhoda C. Kavanaugh established Kavanaugh Academy which merged with the Lawrenceburg High School in 1909, of which she became principal. It has been well known for preparing students for the U. S. Military Academy at West Point and the U. S. Naval Academy at Annapolis. (69) The Kentucky Normal College and Commercial Institute was opened in 1888, which occupied the same site as does the present high school. (70)

The first public school was established in 1887. On the property transferred to the graded school by assignment of the trustees of the seminary, a graded school with eight grades was erected and four teachers were provided in 1893. Two years later a high school was added. In 1904 a complete 4-year high school course was initiated and a new two-story brick building with a slate roof and modern conveniences was erected. In 1925, because of the increasing number of pupils, other property was purchased and an old home was remodeled into a school. A large gymnasium was added, and the adjoining ground provided an adequate baseball and football field. Lawrenceburg also provides a good Negro school which maintains a complete high school course. Thirty-three schools are maintained in the county, but buses are operated to accommodate pupils of the Western High School. (71)

Politics

The predominating political body according to the number of registered voters in the county is the Democratic Party. (72)

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66. McKEE AND BOND, OP. CIT., P. 93.
67. DEEDS, VOL. 3, P. 449, SEE ENTRY 55.
68. IBID., P. 136.
69. IBID., P. 137; LOUISVILLE COURIER-JOURNAL, JUNE 2, 1940.
70. McKEE AND BOND, OP. CIT., P. 136.
71. STATISTICAL AUDIT AND SUPERINTENDENT'S ANNUAL REPORT, SEE ENTRY 304; McKEE AND BOND, OP. CIT., PP. 134-136.
72. VOTERS' REGISTRATION BOOKS, SEE ENTRY 281.

Economic Development

Agriculture

Throughout its history, Anderson has been primarily an agricultural county. Formerly here, as in a great part of Kentucky, hemp was one of the most important products and played a definite part in the economic development of the county. Hemp rope and bagging were extensively used in the South in the baling of cotton, and could be profitably produced and manufactured because of slave labor. The abolition of slavery and the importation of this commodity in large quantities, however, resulted in the decline of hemp production. (73)

The chief crops today are corn, wheat, and tobacco. In 1840, 221,574 bushels of corn, 5,700 bushels of wheat, and 34,476 pounds of tobacco were raised. (74) By 1929 the tobacco production had increased to 2,088,622 pounds; corn, to 192,121 bushels; and winter wheat, to 11,819 bushels. In 1929, also, 11,324 tons of hay and 5,401 bushels of white potatoes were produced. (75) Some fruit and garden products are grown, most of which are home-consumed.

In 1850 there were 420 farms in the county. (76) By 1935 farms numbered 1,543, with 120,392 acres in farm lands. Of these acres, 22,480 were harvested. (77)

In 1846 the average value per acre for land was $5.66. Since that year the value has increased materially. In 1870 it was valued at $9.37 per acre and in 1935 it was listed at $33.80 per acre. (78) In the latter year the average value per acre for Kentucky land was $30.11. (79)

Animal Husbandry

Sheep, horses, mules, cattle, swine, and chickens yield a considerable income to the inhabitants of the county. A comparison of the census figures for 1850 and 1935, however, show a decrease in the number of horses, mules, and swine. In contrast, the quantity of cattle and sheep has materially increased. In those years the figures for cattle are 3,395 and 7,603 respectively; for sheep, 9,026 and 18,639. The pounds of wool produced over the same period increased from 18,864 to 80,364. (80)

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73. McKee and Bond, op. cit., p. 69.
74. Compendium of the Enumeration of the Inhabitants and Statistics of the United States, as obtained . . . from the Returns of the Sixth Census 1840, p. 264.
75. Fifteenth Census of the United States: 1930 Agriculture, II, part 2, p. 798.
76. Statistical View of the United States . . . Compendium of the Seventh Census, p. 238.
77. United States Census of Agriculture: 1935, I, Part 2, p. 558.
78. Collins, op. cit., II, 270; United States Census of Agriculture: 1935, I, part 2, p. 558.
79. McKee and Bond, op. cit., p. 213.
80. Statistical View of the United States . . . Seventh Census, pp. 238, 240; United States Census of Agriculture: 1935: I, part 2, p. 574; II, part 2, 587.

Historical Sketch (First entry, p. 110)

Noteworthy, partly as an oddity, has been the raising of Shetland ponies, which have been shipped to many parts of the Nation, as well as to points outside the country. (81)

Mineral Resources

The chief mineral resources are limestones, clays, sands, and gravels. The limestones are present in considerable variety, ranging from the celebrated Tyrone limestone, suitable for building and wall construction, to lower grades of slab-like field stones, which may be used for all general purposes, including highway and railroad-bed construction. (82)

Industry

The outstanding phase of Anderson County's industrial development has been in the manufacture of whiskey. As elsewhere in central Kentucky, the limestone content of the water has been quite important in the manufacture of this product. The earliest of these plants was erected in 1818, when the distillation of the oldest brand of whiskey in the State, "Old Joe" had its beginning in this county. In 1936 the capacity of that distillery was 900 bushels per day. The Ripy distillery at Tyrone was formerly the largest "sour mash" plant in the world. One warehouse alone had a capacity of 50,000 bushels. On the other hand, the Bond Mill Distillery was conceded to be the smallest in the State, and the only one operated by a water wheel in the entire country. (33)

Built in 1831, an old wooden grist mill over a hundred years later, is being operated as a distillery today. Anderson County whiskey is well known for the heavy-bodied, sour mash formula by which it is made. (84) Other of the early industrial enterprises were grist mills; hat, plow, and wagon works; candle and candle wick factories; candle molds, plowshares hoes, and pothook foundries; jean, linsey-woolsey, and blanket mills. In Glensborough, the first mill to be run by an undershot wheel, used in grinding, was erected on Salt River early in the history of the county. In 1830, Lawrenceburg boasted 4 tanyards, 3 ropewalks, and several bagging factories, the latter of which employed some 50 slaves. (85)

In 1840 there were five retail stores which represented an invested capital of $39,400 (86), while in 1860 an invested capital of $45,125 in manufacturing plants turned out products of an annual value totaling $91,011. (87)

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81. LOUISVILLE POST, MARCH 19, 1923.
82. KENTUCKY RESOURCES, ATTRACTIONS, OPPORTUNITIES, ANDERSON COUNTY, (PAMPHLET, PAGES NOT NUMBERED).
83. McKEE AND BOND, OP. CIT., P. 149.
84. IB'D., PP. 151, 152.
85. IB'D., PP. 34, 125.
86. COMPENDIUM OF THE ENUMERATION OF THE INHABITANTS AND STATISTICS . . . SIXTH CENSUS, 1840 P. 235.
87. MANUFACTURES OF THE UNITED STATES IN 1860, P. 168.

Population

The first census after the establishment of Anderson County, that of 1830, gave the population as 4,520. (88) At the end of the following decade, this number had increased to 5,452, of whom 21 were free colored, and 1,057 were slaves, or a ratio of approximately one Negro to every four white persons. (89) By 1880 the white inhabitants numbered 8,292 and the colored, 1,069, making a total of 9,361. (90) During the last three decades the population has been decreasing. In 1910 it was listed as 10,146 (91); in 1920, it numbered 9,982. (92) In 1930, the total population was 8,494, of whom 7,932 were white and 562 colored. (93) One significant trend of population within the county is that the rural farm inhabitants are increasing. Between 1930 and 1935, 313 were added to this classification, making a total farm population of 6,040 in the latter year. (94)

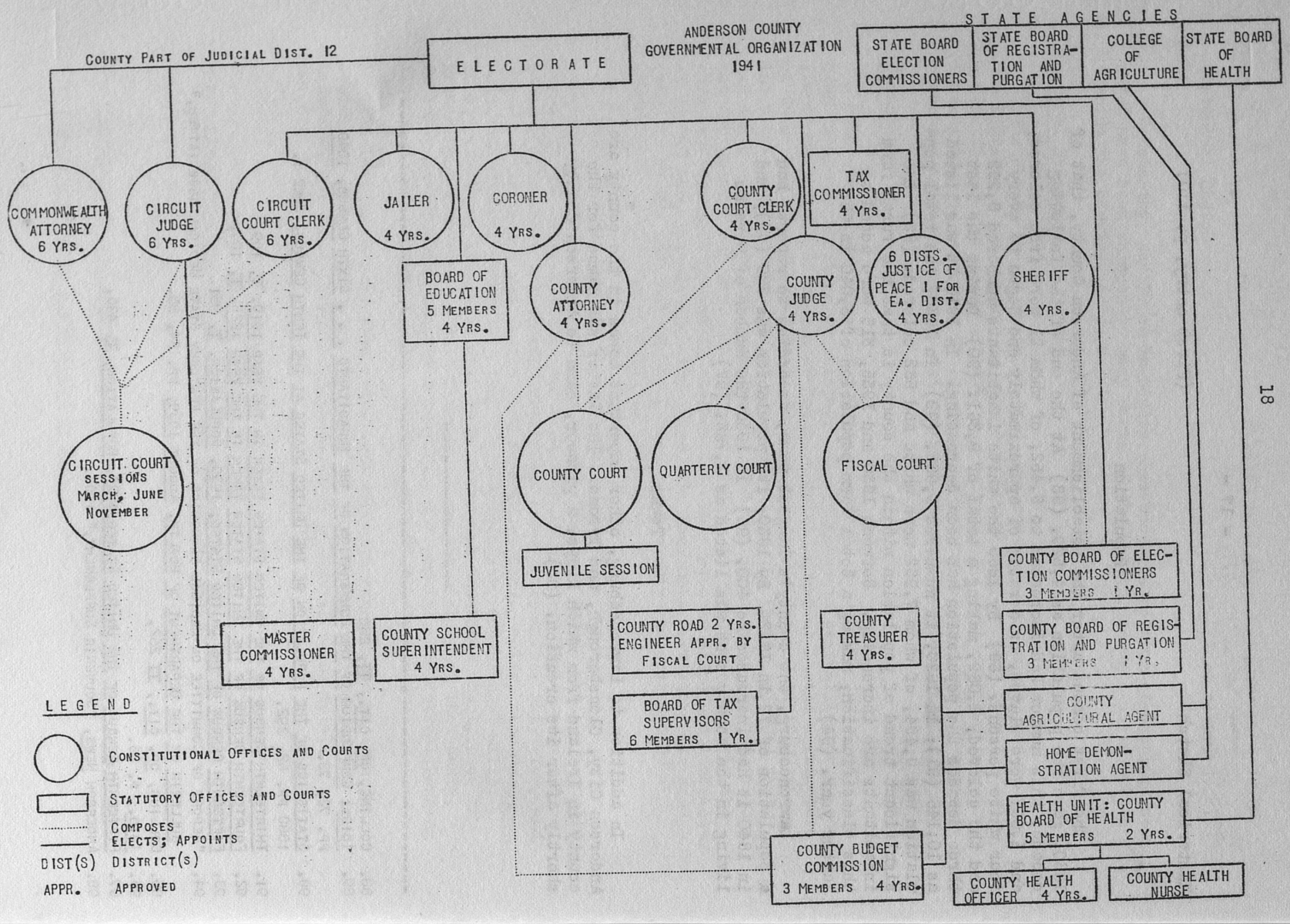
Lawrenceburg, the county's largest town, according to report, had a population of 72 in 1822. By 1830, its population was 320 (95), and in 1840 it had increased to 400. (96) In 1930 the number of persons living in the county seat was listed as 1,763. (97)

Towns

In addition to Lawrenceburg, other important towns in the county are Anderson City, Glensborough, and Tyrone. The latter was named for the county in Ireland from which Ripys, a pioneer, came to Anderson County shortly after its creation. (98)

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88. COLLINS, OP. CIT., II, 258
89. IBID.; COMPENDIUM OF THE ENUMERATION OF THE INHABITANTS . . . SIXTH CENSUS, 1840 PP. 72, 73.
90. STATISTICS OF THE POPULATION OF THE UNITED STATES AT THE TENTH CENSUS, JUNE 1, 1880 PP. 62, 392.
91. THIRTEENTH CENSUS OF THE UNITED STATES TAKEN IN THE YEAR 1910, I, 109.
92. FOURTEENTH CENSUS OF THE UNITED STATES TAKEN IN THE YEAR 1920, I, 107.
93. FIFTEENTH CENSUS OF THE UNITED STATES; 1930, POPULATION, I, 951.
94. "REPORT OF COMMITTEE ON MEDICAL ECONOMICS OF THE KENTUCKY STATE MEDICAL ASSOCIATION," BULLETIN OF THE DEPARTMENT OF HEALTH, AUGUST 1939, PP. 34, 35.
95. COLLINS, OP. CIT., II 262.
96. IBID., P. 36.
97. FIFTEENTH CENSUS OF THE UNITED STATES, 1930, POPULATION, I, 436.
98. ANDERSON NEWS, "SOUVENIR SUPPLEMENT," 1906.


ANDERSON COUNTY
GOVERNMENTAL ORGANIZATION
1941
COUNTY PART OF JUDICIAL DIST. 12
ELECTORATE
STATE AGENCIES
STATE BOARD ELECTION COMMISSIONERS
STATE BOARD OF REGISTRATION AND PURGATION
COLLEGE OF AGRICULTURE
STATE BOARD OF HEALTH
COMMONWEALTH ATTORNEY 6 YRS.
CIRCUIT JUDGE 6 YRS.
CIRCUIT COURT CLERK 6 YRS.
JAILER 4 YRS.
CORONER 4 YRS.
COUNTY COURT CLERK 4 YRS.
TAX COMMISSIONER 4 YRS.
BOARD OF EDUCATION 5 MEMBERS 4 YRS.
COUNTY ATTORNEY 4 YRS.
COUNTY JUDGE 4 YRS.
6 DISTS. JUSTICE OF PEACE 1 FOR EA. DIST. 4 YRS.
SHERIFF 4 YRS.
CIRCUIT COURT SESSIONS MARCH, JUNE NOVEMBER
COUNTY COURT
QUARTERLY COURT
FISCAL COURT
JUVENILE SESSION
COUNTY BOARD OF ELECTION COMMISSIONERS 3 MEMBERS 1 YR.
COUNTY BOARD OF REGISTRATION AND PURGATION 3 MEMBERS 1 YR.
MASTER COMMISSIONER 4 YRS.
COUNTY SCHOOL SUPERINTENDENT 4 YRS.
COUNTY ROAD ENGINEER 2 YRS. APPR. BY FISCAL COURT
COUNTY TREASURER 4 YRS.
BOARD OF TAX SUPERVISORS 6 MEMBERS 1 YR.
COUNTY AGRICULTURAL AGENT
HOME DEMONSTRATION AGENT
HEALTH UNIT: COUNTY BOARD OF HEALTH 5 MEMBERS 2 YRS.
COUNTY BUDGET COMMISSION 3 MEMBERS 4 YRS.
COUNTY HEALTH OFFICER 4 YRS.
COUNTY HEALTH NURSE
LEGEND
CONSTITUTIONAL OFFICES AND COURTS
STATUTORY OFFICES AND COURTS
COMPOSES
ELECTS; APPOINTS
DIST(S) DISTRICT(S)
APPR. APPROVED

(First entry, p. 110)

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Legal Status of the County

The county is generally spoken of as a quasi-corporation because of the limited scope in which any degree of local autonomy may be exercised by it. The county is the creature of the State, an administrative district designed for the sole purpose of carrying out State policies. It has no functions per se, but operates only within the limits of the State constitution and law. (1)

In Kentucky, the degree to which these counties are dependent upon specific authorization by the State for the exercise of power is illustrated by two decisions of the State's highest court. In the first, the Court of Appeals held the general rule to be "that a county has no right to do anything or engage in any business that is not expressly authorized by the statutes." (2) This same principle of strict interpretation was reaffirmed in 1926 in the case of Adams' Heirs v. McCoy. Here the Court of Appeals decided that a county "has no right to make any contract or do anything that is not expressly authorized by statute." (3)

Therefore, since counties are created by the State for the purpose of obtaining better administration of State affairs, it follows that the power to alter, abolish, or create counties is a plenary power of the State. Since the establishment of Kentucky in 1792, the legislature has exercised this power. However, under the present constitution this power is subject to the following limitations: First, that as a result of such action, no county shall be created or rendered less than 400 square miles in area and contain less than 12,000 inhabitants, unless it be completely abolished; second, that no boundary line pass within less than 10 miles of the county seat; and third, that such action shall be taken only upon the petition of the majority of the voters living in the territory to be transferred. (4)

Structural Development of the County

Anderson County was created by an act approved January 16, 1827. This act provided that the court of the county be composed of 10 justices of the peace. Each justice of the peace also held court within his district. The court appointed its own clerk. (5)

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1. JOHN A. FAIRLIE AND CHARLES MAYARD KNEIER, COUNTY GOVERNMENT AND ADMINISTRATION, PP. 221-224.
2. BREATHITT COUNTY V. HAMMONDS 150 S. W. REPTR. 661 (1912).
3. ADAMS' HEIRS V. McCOY, 212 KY. 73; 279 S. W. REPTR., 1103 (1926).
4. CONST. 1891, SECS. 63-65.
5. WILLIAM LITTELL, THE STATUTE LAW OF KENTUCKY, WITH NOTES, PRAELECTIONS, AND OBSERVATIONS ON THE PUBLIC ACTS, 1792, II, 91-93, HEREINAFTER CITED AS LITTELL; ACTS, 1826-27, PP. 44-47.

COUNTY HEALTH NURSE
5 MEMBERS 2 YRS.
COUNTY HEALTH OFFICER 4 YRS.
COUNTY BUDGET COMMISSION 3 MEMBERS 4 YRS.
ELECTS; APPOINTS
DIST(S) DISTRICT(S)
APPR. APPROVED

Governmental Organization and Records System (First entry, p. 110)

When Anderson County was created, few constitutional officers were provided for. These were the justices of the peace, to be appointed by the Governor (6); and the sheriff and coroner, who were elective. (7) Although the office of constable is an old one, it was not specifically provided for in the first constitution; however, the Kentucky General Assembly made provision for this officer to be appointed by the county court (8), and the act creating Anderson County stated that the new county should be entitled to five constables. Other statutory officers at this time were the surveyor, appointed by the Governor (9), and the commissioner of the tax, appointed by the county court. (10)

Anderson County came into being under provisions of the Constitution of 1799, and the same general structure of county government provided for in the first constitution was continued under the second. There were, however, certain important changes. The sheriff and coroner, the only elective county officers under the first constitution, were made appointive. (11) The second constitution also made provision for an attorney for the Commonwealth to be appointed by the Governor and an attorney for the county to be appointed by the county court. (12) It also changed the county court from a statutory to a constitutional body. (13) Prior to the second constitution there was no regular provision for the jailer as a separate office, the sheriff acting in this capacity. This constitution provided for a jailer to be appointed as often as necessary by the county court. (14)

The court of quarter session, which had been created in 1792 (15), was superseded by the circuit court established by an act of the legislature in December 1802. (16)

Although various attempts were made to provide educational opportunities in the counties, it was not until 1830 that a definite act was passed providing for three commissioners to carry out a public school program. (17) An act of 1838 established the State Board of Education, and provided for a five-member board in each county, including Anderson. (18)

The third constitution, adopted in 1850, brought about several fundamental changes in county government. The most significant change was the

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6. CONST. 1792, ART. 5, SEC. 6.
7. IBID., ART. 6, SEC. 1.
8. LITTELL, 1792, I, 101.
9. IBID., p. 61.
10. IBID., p. 80.
11. CONST. 1799: ART. 3, SEC. 31; ART. 4, SEC. 8.
12. IBID., ART. 3, SEC. 23; TESH V. COMMONWEALTH, 4 DANA 522 (1836).
13. CONST. 1799, ART. 4, SEC. 5.
14. IBID., ART. 3, SEC. 9.
15. LITTELL, 1792, I, 90 FF.
16. IBID., 1802, III, 86 FF.
17. ACTS, 1829-30, PP. 272-281.
18. ACTS, 1837-38, PP. 276, 277, 281.

adoption of the elective method in the selection of a majority of the county officials. Another important feature was that all of the courts of the county then in existence were provided for in the constitution, whereas formerly all but the county court had been statutory courts. (19) This constitution created the separate office of county judge (20), and also made provision for the establishment of the court of claims by the Kentucky General Assembly. (21) In addition to the constitutional courts mentioned above the legislature created the quarterly court. (22)

The office of county assessor was established by the Constitution of 1850 to take over the functions of the former tax commissioner (23), and in 1851 the General Assembly created the board of tax supervisors (24), and also provided about this time for the appointment of a master commissioner by the circuit court. (25)

For the most part the framework of county government developed under the first three constitutions was continued under the fourth, adopted September 28, 1891. There were, however, a few changes of considerable significance. 1. The fiscal court was created to assume the functions formerly performed by the court of claims and levy. (26) 2. Even more significant was the provision for a commission of three members as an alternative administrative setup for the county. (27) 3. The entire court system was given constitutional status. (28)

Following soon upon the adoption of the fourth constitution, the General Assembly established several county agencies. Under authority of acts passed in 1893 and 1904, counties were authorized to set up county boards of health and provide a county health officer to be appointed by the fiscal court for the physical care of the poor. (29)

While the office of treasurer had been established in certain counties by special acts of the legislature prior to 1893, a general law passed in this year established the office in all the counties of the State. (30) In 1898, the State Board of Election Commissioners was created, with power to appoint in each county a county board of election commissioners. (31)

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19. CONST. 1850, ART. 4, SECS. 16, 29.
20. IBID., SEC. 30.
21. IBID., SEC. 37; ACTS, 1850-51, I, 4-46.
22. IBID., I, 40.
23. CONST. 1850, ART. 6, SEC. 11.
24. ACTS, 1850-51, I, 279, 280.
25. ACTS, 1851-52, p. 293.
26. CONST. 1891, SEC. 144.
27. IBID.
28. IBID., SEC. 135.
29. ACTS: 1891-93, PP. 824-826; 1904, PP. 106-108.
30. ACTS, 1891-93, PP. 522-526.
31. ACTS, 1898, PP. 43-57.

Governmental Organization and Records System

(First entry, p. 110)

A law of 1906, amended by a series of later acts, established the juvenile court as a special jurisdiction of the county court. (32) Other more recent agencies of the county government in Anderson are: The county livestock inspector (33); the county board of registration and purgation (34); the county budget commission (35); the county agricultural agent (36); and the home demonstration agent. (37)

General Administration

Since the counties in this State can exercise only such functions as are specifically delegated to them by laws passed by the Kentucky General Assembly, and since the courts have generally followed the rule of strict interpretation in the application of these delegations in determining the scope of authorized activity of the counties, it is clear that whatever avenues are still open for the exercise of local self-determination exist only in the form of administrative discretion rather than as per se powers of policy determination. The county, therefore, has only administrative powers in which more or less discretion may be exercised by the officers, depending upon the letter of the law, and its spirit, as divined by the courts when questions arise as to the limits of those powers.

These administrative functions exercised by the county are delegated by State law, not to any central agency of the county, but to the various county officials individually. Thus it occurs that there is no officer or agency within the county that may be held solely responsible for the efficient administration of the county. Since most of the county officials have their functions and jurisdictions determined for them by the State, and since popularly elected county officials are responsible to no one except the general electorate of the county, it is therefore clear that every such official has almost unlimited discretion in deciding matters pertaining to the carrying out of his duties.

Thus it follows that the concept of a county as a unit of government, or even as an administrative unit, is quite at variance with the facts. On the contrary, the county is almost completely headless and lacking in all the forms of administrative centralization and control found in any well-organized and workable administrative system like a city managership or a modern business concern. (38) While certain agencies in the counties of Kentucky have minor powers of administrative control, such as those of the fiscal court to make certain appointments and determine certain salaries (39), and those of the county court and the sheriff to appoint and

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32. Acts, 1906, p. 324; see County Court, p. 186.
33. Acts, 1910, p. 192.
34. Acts, 1938, pp. 576-578.
35. Acts, 1934, p. 63.
36. Acts: 1916, p. 156; 1930, p. 37.
37. Ibid.
38. Fairlie and Kneier, op. cit., p. 107 ff.
39. See Fiscal Court, p. 101.

supervise certain minor officials (40), it still remains true that Kentucky counties are hardly more than areas delineated by the State, wherein State laws are administered by officials who are provided for by the State constitution and law, but who are chosen by the county. It is this latter fact, namely the popular election of county officials, plus the confinement of their activities to the county limits, that provides the basis for their being considered county rather than State officials.

Although the relationship between the State and the counties is constantly changing, due to the transfer of functions from or to the county agencies, there are certain types of administration in which the counties have had a large part from their beginning.

Throughout its history the Kentucky county has been a district for the administration of justice. The act creating Anderson County provided for a county court, composed of 10 justices of the peace (41), which sat as a judicial body and also in a quasi-legislative capacity as the court of claims and levy. (42) In 1851 the judicial functions were placed under a county court presided over by a single judge, while the court of claims and levy, of which the county judge was a member and presiding officer, continued in its former capacity. (43) In 1892 the fiscal court was created as a distinct entity, although its composition was the same and its functions not materially different from its predecessor, the court of claims and levy. (44)

Upon the creation of Anderson County, each justice of the peace constituted a separate court in which petty cases were determined. (45) In 1851 the county was divided into five districts with two elected justices of the peace in each. (46) Today the county is divided into six districts, in each of which a single justice of the peace is elected. Since approximately 1925, however, they have ceased to function as judicial agents and now serve only in their capacity as members of the fiscal court. (47)

The circuit court, which was established in Anderson County upon its creation in 1827 (48), is the court of general jurisdiction in common law, equity, and criminal cases, and serves as an appellate court for all cases, with the exception of certain petty cases arising in the justices', county, and quarterly courts. (49)

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40. SEE COUNTY COURT, P. 188 ; SHERIFF, P. 237.
41. COUNTY COURT ORDERS, FIRST VOL. NOT LABELED, P. 1, SEE ENTRY 194.
42. LITTELL, 1792, I, 93; Acts, 1824-25, P. 29.
43. CONST. 1850, ART. 4, SECS. 29, 30, 33; Acts, 1851-52, P. 96.
44. CONST. 1891, SECS. 140, 141.
45. LITTELL, 1792, I, 91.
46. CONST. 1850, ART. 4, SECS. 34, 35; Acts, 1850-51, I, 4-14.
47. SEE JUSTICES' COURTS, P. 229.
48. LITTELL, 1802, III, 37, 38, 45, 86, 88.
49. SEE CIRCUIT COURT, P. 147.

Governmental Organization and Records System (First entry, p. 110)

Legislation in 1850 created the quarterly court to be presided over by the county judge (50) with a jurisdiction falling somewhat between, and overlapping to a large extent, the jurisdiction of the justices of the peace below and that of the circuit court above. (51) This court also serves as an appellate court for all judgments and orders of justices', fiscal, and police courts. (52)

The county has always been an important unit for the enforcement of law. The sheriff, with his deputies, constitutes the chief agent for the preservation of the peace. Not only is he clothed with authority to arrest persons disturbing the peace, but in emergencies he can call out a posse comitatus. (53) Other peace officers are: The constable, who has power to arrest and conduct persons to jail for riots, routs, and breaches of the peace (54); the coroner, whose peace officer powers are essentially those of the sheriff (55); and the jailer who has the same power to act as the sheriff in civil, criminal, and penal matters. (56)

Inquests are chiefly performed by the coroner; however, in his absence any justice of the peace can function in his stead. (57)

Other phases of law enforcement carried out by the county are indictments, which are returned by the grand jury (58); apprehension of criminals by the various arresting officers, including the sheriff and his deputies, coroner, and constable; the custody of prisoners by the jailer; prosecution by the county and commonwealth's attorneys; and the execution of sentences by the ministerial officers of the court.

In the field of financial administration, the county has always been an important unit. Although until 1934, there was nothing approaching a scientific program of budgeting (59), the county court, sitting as a court of claims and levy, and after 1892 the fiscal court, has had broad powers to borrow money, levy poll and ad valorem taxes, impose licenses, and expend the revenue arising therefrom to maintain schools, build roads and bridges, acquire other county property, and defray the general operating expenses of the county. (60)

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50. CONST. 1850, ART. 4, SEC. 1; Acts, 1850-51, I, 40.
51. SEE QUARTERLY COURT, P. 217.
52. Acts, 1904, P. 157.
53. LITTELL, 1796, I, 584, 585; Acts, 1891-93, PP. 556, 557.
54. LITTELL: 1802, III, 55; 1803, III, 129, 130; 1806, III, 239; Acts, 1891-93, P.818.
55. RICHARD H. STANTON, THE REVISED STATUTES OF KENTUCKY, II, 349, HEREINAFTER CITED AS REV. STAT.; Acts: 1859-60, P. 49; E. I. BULLOCK AND WM. JOHNSON, THE GENERAL STATUTES OF THE COMMONWEALTH OF KENTUCKY, P. 263, HEREINAFTER CITED AS GEN. STAT., 1873 ED.
56. Acts, 1891-93, P. 753.
57. Acts, 1851-52, P. 10; GEN. STAT., 1873 ED., P. 341; Acts: 1891-93, P. 371; 1936, P. 271.
58. SEE COMMONWEALTH'S ATTORNEY, P. 156.
59. Acts, 1934, P. 63 FF.; SEE COUNTY BUDGET COMMISSION, P. 279.
60. SEE FISCAL COURT, P. 101.

Governmental Organization and Records System (First entry, p. 110)

The county in Kentucky has always served as a unit for the conduct of elections. At first, elections were held in the county courthouse, but later the county was divided into precincts within which polling places were established, and the elections were supervised, canvassed, and certificates of election issued by the sheriff and his deputies. (61) Other changes in the election machinery were made from time to time (62), until 1898, when the State Board of Election Commissioners was created with power to appoint a county board of election commissioners, into whose hands the complete control of the county's election machinery is now placed. (63)

Although during the early years of the State's history, popular education was not regarded as a public obligation, it soon came to be regarded as such, and the county was made the chief unit through which the State carried out its public educational policy. An act of 1830, providing for the first uniform system of public education, established a board of county school commissioners in each county to determine and administer the local educational policies. (64) From time to time the structure of this agency has been altered, but throughout the history of public education in Kentucky, the county's educational policies have been determined and administered by some such county agency. (65) Other agencies of the county educational system are the county school superintendent, who serves as the administrative agent of the county board of education (66), and the subdistrict trustees, who have general control of schools within their subdistricts. (67)

As a district for the administration of public works the county has long been important. This is especially true with regard to building roads and bridges, and county buildings. (68) As a part of the county road program, and also in the interest of public health and sanitation, the county has had power to carry out drainage and reclamation projects. (69)

One of the oldest functions performed by the county is that of welfare administration. Until recent years this has been generally considered a strictly local concern; however, today it is being realized more and more that the county is too small a unit to be charged with the sole administration of this important function. The elaborate plant and highly trained personnel necessary to provide up-to-date treatment for those cases requiring institutional care can best be provided by the State rather than by the individual counties, the large majority of which have inadequate resources to supply even the minimum facilities modern methods of care make essential. In Anderson County the welfare work has been provided for and supervised by the fiscal court. In 1928 and 1934 specific acts were passed

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61. LITTELL, 1799, III, 340, 341; ACTS, 1836-37, P. 23.
62. SEE COUNTY BOARD OF ELECTION COMMISSIONERS, P. 287.
63. ACTS: 1898, PP. 43-57; 1900, P. 28.
64. ACTS, 1829-30, PP. 272-281.
65. ACTS: 1837-38, PP. 276, 277, 281; 1838-39, P. 381 FF.; 1855-56, I, 103-105; 1883-84, I, 121-123; 1908, PP. 138-142.
66. ACTS, 1934, PP. 264, 265.
67. IBID., PP. 235-237.
68. SEE COUNTY ROAD ENGINEER, P. 340 ; FISCAL COURT, P. 101 ; COUNTY COURT, P. 188.
69. SEE FISCAL COURT, P. 101 ; COUNTY COURT, P. 188.

which provided for a degree of State participation in this function; however, all such work is still under the direction of the fiscal court. (70)

More recently the county has been made the unit whereby Federal, State, and local aid to agriculture is administered. The county agricultural agent and the home demonstration agent are optional offices with the fiscal court and have been set up in Anderson County. Their functions are based upon an agreement and regulations made by the Secretary of Agriculture, the trustees of the University of Kentucky, and the fiscal court of the county. (71)

An act of 1910 created the office of county livestock inspector, to be appointed by the county judge (72), but in 1918 the power to appoint this official was transferred to the fiscal court, subject to the approval of the State Livestock Sanitary Board. (73) The county livestock inspector serves as the local administrative agent for the State Board of Agriculture, which in 1936 succeeded to the functions of the former State Livestock Sanitary Board. (74) A livestock inspector has not functioned in Anderson County since 1934. (75)

The county has always had the duty of keeping records, the county court clerk being the official chiefly charged with this function. These records have been kept primarily in connection with his duties as clerk of the county court (76), and of the fiscal court since its creation in 1892. (77) He became clerk of the juvenile session of the county court upon its creation in 1906 (78); he also serves as the clerk of the board of tax supervisors, the county board of election commissioners, and the county budget commission; and, as such, he keeps their records.

The circuit court clerk is the recorder for the circuit court (79) and, in addition, keeps various other records. Aside from the records kept by the county and circuit court clerks, certain other officers maintain records pertaining primarily to the functions which they perform.

Administration of Land Title Law

The function of keeping a register of titles to property has belonged to each county in Kentucky from its creation. This has been primarily a duty of the county court clerk (80), who also keeps an indexed record of

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70. Acts: 1928, p. 129; 1934, p. 679.
71. Acts: 1910, p. 156; 1930, p. 37; John D. Carroll, The Kentucky Statutes, secs. 4636F-9, 4636H-1, hereinafter cited as Carroll.
72. Acts, 1910, p. 192.
73. Acts, 1918, p. 375.
74. Acts, 1936, First Special Session, p. 7.
75. See Livestock Inspector, p. 334.
76. Const. 1799, art. 4, sec. 10; Gen. Stat., 1873 ed., p. 306.
77. Acts, 1891-93, p. 269.
78. Acts, 1906, p. 324; 1908, p. 183.
79. Littell, 1802, III, 37 ff., 87, 88, 358.
80. Ibid., 1796, I, 567.

conveyances (81), and records and certifies all instruments, mortgages, pledges, and liens on personal property. (82)

Upon the creation of the county the Governor appointed a surveyor, and, while this office became elective in 1850, its functions have continued with little change up to the present. The chief duty of this office from the beginning has been to make maps, surveys, and plats; locate lost corners and lines; and keep a record and explanatory notes of the same. (83)

Administration of Justice

Civil Jurisdiction

A. Justices' Courts:

When Kentucky County was created in 1776 (84), the jurisdiction of the justices' courts was governed by the Virginia Law of 1748, which became effective in 1751. This act re-formed the courts' jurisdiction and in civil cases gave them jurisdiction over all cases involving less than 25 shillings or 300 pounds of tobacco. They could also grant attachments against the estates of debtors moving out of the county in the amounts stated above, but no action could be taken against the person. Attachments over these amounts issued by the justices were returnable to the county court. (85) Because the depreciation of the value of paper money limited the power of creditors to bring suits before the justices' courts, the civil jurisdiction was redefined by an act of 1780, so that a single justice could have final determination in cases where the value did not exceed 200 pounds of tobacco or the value thereof in paper money, as settled by the grand jury of the general court from time to time. (86)

In 1792 when Kentucky was admitted to Statehood, an act was passed creating the courts for the new State. By this act the justices' courts were given jurisdiction over all cases of less value than 5 pounds in money or 1,000 pounds of tobacco. The same act also authorized the justices to give judgments and award executions against goods and chattels, but not against the person. All judgments were final in cases involving less than 50 shillings or 500 pounds of tobacco, but appeals could be taken to the court of quarter session in cases over these amounts. They could also grant attachments within the above jurisdictional limits. (87)

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81. ACTS: 1840, P. 27; 1891-93, P. 835.
82. GEN. STAT., 1873 ED., P. 259.
83. LITTELL, 1792, I, 61; ACTS, 1904, PP. 263, 264.
84. WILLIAM W. HENING, STATUTES AT LARGE, LAWS OF VIRGINIA, IX, 257, HEREINAFTER CITED AS HENING.
85. IBID., V, 489-508.
86. IBID., X, 352.
87. LITTELL: 1792, I, 91, 93.

 (First entry, p. 110)

Less than 6 months later, December 22, 1792, an act was passed providing that appeals be taken from the justices' courts to the county court in cases over 25 shillings, thereby leaving the final civil jurisdiction of the justices to 25 shillings or less. They could award executions against the person of the debtor in cases over 25 shillings, but the debtor could be released upon delivery of sufficient property to satisfy the debt. (88) A statute of December 20, 1794, enacted a fragment of the admiralty law of colonial Virginia which authorized justices to issue warrants against owners of boats for breach of contracts. (89)

By an act of February 23, 1808, the legislature gave the justices' courts jurisdiction in cases of bonds, bills, notes, or open accounts, when the original amount was 5 pounds current money or over, but which had been subsequently reduced below that amount by credits duly endorsed. (90) An act of June 30, 1812, increased the jurisdiction of justices in all debts and accounts not exceeding $50, subject to appeal to the circuit court where the amount was above 5 pounds (91); and on January 28, 1813, exclusive original jurisdiction was given to justices in all sums not exceeding $50 founded on any specialty bill, or note in writing. (92)

An act of January 31, 1810, regulated the proceedings in cases of forcible entry and detainer before the justices' courts and provided an avenue of appeal. (93) In January 1811, an act was passed prohibiting landlords from issuing their own distress warrants for rent, and this jurisdiction was given exclusively to the justices' courts.

On February 4, 1820, justices were authorized to hear and decide motions against constables for money collected in behalf of other parties. (94) This jurisdiction was made concurrent with the quarterly court upon its creation in 1850. (95)

An act of February 14, 1820, made it lawful that all oaths or affidavits made before a justice, on pleadings, have the same effect as though made before a circuit judge or in court. (96)

In 1839 the justices were given equity jurisdiction of cases involving sums of less than 5 pounds. (97) After 1851, the jurisdiction of the justices was reaffirmed in all cases of contracts, written, verbal, or implied, where the debt or damages claimed, exclusive of interest, did not exceed $50, and they were given law and equity jurisdiction in all cases where the amount in controversy did not exceed $16. By the same act they were given concurrent jurisdiction with the circuit court and quarterly

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88. IBID.: 1792, I, 157, 158; 1796, I, 376.
89. IBID., 1794, I, 262.
90. IBID., 1807, III, 503.
91. IBID., 1811, IV, 342-345.
92. IBID., 1812, V, 29.
93. IBID., 1809, IV, 182-186.
94. ACTS: 1819-20, P. 857; 1834-35, P. 301; 1851-52, P. 100.
95. IBID., P. 94; ACTS, 1891-93, P. 1057.
96. ACTS, 1819-20, P. 976.
97. ACTS, 1838-39, P. 310.

court to issue attachments in cases of judgments for less than $50 and over $16, and in the subjection of choses in action and property of non-residents to payments on demand. This act also repealed the jurisdiction of the justices of the peace in cases of idiocy and lunacy. (98)

At present the justices' courts have jurisdiction, concurrent with the quarterly and circuit courts, of all actions and proceedings for the recovery of money or personal property in civil cases where the matter in controversy, exclusive of interest and costs, does not exceed $100; and jurisdiction, exclusive of the circuit courts, but concurrent with the quarterly courts in civil cases of all actions and proceedings for the recovery of money or personal property when the value in controversy, exclusive of interest and costs, is $50 or under. (99) They also have jurisdiction over forcible entry and detainer proceedings (100) and distress warrants. (101)

B. Quarterly Court:

The act of 1851, creating the quarterly court, gave the county judge as presiding judge of that court, concurrent jurisdiction with the justices of the peace in both law and equity; and concurrent jurisdiction with the circuit courts in all sums over $50 and under $100, and in all actions of trespass, and trespass on the case and writs of replevin, where the damage does not exceed $100 - except where the title or boundaries of land may be in controversy. (102)

An act of 1852, after Kentucky became a Code State, simplified the the jurisdiction of the courts, including the quarterly court, and with some minor modification reenacted in substance the jurisdiction established by the act of creation. It gave the quarterly court concurrent original jurisdiction both in law and equity with justices of the peace in all civil cases; jurisdiction throughout the county in proceedings against constables for defalcation in office; and jurisdiction concurrent with the circuit court in all civil cases where the amount in controversy did not exceed $100, exclusive of interest and costs, and where the right to or the boundary of real estate is not drawn in question. It was also given power to empanel a jury (103), and was authorized to issue and try warrants of forcible entry and detainer. (104)

From 1851 to 1893 the legislature enlarged the jurisdiction of the quarterly courts by certain special acts. An act of 1874 increased for 43 counties the civil jurisdiction concurrent with the circuit court from

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98. Acts, 1851-52, pp. 99, 100.
99. Acts, 1891-93, p. 1057.
100. Carroll's Kentucky Codes, Civil and Criminal (hereinafter cited either as Civil Code or Crim. Code) Civil Code, sec. 454.
101. Ibid., sec. 651; Acts, 1891-93, pp. 458, 459.
102. Acts, 1850-51, I, 40-43.
103. Acts, 1851-52, pp. 93, 94.
104. Acts: 1850-51, I, 42; 1851-52, p. 93; Gen. Stat., 1873 ed., pp. 300-302.

cases involving not more than $100 to cases involving amounts up to $200. (105) In 1886 the jurisdiction of the quarterly courts of certain individual counties was increased to include original jurisdiction in all civil actions involving money or personal property not exceeding $200. (106) It was not until 1893, however, that an act was passed giving the quarterly court jurisdiction concurrent with justices' and city or police courts of all actions for the recovery of money or personal property, where the value in controversy is $100 or under, exclusive of interest and costs; and concurrent jurisdiction with the circuit court of all such actions, where the value in controversy is over $50 and not more than $200, exclusive of interest or costs. This general legislation, which superseded the special acts for particular counties, applies to all counties equally and is in force at the present time. This act reaffirmed the jurisdiction of quarterly courts, concurrent with the justices' courts, of motions against constables and their sureties for process or claims put in their hands for collection, which upon demand they had neglected or refused to pay (107); and reaffirmed the jurisdiction, concurrent with justices' courts, over forcible entry and detainer proceedings. (108)

In 1851 appeals from justices' courts were directed to the county court. (109) In 1856, however, an act repealed the above-mentioned line of appeals from justices' courts to the county court in all amounts of $5 and over, and directed them to the quarterly courts. (110) An act of 1893 reaffirmed and made some changes in appellate procedure, by allowing appeals to the quarterly court from all judgments and orders of justices', fiscal, city, or police courts where the value was over $10. (111) Later legislation amended this act and provided that appeals from all judgments and orders of justices', fiscal, city, or police courts could be taken to the quarterly court in all cases, instead of, as formerly, in cases where the controversial value was over $10. (112)

C. County Court:

Most of the early judicial system in Kentucky was adopted directly from Virginia; when Kentucky became a State, however, some important changes were made. This is true particularly with regard to the county courts, because prior to 1792, when Kentucky became an independent State, and afterwards, the county courts in Virginia were composed of two separate sessions: 1. A quarter session, with jurisdiction in all matters of common law or chancery in amounts over $20 or 800 pounds of tobacco, except those involving loss of life or member, outlawry, and all other matters less than $5 or 200 pounds of tobacco (these jurisdictions were later delegated to other tribunals); and 2. A monthly session with jurisdiction over small debts,

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105. Acts, 1873-74, p. 32.
106. Acts, 1885-86, p. 211.
107. Acts, 1891-93; pp. 1049, 1057.
108. Civil Code, 1938 ed., sec. 651; Acts, 1850-51, I, 2; Gen. Stat., 1873 ed., pp. 300-302.
109. Acts: 1850-51, I, 43, 44; 1851-52, p. 96; Rev. Stat., I, 327.
110. Acts, 1855-56, I, 51; Rev. Stat., I, 346.
111. Acts, 1891-93, p. 1050.
112. Acts, 1904, p. 157.

trover and conversion, or detention, and of any matter not exceeding $20 or 800 pounds of tobacco. Together the two sessions were referred to as the county court, and the line of jurisdiction separating them was $20 or 800 pounds of tobacco. (113)

This distinction has never prevailed in Kentucky, because the first act pertaining to the courts of the State, enacted shortly after Kentucky was created, provided for a judicial system consisting of two distinct courts which were to serve in essentially the same capacity as the two sessions of the county court of Virginia. This act provided that monthly courts should be held in each county, which courts should be called county courts. The same act provided for courts of quarter session in each county. The county courts were to have the same jurisdiction as the monthly courts in Virginia, except such jurisdiction expressly given by this act to the courts of quarter session. The county court in Kentucky therefore lost its position as an intermediary judicial body in this respect, as the courts of quarter session and justices' courts met at a jurisdictional line of 5 pounds current money or 1,000 pounds of tobacco, amounts below that going to the justices and above that to the courts of quarter session. This separation made the county court in Kentucky not exclusively a judicial tribunal, but essentially a court of administration, supervision, and regulation of county affairs, with very little civil and criminal jurisdiction.

Outstanding among its functions which were not strictly judicial was its jurisdiction over the probation of wills and administration of estates, in which respect it was a court of general and exclusive jurisdiction. The act setting up the county court gave it the jurisdiction which the courts in Virginia had had as early as 1645 in probating wills, granting letters of administration, and regulating tavern keepers and ferries, by reenacting most of these in a general act specifying jurisdiction "over all cases respecting wills, letters of administration, mills, roads, the appointment of guardians and settling of their accounts and the admitting of deeds and other writings to record." (114) An act of December 19, 1793, repealed the Virginia laws in effect in Kentucky regulating taverns and tippling houses, and passed its own legislation to remedy the inadequacies of the former laws. (115) With slight additions these acts were reaffirmed and today they delegate essentially the same jurisdiction by declaring that the county court shall have jurisdiction to probate wills; appoint and remove personal representatives, guardians, trustees, curators, and other fiduciaries; and grant tavern, drug, and liquor licenses. It also has such other jurisdiction as may be conferred upon it by law. (116)

In a number of instances the laws setting out the jurisdictional limits of the county courts have been judicially interpreted. In Pennington v. Woolfolk, the Court of Appeals held that although the county court

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113. HENING, XII, 32-36, 467-474.
114. IBID., I, 382, 411; LITTELL, 1792, I, 90-101, 279, 374.
115. IBID.: 1793, I, 194-197; 1796, I, 374.
116. CONST. 1891, SECS. 140, 141; ACTS, 1891-93, P. 1051.

was classed in the judicial department by the constitution, and though it possessed judicial powers, it was not exclusively a judicial tribunal. Many other non-judicial functions are vested in this court. (117) In Jacobs v. The L. & N. Ry., it was held that in matters of probating wills and granting administration, county courts are not courts of special or limited, but of general exclusive jurisdiction; but they may be attacked collaterally, the onus being upon the assailant to show want of jurisdiction (118) and in Miller v. Swan, it was held that the order of probate of a will is conclusive as to everything except jurisdiction. (119)

From time to time acts have been passed adding to or otherwise modifying the jurisdiction of the county court. It should not be inferred, however, that the absence of prior acts marks a departure in Kentucky from the general law and custom of the time. For the most part such legislation was a reenactment of Virginia statutory or common law, changes being made only where necessary to meet local conditions. On December 22, 1792, county courts were authorized to appoint overseers of the poor. An act of December 19, 1793, however, repealed this and provided for the poor to be supported out of the county levy, and also authorized the court to bind out poor orphan children as apprentices and to receive complaints against their masters. (120) With the exception of providing for the poor, a function which today belongs to the fiscal court, the matter of apprenticeship still remains a county court jurisdiction. (121)

The county court still exercises administrative control in matters of issuing licenses, fixing rates, and supervising local option elections. (122) Acts of 1922, 1934, and 1936, classified and provided penalties for the various violations of the liquor law and named the courts having this jurisdiction; however, no mention was made of the county court. (123) Legislation in 1793 gave county courts jurisdiction over bastardy proceedings; this was reaffirmed in 1892 and remains in effect today. (124) An act of 1802 made the county courts examining courts for criminal offenders (125); but an act of February 11, 1809, took this jurisdiction away from the county courts and provided that any two justices sitting together could constitute an examining court. (126)

The county court was early authorized to hear cases challenging the evaluations placed upon property by the tax commissioner. (127) In 1842

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117. PENNINGTON v. WOOLFOLK, 79 KY. 13; 3 REPTR. 42 (1880).
118. JACOBS v. THE L. & N. R. R. CO., 10 BUSH 263 (1874).
119. MILLER v. SWAN, 91 KY. 36; 14 S. W. REPTR. 964 (1890).
120. LITTELL: 1793, I, 191; 1796, I, 374; 1797, I, 677.
121. CARROLL, SEC. 2591, ET SEQ.
122. ACTS: 1850-51, I, 43; 1891-93, P. 216; 1902, PP. 41-43; 1938, PP. 59-61.
123. ACTS: 1922, P. 129; 1934, P. 653; 1936, P. 17.
124. LITTELL, 1793, I, 202; ACTS: 1851-52, PP. 95, 96; 1891-93, PP. 67-72.
125. LITTELL, 1802, III, 41.
126. IBID., 1809, IV, 67-70.
127. ACTS, 1817-18, P. 660.

the county court was authorized to summon a jury to determine the facts against persons failing to list taxable property in order to ascertain whether such person be guilty or not, and after such determination the county court could render judgment according to the findings of the jury. (128) A later act required the board of tax supervisors to report tax delinquents to the county court (129), and this court, rather than the circuit court, was made the tribunal in which proceedings were heard against tax delinquents. (130) This jurisdiction was reaffirmed by an act of 1906, and is today a function of the county court. (131)

From 1851 until the Civil Code of 1876, the quarterly court, concurrently with justices, had jurisdiction to issue and try warrants of forcible entry and detainer but had no jurisdiction in cases involving title to real estate. (132) The Civil Code of 1876 changed this to allow the county judge to issue and try such warrants not designating the court in which he was to act. (133) In Anderson County these records are kept in the circuit court clerk's vault; however, the current law does not specify any particular court. (134)

When the law of 1892 concerning the original registration of voters was repealed by an act of 1924, and registration provided for in cities of the first, second, third, and fourth classes with a population over 5,000, provision was also made for purgation officials from whom aggrieved voters could carry their grievances to the county judge. (135) Later, when registration was made State-wide, except in cities of the first class, it was provided that appeals from the decision of the purgation officials were to be taken to the county judge. (136) In 1938 the General Registration and Purgation Act was passed, which provided that appeals could be made to the county judge or to the circuit judge from any purgation officer, or from the county board of registration and purgation, or from the board of registration commissioners of any city of the first class. (137)

Legislation of 1918 gave the county courts jurisdiction over cases of parents failing to educate deaf children. (138)

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128. Acts, 1841-42, p. 76.
129. Rev. Stat., II, 257, 258.
130. Ibid.: I, 295, 296; II, 254, 255.
131. Acts, 1906, p. 111; Carroll, secs. 4061-4063.
132. Acts, 1850-51, I, 42; Gen. Stat., 1873 ed., pp. 300-302.
133. Civil Code, 1876 ed., sec. 454.
134. Acts, 1894, p. 190; Civil Code, 1936 ed., sec. 454.
135. Acts, 1924, p. 183.
136. Acts, 1936, p. 130.
137. Acts, 1938, pp. 595, 596.
138. Acts, 1918, p. 142.

Governmental Organization and Records System

(First entry, p. 110)

In 1934, for the first time in Kentucky, the county court by name was given concurrent jurisdiction with the justices', quarterly, and police courts and jurisdiction exclusive of the circuit courts, in all penal and misdemeanor cases, the punishment of which is limited to a fine of not exceeding $20. With the above-mentioned courts, it was also given concurrent jurisdiction with the circuit courts in such cases where the punishment was limited to a fine not exceeding $500, or imprisonment not exceeding 12 months, or both. (139)

The county court has always had jurisdiction to punish for contempt. An act of 1793 provided that no court or judge should punish summarily for contempt by imposing a fine exceeding 10 pounds or 1 day in prison, without a jury to fix the additional fine and prison term. Justices' courts were limited by this act to a fine of not more than 20 shillings or 6 hours' imprisonment. (140) Later this general law was amended to limit the contempt jurisdiction of any court to a fine of not exceeding $30 or imprisonment for 30 hours. Justices', county, quarterly, and police courts were limited to a fine of not more than $5 or imprisonment for more than 6 hours. Also prohibited were contempt proceedings against persons for statements, either spoken or written, "not in the presence of such court or judge in the courthouse during the sitting of the court." (141)

In 1792 the county court was given appellate jurisdiction in cases tried before single justices involving a sum of 25 shillings or over. (142) No appeal could be taken from the decision of the county court on cases heard on appeal from the justice's court, "nor shall a writ of error be issued from the Court of Appeals to reverse the same." (143) In 1851 this appellate jurisdiction over justices' courts was limited in civil cases to "where the amount in controversy, exclusive of interest and costs, is over $4 and is under $16." (144) Since 1856 the county court has had no appellate jurisdiction. An act of that year gave this jurisdiction to the quarterly court. (145)

D. County Judge - Judicial Functions:

The county judge, or the presiding judge of the county court (both phrases are used interchangeably, either being his official title in Kentucky), is a relatively new judicial officer who is unique in the sense that he sits in different courts and also exercises certain functions per se. Shortly after the adoption of the Constitution of 1850, which created this office (146), legislation was passed in 1851 and 1852 providing for his duties as a judge sitting in either the county or quarterly court, and for others which he has by virtue of that office, independent of any court

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139. Acts, 1934, p. 422.
140. Littell, 1793, I, 198.
141. Acts: 1829-30, p. 205; 1851-52, pp. 348, 349; 1891-93, pp. 796, 797.
142. Littell: 1792, I, 157; 1796, I, 374.
143. Ibid., 1801, II, 443.
144. Acts, 1851-52, p. 96; Rev. Stat., I, 327.
145. Acts, 1855-56, I, 51; Rev. Stat., I, 346.
146. Const. 1850, art. 4, secs. 29-31.

in which he might happen to sit.

While the law specifies in some instances the capacity in which the county judge is to function - that is, either as judge of the county court or as judge of the quarterly court - there are other functions delegated to this official with no specification as to the capacity in which they are to be exercised. Referring to this situation, the Court of Appeals in a decision of 1926 stated: "These two sections of the constitution (secs. 139 and 140, creating the county and quarterly courts) provide that the same individual shall preside over each of said courts. And the legislature in conferring civil and criminal jurisdiction upon these courts used the names 'judge of the county court' or 'judge of the quarterly court' indiscriminately."

The decision in which this statement occurs was in answer to an appeal challenging the legality of a proceeding before the county judge wherein the judge styled himself as judge of the quarterly court, whereas the statute conferred the particular jurisdiction which he exercised in this instance upon the county judge. In answer to this question the court said: "Under the constitution, the individual holding the office of county judge is empowered to hold two courts, and only two - the county court and the quarterly court. It is not contended by appellant that the county judge did not have jurisdiction to try him for the offense with which he stood charged, but he makes his objection because of the fact that the judge signed his name to the warrant, and to the record of the proceedings had in his court, as judge of the Taylor quarterly court. But it will be observed that, in conferring jurisdiction in misdemeanor cases, the jurisdiction is conferred on the county judge, the officer, rather than to the court over which he presides. And as this same officer is authorized to hold two courts, and only two courts, he must exercise his jurisdiction, when exercised at all, while sitting as judge of one or the other of these courts. And it is wholly immaterial to either the Commonwealth or the accused in the trial of misdemeanor cases, whether he styled himself 'judge of the county court' or 'judge of the quarterly court' or simply county judge, so long as the one charged with the misdemeanor is tried before the officer holding the commission as county judge. . . ." (147)

An act of 1906 clarified the jurisdictional limits between the county and quarterly courts to the extent that penal cases, within the same limitations formerly exercised by these courts - cases carrying a fine of $100 or less, and up to 50 days imprisonment - were bestowed upon "justice and quarterly courts and the judges thereof." (148) There remained, however, certain other functions of a judicial nature which were delegated to the county judge with no specification as to the court in which they were to be exercised. Regarding these questions, it is only through

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147. STEINBERGEN V. MILLER ET AL., 96 S. W. REPTR. 1101 (1906)
148. ACTS, 1906, PP. 382, 383.

reference to the interpretations placed on such laws by the courts that a conception may be arrived at of the distribution of the functions of the county judge between the two courts over which he presides and the office of the county judge per se.

In the case of Hickman County v. Jackson, decided May 6, 1913, the Court of Appeals held that "An examining trial is a mere preliminary investigation for the purpose of determining whether a prosecution shall be instituted in the circuit court. In holding such an examination the county judge sits merely as a committing magistrate, and he is not holding either the quarterly or county court. The county judge is by constitution made a conservator of the peace. Under this power, he may, as provided by the statute, hold an examining trial, though not sitting as a county or quarterly court. There are a great many things that a judge may do, but in so doing he does not sit as a court. Thus a circuit court judge may in vacation discharge an attachment, grant or dissolve an injunction, hear a motion for bail, and take a number of like steps; but in doing these things he is not holding a circuit court. In like manner a judge of this court (Court of Appeals) may, in vacation, extend the time for filing a petition for rehearing, or he may discharge or reinstate an attachment or dissolve or reinstate an injunction; but in doing these things he is not sitting as the Court of Appeals. The provisions of the constitution to which we have above referred, were not intended to prevent judicial officers from exercising the powers necessary for taking preliminary steps in an action or proceeding, and in fact some preliminary steps may be taken before a ministerial officer. The holding of an examining trial is not to be distinguished from the things we have mentioned. . . because in holding an examining trial he is holding neither a county nor a quarterly court. . . ." The same decision also concludes with a statement on inquests of lunacy, as: ". . . a judicial determination of the status of the person charged with lunacy. He may be committed to an asylum, and a committee may be appointed to take charge of his property. The inquest is conclusive of the condition of the lunatic's mind at the time, and is therefore a judicial proceeding. The judgment is final without further action by any court. We therefore conclude that in holding such an inquest the county judge holds it as the county or quarterly court. . . ." (149)

Since his creation as a judicial officer, the county judge has not been required to be a lawyer, and, with an office so ubiquitous as his, it is evident that neither he, nor the legal-minded -- and certainly not the laity -- could very often distinguish whether he was representing himself as judge, or exercising his duties in one or the other courts.

The acts of 1851 and 1852, referred to above, gave the county judge power as a conservator of the peace within his county, as well as all the

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149. HICKMAN COUNTY v. JACKSON, 153 KY. 551; 156 S. W. REPTR. 391 (1913)

powers of a justice of the peace in penal and criminal proceedings, and of a court of inquiry in such proceedings. He was also authorized to grant injunctions and attachments at common law or in chancery, from his own court or the circuit court of his county. By the latter act, he also was given jurisdiction to hold inquests upon idiots and power to administer oaths. (150)

The Code System provided for by the Constitution of 1850 was in process of being compiled when the office of county judge was created, and the Civil and Criminal Codes, in which court practices were included, were completed and became effective July 1, 1854. Most of the powers mentioned above were included in the code. The Civil Code first appeared in the acts of 1851. The same matter was revised and included in the code containing both the Civil and Criminal Codes. It also specified, under provisional remedies, that attachments could be granted by the court in which the action was brought, or by the judge thereof, or by any circuit judge, or by the presiding judge of the county court -- that is, the county judge. (151) In the case of injunctions, the code provided that the stay of proceedings in actions or suits could be granted at commencement, or at any time before the judgment, by the court in which the action was instituted, or by the judge thereof, or by any circuit judge, or, if he was out of reach, by the clerk thereof, or in the absence of the clerk, by the county judge. (152) Such remedies were designed to meet urgent and immediate occasions, and were made elastic in order to enable one or the other of the judicial officers to act in the event the court was not in session, or the judge was absent. The code had to be strictly observed and, in order that these provisional remedies so issued might be valid, the sequence of officials having this authority, as laid down in the code, had to be conformed with by the applicant. The 1938 Civil Code reaffirms in substance the procedure in attachments and injunctions, and further provides that two justices, sitting as a body, be added to the list of officers authorized to grant provisional remedies. (153)

Essentially the same officials - and in the same sequence - were authorized to issue writs of habeas corpus. Application for such writ was made first to the circuit judge whether sitting in court or on vacation. In the absence of the circuit judge, a police judge of any city, county or town, or a judge of the county court, or a justice could issue the writ. In this respect the jurisdiction of the circuit judge was coterminous with the State, whereas that of the other officials exercising this power was limited to their respective county or city. (154)

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150. ACTS: 1850-51, I, 40-43; 1851-52, P. 94.
151. ACTS, 1850-51, I, 147, 151, 153; CODE OF PRACTICE IN CIVIL AND CRIMINAL CASES FOR THE STATE OF KENTUCKY, PREPARED BY M. C. JOHNSON ET AL., COMMISSIONERS, SECS. 264, 275, HEREINAFTER CITED AS CIVIL CODE, 1854 ED., AND CRIM. CODE, 1854 ED.
152. IBID., SECS. 300, 305.
153. IBID., 1938 ED., SECS. 238, 251, 284, 689.
154. REV. STAT., I, 504; CRIM. CODE: 1854 ED., SEC. 395-1; 1938 ED., 399.

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The act of 1893 reaffirming the original acts of 1851 and 1852, provided that the county judge may administer oaths; that he shall be a conservator of the peace within his county, and have all of the power of a justice in penal and criminal proceedings; and that he may singly hold a court of inquiry in such proceedings. (155)

Under the same act of 1893, it is provided that both the county judge and county attorney shall be notified of persons charged with a misdemeanor and lodged in jail in default of bail, if the court in which the prisoner was indicted or before which he has been ordered to appeal is not in session. The case shall then be transferred from the circuit court to the county judge to try, where trial and proceedings after judgment shall be in all respects the same as if the case had been tried in the circuit court. (156) This matter is contained in Carroll's Kentucky Statutes, as sections 1073-1076, and the Court of Appeals on May 6, 1913, held that these three sections "are to be read together, and it will be observed that in all the sections the county judge alone is referred to, and are duties imposed upon him. The meaning of the statute taken as a whole is that the jurisdiction may be exercised by the county judge in this class of cases. Under sections 1073-1076, he is sitting either as the quarterly or county court." (157) In Carrington v. Commonwealth, decided September 26, 1879, it was held that if a person, after being indicted in the circuit court, procures a trial and acquittal before the county judge, without having been in jail, the judgment of acquittal is void. (158) In Commonwealth v. Carter, decided February 25, 1913, it was held that the original jurisdiction of judges of county courts is not enlarged by the Kentucky Statutes, section 1074. (159)

The powers of the county judge to hold inquests in matters pertaining to idiots and lunatics are exercised only when the circuit or chancery court is not in session. This is an exclusive jurisdiction of the circuit court, and when the county judge serves in this capacity he is serving in lieu of the circuit judge, and as a special judge of that court. (160) The line of succession to the exercise of this jurisdiction is similar to that for the granting of the provisional remedies dealt with above. When the circuit court is not in session this jurisdiction devolves upon the county judge; however, the particular court in which he is to exercise it is not specified.

At the same time the jurisdiction of justices in such cases was repealed. (161) The present provisions are a reaffirmation of the above, providing that when no circuit court is in session, the circuit judge or the county judge may hold such inquests. (162)

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155. Acts, 1891-93, p. 1055.
156. Ibid., pp. 1055, 1056.
157. Hickman County v. Jackson, 153 Ky. 531; 156 S. W. Reptr. 391 (1913)
158. Carrington v. Commonwealth, 78 Ky. 83 (1879)
159. Commonwealth v. Carter, 152 Ky. 463; 153 S. W. Reptr. 735 (1913)
160. Turpin's Adm. v. Springer, 228 Ky. 32; 14 S. W. Reptr. (Second Series) 189 (1929)
161. Acts, 1851-52, pp. 94, 100, 253.
162. Acts: 1891-93, p. 493; 1928, p. 110.

The county judge also holds examining trials, and in cases of homicide he has exclusive jurisdiction as an examining court. (163)

E: Circuit Court:

Prior to the creation of the circuit courts in 1802 the courts of quarter session and the district courts served as the appellate tribunal for the inferior courts of the county and also exercised general and unlimited jurisdiction in all civil matters. The court of quarter session heard civil cases involving more than 5 pounds in money or 1,000 pounds of tobacco - such cases involving lesser amounts going to the justices' courts. (164) This court was also authorized to issue all process and attachments at common law, subpoenas, and other process in chancery. (165)

This general civil jurisdiction was bestowed upon the circuit court, by the act which abolished the court of quarter session and the district court and established the circuit court in their stead. As defined by this act the jurisdiction of the circuit courts included "all causes, matters and things at common law and in chancery, within their respective circuits, except in cases of less value than five pounds, or one thousand pounds of tobacco -- and the same circuit courts, shall have the same powers, authority and jurisdiction which the district courts and the quarter sessions courts are vested with." (166)

From the district courts, which were courts created primarily to relieve the Court of Appeals of cases involving title to land, the circuit court inherited the exclusive jurisdiction of cases in which the title to land was in question. (167) This jurisdiction still belongs to the circuit court and includes all cases concerning a lien upon land or provisional remedies to subject land to payment of debt. (168)

From its predecessor bodies, the circuit court of Anderson County also inherited jurisdiction over persons of unsound mind. (169) While the county judge and the judges of city and police courts were subsequently authorized to hold insanity inquests, they could exercise this jurisdiction only when the circuit court was in vacation and the services of the circuit judge could not be obtained. In such instances all papers were filed with the circuit court clerk, and the final disposition of the case was made at the next term of the circuit court. (170) The circuit court still exercises this jurisdiction, with the county judge serving during vacation time as a sort of circuit judge, and in lieu of one, in such matters. (171)

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163. CRIM. CODE, 1938 ED., SECS. 71A-1 TO 71A-3; HICKMAN COUNTY V. JACKSON, SUPRA.
164. LITTELL, 1795, I, 504.
165. IBID., P. 505.
166. IBID., 1802, III, 40.
167. IBID.
168. ACTS, 1891-93, P. 1030; CARROLL, SEC. 965.
169. LITTELL: 1793, I, 191; 1795, I, 302; 1802, III, 40; ACTS, 1831-32, PP. 109-111.
170. REV. STAT., II, 33, 35, 37; GEN. STAT., 1873 ED., PP. 534, 536; ACTS, 1891-93, PP. 483, 485.
171. ACTS: 1918, P. 156; 1924, P. 27; 1928, PP. 110, 123; CARROLL, SECS. 216AA-68, 2149; TURPIN'S ADM. V. SPRINGER, 228 KY. 32; 14 S.W. REPTR. (SECOND SERIES) 189 (1929).

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The circuit court has continued to be the highest court of civil jurisdiction within the county. Since no maximum jurisdictional limits have ever existed, it is possible to delimit the circuit court's jurisdiction only by indicating such minor cases that may not be brought before it either as a court of first instance or on appeal from the county, quarterly, justices', city or police courts. By an act of 1852 the original jurisdiction of the court was defined to include "all matters both in law and equity, within the county, of which jurisdiction is not, by law exclusively delegated to some other tribunal." The same act gave the circuit court appellate jurisdiction of decisions of the county court "in all controversies concerning the establishing, alteration, or discontinuance of ferries, roads, and passways, and in all cases concerning the probate of wills, and from orders concerning mills or waterworks, and from orders refusing or allowing dams to be built across water courses." Likewise appeals could be taken to the circuit court from the quarterly and justices' courts "in all civil cases where the amount in controversy, exclusive of interest and costs, is sixteen dollars and upwards; and in all actions of trespass and trespass on the case. . . ." (172)

By an act of 1879 the circuit court was given jurisdiction of claims against the State treasury (173), and in 1852 the Franklin Circuit Court was given State-wide jurisdiction of all actions "against clerks of courts, collectors of public money, and all public debtors and defaulters." (174)

The act of 1893 changed the appellate jurisdiction to include "all orders and judgments of the fiscal court or quarterly court in civil cases where the value in controversy, exclusive of interest and costs, is over twenty-five dollars, and from all judgments of the county court where the amount in controversy is over fifty dollars, exclusive of interest and cost; and from all judgments and orders of said court in cases of bastardy, or in the settlement of the accounts of personal representatives, assignees, guardians, trustees, curators and other fiduciaries, and from orders granting, revoking or refusing letters testamentary or of administration, or appointing or refusing to appoint, or removing curators, guardians, trustees or committees of estates, or granting or refusing to grant druggist, tavern or liquor licenses and from judgments in proceedings to condemn land for any purpose, and in all cases allowed by law." (175) By this same act the original jurisdiction of the court was redefined to include "all matters, both in law and equity, of which jurisdiction is not exclusively delegated to some other tribunal," and it was given "jurisdiction in all cases where the title to land is in question, or in which it is sought to enforce a lien upon or to subject land by provisional remedy to the payment of debt." (176)

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172. Acts, 1851-52, pp. 90, 91.
173. Acts, 1879, I, 106.
174. Acts: 1851-52, p. 93; 1891-93, p. 1048.
175. Ibid., pp. 1048, 1049.
176. Ibid., p. 1033.

Aside from minor changes, the above statutes define the jurisdiction of the circuit court as it is today.

Criminal Jurisdiction

A. Justices' Courts:

The jurisdiction of justices' courts in criminal matters was outlined by a general law of Virginia in 1748, and for the most part was in effect when Kentucky was admitted to Statehood in 1792. The limited scope of the courts' authority in criminal matters, a limitation which precluded the final disposition of any such cases, shows that the primary significance of the early justices' courts was in the field of minor civil cases. As defined by the Virginia act of 1748, the original criminal jurisdiction was limited to the issuance of warrants for the apprehension of traitors, felons, pirates, rioters, disturbers of the peace, or other criminal offenders. Jurisdiction over such cases was limited to conducting examining trials. (177) By an act of 1777, the jurisdiction was enlarged to permit the conduct of examining trials of all criminal offenders, except slaves, which came within the jurisdiction of the county court. (178)

Before the creation of Anderson County, an act of June 28, 1792, conferred jurisdiction in the conduct of examining trials upon the justices of the peace who made up the court of quarter session. When any person, not a slave, was charged before such justice, that justice was required to call a meeting of the quarter session court within 5 to 10 days to sit as an examining court with power to hold the accused over to the next regular session of the quarter session court, or to the court of oyer and terminer (179), and after the abolishment of this court in 1795, to the district court. (180) Criminal jurisdiction of the court of quarter session was provided for in an act of December 22, 1792, when that body was given the full powers of the oyer and terminer court in cases of capital offense against slaves. This same act also gave to every justice of the peace the power to issue warrants for the apprehension of any person charged before him with any criminal offense which, in his opinion, should be examined into or tried by the court of quarter session. It provided that the justice should have power to examine and commit the person to jail pending such hearing before the quarter session court, and to issue summonses calling this court into session. (181) Additional jurisdiction conferred on these officers over slavery cases was

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177. HENING, 7, 499-508.
178. Ibid., 15, 415.
179. LITTELL, 1792, 1, 96.
180. Ibid., 1795, 1, 316.
181. Ibid., 1792, 1, 150.

authorized by acts of 1794 and 1798 which provided that justices of the peace should hear and determine cases against slaves engaging in riots, routs, unlawful assemblies, trespasses, and seditious speech, by issuing writs for their apprehension and punishing them with stripes. (182) This jurisdiction was further increased by an act of 1800 which provided that the justices might summon the court of quarter session to make final disposition of any criminal charges against slaves. (183) An act of December 27, 1806, extended this jurisdiction to include trying without jury all misdemeanors against slaves. (184) By an act of February 23, 1806, a justice was required to have jurisdiction over cases arising from the enforcement of the law which prohibited the interstate migration of free Negroes and mulattoes. Upon information, it was the duty of the justice to issue warrants for the apprehension of the offenders and hold them over until the next term of the county court. (185) A requirement that the justices summon a jury to try slaves for conspiring to commit murder and to determine their punishment, not to exceed 100 stripes, was provided in an act of January 25, 1811. (186)

In the conduct of examining trials, an act of 1802 gave the justices authority to receive charges against criminal offenders; and, if in a justice's opinion the charges would be punishable by capital punishment or confinement in the penitentiary, he took recognizance of all witnesses to appear before the county court for a formal examination of the charge. (187) A further modification in the examining procedure was provided for by an act of February 11, 1809, which took from the county court its jurisdiction in this matter and required that, in all cases where any free person was brought before a justice charged with a crime punishable by capital or penitentiary sentence, this justice should go to some other justice, and the two together could commit him for further trial before the circuit court. (188)

An act of 1793 provided that justices of county courts "shall have cognizance of all matters relating to bastardy within their respective counties, agreeable to the laws of Virginia now in force in this state." (189) This act, however, did not confer the jurisdiction to make final disposition of such cases. The specific powers of the justice's court in bastardy proceedings were definitely stated in an act of December 14, 1795, which provided that a justice of the peace could issue warrants to command persons charged with bastardy to appear before him or some other justice to be bound over to the next session of the county court. (190) The justices' courts have continued to hold the power to conduct preliminary proceedings in bastardy cases, but the actual trial has been

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182. IBID., 1798, III, 115.
183. IBID., 1800, III, 417.
184. IBID., 1806, III, 403.
185. IBID., 1807, III, 499, 500.
186. IBID., 1810, IV, 224.
187. IBID., 1802, III, 41.
188. IBID., 1808, IV, 67-70.
189. IBID., 1793, I, 202.
190. IBID., 1795, I, 282, 283.

(First entry, p. 110)

from the beginning in Kentucky a jurisdiction of the county court. (191)

Other early criminal jurisdictions of the justices' courts were to hear cases concerning stray boats and animals (192); to punish violations of laws respecting taverns and tippling houses (193); and to punish summarily for contempt not exceeding a fine of 20 shillings or imprisonment for over 6 hours. (194) They were authorized to issue warrants and bind over to the county court persons charged with violation of vagrancy laws (195); to issue escape warrants for persons escaping from jail to other counties (196); to conduct proceedings against runaways (197); to aid in the enforcement of gambling laws by having such places closed and the devices seized (198) and the owners of such establishments apprehended and held (199); and to report such offenders to the grand jury. (200) They also had jurisdiction to arrest and confine in jail persons interrupting places of worship (201); to fine constables, or other officers, not over $10 for neglect of duty in summoning jurors and delinquent or disorderly jurors not over $5 (202); and, in the absence of the circuit judge from the county, to receive writs of habeas corpus in the same manner as the former, and examine into the cause of commitment and admit to bail. (203)

An act of 1852 gave the justices jurisdiction in all penal cases where the fine or penalty does not exceed $16, except where jurisdiction thereof is otherwise specifically conferred. The method of holding examining courts was also changed by requiring two justices to examine into all infractions of the penal and criminal laws, the final trial of which is cognizable in the circuit court and, when proper, to send the accused on for further trial, to commit to jail, or to allow and take bail. Their power to empanel juries and grant new trials or rehearings in civil or penal cases was also reaffirmed. (204)

The jurisdiction of justices in 1893 in all penal and misdemeanor cases exclusive of the circuit court was limited to offenses carrying a fine of $20 or less, and concurrent with the circuit court in offenses punishable by a fine of not exceeding $100 or imprisonment for not more than 50 days, or both. (205) In 1906, the justices' and quarterly courts

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191. IBID., 1793, I, 202; ACTS: 1851-52, PP. 95, 96; 1891-93, PP. 67-72.
192. LITTELL: 1792, I, 88; 1794, I, 250, 251.
193. IBID., 1793, I, 196.
194. IBID., 199.
195. IBID., 1794, I, 291.
196. IBID.: 1796, I, 590; 1798, II, 31, 32.
197. IBID., P. 4.
198. IBID., 1799, II, 284.
199. IBID., 1804, III, 176, 177.
200. IBID., 1815, V, 318.
201. IBID., 1812, V, 48, 49.
202. IBID., P. 29.
203. ACTS, 1820-21, PP. 263, 264.
204. ACTS, 1851-52, P. 99.
205. ACTS, 1891-93, P. 1038.

were given concurrent jurisdiction in amounts not over $20. (206) By an act of 1928, this jurisdiction was enlarged to cover offenses punishable by a fine of $500 or imprisonment for 6 months, or both. (207) This jurisdiction was again enlarged in 1934 by extending the imprisonment phase to 1 year, and also the county court was made concurrent in the exercise of this jurisdiction. (208) Today, justices have jurisdiction to hold inquests in the absence of the coroner.(209), and also to hear and determine vagrancy cases. (210)

B. Quarterly Court:

The act of 1851 creating quarterly courts gave to the presiding judge of the county court, who also presided over the quarterly court, the power of conservator of the peace. In addition, it gave him jurisdiction concurrent with justices of the peace in case of riots, routs, and unlawful assemblies, breaches of the peace, and all misdemeanors, and authorized him to conduct examining trials. (211) The jurisdiction in examining trials was repealed by the act of 1852, and the judge's jurisdiction was reaffirmed by a general statement that he should have all the powers of a justice in penal and criminal proceedings, and of a court of inquiry, which court at that time was to be composed of two justices. (212) A ruling of the Court of Appeals held that the county judge had all the powers of a justice of the peace in criminal and penal proceedings, and could, therefore, in conjunction with a justice of the peace, hold a court of inquiry in criminal cases, and take cognizance; but it held that he had no right to do so unless associated with a justice of the peace. (213)

In the meantime, the second part of the code provided for in the Constitution of 1850, i.e., the Criminal Code, was completed. It became effective on July 1, 1854, and superseded the act of 1852. This was further clarified by a Court of Appeals decision, a few years later, which stated that the county judges are magistrates and therefore may conduct examining trials alone -- in the meaning of the code, justices were also magistrates; but in such cases each had to associate himself with another justice for such purposes.(214)

The act of 1893 reaffirmed basically all of the criminal jurisdiction formerly possessed by the county judge per se. Although from 1851 to 1891 the legislature gave this jurisdiction to the county judge as such (which,

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206. Acts, 1906, p. 382.
207. Acts, 1928, pp. 55, 56.
208. Acts, 1934, p. 422; Crim. Code, 1938 ed., sec. 13-5.
209. Acts: 1891-93, p. 371; 1936, p. 271.
210. Acts, 1904, p. 134.
211. Acts, 1850-51, I, 42, 43.
212. Acts, 1851-52, pp. 94, 99.
213. Bowman v. Commonwealth, 14 B.M. 313.(1854)
214. Crim. Code, 1854 ed., sec. 66; Commonwealth v. Cummins, 18 B. M. 25 (1857); Cookendorfer v. Commonwealth, Mss. Opin. (1857).

of course, he could exercise in either the county or quarterly court), it is implied that at least in the regular sessions of the quarterly court he exercised his criminal jurisdiction. As the penal cases were usually minor, he held many of them in his office. Because of the county judge's powers as a single justice and judge of the county, quarterly, and later of the juvenile and fiscal courts, a great deal of legal confusion arose as to whether he was sitting in one court or another, or in neither, but acting as county judge per se. A Court of Appeals decision of 1860 declared that such jurisdiction as was conferred upon him by the act of 1852, and which was also carried in section 24 of the Criminal Code, was to be exercised in the quarterly court. Another decision of the same court, as late as 1924, declared that the county courts had no criminal jurisdiction, but that quarterly courts were given this jurisdiction. (215) The lines of demarcation are very fine indeed, and therefore the county judge and his per se powers are treated in a separate section. (216)

It was not until 1906, however, that the legislature specified criminal jurisdiction for the quarterly court, in contradistinction to such jurisdiction already possessed by the county judge, which he still exercises. This act provided that the quarterly court shall have concurrent jurisdiction with the justices' courts, exclusive of the circuit courts, in all penal cases in which the punishment is limited to a fine not exceeding $20, and concurrent jurisdiction with the circuit courts of all penal cases, the punishment of which is limited to a fine of not exceeding $100, or imprisonment not exceeding 50 days, or both. This act also gave the quarterly court jurisdiction of all city ordinances in towns of the sixth class, to impose such fines or forfeitures as provided for by such ordinances and to enforce such judgments for the benefit of the town, in such towns in which there is no acting or qualified police judge. (217) An act of 1928 did not change the jurisdiction of the quarterly court in essence, but merely changed the penalty to a fine not exceeding $500, or imprisonment not exceeding 6 months, or both, and made police courts in cities of the first, second, third, fourth, fifth, and sixth class concurrent in the exercise of this jurisdiction. (218) An act of 1934 again changed the term of imprisonment from 6 months to 12 months, and also bestowed the same jurisdiction upon the county court. (219)

An act of 1904 gave the quarterly court concurrent jurisdiction with the circuit, police, and justices' courts over offenses of vagrancy. (220)

In 1922 jurisdiction of liquor offenses was conferred upon the quarterly court concurrent with circuit, justices' and police courts, in cases involving a fine not exceeding $500 and imprisonment for 60 days. This

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215. Arthur v. Green, 60 Ky. 75 (1860); Craig v. Shelton, 201 Ky. 790 (1924).
216. Acts, 1891-93, p. 1055; see D. County Judge - Judicial Functions, supra p. 34.
217. Acts, 1906, p. 383.
218. Acts, 1928, pp. 155, 156.
219. Acts, 1934, p. 422.
220. Acts, 1904, pp. 133, 134.

applied only to liquor offenses, and did not change the then current general criminal jurisdictions as shown above in the act of 1906. (221) The constitutionality of this act making the jurisdiction of these courts greater in liquor cases than in other matters was passed upon by the Court of Appeals, June 23, 1922. In upholding this act the Court of Appeals stated: "The Legislature has the power to prescribe the jurisdiction of the various courts and the fact that it assigns to all the courts of a certain class the jurisdiction wherein the punishment is greater than for other offenses of which the same class of courts have jurisdiction, does not make the act creating the law a special one, if there is not in some way an unnatural and arbitrary classification -- that is, that it does not embrace all of a class which naturally belong to it or exclude parts of a class which it ought to include. . . ." (222)

An act of 1934 proposed the repeal of section 226a of the constitution, which prohibited intoxicating liquors after June 30, 1920. This repeal was voted on and adopted in the November election of 1935, and restored section 61 of the constitution which allowed the legislature to provide for local option. (223) A local option law was passed February 25, 1936, and the enforcement of the liquor law was given to the above-named courts where the penalty did not exceed a fine of $100 and imprisonment was for not more than 60 days. (224) The Alcoholic Beverage Control Law, passed in 1938, superseded the above act, but did not specify any particular courts. It merely stated the offenses and fines. Jurisdiction of cases arising under this law fall within the respective jurisdictions of the various courts, just as does jurisdiction of other offenses, according to the amount of fine and punishment involved. (225)

In criminal matters the quarterly court has no appellate jurisdiction. All appealable cases - those involving a fine of $20 or over - go directly to the circuit court. (226)

C. Circuit Court:

As in civil matters, the circuit court inherited the general criminal jurisdiction formerly lodged with the court of quarter session and the district court. An act of February 12, 1798, provided that "The district courts to be held as aforesaid, shall have power to hear and determine all treasons, murders, felonies, and other crimes and misdemeanors, committed within their district, that shall be brought before them by any rules or regulations directed by law." (227) In criminal matters the court of quarter session was limited to "such criminal causes where the judgment upon conviction shall be for the loss of life or member. . . ." (228) An act

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221. Acts: 1922, p. 129; 1934, p. 653.
222. Lakes v. Goodloe, 195 Ky. 240; 242 S. W. Reptr. 632 (1922).
223. Acts, 1934, p. 177.
224. Acts, 1936, p. 17.
225. Acts, 1938, pp. 59, 119.
226. Crim. Code, 1938 ed., sec. 362.
227. Littell, 1798, III, 127.
228. Ibid., 1792, I, 94.

of 1802 which established the circuit court provided that "the said circuit courts within their respective circuits shall have the same power, authority and jurisdiction which the district courts and quarter session courts are vested with." (229)

The circuit judge was authorized by an act of 1816 to hold additional terms "for the trial of chancery causes, or for the trial of any person apprehended upon a charge of felony." (230) Four years later it was provided further that at such special terms the circuit court could "try all indictments for misdemeanors, or presentments and all Commonwealth's pleas, or any action, prosecution, suit or suits in which the Commonwealth is a party; and all process shall be as valid returnable thereto, and all recognizances as good as if made returnable to the regular terms of the circuit courts." (231) The circuit judge was authorized by an act of January 14, 1841, to have a grand jury summoned to meet on the first day of such special terms for the trial of criminal causes. (232)

General State-wide jurisdiction of charges against fugitives escaped from the State penitentiary was given to the Franklin Circuit Court by an act of 1852. (233)

Since the circuit court has been from its beginning a court of general criminal jurisdiction, the limitations placed upon this authority have been by way of express delegations of certain petty cases to justices', quarterly, and other minor courts. By an act of 1852 it was provided that justices of the peace "shall have jurisdiction in all penal cases where the fine or penalty is so regulated by law that it cannot exceed $16, except where the jurisdiction thereof is otherwise specifically conferred." (234) The same act conferred upon the presiding judge of the county court "all the powers of a justice in penal and criminal proceedings." (235) In 1893 the justices were given "jurisdiction, exclusive of the circuit courts, in all penal cases, the punishment of which is limited to a fine not exceeding twenty dollars, and jurisdiction concurrent with the circuit courts of all penal cases, the punishment of which is limited to a fine not exceeding one hundred dollars, or imprisonment not exceeding fifty days, or both." (236) By the same statute the county judge was given "all the power of a justice in penal and criminal proceedings." (237) In 1906 the penal jurisdiction of the justices' courts was continued as stated above and the quarterly court was made concurrent with them. (238) In addition to reaffirming the above

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229. IBID., 1802, III, 37 FF.
230. IBID., 1816, V, 346.
231. ACTS, 1819-20, P. 831.
232. ACTS, 1840-41, P. 18.
233. ACTS, 1851-52, P. 338.
234. IBID., P. 99.
235. IBID., P. 94.
236. ACTS, 1891-93, P. 1058.
237. IBID., P. 1055.
238. ACTS, 1906, P. 383.

limitations upon the general criminal jurisdiction of the circuit court, an act of 1924 provided that "justices' and quarterly courts and the judges thereof shall have jurisdiction concurrent with the circuit court of the offenses of petit larceny, vagrancy, and first offense of carrying concealed and deadly weapons." (239) Police courts of the six classes of cities were made concurrent with the justices' and quarterly courts in the exercise of the above jurisdiction exclusive of the circuit court. By the same act these courts were given concurrent jurisdiction with the circuit court "of all penal cases and misdemeanor cases, the punishment of which is limited to a fine of not exceeding five hundred dollars, or imprisonment not exceeding six months, or both." (240)

Violations of the common carrier laws were made cognizable by the circuit court in an act of 1920. (241) In 1934 the court was given concurrent jurisdiction with the quarterly and justices' courts over violations of local option laws (242), and also jurisdiction of appeals from decisions of the Public Service Commission. (243) The circuit court was authorized by an act of 1936 to set aside sentences and place the persons convicted on probation. (244)

Chancery

When the Anderson County Circuit Court was created, it was a court of law and chancery having inherited this jurisdiction from the predecessor of the circuit court, the quarter session court. (245) An act of 1793 had placed the care of persons of unsound mind under the jurisdiction of a chancery court. (246) Later this jurisdiction was given to the circuit court and was reaffirmed by subsequent legislation. (247) The fourth constitution abolished such chancery and equity courts as were then in existence and placed this jurisdiction with the circuit court. (248)

Probate

Probate jurisdiction in its broader sense includes not only the authority of a court to admit to proof wills and other testamentary instruments of persons deceased, but also the administration of estates, the appointment of administrators, guardians, and other fiduciaries, and the general supervision of such appointees. The act of 1792 setting up the general court system of the State provided that "The county courts shall and may have cognizance and shall have jurisdiction of all cases respecting wills, letters of administration, . . . the appointments of guardians

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239. Acts, 1924, p. 66.
240. Acts, 1920, p. 155.
241. Ibid., p. 250 ff.
242. Acts: 1934, p. 653; 1936, p. 17.
243. Acts, 1934, p. 606.
244. Acts, 1936, p. 74.
245. Littell, 1802, III, 40; Acts, 1851-52, p. 90.
246. Littell: 1793, I, 191; 1795, I, 302.
247. Acts, 1831-32, pp. 109-111.
248. Const. 1891, Sched., sec. 3; Acts, 1891-93, p. 1030.

and settling of their accounts. . . ." (249) This general jurisdiction to hear and determine all probate matters has continued to be one of the primary functions of the county court.

An act of 1852 directed the county judge to "make settlements with personal representatives and guardians in his county," and "to hear testimony on such settlement in support or in opposition of any item." He was required to reduce to writing all verbal evidence given before him and to submit this, together with such other evidence submitted in the case, to the clerk of the county court. This report was to lie over for one term to permit the filing of exceptions of any interested person. If no exceptions were filed by the second term of the court, the settlement, if approved, was final. In case there were exceptions, "other evidence besides that reported may be heard, and the court shall, upon the whole case, alter or amend the report and order it to be recorded, or so order it without altering or amending it, as shall appear right and legal." Witnesses could be summoned to give evidence before the judge on the settlement, or the trial of exceptions by the court. (250)

In 1893 the probate jurisdiction of the county court was reaffirmed by an act which provided that "The county court shall have jurisdiction to probate wills, appoint and remove personal representatives, guardians, trustees, committees, curators, and other fiduciaries. . . ." (251) The provisions designating the county judge to make settlements with personal representatives, trustees, assignees, committees, curators, and guardians in his county were also reenacted. When necessary he was authorized to appoint a special commissioner to make such settlements. The provision of the act of 1852, referred to above, providing for exceptions to be taken by interested parties and the ultimate determination of the settlement by the county court, were also reaffirmed. (252)

In all matters wherein the title to real estate is involved, the circuit court has always had original and exclusive jurisdiction.(253) It has also had general appellate jurisdiction in cases concerning the probating of wills. (254)

Juvenile

Under provisions of legislation in effect when Anderson County was created, the county court had jurisdiction over orphans, and neglected, dependent, and delinquent children. (255) Provisions of an act of 1896, which

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249. LITTELL: 1792, I, 93; 1796, I, 374.
250. ACTS, 1851-52, PP. 98, 99.
251. ACTS, 1891-93, P. 1051.
252. IBID., PP. 1053, 1054; CARROLL, SEC. 2015.
253. SEE CIRCUIT COURT, P. 147.
254. ACTS: 1829-30, P. 217; 1891-93, PP. 1048, 1049; CARROLL, SEC. 970.
255. LITTELL: 1793, I, 191, 192; 1797, I, 377; 1802, III, 74; ACTS: 1825-26, P. 137; 1894, PP. 28, 29.

established houses of reform in the State for confinement of boys and girls under 18 years of age, authorized the county or circuit court, when any boy or girl under 18 years of age was brought before it, to commit such boy or girl to a house of reform for any period of time not exceeding the child's minority. (256)

It was not until 1906 that the legislature provided for special treatment of juvenile offenders. (257) This act provided that the county court when considering juvenile cases, might be called "The Juvenile Session of the County Court." This act, however, did not, according to an opinion of the Court of Appeals in 1911, create a new court, but merely increased the powers of the county court. (258) An amendment to this act in 1908 authorized the juvenile session of the county court, when a child was charged with the commission of a crime, to transfer such offender, after advising with his parents or guardian, to the court having jurisdiction of such cases, where the child might be proceeded against as an adult. (259)

Early laws also gave the county court jurisdiction of persons charged with cruel or inhuman treatment of children, and subsequent legislation gave exclusive jurisdiction of such cases to the juvenile session of the county court. (260)

Jury System

A. Grand Juries and Indictments:

The common law required the sheriff at each term of court to summon not more than 23 or less than 13 gentlemen of estate, intelligence, and character from the different neighborhoods of the county, who should compose the grand jury. (261) The laws of Virginia, under which the early laws of Kentucky functioned, provided for the summoning by the court of 24 householders, from which group 16 grand jurymen were selected. (262) One of the earliest Kentucky laws required the sheriff to summon 24 freeholders, qualified as the law required for grand jurors, to appear at the succeeding court of oyer and terminer and provided that the same 24 or any 16 of them should constitute a grand jury. This law also provided that no grand jury should make any presentment in the court of oyer and terminer unless the penalty was more than 40 shillings or 400 pounds of tobacco. (263) These early laws have undergone several changes as to the number of grand jurymen, until today a grand jury consists of 12 persons, 9 of whom concurring may find an indictment. (264)

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256. ACTS, 1896, PP. 60-62.
257. ACTS, 1906, PP. 322-332.
258. HARLOW V. COMMONWEALTH, 142 KY. 106 (1911).
259. ACTS: 1908, PP. 181-198; 1912, PP. 446-449.
260. ACTS: 1925-26, P. 137; 1894, PP. 29-31; 1906, PP. 322-332; 1908, PP. 152-157; 1910, PP. 226-228.
261. JAMES SPEED, GRAND AND PETIT JURORS, P. 5.
262. HENING, 1700, XII, 730-733.
263. LITTELL, 1792, I, 99, 100.
264. REV. STAT., II, 75, 76; GEN. STAT., 1873 ED., PP. 570, 571; CONST. 1891, SEC. 248.

Governmental Organization and Records System

(First entry, p. 110)

From the beginning, errors in the wording of an indictment, such as the omission of the name of any town, village, or hamlet in the Commonwealth, have not constituted grounds for quashing the indictment or for reversal in the event of a conviction, nor has the use of the term "force and arms" in an indictment been considered necessary. (265) An early decision of the Court of Appeals held that no indictment on a statute could be supported unless it stated that the offense had been committed against the statute. (266) Another decision at about the same time held that an indictment need not express that it was by the authority of the Commonwealth. (267)

From the beginning presentments have been required to specify the crime committed, time and place, and by whom, and the name of person or persons upon whose information the presentment was made. Early laws also required that a prisoner be given a copy of his indictment and a panel of the jurors who are to try him, and provided for the discharge of a prisoner if not indicted before or at the second term after he was committed, unless attendance of witnesses had been prevented by himself. (268)

Although the statutes from the beginning have clearly defined the qualifications of grand juries, there formerly being a property qualification of from 10 to 20 pounds in current money, the fact that a person not qualified or competent served on a grand jury was not grounds for setting aside an indictment. (269)

Statutes in effect today require that a person qualified to serve as a grand juryman be a citizen and housekeeper of the county in which he may be called to serve, and that he be over the age of 21 years. No civil officer (except trustees of schools), no surveyor of a highway, tavernkeeper, vendor of ardent spirits by license, or person who is under indictment, or who has been convicted of a felony and not pardoned, shall be competent to serve as a grand juror. (270) The general statutes provided that a grand jury composed of bystanders could be empaneled after the discharge of the grand jury first empaneled. (271) Legislation now in effect authorizes the judge to summon bystanders, not to exceed three, to supply grand jury vacancies. (272) An early law gave the courts power to summon a grand jury during term time. (273) Present laws require that a grand jury shall be summoned at three regular terms of circuit court, unless otherwise ordered by the judge. (274) Each time a grand jury is empaneled, the court appoints a foreman. (275)

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265. HENING: 1766, XII, 270; 1769, XIII, 38-40; LITTELL, 1796, I, 466.
266. McCULLOUGH v. COMMONWEALTH, 3 KY. 95 (1805).
267. ALLEN v. COMMONWEALTH, 2 BIBB 210 (1810).
268. LITTELL, 1795, I, 466.
269. IBID., P. 468; LEE v. COMMONWEALTH, 210 KY. 410 (1925).
270. ACTS: 1891-93, P. 948; 1910, P. 672.
271. GEN. STAT., 1873 ED., P. 570.
272. ACTS: 1891-93, P. 948; 1894, P. 219; 1906, P. 519.
273. LITTELL, 1811, IV, 267.
274. ACTS: 1891-93, P. 957; 1932, PP. 350, 351.
275. LITTELL, 1814, V, 136; ACTS, 1891-93, P. 957.

In addition to those persons prohibited from serving as grand jurors, justices of the peace were exempted from grand jury service by an early statute. (276) Later legislation exempted physicians, surgeons, ministers of the gospel, cashiers, and tellers, or those who may be supplying their places for the time. (277) Among those exempted today are members of boards of education, executive officers, superintendents, principals, teachers, and other employees of boards of education while the common schools are in session. (278)

Under provisions of the revised statutes the circuit court was empowered to appoint three jury commissioners, free white citizens at least 21 years of age and housekeepers from different portions of the county, whose duty it was to select grand and petit jurors by lot, certifying and directing the list to the circuit court judge, and endorsing it "a list of the standing jury." (279)

Formerly, grand jurors in Kentucky were compensated at the rate of $1.50 per day. This later was increased to $2, and they now receive $3 per day for not exceeding 6 days at any term, unless by court order entered of record they are permitted to sit longer. (280)

B. Petit Juries:

Although early laws required petit jurors in superior courts to be possessed of an estate, real or personal, valued at 20 pounds, their other qualifications were the same as those required of grand jurors. (281) Early legislation authorized the sheriff to summon jurors from bystanders for trial of causes (282), and with the advent of jury commissioners, petit jurors were selected in the same manner as grand jurors, as is the case today. (283) Petit jurors are summoned on the second day of the court term unless ordered by the court to be summoned the first day; a new panel, however, may be summoned in each week of the court. (284)

A petit jury in the circuit court consists of 12 persons, although

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276. LITTELL, 1804, III, 242.
277. GEN. STAT., 1873 ED., P. 572.
278. ACTS, 1924, P. 62.
279. REV. STAT., II, 79; GEN. STAT., 1873 ED., P. 572; ACTS: 1891-93, P. 948; 1894, P. 219; 1906, P. 519; 1912, P. 451.
280. GEN. STAT., 1873 ED., P. 574; ACTS: 1891-93, P. 948; 1936, P. 165.
281. LITTELL, 1796, I, 468.
282. IBID.
283. REV. STAT., II, 79; GEN. STAT., 1873 ED., P. 572; ACTS: 1891-93, P. 948; 1894, P. 219; 1906, P. 519; 1912, P. 451.
284. GEN. STAT., 1873 ED., P. 572.

legislation in 1932 provided for a thirteenth juror. In all trials hold in courts inferior to the circuit court, or by any county, police, or city judge, or justice of the peace, a jury shall consist of six persons, but the parties to any action or prosecution, except for felony, may agree to a trial by a less number of persons. (285)

Early legislation provided compensation of $1 per day for venire men, except when challenged and rejected. (286) Later, petit jurymen were allowed $2 per day, and by an act of 1934 they now receive $3 per day, in addition to $1 for each night they are kept together. (287)

Legislation in 1795 prohibited a justice of the peace who had committed a felony from serving as a petit juror at a felon's trial. (288) A later act exempted all justices of the peace from jury service. (289) An act of 1806 exempted transient persons, physicians, surgeons, and ministers of the gospel from jury service. (290) In addition to those already exempted from grand jury service, later legislation in effect today extended petit jury service exemptions to include practicing attorneys, asylum attendants, retail druggists, pharmaceutists, undertakers, railroad depot agents, and telegraph operators. (291) An act of 1910 exempted persons more than 60 years of age from serving as petit jurors. (292) In 1924 teachers, principals, and all employees of boards of education were exempted from jury service while schools were in session. (293) Later this exemption was extended to the term of contract of such persons. (294) Legislation of 1932 exempted from jury service all officers and enlisted men of the Kentucky National Guard. (295) This was later amended to extend only to members of the active militia. (296)

By common law a prisoner had a right in all prosecutions for felony to challenge peremptorily 35 jurors. (297) Early legislation provided that there could be no challenge on the part of the Commonwealth without cause assigned, and that the prisoner could challenge not above 24 jurors for treason and 20 in case of murder or felony. (298) A later act extended the right of peremptory challenge to all criminal cases whatsoever. (299) Present day laws provide that each party litigant in civil actions shall have the right of peremptory challenge to three jurors, and the right to

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285. IBID., P. 571; ACTS: 1891-93, P. 957; 1932, P. 341.
286. LITTELL, 1817, V, 436.
287. GEN. STAT., 1873 ED., P. 574; ACTS: 1891-93, P. 949; 1926, P. 164; 1932, P. 351; 1934, P. 664.
288. LITTELL, 1795, I, 319.
289. IBID., 1804, III, 242.
290. IBID., 1806, III, 402.
291. ACTS, 1891-93, P. 959.
292. ACTS, 1910, P. 77.
293. ACTS, 1924, P. 62.
294. ACTS, 1934, P. 179.
295. ACTS, 1932, P. 443.
296. ACTS, 1934, P. 157.
297. MONTEE V. COMMONWEALTH, 3 J.J. MARSHALL, REPTR., 130 (1830).
298. LITTELL, 1796, I, 466.
299. IBID., 1798, II, 236.

challenge as now allowed by law. (300)

Administration of Law

Preservation of Peace

From the beginning the sheriff has been the chief law enforcement officer of the county, his office having been created by the first constitution. (301) Early statutes made it the duty of the sheriff to arrest persons engaged in riots, routs, unlawful assemblies, or breaches of the peace, and to empanel a jury for their trial; to arrest persons disturbing public worship; and to pursue convicts escaped from the penitentiary. (302) He now executes persons condemned to be hanged in the county; conveys to the penitentiary all persons sentenced to be confined there; commands and takes with him, if need be, the "power of the county," a posse comitatus to aid him in the execution of the duties of his office; and attends and keeps order in the circuit, county, and quarterly courts. (303) He also suppresses places of gambling (304), and enforces the game and fish laws. (305) Incident to these duties, and to the enforcement of the law in general, the sheriff has the right to carry concealed weapons (306) and he may now call out the county militia when needed to enforce the law and maintain order. (307) Under provisions of an act of 1937 the sheriff and his deputies were required to patrol public roads and highways in the county, to control traffic, and to act in instances where criminal negligence occurs in connection with any accident. They also were required to visit public camps, restaurants, roadhouses, or any places where intoxicating liquors were sold, and where men and women were furnished rooms or lodging in the day or night, and to investigate the way and manner of operation of such establishments. (308) From the beginning of his office the sheriff has had authority to appoint his deputies, with the approval of the county court, and to remove them at will, since he is responsible for their actions. (309)

The office of coroner, which was provided for by the first constitution, is equal in power to the sheriff in law enforcement. In addition to his principal duty of holding an inquest over the body of any person whose death may have resulted from violence (310), the coroner also has

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300. Acts: 1891-93, p. 940; 1894, p. 219.
301. Const. 1792, art. 6, sec. 1.
302. Littell, 1802, III, 48, 49, 55, 56, 73.
303. Acts, 1891-93, pp. 558-560.
304. Acts, 1905, p. 121.
305. Acts: 1912, p. 162; 1916, p. 634.
306. Acts, 1891-93, p. 800.
307. Acts, 1934, p. 166.
308. Acts, 1936-37, Fourth Special Session, pp. 116-118.
309. Littell, 1796, I, 580; Acts: 1891-93, pp. 555, 556; 1906, p. 157.
310. Littell, 1798, II, 69, 70; Rev. Stat., II, 349; Acts, 1859-60, I, 49; Gen. Stat., 1873 ed., p. 263; Acts, 1891-93, p. 369; Carroll, secs. 526, 533.

the power to arrest and commit to the county jail any person who, at an inquest, was adjudged guilty of murder, manslaughter, or of being an accessory thereto. (311) Although the coroner, who has always been the highest peace officer in the county with power to arrest the sheriff, was authorized to investigate housebreaking before the county had adequate police protection, he usually left such investigation to the sheriff or police, when they were available. (312) The coroner also has the power to execute process in all criminal, penal, and civil cases; to execute warrants in bastardy proceedings in cases in which the sheriff was charged, and to execute process in criminal cases where the sheriff is defendant or related to the defendant. When the coroner performs these functions, the laws in regard to the sheriff apply to him. (313)

The early duties of the constable were to arrest persons for riots, routs, and breaches of the peace; to arrest persons charged with bribery; to conduct prisoners to jail; arrest fugitives from justice; and whip slaves when so ordered by the justice of the peace. (314) He also has power to seize and destroy any gambling device with or without a warrant, and is authorized to carry concealed weapons. (315)

The jailer may act in the county in civil, penal, or criminal cases, with the same authority as the sheriff. (316)

Inquests

When it appears that a person's death may have resulted from violence, or that he or she may have died from unnatural causes without the attendance of a qualified physician, or when death has resulted from violence or accident within 90 days from the date of such act, it is the duty of the coroner to hold an inquest with the assistance of a jury. (317) In cases of violent death the coroner orders the sheriff or constable to summon a jury to the place where the death or crime occurred. (318) A coroner's jury formerly consisted of 12 persons (319), but is now composed of 16 householders. (320) Pursuant to an act of 1851, reaffirmed by later legislation, when the coroner is absent from the county, or at such distance that his immediate attendance cannot be obtained when necessary, any justice of the peace, through his common law powers is empowered to summon a jury and hold an inquest when the condition of a body warrants speedy interment. (321)

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311. Acts, 1891-93, pp. 369, 370.
312. Rev. Stat., II, 349; Acts, 1859-60, I, 49; Gen. Stat., 1873 ed., p. 263.
313. Littell: 1795, I, 282; 1798, II, 64, 72; 1805, III, 292; Acts, 1891-93, p. 371.
314. Littell: 1803, III, 129, 130; 1805, III, 300; 1806, III, 403.
315. Acts, 1891-93, pp. 743, 800; Carroll, sec. 1906.
316. Acts, 1891-93, p. 783; see Sheriff, p. 237.
317. Littell, 1798, II, 69, 70; Rev. Stat., II, 349; Acts, 1859-60, I, 49; Gen. Stat., 1873 ed., p. 263; Acts: 1891-93, p. 369; 1936, pp. 269, 270; Carroll, secs. 528, 533.
318. Rev. Stat., II, 349, 350; Acts, 1891-93, pp. 369-371; Carroll, secs. 528, 533.
319. Littell, 1798, II, 349.
320. Acts, 1859-60, I, 49; Gen. Stat., 1873 ed., p. 263; Acts, 1891-93, p. 369; Carroll, sec. 533.
321. Acts, 1851-52, p. 10; Gen. Stat., 1873 ed., p. 311; Acts: 1891-93, p. 371; 1936, p. 271; Carroll, sec. 535; see Justices' Courts, p. 229.

(First entry, p. 110)

Indictments

The first constitution of Kentucky required that "no person shall for any indictable offense be proceeded against criminally by information" except in the armed forces, or "by leave of the court for oppression or misdemeanor in office." (322) This general prohibition of indictments made otherwise than by grand juries was reaffirmed by the subsequent constitutions of the State. (323) For a more detailed treatment of indictments see A. Grand Juries and Indictments, supra, p. 50.

Apprehension of Criminals

It has always been the duty of the sheriff to apprehend criminals. (324) The constable also has the power to apprehend criminals (325), and the coroner is authorized to arrest and commit to the county jail any person adjudged by an inquest to be guilty of murder or manslaughter, or of being an accessory thereto. (326)

Custody of Prisoners

Although both the sheriff and the constable have always been authorized to convey prisoners to jail (327), and although the sheriff took charge of prisoners in the county jail prior to 1799 (328), the actual custody of prisoners today rests primarily with the jailer. (329) In connection with these duties he may also impress or hire guards, upon order of the circuit judge, or the county judge if the circuit judge is not in the county, when necessary for the safe-keeping of prisoners. It is also his duty to keep the jail clean and warm. (330)

Prosecutions

It is the duty of the commonwealth's attorney to attend each circuit court in his district, and prosecute all violations of the criminal and penal laws therein. This has been a duty of the commonwealth's attorney since the beginning of his office, and prior to that time it was a duty of the Attorney General. (331) The county attorney has always assisted in the enforcement of laws against riots, routs, and breaches of the peace, and has prosecuted all such cases, except those in the circuit court. (332)

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322. CONST. 1792, ART. 12, SEC. 11.
323. CONST. 1799, ART. 10, SEC. 11; CONST. 1850, ART. 13, SEC. 13; CONST. 1891, SEC. 12.
324. LITTELL: 1798, II, 118; 1802, III, 55, 56, 73; 1813, V, 48, 49.
325. IBID.: 1803, III, 129, 130; 1805, III, 300.
326. ACTS, 1891-93, PP. 369, 370.
327. LITTELL: 1798, II, 118; 1803, III, 130.
328. IBID., 1792, I, 66.
329. IBID.: 1795, I, 317-319; 1802, III, 89, 90.
330. GEN. STAT., 1873 ED., PP. 566-569; ACTS, 1891-93, PP. 752-755; CARROLL, SECS. 2230-2240.
331. CONST. 1792, ART. 2, SEC. 16; CONST. 1799, ART. 3, SEC. 23; LITTELL: 1798, II, 77; 1813, V, 19, 20; ACTS, 1891-93, P. 263.
332. ACTS, 1828-29, P. 105.

(First entry, p. 110)

Later legislation required the county attorney to attend the circuit courts held in the county, and to aid the commonwealth's attorney in all prosecutions therein, and in the absence of an acting commonwealth's attorney, he attends to all the business of the Commonwealth in these courts. (333)

Execution of Sentence

The sheriff is required to execute persons condemned to be hanged in the county; to convey to the penitentiary all persons sentenced to be confined there; and to execute the sentence of the court in other criminal or penal cases. (334) Early statutes also authorized the constable to execute the sentence of the court by conveying prisoners to jail. (335) When a prisoner is condemned to death by electrocution, the sheriff and the jailer of the county in which the condemned person is confined are required to cause the condemned prisoner to be conveyed to the penitentiary, where the warden or his deputy carries out the sentence. (336)

Financial Administration

Taxation

The principal source of State and county income has always been taxation. In the early history of Kentucky some of the taxes imposed were the following: 2 shillings for every 100 acres of land; 2 shillings for every slave except those who were exempted by the county court for infirmities; 3 pence for every horse, mare, colt, or mule, except covering horses; 3 pence for every head of cattle; varied amounts for different types of carriages; 10 pounds for every billiard table; and 3 pounds for every retail store. (337) Tithables also figured importantly in early taxation. A law of 1797 stated that all male persons and all female slaves over 16 years of age were chargeable for defraying county levies, unless exempted by the county court by reasons of age or infirmities. (338) Some 10 years later another act repealed the provisions which required white males from 16 to 21 years of age to pay the county levies. (339) Still later legislation provided that all males over 21 be chargeable for county levies unless exempted by the county court. The levy, which could not exceed $3 on each tithable, if insufficient, was divided into installments and payments provided for in subsequent annual levies. (340)

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333. ACTS, 1891-93, P. 250.
334. IBID., PP. 558-560.
335. LITTELL, 1803, III, 130.
336. ACTS: 1910, P. III, 1920, P. 693; CARROLL, SECS. 1137-1, 1137-2.
337. LITTELL, 1792, I, 64.
338. IBID., 1797, I, 670.
339. IBID., 1800, IV, 30.
340. GEN. STAT., 1873 ED., PP. 269, 270.

Fees

County revenue has also been supplemented by funds derived from licenses and fees received by various officers in the form of compensation for particular services rendered. From the beginning in Kentucky, as in most states, the most natural method of compensating county officers was to pay them a stipulated amount for each particular service, thus applying to public service the common practice in industry known as "piecework." The fee system in Kentucky, which had its origin in the laws of Virginia, is, however, hedged about with certain limitations: 1. All allowable fees are specifically set out in the statutes; and 2. no fee may be charged unless authorized, nor may it be greater in amount than the statute allows. Neither may it be charged for services not rendered, nor for "ex-officio" service. (341)

In 1745 a Virginia law made it lawful for all county court clerks, sheriffs, coroners, constables, and surveyors to demand, receive, and take the several fees mentioned in the act. All fees authorized by this act were made payable in pounds of tobacco. (342) This law was continued in substance when the Kentucky General Assembly passed an act in 1792 making all fees payable in currency of the State at the rate of 1 penny current money for each pound of tobacco. (343)

Passage of an act in 1796 empowering the sheriff to collect or distrain for fees which remained uncollected by his predecessor, and also authorizing him to sell the goods and chattels of persons refusing to pay fees due and unpaid after April 10 of any year, indicated that it was the intent of the legislature to make the fee system a permanent institution in the State. (344) An act of 1798 provided that clerks of district, quarter session, and county courts, justices of the peace, sheriffs, coroners, constables, and surveyors receive fees. The same act also authorized a fine of $4 for each case of overcharging. (345) An act of 1817, the provisions of which were later reaffirmed, provided stipulated sums to compensate circuit court and county court clerks for public and ex-officio services. (346) An early decision of the Court of Appeals defined ex-officio services as those relating to the public interests or business of the county or State, as contradistinguished fro those relating to the private interests of individuals. (347)

Legislation from year to year in connection with fees indicates that almost from the beginning there has been a tendency to question the efficiency of the fee system. The Revised Statutes and later the General

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341. THE GOVERNMENT OF KENTUCKY, REPORT OF THE EFFICIENCY COMMISSION, I, 624, HEREINAFTER CITED AS GOVERNMENT OF KENTUCKY.
342. HENING, 1745, V, 326-344.
343. LITTELL, 1792, I, 68.
344. IBID., 1796, I, 586-589.
345. IBID., 1798, II, 247-262.
346. IBID., 1817, V, 543; REV. STAT., I, 527; GEN. STAT., 1873 ED., P. 471.
347. GILBERT V. JUSTICES OF MARSHALL COUNTY, 10 B. M. 430 (1857).

Statutes provided that any officer who split up or divided his services in order to make two charges where the law intended but one charge or fee for the whole service, or who issued an illegal fee bill, or attempted to collect twice, would be deemed guilty of extortion. (348)

Fees received by justices of the peace in connection with their administration of justice probably have come in for more criticism than any other phase of the fee system, probably rightly so, for when the decision of a justice of the peace is to be a factor in determining the amount of the fees he is to receive, his ability to dispense impartial justice at all times might well be questioned. Decisions of the Court of Appeals and an opinion of the Attorney General of Kentucky seem to attempt to place a price tag on the impartiality of justices of the peace.

The Attorney General in his opinion stated that, in trials of misdemeanors where the penalty is a fine of $20 or less, the justice of the peace could not tax more than $3 or $4 as costs against the defendant, and that under the maxim, de minimis non curat lex - that is, the law does not concern itself with trifling matters - the county judge or magistrate had the right to disregard the defendant's objection, since the amount involved was too small to influence the officer.

Previous decisions of the Court of Appeals had held that where a judge or magistrate receives fees and commissions to the extent that either or both constitute a "substantial pecuniary interest" to be paid by the defendant only in event of conviction, and no compensation in event of acquittal, the judge or justice of the peace has such an interest in a conviction that the defendant is deprived of the "due process" clause of the fourteenth amendment of the Federal Constitution. These decisions held that a judge or justice of the peace is without power to try a defendant when he makes "seasonable objections" on the grounds of the justice's interest in his conviction, but the Attorney General in his opinion seems to believe that these officers cannot be swayed in their administration of justice, unless their pecuniary interest is in excess of $4. (349)

Another weak point in the fee system would seem to be the lack of supervision in connection with the maintenance of fee books, and the recording of all fees received by each officer. The Court of Appeals, however, has held that it is within the power of the fiscal court to require such records to be kept and reports made to that body. (350)

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348. REV. STAT., I, 528; GEN. STAT., 1873 ED., P. 477.
349. OPINIONS OF THE ATTORNEY GENERAL OF KENTUCKY, PP. 106-111, HEREINAFTER CITED AS O.A.G.; WAGERS V. SIZEMORE, 222 KY. 306; 300 S. W. REPTR. 918 (1927); CHESTER D. ADAMS, ET AL., V. JAMES SLAVIN, ET AL., 225 KY. 135 (1928).
350. HOLLAND, JAILER, V. FAYETTE COUNTY, 240 KY. 37 (1937).

(First entry, p. 110)

In addition to these statutory limitations the constitution limits the personal compensation of public offices, except that of the Governor, to $5,000 per year. (351) In interpreting this provision, the Court of Appeals has put a definite responsibility on the fiscal court to make this rule effective, even in the face of inadequate legislation. By this court it was stated: "The Fiscal Court should and must know the necessities of his (the sheriff's) office as to salaries paid and as to deputies and assistants employed and it is charged, as the fiscal agent of the county, with the duty of protecting the county from extravagant employment at exorbitant salaries and other waste in the administration of the office. . . . The sheriff is a county officer primarily, acting for and in behalf of the county, and as such ought to be required to account to the county for the fees collected from litigants therein, in excess of what he can lawfully retain for salaries. . . ." (352)

Bonds

The county court of claims did not have, nor does the fiscal court have any broad debt-creating powers. It would appear that the purpose of section 157 of the Constitution of 1891 was to inaugurate and perpetuate the "pay-as-you-go" plan of government in counties and municipalities, and to prevent fiscal authorities invested with power to appropriate public moneys from incurring obligations in excess of the income and revenue actually provided for. The Court of Appeals has also held that the county must apply its revenue first to governmental matters, before it expends funds on non-governmental matters. (353)

Such powers to incur indebtedness as the fiscal court has, have been granted from time to time as the need has arisen. For example, by an act of 1904, counties were authorized to issue railroad refunding bonds to take care of obligations created many years before in connection with the subsidy of local railroads. These bonds were to run for a period not to exceed 40 years and the fiscal court was required to levy a tax for interest and amortization of bonds at maturity. (354) An act of 1893 authorized the fiscal court to issue bonds for erecting, repairing, or remodeling public buildings; however, it was provided that the bond issue must be approved by two-thirds of the voters and that no more than 6 percent interest be paid. (355) A later act empowered the fiscal court to issue new bonds to refund old outstanding bonds which were issued by magisterial districts or other portions of counties except incorporated towns. (356) The establishment of sinking funds was provided for by

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351. CONST. 1891, SEC. 246.
352. SHIPP V. RODES, AND SHIPP V. BRADLEY, 196 KY. 523 (1922).
353. BALLARD V. ADAIR COUNTY, 268 KY. 347; 104 S. W. REPTR. (SECOND SERIES) 1100 (193
354. CONST. 1891, SEC. 178; ACTS: 1891-93, P. 269; 1904, PP. 177-180; PAYNE V. CITY OF COVINGTON, 276 KY. 380; 123 S. W. REPTR. (SECOND SERIES) 1045 (1938).
355. ACTS, 1891-93, P. 200.
356. ACTS, 1902, P. 239.

legislation of 1910, which required fiscal courts in counties in which no courthouse or jail had been erected to levy and collect an annual tax of not less than 10 cents on each $100 assessed valuation. This tax was set apart until sufficient funds had accumulated to erect and equip such buildings. (357) In 1932 it was made unlawful for fiscal courts to issue and offer for sale any bond or obligation until the issuance had been approved by a court of competent jurisdiction, and had been declared as based upon and covering an indebtedness incurred within the constitutional limitations governing the creation of such indebtedness. (358)

A further limitation upon the power of counties to incur indebtedness was provided in the County Debt Act of 1938. This act created a commission of which the Governor is chairman. It is the duty of this commission to study the problem of county finance in Kentucky and other states for the purpose of making recommendations to the Legislative Council and the Kentucky General Assembly. The agent of the commission, referred to in this act as the "State Local Finance Officer," was required to approve bond issues in excess of one-half of 1 percent of the value of the taxable property. However, an appeal from his decision was permitted to the County Debt Commission. The State Local Finance Officer also was authorized to lend money to the county for the redemption of matured road and bridge bonds, or to purchase such bonds as may have been approved by him. He was further authorized by this act to approve or disapprove the county budget, and he may refuse to approve it until he is authorized by the county budget commission to make changes he believes to be required by law.

The county judge, by the provision of this act, is required to certify to the State Local Finance Officer a copy of the original budget in which all changes made by the fiscal court are clearly indicated. The fiscal court, with the approval of the county budget commission, is authorized to make provision for expenditures of receipts not anticipated in the original budget, by preparing an amendment to the budget to be submitted to the State Local Finance Officer in the same manner as the original budget. This act further requires the fiscal court to prepare every 3 months a statement of receipts, totals of all encumbrances and expenditures charged against each budget fund, all transfers, and other information prescribed by the State Local Finance Officer. This report must be made within 15 days following the period covered, posted by the clerk of the fiscal court for 10 consecutive days on the courthouse door, and read to the fiscal court at its next meeting. A copy of the statement must be given to the county judge and the State Local Finance Officer. (359)

The constitutionality of this law was soon challenged, chiefly on the grounds that it was a limitation upon the constitutional authorization of

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357. Acts, 1910, p. 154.
358. Acts, 1932, p. 125.
359. Acts, 1938, First Special Session, p. 1095 ff.

counties to incur indebtedness up to 2 percent of their assessed valuation (360), and also that it supplanted the fiscal courts of the counties by the County Debt Commission. In upholding the law the court held that "Section 158 fixes the limit beyond which the Legislature cannot go, but the section cannot be construed as preventing the Legislature from fixing a lower limit."

The general purpose of the act was stated by the court in answering the contention that the fiscal courts were supplanted by the County Debt Commission. Here the court stated that "the act by no means supplants the fiscal court with the County Debt Commission, but it provides a way in which the County Debt Commission may be of much assistance to fiscal courts in solving the financial problems of the counties. All persons having any knowledge of county affairs must recognize that many counties of the State are in a deplorable financial condition due to the improvident spending during the last three decades and due to the unbusinbsslike manner in which their fiscal affairs have been handled. The First Extra Session of the 1938 General Assembly passed this act, chapter 31, giving counties the privilege of reorganizing their finances with State aid and under State supervision with the hope that the counties might be rescued from the plight their own improvidence had visited upon them. . . . If the State Local Finance Officer will delve deep into the records of the counties desiring to fund or refund their indebtedness, and have a complete and accurate report made of the hearings, such abuses will be stopped and the valid indebtedness of counties will be separated from the debts which are not valid. It takes no great imagination to see the benefit that may come to counties through this act if the State Local Finance Officer is vigorous and painstaking in his work." (361)

Fines and Forfeitures

An early law provided that all fines and forfeitures should be applied toward lessening the county levy, and one of the functions of the sheriff, constable, or other person having custody of these funds was to transmit an account to the county court clerk 1 week before time for laying the county levy. (362) Later legislation applied these fines and forfeitures to seminaries of learning, but this act, as applying to certain counties, was repealed. (363) An act in effect in 1852 provided that the entire net proceeds of any fine imposed for the trespassing on public property of the county be paid to the county court in aid of the county levy. (364)

In the early history of the State the legislature attempted to provide a sort of budgetary control for counties but had little success, many county

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360. CONST. 1891, SEC. 158.
361. COUNTY DEBT COMMISSION ET AL. V. MORGAN COUNTY ET AL. . . . SAME V. BALLARD COUNTY ET AL., 130 S. W. REPTR. (SECOND SERIES) 779 (1939).
362. LITTELL, 1801, II, 481, 482.
363. ACTS, 1819-20, P. 976.
364. REV. STAT., II, 223.

officials claiming that it was impossible for them to determine at the beginning of the year what their expenses for the ensuing period would be. Hence, despite statutory restrictions, there was considerable juggling of funds. (365) An early law provided that the majority of justices of the peace be present when levies were made for bridges or public buildings, and that the courts in laying levies consider claims against the county, and those to become due by the time levies were collected, adding reasonable overplus for probable delinquents. (366)

County claims and settlements made by various county officers were given legislative attention early in the history of the Commonwealth, but for a long period there seems to have been a tendency on the part of county officials to evade the provisions of these laws whenever possible to do so. One of the earliest laws, for instance, required that a majority of the justices of the peace be present when the county court met in October for laying the levy and for hearing, examining, and liquidating the claims. (367) A later act also required that a majority of the justices of the peace be present when the payment of any sum exceeding $100 was under consideration. (368) The legislature has from time to time enacted laws prohibiting speculation and trafficking in claims by county officials. Each such act has been a step forward toward the later establishment of a unified budget control. (369)

The allowance of claims is one of the chief functions of the fiscal court, except that claims under $50 may be allowed by the county judge between sessions of the court. The law on the matter is not explicit except as to road claims, in which case certification by the county road engineer is required. The consequence of such loose regulation has been that counties have let custom and expediency be their guide. A great variety of practices in the procedure of allowing claims is found in different counties. In the smaller ones it is customary for the magistrates to bring in their claims unsworn and unitemized. The fiscal court, thereupon, votes the claims and the clerk draws up the warrant on the treasurer. In other counties there is some attempt at verification, but always the political factor seems to be evident. There often seems to be a mutuality of interest among the magistrates which makes it an affair of honor to pay whatever each asks, without going into the merits of the case. (370)

While various laws had been enacted by the legislature dealing with settlements of county officials and audits of their accounts, these matters were never dealt with efficiently until the creation of the State and county budget commissions. As early as 1793 a law provided that the justices of the county courts take bonds and security of the sheriff or collector

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365. GOVERNMENT OF KENTUCKY, I, 591.
366. LITTELL, 1809, IV, 172, 173.
367. IBID., 1811, IV, 217, 218.
368. ACTS, 1820-21, P. 443.
369. ACTS, 1851-52, P. 9; GEN. STAT., 1873 ED., P. 309.
370. GOVERNMENT OF KENTUCKY, I, 597.

of public revenue, and authorized them to appoint two of their own body to settle with these collecting officers and report the settlement to the county court. If such collecting officers were found to be in arrears to the county court, that body was authorized to award execution against them, their sureties, executors, administrators or legal representatives. (371) An act of the previous year had established the office of State Auditor of Public Accounts and abolished the office of solicitor which existed under Virginia laws. (372)

In 1850 the legislature set up the court of claims but narrowed its powers down to the barest of fiscal functions and cut the counties off from any real control of supervision by the central State government. (373) At this time the county court, and the term seems to be used synonymously with the court of claims, was empowered to lay and superintend the collection of the county levy; erect, superintend, and repair all needful public county buildings and structures; and superintend and control the fiscal affairs and property of the county. (374) Later legislation required county clerks to make out statements, immediately after the meeting of the court of claims, which included the claims allowed, resources of the county, county debts, and amount received by the county from all sources. This statement was required to be published in a county newspaper, and if no newspaper was published in the county, the statement was to be printed on handbills and distributed by the county court clerk to the various justices of the peace, who in turn distributed them among the citizens of the county. (375)

The court of claims setup continued to function until the establishment of the fiscal court in 1892. In the meantime, legislative action had divided the State into 16 revenue districts, Anderson County being placed in the seventh district. Under this law the State Auditor appointed an agent in each revenue district, who was empowered to investigate the accounts of clerks and sheriffs and proceed against them. This was another step indicating the recognition of a need for State control of county finances. (376) Under provisions of an act of 1934, the State Inspector and Examiner was required once yearly to inspect and examine the accounts and papers of all county officers handling public money. The county was required to bear a proportionate amount of the expense of making this audit, a copy of which was furnished the Governor and the county judge. (377) In 1936, however, this duty was transferred to the State Department of Revenue. (378)

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371. LITTELL, 1793, I, 202.
372. IBID., 1792, I, 60.
373. GOVERNMENT OF KENTUCKY, I, 552.
374. REV. STAT., I, 327.
375. ACTS, 1859-60, I, 110.
376. GEN. STAT., 1873 ED., PP. 758-759.
377. ACTS, 1934, PP. 525, 526.
378. ACTS, 1936, FIRST EXTRA SESSION, PP. 18-22; CARROLL, SEC. 4618-91.

Governmental Organization and Records System (First entry, p. 110)

The establishment of the fiscal court in 1892 and the creation of the office of county treasurer marked an important step in the handling of the county finances. Both the fiscal court and the county treasurer have been discussed in detail in separate essays; therefore, it will be considered sufficient here to mention only the matters relating to the administration of financial affairs.

County Budget Commission

In 1926 the first attempt was made to have the fiscal affairs of the county administered under a uniform budget system, when a legislative act created in each county a county budget commission composed of the county judge and two members to be appointed by the county judge. (379) The act creating these county budget commissions provided that it should not apply to counties having fiscal courts composed of the county judge and three commissioners. Because of this provision a Court of Appeals decision of December 18, 1926, held that the entire act was unconstitutional in that it was a violation of section 59 of the constitution, which prohibits special legislation when a general law can be applicable. (380)

In 1932 the legislature again passed an act creating county budget commissions in the various counties of the Commonwealth. This act, the provisions of which were virtually the same as those of the 1926 act, did not exclude the counties having the commission form of government; yet an attempt was made to have this law also declared invalid on the grounds that the title did not comprise and set forth what was in the body of the act, and that it did not expressly provide what body was to furnish the forms necessary to the operation of the county budget commissions, nor did it appropriate funds for such forms. The Court of Appeals on June 9, 1933, upheld the constitutionality of this act, but did not declare it was operative because of the lack of appropriations. (381)

Because of the doubt left by the Court of Appeals as to whether the act was operative or not, and also because the act itself was believed to be too elaborate and complicated for successful operation, county budget commissions were not established in any county of the State until after the passage of a new act in 1934, which carried provisions for appropriations necessary for the operation of a uniform county budget system.

The 1934 County Uniform Budget Law, under which counties today administer their financial affairs, provided that contemplated county expenditures for the ensuing fiscal year be incorporated into a budget which shall be given publicity in advance of its adoption by the fiscal court, so that taxpayers shall have ample opportunity to protest against objectionable features. It further provides for the adoption of a system of bookkeeping whereby the condition of each budget can be ascertained at any

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379. Acts, 1926, pp. 783-808.
380. Felts v. Linton, 217 Ky. 305; 289 S. W. Reptr. 312 (1926).
381. Acts, 1932, pp. 127-149; State Budget Commission et al., v. Adams, County Judge, et al., 249 Ky. 680 (1933).

time, thus preventing any department from overdrawing. It attempts to compel the county to live within its income, and guarantee stability of the county fiscal administration so that county warrants will be good commercial paper for the banks holding them. The structure and functions of the county budget commission are treated in detail in the essay on that office. (382)

No important changes have been made in the 1934 budget act so far as its budgetary control provisions are concerned; however, the County Debt Act of 1938, referred to previously, made a significant change in county financial administration, particularly with regard to the State supervision and control over the creation of additional indebtedness by the fiscal court. (383)

Administration of Elections

Early Election Procedure

In the early days elections were required to be held at places for holding court, and could be continued for 3 days at the request of any one of the candidates. While going to and from elections, electors were privileged from arrest except for treason, felony, or breach of peace. Voting under provisions of the first constitution was by ballot. The election of the Governor during this period was by an electoral college, composed of as many electors as the counties were entitled to Representatives, and elected in the same manner. Senators for the State were elected by the same electoral college. (384)

The Constitution of 1799 changed the manner of voting to viva voce. (385) It provided for division of counties into precincts, and for the taking every 4 years of an enumeration of all the free male inhabitants of the State above 21 years of age, for the purpose of establishing equal representation. (386) This constitution also provided for the election of Senators by the people. (387) Legislation at this time authorized elections to be continued 3 days when necessary, and required the polls to be opened not later than 10 o'clock each morning and to remain open until at least 1 hour before sunset. (388) At this time the justices of the county court appointed each year two of their own body as judges of elections, and also a proper person to act as clerk. If, however, the persons appointed

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382. Acts, 1934, p. 63; see County Budget Commission, p. 279.
383. Acts, 1938, First Special Session, p. 1095 ff.
384. Const. 1792: art. 2, secs. 2, 3; art. 3, secs. 1-3.
385. Const. 1799, art. 6, sec. 16.
386. Ibid., art. 2, secs. 5, 6.
387. Ibid., art. 2, sec. 14.
388. Littell, 1799, II, 339-354.

failed to attend, or if the county court failed to make the appointments, the sheriff appointed such persons. (389) Later legislation authorized the county court to appoint two voters, preferably justices of the peace, from different political parties, and a clerk different in politics from the sheriff, to serve as precinct election officials for a term of 1 year. (390)

An act of 1852, which created a board composed of the county judge, the county clerk, and the sheriff, for the purpose of examining the poll books of the county and issuing certificates of election, also required the county court to appoint annually two justices of the peace, if there were a sufficient number, or one justice and one other proper person, to act as judge of the election in each precinct, together with a clerk. The judges superintended the elections, attended to the proper counting of votes, certified the poll book and delivered it, sealed in an inner envelope, to the sheriff of the election, who in turn delivered it to the high sheriff at the courthouse. (391)

An act of 1864 specified that elections could be held at any military post, camp, or other place where soldiers were assembled, and authorized the three ranking officers of a company or regiment to act as judges of election and to appoint a qualified voter to act as clerk. They were required to take oath, open and close the polls at agreed times to permit all voters to vote, and, after closing the polls, to canvass votes cast and make a statement in writing of the result, one copy of which was sent to the Secretary of State and one to the Attorney General. (392)

In 1871 a Federal statute provided that all votes for Representatives in Congress be by written or printed ballot (393), and in accordance with provisions of this statute, the legislature passed an act, effective March 27, 1872, providing that all elections for Representatives in Congress be by ballot, and required the sheriff to provide ballot boxes at the expense of the county. Under provisions of this act the election officers counted the ballots, certified the returns, replaced all the ballots in the box, locked and sealed it, sealed the poll book in an envelope, and delivered both box and envelope to the sheriff of the election, who in turn delivered them to the high sheriff at the courthouse. Within 2 days after the election, the sheriff deposited the ballot boxes and poll books of the several precincts with the county clerk, and the county examining board canvassed the returns and certified the election results. (394)

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389. IBID., P. 339.
390. ACTS, 1841-42, PP. 83-86.
391. ACTS: 1851-52, PP. 123-138; 1891-93, P. 140.
392. ACTS, 1863-64, PP. 122-125.
393. THE CODE OF THE LAWS OF THE UNITED STATES OF AMERICA, OF A GENERAL AND PERMANENT CHARACTER, TITLE 2, P. 6, HEREINAFTER CITES AS U. S. CODE.
394. ACTS, 1871-72, I, 75-78.

Elections Under the Present Constitution

An act approved June 30, 1892, dealt in considerable detail with the regulation of elections held in the Commonwealth, especially in view of the change from voice to ballot voting provided for in the Constitution of 1891. (395) The new law, while continuing many of the previously enacted provisions as to the conduct of the elections, authorized the county courts to divide the justices' districts of the county into election precincts, each precinct to contain, as nearly as practical, 300 voters, but not more than 350. The county court continued to appoint the two judges and the clerk for each precinct, and also appointed in each precinct the sheriff of election, an office previously filled by a deputy sheriff. This act made it a duty of the sheriff, before each election, to obtain in each precinct of the county a suitable room in which to hold the election, and have placed therein 1 booth for each 100 voters who voted at the last election. The sheriff was also required by provisions of this act to furnish strong and well-made ballot boxes for each precinct. (396)

The Constitution of 1891 provided that elections be held on the first Tuesday after the first Monday in November, and that no more than one election each year be held. It further provided that elections be held between the hours of 6 a.m. and 7 p.m. (397) Legislation in 1892 required the sheriff of each precinct to preserve order at the polls and enforce the provisions of the election laws, under the direction of the judges, and to act as umpire when the judges disagreed. (398)

In 1900 the present county board of election commissioners was created. It consists of two electors of the county, appointed annually by the State Board of Election Commissioners, and the sheriff, who presides at the meetings and votes in cases of disagreement of the other members. The county board of election commissioners annually appoints for each election precinct two judges, one clerk, and one sheriff of the election, all of whom must be voters of the precinct for which they are appointed. Under provisions of this act the precinct election officers make a tally sheet of the count of the ballots. All unquestioned ballots are placed consecutively on a string, the ballots are twice wrapped with the string, and the string is knotted, sealed, and stamped with the county election seal. Questioned ballots are placed in an envelope and sealed. The tally sheet is sealed in a separate envelope and placed, together with the counted, tied, and sealed ballots, in a large envelope which is sealed and locked in the ballot box. The county election seal and the keys to the box are given to the judge of the election, who delivers them to the sheriff at the courthouse. The county board of election commissioners continues to

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395. CONST. 1891, SEC. 147.
396. Acts, 1891-93, PP. 106-119.
397. CONST. 1891, SEC. 149.
398. Acts, 1891-93, PP. 106-119.

examine and canvass the election returns of the county, and prepares in triplicate or more, certificates of election for those who have received the highest number of votes for any office exclusively within the gift of the voters of the county. One copy goes to the Secretary of State, one to the person elected, and the third is retained in the clerk's office. (399) Later acts have made minor changes in election procedure, but the basic provisions of the 1900 act remain in effect today. (400)

Educational Administration

General Development

Public education began in Kentucky in 1775 when Mrs. William Coomes came from Charles County, Maryland, to become the first teacher of the first school in Kentucky. In the years that followed, other schools were taught by John May at McAfee's Station, Joseph Doniphan at Boonesborough, and John McKinney at Lexington Fort. It is probable that during the period from 1775 to 1780 there existed instruction of some kind in many of the forts and stations that dotted the country, and that when the fear of Indian attacks diminished, schools were built outside the walls of the forts. These were known as "Oldfield Schools," probably because they were built on waste lands formerly used by the Indians for agricultural purposes. These schools were very primitive and were provided for by joint subscription and joint labor. (401)

While the oldfield schools were multiplying throughout the State, there was also an academy system of education in the process of formation. The earliest of these, Transylvania Seminary, was to be later known as Transylvania University. Transylvania Seminary had its origin in an act of 1780 passed by the Virginia Assembly which provided that 8,000 acres of escheated British land should be used by trustees for the erection of a seminary in Kentucky as soon as circumstances and finances would permit. A later Virginia act granted an additional 12,000 acres of land and conferred a regular charter to an enlarged board of 25 trustees, among whom were George Rogers Clark, Isaac Shelby, and Thomas Marshall. (402)

The first Kentucky legislation on the subject of academies was that of December 12, 1794, incorporating Kentucky Academy at Pisgah, near Lexington. (403) This was followed by other legislation of 1798 which reserved a considerable area of land for use of "seminaries of learning"

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399. ACTS, 1900, SPECIAL SESSION, P. 27.
400. ACTS, 1936, P. 144 FF.
401. A. F. LEWIS, HISTORY OF HIGHER EDUCATION IN KENTUCKY, PP. 12, 30, 31; GEORGE W. RANCK, HISTORY OF LEXINGTON, KENTUCKY, ITS EARLY ANNALS AND RECENT PROGRESS, PP. 97-99.
402. HENING: X, 287; XI, 282.
403. LITTELL, 1794, I, 228, 230.

in the State. This act gave the county courts in 5 counties the right to a donation of 6,000 acres of land each, and stipulated that academies be established on any waste and unappropriated lands. (404) Similar acts approved December 21, 1805, and January 27, 1808, extended these provisions to all counties of the State. (405) These grants were noble in purpose and liberal in plan, but by subsequent ill-considered and unwise acts the lands were allowed to be sold by county authorities, and the proceeds of the sales, in the hands of self-perpetuating trusteeships, were prodigally expended in every conceivable way. (406) By 1820 there were 47 academies in operation; however, they led a precarious existence, and their failure as a system of education had already begun to be realized. Six colleges were chartered between 1819 and 1829 which were destined to compete with and eventually ruin the chances of Transylvania Seminary developing into a strong university. (407)

Governor Slaughter was the first to mention popular education in messages to the legislature, but it was not until 1821 that that body yielded to public opinion and appointed a committee to study the subject and make a report. As a result, the legislature created a "literary fund," providing that "one-half of the clear profits that have arisen and may hereafter arise to the state from the operations of the Bank of the Commonwealth of Kentucky," be set apart as a fund for the establishment and support of a system of general education. This fund was to be distributed proportionately to the various counties, and the county courts were authorized to lay off their counties into not less than 4 nor more than 16 school districts. (408) As the Bank of the Commonwealth failed a few years later, little progress in education was made with the aid of this fund. (409)

Legislation of 1825 provided for the establishment of private schools throughout the State (410), and an act of 1830 attempted to provide financial support for a uniform system of public education, yet this latter act proved ineffectual as almost every provision of it was optional. (411)

An act of 1838, which created the State Board of Education, really marks the beginning of an organized system of public education in Kentucky. This act provided that the management of each county's schools be placed in the hands of county school commissioners and with few changes it continued to function in principle until the legislature in 1884 created the office of county school superintendent. (412)

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404. IBID., 1798, II, 107, 234.
405. IBID.: 1805, III, 279, 280; 1808, III, 440, 441.
406. IBID.; 1814, V, 163, 164.
407. PAUL MONROE, ED. A CYCLOPEDIA OF EDUCATION, III, 592.
408. ACTS, 1821-22; P. 351.
409. BASIL W. DUKE, HISTORY OF THE BANK OF KENTUCKY, PP. 20, 21.
410. ACTS, 1825-26, P. 118.
411. ACTS, 1829-30, PP. 272-281.
412. ACTS: 1837-38, PP. 274-282; 1883-84, I, 121-139.

Governmental Organization and Records System

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Meanwhile, in 1862, the State had received a donation from Congress of 330,000 acres of land which were sold for $165,000, a sum which yielded an annual income of $9,900. (413) This donation was for the establishment of a State Agricultural and Mechanical College. In return for the $9,900 received annually from the State, the college was required to furnish free tuition to three pupils from each legislative district. (414)

The education of Negroes, upon their emancipation, presented a new problem to the people of Kentucky. An act of 1865 provided a separate fund for Negro education and trustees were authorized to cause a separate school to be taught in districts for Negro and mulatto children. (415) A later act made it unlawful for white and colored children to attend the same school and stipulated that no school for Negroes could be situated nearer than 1 mile to a school for white children. This act also authorized the appointment of three Negro trustees to each Negro school district and provided for organization of colored teachers' and auxiliary county institutes. (416) Further progress was made in Negro education in 1886 when the legislature appropriated $3,000 annually for the maintenance of a Negro Normal School at Frankfort. Admission requirements established a minimum age of 16 years, and required applicants to give evidence of moral character, and to sign a pledge to teach in a Negro common school for a period at least twice as long as that spent in the Normal School. (417) The Constitution of 1891 provided that in distribution of the school fund no distinction was to be made because of race or color. (418) Legislation in 1904 provided for higher education of Negroes by authorizing the erection and maintenance of separate private schools, colleges, or other institutions of learning, such schools to be situated in places not less than 25 miles distant from any similar institution for pupils of the same color. (419)

By 1925 education of Negroes in the State had progressed to a point where there were 2,586 Negro pupils in high schools, and 43 counties were providing education above the elementary level. (420)

An act of 1908 created county boards of education and made it a duty of each board to provide one or more high schools in the county. (421) Another act of that year created the Kentucky Educational Commission. (422) It was authorized to make a thorough investigation of the school system and all the educational interests in the State; to make a comparative study of other school systems; and to submit to the next legislature a report

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413. U. S. CODE, 1934 ED., TITLE 7, P. 135.
414. ACTS, 1861-63, P. 335; Z. F. SMITH, HISTORY OF KENTUCKY, P. 707.
415. ACTS: 1863-64, PP. 27-38; 1865-66, PP. 51, 72, 74.
416. ACTS, 1873-74, PP. 61-66.
417. ACTS, 1885-86, VOL. I, PP. 233, 234.
418. CONST. 1891, SEC. 187.
419. ACTS, 1904, P. 182.
420. LOUISVILLE COURIER-JOURNAL, JANUARY 22, 1925.
421. ACTS, 1908, PP. 138-142.
422. ACTS, 1908, PP. 170, 171.

embracing recommendations concerning the State's educational system. (423) Many of the suggestions embodied in this report, made a year later, formed the basis of constructive school legislation of subsequent years. (424)

Adult education received attention in 1911 with the advent of "moonlight schools." This movement was to bring nation-wide attention to a fight against illiteracy conducted on a magnitude never before undertaken by any State. Moonlight schools, so-called because the terms were begun at a time when the light of the moon would facilitate travel to and from the school buildings, originated in Rowan County. Their success there caused this system of education to spread throughout the State and succeeded in bringing the educational needs of the great body of adult illiterates to the attention of the State as a whole. (425) Earlier in the same year a legislative act had created the Illiteracy Commission for the purpose of making a study of illiteracy in the State. Two thousand teachers volunteered to work in 60 counties, and soon 100,000 illiterate persons, ranging in age from 15 to 95 years, were being taught to read and write. This movement had its inception in the moonlight schools and to them much credit must be given for reducing illiteracy in Kentucky. (426)

A survey in 1933 revealed that Kentucky ranked forty-seventh in the United States in school buildings and equipment. Coincident with the release of this information, the State Superintendent of Public Instruction issued an appeal to all school boards in the State to be ready to take advantage of governmental aid under provisions of the public works section of the National Industrial Recovery Act. (427) In February 1934, the Federal Emergency Relief Committee for Kentucky received $150,000 for the current pay of teachers, to be used in rural districts having a population of 5,000 or less, to permit full school terms in those counties which had assessed the maximum school tax of 75 cents, and were still unable to continue schools for the full term. (428)

The new school code of 1934 endeavored to repeal all the laws formerly enacted in relation to popular education. County boards of education, by this legislation, are required to furnish, by establishment of a school or by contract with another district, at least an approved 12-grade school service for the pupils in its district. (429) An act of 1938 made it a duty of each county board of education to provide appropriate high school service within the county for all children of high school grade. If the number of such children is not sufficient to warrant a high school, the board is required to transport such children

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423. BARKSDALE HAMLETT, HISTORY OF EDUCATION IN KENTUCKY, PP. 209, 210, 226-229.
424. ACTS, 1908, PP. 170, 171.
425. W. E. CONNELLEY AND E. M. COULTER, HISTORY OF KENTUCKY, II, 991.
426. ACTS, 1914, PP. 101-103; LOUISVILLE COURIER-JOURNAL, MARCH 19, 1916.
427. LEXINGTON (KY.) HERALD, JULY 23, 1933.
428. LOUISVILLE TIMES, FEBRUARY 8, 1934.
429. ACTS, 1934, PP. 228, 229.

to another district, or to furnish board and room within reasonable walking distance of such school, provided the expenses do not exceed $100 a year per pupil. (430)

Due largely to the aid of the Federal Government in building programs in recent years, there is at present a public school, although in some instances it may be a poor one, placed within reasonable distance of every child in the Commonwealth. Adequate buildings, grounds, and other necessary equipment are being supplied at public expense. During the biennium ended June 30, 1937, $12,000,000 were expended in the State for school construction and improvements. This sum, approximately one-half of which represented Federal aid, was more than had been spent for school building at any similar period in the history of Kentucky. (431) The free textbook law approved March 16, 1928 (432), has also furthered the cause of public education in the State and 1,333,402 books were purchased and delivered during the school years of 1934-35. The increase in school attendance in recent years is demonstrated by the contrast between the increase in population of 9.5 percent for the period of 1920 to 1935, and an increase in daily school attendance of 43 percent. (433)

Almost from the beginning Kentucky attempted to establish a centralized local control of its county educational institutions. As early as 1805 county courts were authorized to appoint seven trustees for each county academy established under land grants of 1798. These trustees had the right of self-perpetuation, managed - or mismanaged - the land grants, buildings, and faculty; set the rates of tuition, the latter not always uniform; and formulated rules for discipline. (434)

An act of 1825 provided for the establishment of private schools and placed their management in the hands of seven trustees appointed by the county court. An amendment to this act, 3 years later, took from the county court the authority to appoint trustees and provided for their election for a term of 1 year by the parents and guardians of children attending the schools. It also authorized the subscribers to these schools to adopt a constitution and by-laws for the government of the trustees. (435)

An act to establish a uniform system of public schools was passed in 1830. This statute gave county courts the power to divide the counties into school districts and authorized the people to elect three trustees for each district. So small, however, was the interest in education, and

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430. Acts, 1938, First Special Session, pp. 1039, 1040.
431. Louisville Courier-Journal, April 10, 1938.
432. Acts, 1928, pp. 183-188.
433. "Biennial Report of the Superintendent of Public Instruction of the Commonwealth of Kentucky, Biennium ending June 30, 1937," Educational Bulletin, pp. 10, 17, 18, 31.
434. Littell: 1805, III, 279, 280; 1808, IV, 440, 441.
435. Acts: 1825-26, p. 113; 1827-28, p. 15.

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so great the unwillingness of the people to pay taxes, that few schools were ever organized under the provisions of this law. (436)

An act approved February 16, 1838, organized in effect the first public school system in the State. A State Board of Education, a body corporate, was created. This board was composed of the Secretary of State, the Attorney General, and the Superintendent of Public Instruction. The latter was appointed by the Governor. Local administration was provided by a five-member board of county school commissioners, appointed in each county by the State Board of Education. Five school trustees were elected from each subdistrict. These trustees, with the county school commissioners, examined and classified persons applying for positions as teachers and issued certificates to successful applicants. Although subject to the supervision of the county school commissioners, the subdistrict school trustees were empowered to purchase or lease sites for schoolhouses, contract with and employ teachers, and levy and collect a poll tax not exceeding 50 cents on every white male resident over 21 years of age. In 1839 the number of school commissioners in each county was reduced from five to three. (437)

Although the act of 1838 provided a definite form of organization for a public school system, for years this system struggled with doubtful success under the provisions of unsympathetic and crude legislation, with the result that no marked progress was made in education until after the War Between the States. (438) In the meantime, several legislative acts changed the number of county school commissioners and subdistrict school trustees in the various counties. In 1845 the appointment of the county school commissioners was given to the State Superintendent of Public Instruction who acted under the advice of a majority of the State Board of Education. (439) However, in 1849, this power was returned to the county court. (440) An act of 1856 reduced the number of county school commissioners in each county to one (441) and in 1874 the number of subdistrict school trustees was reduced to one from each subdistrict. (442) In 1878 this number was increased to three. (443)

An important step was made in the progress of education when the office of county school superintendent was created in 1884. This official assumed the general administrative functions formerly discharged by the county school commissioners, and he managed the educational system in the county until the creation of county boards of education in 1908. (444)

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436. Acts, 1829-30, pp. 272-281.
437. Acts: 1837-38, pp. 274-283; 1838-39, pp. 381, 382.
438. Acts: 1837-38, pp. 274-283; 1843-44, pp. 53, 54.
439. Acts, 1844-45, pp. 47-51.
440. Acts, 1848-49, pp. 26, 27.
441. Acts, 1855-56, I, 103-105.
442. Acts, 1873-74, p. 61.
443. Acts, 1877-78, I, 21, 22.
444. Acts, 1883-84, I, 131-139.

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During this period the subdistrict trustees continued to function as formerly and were required to keep a record of their official transactions open at all times for the inspection of the county school superintendent. (445)

Prior to the establishment of county boards of education in 1908, the so-called subdistrict trustee system had prevailed in the State for nearly a century. At almost every session of the legislature, during this period, amendments were made, or new laws passed embodying attractive features adopted from laws in other States, and by various makeshifts, attempts were made to modernize the educational methods and offer greater opportunities to the children of Kentucky. The result of all this, however, was practically the destruction of the system, as the school laws were full of inconsistencies, incongruities, and obscurities. The State Board of Education had become merely a clerical bureau for the distribution of funds, and the real power was in the hands of 25,000 subdistrict trustees. These, in groups of from 3 to 6, controlled the 8,000 school districts, and each group was in a large measure a law unto itself. (446)

Under the provisions of the act of 1908, which created the county boards of education, each county composed one school district, excluding cities and towns that might maintain separate systems of public schools within their limits. The county judge was required to meet with the county attorney and the county superintendent of schools to divide each county school district into educational divisions containing as nearly as possible an equal number of children of school age. This same board divided each educational division into subdistricts, each of which, in order to obtain its share of the common school fund, was required to contain not less than 30 or more than 100 white children of school age. It was also provided by this act that one trustee should be elected by the voters of each subdistrict. The county superintendent of schools organized the trustees of each division into a board. One member was elected chairman and secretary. Under the provisions of this act the trustees in each subdistrict exercised personal supervision over their schools and reported their needs to the division board. The county board of education was composed of the chairmen of the several educational boards in the county and the county superintendent of schools, the latter being a member ex officio. In addition to its functions connected with financing the public school system, this board was required to establish, within 2 years, one or more high schools in the county. It was also authorized to lease, sell, rent, and repair school sites, buildings, and furnishings; condemn property for school use; receive grants or donations for the benefit of the schools; and employ and fix salaries of teachers in the high schools. (447)

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445. IBID., 143, 144.
446. HAMLETT, OP. CIT., P. 206.
447. ACTS, 1908, PP. 133-142.

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Legislation of 1922 provided that the county, as one school district, be continued under the general administration of the county board of education, which consisted of five members elected by the voters of the county. The county superintendent of schools was executive officer and secretary of the county board of education. (448)

An act of 1932 increased the number of school trustees from one to three for each district, this act being passed after widespread charges that individual trustees had been selling school jobs. (449) In 1934, under the school code which with minor changes governs the schools of today, subdistrict trustees were elected by secret ballot. Under provisions of this code the subdistrict trustees nominate competent teachers in their subdistricts to be elected by the county board of education, and they have general control over the school property in the subdistricts. They also advise with the county school superintendent on all matters pertaining to the general welfare of the schools.

The county board of education meets monthly, but special meetings may be called upon request of three of its members. The board elects a county school superintendent, a secretary, and a county school treasurer, who may also act as secretary. The county board of education reports to the State Board of Education on all phases of the school services and publishes, for the benefit of the public, a report on the progress of the schools. It is authorized to take possession of, sue for and recover, sell, or convey such property in the district as reverts to the State. It may convert to the general school fund the income from invested money which it holds. (450)

Financial Administration

Elsewhere in this section it has been pointed out that the early schools of Kentucky were primarily dependent upon private subscriptions for financial support. The first provisions made for the levy of a local tax came with the enactment of the 1830 law which authorized school commissioners to levy and collect an ad valorem tax not exceeding 6¼ cents on the $100 assessed valuation, and a poll tax not exceeding 50 cents. (451)

An act of Congress of June 11, 1836, however, authorized that $1,433,757 of the surplus revenue of the United States, be deposited with the Commonwealth, with the understanding that the profits arising from this sum should be set apart for sustaining the public schools of the State. (452) A legislative act approved February 23, 1837, set aside only $1,000,000 of this fund for founding and sustaining a general system of education. Nor did this mark the end of the State's encroach-

448. Acts, 1922, pp. 150-153.
449. Acts, 1932, pp. 371, 372; Louisville Courier-Journal, February 19, 1932.
450. Acts, 1934, pp. 247-277.
451. Acts, 1829-30, pp. 272-281.
452. The Public Statutes at Large of the United States of America, V, 55.

ment upon this school fund. Exhausting the treasury as the result of an extensive and costly system of internal improvements, the legislature again drew upon the resources of the common schools. By an act approved February 16, 1838, the $1,000,000 "education fund" was reduced to $850,000. (453)

Under the act of 1838 the interest from the school fund was apportioned to the respective counties according to the number of school children in the district, but no county was permitted to receive any portion of this fund until a school had been organized, a schoolhouse built, and a school tax levied. Upon being advised of their share of the school fund, the county courts were required to submit to the voters of each school district the question of levying a sum upon the taxable property which, added to the money received from the State fund, would be sufficient to meet all the school expenses of the district. (454) In 1840 the State refused to pay the interest on the school fund, and in 1845 the school bonds were destroyed by authority of a legislative act. (455)

The office of the county school treasurer was created in 1843, and was made appointive by the county court. (456) This power of appointment, however, was given to the county school commissioners by an act of 1845. The same act also provided that no taxes could be levied in any district unless two-thirds of the voters living in the district so voted for the levy. (457)

District taxation, the most vital feature of the 1838 law, was discarded in 1845, and raising money by private subscription was substituted. (458) This was doubtless due to the numerous objections voiced against district taxation. The many serious changes made in the school laws weakened the confidence of the people in the stability and effectiveness of the system. Apparently the idea of popular education had not yet taken root in the affection and life of the people.

In 1848 the debt to the school fund was recognized and capitalized in the form of a bond (459), and in 1849 a proposal to levy a State 2-cent tax for schools was submitted to a vote of the people and adopted. The school fund was also benefited at this same time by returns from the Green and Barren River projects. (460)

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453. Acts: 1836-37, p. 321; 1837-38, p. 274.
454. Ibid., pp. 276-281.
455. Acts, 1844-45, p. 69.
456. Acts, 1842-43, pp. 72, 73.
457. Acts, 1844-45, pp. 47-51.
458. Ibid., pp. 53, 54.
459. Acts, 1848-49, pp. 26, 27.
460. Acts, 1849-50, pp. 29-31.

Governmental Organization and Records System (First entry, p. 110)

The Constitution of 1850 provided that the capital of the common school fund be held inviolate for the purpose of sustaining a system of common schools and the same clause directed that the income of the school fund should be appropriated in aid of common schools, and for no other purpose. (461) In this manner the legislature was deprived of power to use school funds for internal improvements or to defray the ordinary expenses of government. The fund at this time consisted of $1,225,768.42, for which bonds had been executed by the Commonwealth to the State Board of Education; and also $51,223.29, which was the unexpended balance of interest on the school fund for the year 1848. (462) In 1856 the State tax was raised from 2 to 5 cents per $100 of assessed valuation. (463)

An act passed in 1866 provided that all taxes collected from Negroes and mulattoes be set apart and constitute a separate fund for their use and benefit. An additional tax of $2 was authorized to be levied on every Negro and mulatto over 18 years of age. (464) In 1869, after a bitter legislative fight, the State school tax was raised to 20 cents. This increase of school revenue and the enactment of the new school laws began a marked era of reform and progress in education. Unquestionably this was one of the most important pieces of school legislation in Kentucky and may well be regarded as one of the four greatest events in the history of education in the State. (465)

The use of any part of the common school fund or the revenue thereof, for any purpose other than the payment of legally qualified and employed teachers, was prohibited by an act of 1874. (466) An act approved May 4, 1888, authorized the subdistrict school trustees, after approval by the voters of the district, to levy an annual ad valorem tax not exceeding 25 cents on each $100 and a poll tax not exceeding $2, and to issue bonds for the erection of school buildings, not to exceed $15,000 for any graded, free school district. (467)

The school fund in 1893 consisted of $1,327,000, in addition to a surplus of $351,966, then due the several counties. This was to remain a perpetual obligation against the State for the benefit of the counties. Through provisions of the Constitution of 1891 the State school fund had been augmented by $606,641, a refund received from the United States Government from direct taxes levied during the war. This school fund was further benefited by an annual tax of 21 cents on each $100 of all real and personal property and corporate franchises directed to be assessed for taxation. (468)

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461. CONST. 1850, ART. II.
462. SMITH, OP. CIT., P. 703.
463. ACTS, 1855-56, I, II.
464. ACTS, 1865-66, PP. 51, 72, 74.
465. ACTS, 1869-70, P. 20.
466. ACTS, 1883-84, I, III.
467. ACTS, 1887-88, I, 194-200.
468. CONST. 1891, SEC. 188; ACTS, 1891-93, P. 1416.

Governmental Organization and Records System (First entry, p. 110)

Under the provisions of an act of 1908 the fiscal court was required, on the receipt from the county board of education of an estimate for educational needs, to lay a tax not to exceed 20 cents on each $100 of property, and a capitation tax not to exceed $1, provided that no tax for school purposes should be levied on property of residents in cities and towns maintaining a separate and distinct system of schools. (469)

From 1851 to 1912 the school fund had been distributed among the districts upon the per capita basis; that is, in proportion to the number of children of pupil age residing in the district, and not by the number who actually attended school. An act of 1912 placed the State fund belonging to a county in the hands of the county board of education to be used for teachers' salaries upon the basis of the qualification of the teacher and the relative school attendance. To carry out the provisions of this law the county boards of education found it necessary to reduce the salaries of some of the higher paid teachers in order to provide a living wage for those of the smaller schools; but apparently this was the real purpose of the law. This law fixed the maximum salary of teachers at $75 a month and the minimum at $35, thereby attempting to provide equal pay for equal service. (470) An act of 1920 provided for a minimum salary of $75 for teachers. (471)

All money and securities due and belonging to the county board of education for the use of public schools were, by an act of 1922, deposited with the county school treasurer, elected by the county board of education, who was not a member of the board. The board had entire control of the county school funds, and no amount for school purposes could be appropriated from the county school treasury except when so ordered by a majority of the board. (472)

A decision of the Court of Appeals in 1931 put the county boards of education on a pay-as-you-go basis by invalidating $345,600 of refunding bonds issued by various county boards and making illegal an additional $2,500,000 of floating debts, open accounts, and notes. Before this court ruling, the county boards of education had been under practically no restriction. The Court of Appeals had previously ruled that the fiscal court could issue bonds to retire an accumulated debt, if that debt, when added to the taxes collected in a year, did not exceed the total that would have been collected had the maximum tax levy been imposed. Representatives of bonding houses reasoned that if a fiscal court could retire a floating debt, so then might a county board of education. Some bonding houses were sending agents to show county boards of education how money could be had without raising the school levy; so, without first making a test case, many boards were prevailed upon to issue bonds and pay floating debts. The monetary loss to individuals and possibly to bonding houses as the result of this court decision was estimated to have been $3,345,000. (373)

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469. Acts, 1908, p. 139.
470. Acts, 1912, pp. 402, 403.
471. Acts, 1920, pp. 8, 9.
472. Acts, 1922, pp. 153, 154.
473. Hockersmith v. County Board of Education of Franklin County, 240 Ky. 76 (1931).

Governmental Organization and Records System

(First entry, p. 110)

The School Code of 1934 provided that all school taxes be levied by the fiscal court, except in cities of the first, second, third, and fourth classes having independent school districts. It also specified that the levy of an annual ad valorem tax and the issue and sale of bonds for school purposes be submitted to voters of subdistricts by the county board of education. It stipulated, however, that the rate of taxation for school purposes should not exceed 75 cents on each $100 of assessed valuation and the proceeds should be for the benefit of the subdistrict. (474)

Under provisions of the 1934 act, it became the duty of the county board of education to prepare a school budget, giving the estimated total to be received from the common school fund and the amount to be raised by local taxation. It was also the board's duty to file a copy of the budget with the clerk of the tax-levying authority of the district. Poll taxes levied under the provisions of this act were limited to $2 on each male inhabitant, and could not be levied in any district embracing a city of the first class. Each county board of education was authorized by this act to appoint a bank or trust company to serve as its depository. The county board of education was given power by this act to authorize the fiscal court to borrow money and issue negotiable notes in anticipation of revenue from school taxes, and when deemed necessary for acquiring or building schools, issue bonds to obtain necessary funds. (475)

An act of a special legislative session of 1934 authorized counties to acquire elementary and high school buildings and to issue bonds therefor, payable from the revenue of such buildings, for the purpose of qualifying for financial assistance from the Federal Government. District boards of education were also authorized to convey school sites to other boards to permit amortization of the cost of school construction under Federal grants. (476)

Public Health

The first movement in Kentucky toward protection of public health came in 1798 when a legislative act empowered the county court to employ a physician to inoculate persons against smallpox. (477) A few years later, another step was taken in health work, when the county court was authorized to provide medical aid for any persons unable to provide it for themselves. (478) The county judge was later given the power to employ a physician for vaccinations and the court of claims was required to provide payment for such services. (479) In 1873 all persons 21 years of

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474. Acts, 1934, pp. 237-239, 259-261.
475. Ibid., pp. 266-272.
476. Acts, 1934, Special Session, pp. 119, 129.
477. Littell, 1798, II, 46.
478. Ibid., 1803, III, 133.
479. Rev. Stat., II, 389.

age and over, who had not been successfully vaccinnated, were required to procure their own vaccination or revaccination. (480) A decision of the Court of Appeals in 1916 upheld the authority of the county board of health to order vaccinations. The court in discussing the case stated that "the power and discretion lodged in health boards will not be interfered with by the courts unless it is plainly abused." (481)

The first attempt to establish State control over county health work came in 1893 when county boards of health were created by a legislative act which authorized the State Board of Health to appoint three or more intelligent and discreet citizens of the county to constitute such a board. (482) In 1904 this act was amended, and three licensed and practicing physicians, together with the county judge and one person appointed by the fiscal court composed the county board of health. (483)

Under the present law, the fiscal court may create a county board of health by resolution which, however, is subject to reversal by vote of the electors. On the other hand, the initiative is in the hands of the voters to set up a county health department in case the fiscal court fails to act. Upon adoption of the resolution referred to, the fiscal court is required immediately to appropriate out of the county funds on hand, or to authorize to be paid out of the county levy, amounts deemed sufficient to support such a board and its activities. The court is then required to notify the State Health Department of its action, and that Department in turn must investigate the adequacy of the appropriation as measured by the needs of the county. If the State Health Department is satisfied with the measures taken, the county department of health is established and must be maintained according to the standards required by the rules and regulations of the State Board of Health. The Department may report its findings to the Governor, who in turn may authorize the Auditor of Public Accounts to draw his warrant in favor of the State Board for work in the county to the amount of $2,500 per annum. The salary of a full-time health officer must be not less than $2,000 or more than $3,000 a year. The State Board may appoint also, in certain counties, from one to three assistant health officers, and make regulations for the control of public health and prevention and control of contagious and infectious diseases within the county. The county health officer is required to be a licensed physician. He is removable at any time by the county board, but may appeal from its decision to the State Board. If funds are adequate, he is required to maintain a laboratory and to make chemical and bacteriological examinations, and to enforce the orders of the local and State boards. Among his duties is the exercise of rather broad police powers, including the right to condemn unsanitary school buildings. In performing his duties he may call upon the county attorney for legal aid. (484)

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480. GEN. STAT., 1873 ED., P. 790.
481. HIGHLAND PARK GRADED COMMON SCHOOL DISTRICT NO. 46 V. MCMURTRY, 169 KY. 457 (1916).
482. ACTS, 1891-93, PP. 824-826.
483. ACTS, 1904, P. 107.
484. ACTS, 1918, PP. 290-315; 1920, PP. 558-565.

Governmental Organization and Records System (First entry, p. 110)

Under provisions of an act of 1918 counties may now receive State aid up to one-third of the monthly salary, for the employment of a visiting nurse. This aid may in no case exceed $25 monthly. The nurse cooperates with the county board of health in following up cases of communicable diseases and giving instructions to families in disease prevention, and also cooperates with the county board in conducting prenatal and child hygiene conferences. She visits schools, conducts drills to inculcate health habits in pupils, and instructs them in personal hygiene. (485) By more recent legislation counties are authorized to contract with other counties or municipalities for hospitalization of indigent sick, when the county itself has no facilities for caring for such cases. (486)

Public Welfare

In no activity has the county had greater freedom of action than in dealing with paupers. The statutory provisions for the care of the poor generally have taken the form of authorizations to spend money, rather than to alleviate poverty. In this condition of practically absolute freedom, the counties have generally chosen to ignore what slight law there was on the subject, and worked out their problems as best they could. Early legislation required the various county courts to provide for the poor when laying the county levy. Hence, it was recognized as the interest as well as the duty of the Commonwealth to take care of the helpless poor and, as parens patriae, the State confided that curative trust to the county courts as its representatives. (487)

Other early legislation made it unlawful to bring a pauper from another State or from one county to another. Any person doing so was required to furnish a bond for the support of the pauper or go to jail. (488) Legislation of 1820 provided for a grant of 100 acres of waste land to any widow without an estate of a value of at least $100. (489)

Legislation in 1821 provided for the establishment of poorhouses by counties, and the appointment of superintendents and receivers for the money appropriated for the maintenance of such institutions. (490) Although poorhouse commissioners, superintendents, and receivers were authorized by statutory provision, none of the titles was generally used. It became the practice of the county courts to designate some person to take charge of the poorhouse and poor farm and the statutory provisions authorizing these appointments were reaffirmed by later legislation. (491)

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485. Acts, 1918, pp. 149-153.
486. Acts, 1936, pp. 298, 299.
487. Littell, 1793, I, 191.
488. Ibid., 1798, II, 87; Gen. Stat., 1873 ed., p. 696.
489. Acts, 1820-21, p. 159.
490. Acts, 1821-22, p. 385.
491. Rev. Stat., II, 215-217; Gen. Stat., 1873 ed., pp. 696, 697.

Governmental Organization and Records System

(First entry, p. 110)

A decision of the Court of Appeals in 1869 held that the establishment of poorhouses was not compulsory, that the inherent power of the State to provide for the poor was plenary, and that the enactment concerning poorhouses was only a partial fulfillment of that trust. This decision also held that the two-fold object of trust confided to county courts as curators of the poor was first, to save from starvation a helpless and pestilent class of adult poor; and, second, to maintain and take care of poor infants, and mold them for the benefit of society as well as for their own welfare. Stating that the food, raiment, and shelter furnished by the poorhouse supplied only the physical wants, and that the mental and moral wants required careful tutelage, neither being possible in a mere poorhouse, this decision held that when the poorhouse failed to fulfill these wants entirely, the county board may and must, to some extent, supply the deficit by other and more benefiting means. (492)

Early in the history of Anderson County, paupers were farmed out by the county court, and today, in addition to those indigents who are cared for in the county's poorhouse, other paupers are aided by direct relief from the county. There are no orders in the fiscal court records for providing for such persons, but the orders are given by the county judge and magistrates for them to be placed on the pauper list. Warrants for amounts from $2.50 to $5 are then issued for their relief. (493)

Pauper idiots came in for legislative consideration when it was provided that they might remain with their families as long as their maintenance did not exceed the amount that would be similarly expended for them as inmates of the asylum. This was set at $50 per year. (494) This allowance was later increased to $75 per year. (495)

The poorhouse of Anderson County was built in 1874. This has been the only one erected in the county and is in use at the present time. (496)

The General Statutes provided that the county court in term time, or the county judge in vacation, might order a pauper to the poorhouse and cause medical aid to be furnished at public expense when needed. County courts were also authorized to prescribe on their records just and humane rules for management of poorhouses and poor farms, and to provide for the burial of paupers. (497)

When the fiscal court was created, all legislation conferring the care of the poor upon county courts was repealed, and this function was placed under the jurisdiction of the fiscal court. (498)

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492. ORPHAN SOCIETY OF LEXINGTON V. FAYETTE COUNTY, 6 BUSH 413 (1869).
493. WARRANTS, 1939—, VOL. NOT NUMBERED, P. NOT NUMBERED, SEE ENTRY 14.
494. ACTS: 1923-24, P. 432; 1924-25, P. 112; REV. STAT., III, 215-217.
495. ACTS: 1891-93, P. 853; 1928, P. 81.
496. DEEDS, VOL. F, PP. 16, 17, SEE ENTRY 55.
497. GEN. STAT., 1873 ED., P. 698.
498. ACTS, 1891-93, P. 268; FARMER V. MARR, 238 KY. 417 (1931).

Governmental Organization
and Records System

(First entry, p. 110)

By an act of 1894 the county court was given jurisdiction to commit minors to a charitable reformatory, or other institution in the county authorized to take charge of minors who are adjudged to be vagrants or destitute. (499) It was made a duty of the fiscal court in 1902 to provide hospitalization facilities for the indigent sick of the county, or to contract with another hospital in the county for the care of such persons. (500)

Legislation of 1928 set up the Kentucky Children's Bureau, which was given supervision of the county children's bureau created by the same act. The duties of the county bureaus were to discover dependent, neglected, delinquent, and defective children and obtain for them the benefits of the law, and make such investigations and perform such other services as were requested by the fiscal court, the county judge, or the Kentucky Children's Bureau. (501) This bureau was abolished by legislation of 1934, and, under provisions of the Administration Reorganization Act of 1936, the State Department of Public Welfare is now required to provide welfare service to the counties, including the organization and supervision of county departments for the administration of welfare functions. (502)

Public Works

Roads and Bridges

During the first century of Kentucky's history as a State, the county courts, until 1893 exercised supervision of county roads and bridges. Since 1892, when the fiscal court became a separate body to carry on the functions of the county court of claims and levy, the county and fiscal courts have had joint control of the county's roads and bridges. County roads in Kentucky, mostly dirt, though sometimes surfaced or "pike" roads, have always been constructed and maintained at county expense. Since 1912, when the State Department of Public Roads was created, the State and the Federal Governments have cooperated with counties in the construction and maintenance of post roads and Federal highways. The counties have remained in sole charge of such roads as are not an integral part of the State and National highway system.

From the creation of Anderson County until December 1851, a person or persons wishing to have a new road opened or an existing road altered for the convenience of traveling to the county seat, to Frankfort, or to any public warehouse, landing, ferry, mill, lead or iron works, church, or other important place, made application to the county court, which then appointed three or more road viewers. These appointees viewed the proposed route - in case of an application to alter a road, they viewed

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499. Acts, 1894, pp. 28, 29.
500. Acts, 1902, p. 215.
501. Acts, 1928, pp. 129-142.
502. Acts: 1934, p. 879; 1936, First Special Session, p. 3.

the existing road as well - and reported to the court the comparative advantages and disadvantages of the proposal. If the court approved the proposal it issued summonses to landowners through whose property the new road would go, to show cause why the work should not be done; if damages could be agreed upon, the court then ordered the work to be done. If interested parties could not agree with the court as to proper damages, the court ordered its clerk to issue a writ of ad quod dammum to be directed to the sheriff, commanding the latter to empanel a jury of 12 freeholders. This jury was charged with the duty of viewing the ground and assessing proper damages for both the use of the land and for the additional fencing rendered necessary. The court then weighed the findings of the jury and the road viewers' report, together with any other evidence, and decided whether the work should be done. If the court decided in the affirmative, it levied on the county, at the next laying of the county levy, the damage assessed and the jury costs; if the court decided not to do the work, the jury costs were charged against the applicants. It was not legal, however, for the court to order a road to be opened through any lot of land in any town, without the consent of the owner or tenant. (503)

This procedure continued unchanged - except that an act of 1851 stipulated that the county court should appoint only two road viewers (504) - until an act of 1893 provided that a petition for a new road or for alteration of an old road must be signed by at least five landowners; three commissioners were to be appointed by the county court to act as both road viewers and as commissioners to assess damages to which owners of property condemned for the road should be entitled. The commissioners made a full report in writing to the county court, setting forth advantages and disadvantages of the proposal, the names of landowners affected, and the probable damages to be assessed. If the court decided the road was of insufficient utility, or if the applicants refused to pay the necessary damages, the court dismissed the application at the cost of the petitioners; but if the court thought the road useful, it issued writs of ad quod dammum summoning interested parties to the hearing. If the latter filed no exceptions, the court made its decision. If exceptions were filed, the court empaneled a jury and received its verdict. It then determined what action should be taken. It could open or alter a road on condition that the petitioners pay all or part of the attendant expenses; or it could include such costs in the next county levy. If the court decided to open or alter the road, the court issued such an order to the road overseer of the precinct in which the road was to be built. (505)

When the county found it necessary to build a bridge over a county line or to build a road into an adjoining county, the county court noti-

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503. LITTELL, 1797, I, 633-636.
504. REV. STAT., II, 285-289.
505. Acts, 1891-93, pp. 1187-1192.

fied the county court of the adjoining county of such intention, and requested the appointment of three commissioners to meet with its commissioners so that the joint commission could come to terms about the work involved. If the county court of the adjoining county refused to cooperate, the first county court could apply to the circuit court of the non-cooperating county for a writ of mandamus, and thus force compliance. (506) This procedure, with minor variations (507), continued until 1893, when the fiscal court was given jurisdiction instead of the county court. (508)

Meantime an act of 1860 had brought in a new variety of procedure; namely, that when the route of a proposed new road began in the county, run into another county, but finally terminated in the first county, the circuit and county courts of the first county were given jurisdiction to appoint viewers for the entire length of the road in both counties, and to decide whether to establish the road. (509) This procedure was soon changed to give the county court sole authority in such a case (510), and in 1893 this method was reaffirmed. (511)

These two methods of constructing both bridges and roads between adjoining counties continued in operation until 1912, when the State Department of Public Roads was created and took over the duty of building and maintaining State roads and bridges throughout the Commonwealth. The Commissioner of this department determined the method of their construction. (512) This somewhat vague act was superseded by an act of 1914, which specified that if it became necessary to build or repair any bridge or road between two counties, the respective fiscal courts could enter into such agreements as they thought best; but in case of disagreement, it was the duty of each court to appoint two special commissioners to meet with the road engineers of the two counties and the State Commissioner of Public Roads, or his representative, and arrange the matter. If either fiscal court failed to appoint the special commissioners upon request, or if either court failed to fulfill its part of the agreement, the remedy remained as before; namely, application of the county court of the first county to the circuit court of the non-cooperating county for a writ of mandamus to compel the county's fiscal court to do "what ought to be done in the matter." (513) This act is the present law upon the subject of inter-county bridges and roads, except that subsequent changes have now established a State Department of Highways, and the Commissioner of this body now acts as consultant in such inter-county matters. (514)

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506. LITTELL, 1797, I, 637.
507. REV. STAT., II, 292, 293.
508. Acts, 1891-93, pp. 1196, 1197.
509. Acts, 1859-60, p. 103.
510. GEN. STAT., 1873 ED., p. 268.
511. Acts, 1891-93, p. 1198.
512. Acts, 1912, pp. 98, 99.
513. Acts, 1914, p. 349.
514. Acts, 1936, First Special Session, pp. 22-24.

Governmental Organization and Records System (First entry, p. 110)

The basic road act of 1797 gave the county court the power, which it has today, to divide all the public roads in the county into precincts, and to appoint, as often as the road situation necessitated, a road surveyor to oversee the roads in his precinct. (515) The road surveyor continued indefinitely in office until the county court replaced him. (516) A later law stated that he could not, without the court's consent, resign his place under 2 years, unless he moved from the precinct. (517) An act of 1894, reaffirmed by the present law, specified that his appointment by the court be for 2 years. (518)

Ten days after the appointment of a road surveyor, the county court clerk delivered a copy of the order of appointment to the sheriff. The sheriff endorsed thereon the time he received it and, within 15 days after receipt of the order, delivered it to the road surveyor, together with a description of the bounds of the road precinct and a list of the tithables over whom the road surveyor was placed. The sheriff returned the original order, properly endorsed, to the circuit court clerk. The county court clerk also posted annually in the courthouse a list of the names and precincts of the road surveyors in the county. Neglect of such duties by either the county court clerk or the sheriff was punishable by a fine of 15 shillings, such fines going to decrease the county levy. (519) A later act provided for the same procedure, but punished neglect of such duties by the clerk and sheriff with a fine of $2.50 for each offense. (520) An act of 1894 broadened this procedure by requiring the clerk to deliver two copies of the order of appointment to the sheriff, or to a constable, town marshal, or the county jailer. The officer delivering the order was required to return a copy, with his endorsement of service, to the county court. Failure to do so was penalized by a fine of $5. (521)

The duties of the road surveyor (overseer) are especially important in giving a picture of the development of the road system in the county, since a recountal of his functions shows in detail an evolution of the primitive system of communal road labor, road fines, and the use of slaves. In 1799, the duty of the road surveyor was to superintend the road in his precinct and to see that it was cleared and in good repair. All male laborers, white and black, who were 16 years old or more, except masters of two or more slaves, were appointed by the county court to work on some public road. When required by the road surveyor to work, every such appointee who refused or failed to provide an able substitute, or who failed without legal cause to appear at the work place with proper tools, was fined 7 shillings and sixpence for each day's offense. This fine was paid by the offender if he were a freeman of full age; if an infant, by his parent, master, or guardian; or, if a slave or servant, by his overseer

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515. LITTELL, 1797, I, 634; Acts, 1914, p. 381.
516. LITTELL, 1797, I, 634.
517. GEN. STAT., 1873 ED., p. 764.
518. Acts: 1894, p. 79; 1914, p. 381.
519. LITTELL, 1797, I, 634, 635.
520. GEN. STAT., 1873 ED., p. 764.
521. Acts, 1894, pp. 79, 80.

or his master. This fine was recoverable by the road surveyor before any justice of the peace in the county; one-half of the fine went to the overseer and the remainder was used for further improvement of the road. (522) Ministers of the Gospel were exempted from road work (523), as were all free male inhabitants of the county who were 50 years or older. (524) The road surveyor could not call out road hands on militia muster days. He was required to give 2 days' notice to road workers, but could call out one or more hands at any time to remove road obstructions. (525)

Shortly after 1850 an act reaffirmed the above-mentioned provisions for road labor, but specified that the fine of $1.25 be applied entirely for the improvement of the road. (526) A later act changed the fine to $2.50. (527) An act of 1893, however, provided that the fiscal court could require all able-bodied citizens of the county over 18 and under 50 years of age, except ministers and citizens of incorporated towns and cities, to work on the roads not exceeding 6 days a year. A day's work was 8 hours, and delinquent road workers were fined $2.50. Supervision of roads and bridges was placed under the fiscal court instead of the county court. (528) An act passed in 1894 reaffirmed these provisions, specifying that hands need not work more than 2 of their 6 required days in any 1 week, and that if the fiscal court paid the hands, the court could require them to work more than 6 days in a year. It was within the fiscal court's discretion to pay a reasonable sum per day to hands allotted to work, for all or any part of their labor. In case payment was made, the amount due each man was certified by the overseer for the fiscal court. The court then directed the sheriff to settle all such claims at tax-payment time in the event the worker owed taxes; and if he owed no taxes, or if the claim amounted to more than the taxes due, the sheriff paid the claimant, taking a receipt as a voucher for his settlement with the county treasurer. Fines of $2.50 were recoverable from delinquent workers, as before. (529) A later law gave any one subject to road duty the privilege of exemption for a year upon payment of $10. (530) These statutory provisions have remained in effect to the present time. In 1932 the fiscal court was given the option of allotting hands for road work or of employing road labor. The overseers report the number of road workers and the time worked to the fiscal court, and furnish each worker a certificate of his time in counties where the practice of employing road workers is followed. (531)

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522. LITTELL, 1797, I, 633.
523. IBID., 1804, III, 203.
524. ACTS, 1822-23, P. 108.
525. ACTS, 1819-20, P. 886.
526. REV. STAT., II, 290.
527. ACTS, 1865, I, 137.
528. ACTS, 1891-93, PP. 1194, 1195; FOR OTHER DUTIES CONNECTED WITH THE COUNTY ROAD SYSTEM, SEE FISCAL COURT, P. 101.
529. ACTS: 1894, P. 78; 1914, PP. 379, 380.
530. ACTS, 1928, P. 591.
531. ACTS, 1932, PP. 724, 725.

Governmental Organization and Records System (First entry, p. 110)

An act of 1893 provided that male prisoners confined in county jails or workhouses, under sentence of hard labor, were available to the overseer for road work, but could be used on contract work only if the contractor consented. (532) Although an act of 1914 dropped the provision concerning contract work (533), this latter act was reenacted in 1926, and is the present law. (534)

From the establishment of the county, the road surveyor has had the duty of providing road markers and keeping them in repair. When bridges or causeways were needed, he built them at least 12 feet wide, but when such construction work was too difficult for him and the road hands, the county court could contract for the work and charge the costs to the county levy, and could take from adjoining land such materials as stone, earth, and timber, which were first viewed and valued by two housekeepers appointed for the purpose by a justice of the peace, unless the owner gave the material freely. When teams were necessary, the road surveyor could obtain a warrant from a justice of the peace to impress such teams after two viewers, appointed and sworn by a justice, had made a valuation of the teams' services per day. This valuation, with a certificate from the overseer of the number of days each team worked, constituted the owner's claim on the county. (535)

The road surveyor's duties, as previously stated, continued until 1893, when the fiscal court was directed to prescribe necessary regulations for the management of the county's roads and bridges; and the overseer, acting under such rules, was allowed to hire teams, wagons, and other implements. Nothing was said about materials to be taken from adjoining land, and the inference is clear that such materials were procured by contract, or in any other manner prescribed by the fiscal court. (536) These provisions continue in effect (537), with the exception that a later law now provides that the road overseer may not use teams or other equipment, or undertake work requiring the expenditure of money, without previous written authority from the fiscal court. (538)

Public Buildings

Upon the creation of the county, the county court was authorized to erect public buildings. This has been a general power of the county court, and after its creation, of the fiscal court. (539) Since 1892 the fiscal court has had the power to issue bonds and levy an ad valorem tax for county buildings, subject to the approval of the voters. (540)

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532. Acts, 1891-93, p. 1199.
533. Acts, 1914, p. 465 ff.
534. Acts, 1926, p. 713; Carroll, sec. 1379-1.
535. Littell, 1797, T, 835.
536. Acts, 1891-93, pp. 1194, 1195.
537. Acts, 1914, p. 382.
538. Acts, 1932, p. 725.
539. See Fiscal Court, p. 101.
540. Acts, 1891-93, p. 198; Carroll, sec. 1872.

Governmental Organization and Records System

(First entry, p. 110)

Following the general policy of separate administration of the public school system, the erection of school buildings has been for the most part a function of the school authorities. During the early days of Anderson County, school buildings were provided by joint subscription and joint labor. (541) The act of 1838, however, which created the State Board of Education, authorized district school trustees to lease or purchase sites for needed schoolhouses. (542) Later legislation gave district school trustees additional power to condemn property for use of schools, provided such property did not exceed 1 acre (543), and in 1888 they were authorized to issue bonds for the erection of school buildings. (544)

An act of 1908, creating the county board of education, gave this body jurisdiction over the building, improvement, and equipment of schoolhouses, and required the board to establish in the county, within 2 years, one or more high schools. (545) A later act authorized the county judge to appoint, upon petition of 250 or more legally qualified voters, a school building commission of 4 persons, 2 from each political party, to superintend the building of schools. Voters determined the question of issuing bonds for school construction. (546) The county board of education today has general supervision of school building construction and may borrow money and issue negotiable notes in anticipation of revenue from school taxes; the board may issue bonds to obtain necessary funds for acquiring or building schools, and for the purpose of qualifying for financial assistance from the Federal Government. (547)

Reclamation

The fiscal court was given authority in 1894 to carry out drainage programs (548), and by a later act the county judge was given power to carry out drainage projects to drain or reclaim low, swampy, or overflowed lands. It was stipulated, however, that this action could be taken only upon petition of 25 percent of the landowners of the land affected, or the owners of 25 percent of the land. (549)

Under provisions of an act of 1918, as amended by an act of 1924, jurisdiction, power, and authority to establish and organize drainage, levee, and reclamation districts was conferred upon all county and circuit courts of the Commonwealth, such jurisdiction to be concurrent, the one with the other. The circuit court also was given appellate jurisdiction with reference to all reclamation matters from the county court. (550)

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541. LEWIS, OP. CIT., PP. 30, 31.
542. ACTS, 1837-38, PP. 279-282.
543. ACTS, 1883-84, ±, 133-137.
544. ACTS, 1887-88, ±, 194, 200.
545. ACTS, 1908, PP. 138-142.
546. ACTS, 1912, PP. 141-146.
547. ACTS, 1934, PP. 266-268, 364-370.
548. ACTS., 1894, P. 216 FF.
549. ACTS: 1912, P. 483; 1918, P. 502 FF.
550. IBID., P. 191; ACTS, 1924, P. 491.

 (First entry, p. 110)

Records System

Maintenance of Records

Early in the history of Anderson County, as was the case in most Kentucky counties, the records were kept in a more or less haphazard fashion according to the ideas of the incumbents of the various offices, since the statutes of Kentucky made no definite provision for keeping records in a uniform manner. Today, records are maintained with greater regard for uniformity than was possible in the past, since standard printed forms are available to replace the miscellaneous kinds previously used. Loose-leaf sheets which may be typed and bound, have eliminated many of the undesirable features of early recording; and these, together with modern binding practices, enable the present county officials to record and preserve their records with less difficulty than before and with a minimum degree of variance from the way in which officials of other Kentucky counties keep their records.

Titles

For the most part the titles of volumes and file boxes in which the records of this county are kept bear titles that describe their contents accurately. In many instances, as in entries 79 and 80, file boxes containing documents which are also recorded in volumes, have been assigned the same title as the volumes. The officials are to be commended for the clear and efficient way in which the records have been titled.

Record Content

Among the records kept by the first courts established in the county, and maintained today, are the following: Order books; records pertaining to guardianship, trusteeship, apprenticeship, and the probate of wills; civil and chancery actions at law, including case papers, dockets, judgments, and executions; juvenile proceedings; surety bonds; and miscellaneous records.

The circuit court keeps case papers and records of civil, criminal, and chancery actions; lunacy inquests; officers' reports; until 1934, trustee of the jury fund reports; witness attendance records; motor operators' licenses; and various miscellaneous records.

The records of the fiscal court concern the fiscal affairs of the county; its revenue and expenditures; treasurers' settlements and official reports; bond issues; welfare; public works; buildings; and officials' bonds.

From the beginning of his office, the county court clerk, as the chief recorder for the county, has recorded deeds, wills, leases, records of personal property, liens, and mortgages, including chattel mortgages. He keeps marriage records, various licenses, registers, and numerous miscellaneous records. Other important records of the county include tax lists, assessments, election matters, school censuses, and those records

maintained by the county officials which are listed under the separate offices discussed in Section B of this inventory and which are fully described. For example, a deed, one of the oldest county records, shows the date of instrument, the names of the grantor and grantee, the location and description of the property, the amount involved, the notarized signatures of the grantor and witnesses, the certification of the county court clerk, the number of the deed book and the page where recorded, and the date of recording.

The records of Anderson County are, for the most part, carefully maintained and are arranged in an orderly manner in the various offices. The contents of the file boxes, however, should be sorted and rearranged, in many instances, to make such records more accessible.

Control of Records

Certain State agencies require that county officers or departments working under their supervision, including the county tax commissioner, the county school superintendent, the county board of health, and the county agricultural agent, use standard forms specified by such agencies for the purpose of recording. These forms enable those officers to keep record systems with a greater degree of uniformity than could otherwise be attained.

Appropriation for Supplies

The record books procured by the clerk upon order of the court of which he is clerk, are paid for by the State, provided that the cost to the State per annum for such books is limited to the pro rata amount prescribed and determined for the county according to its population. (551) In addition to the amount furnished by the State, the fiscal court is authorized to appropriate, over and above the sum granted by the State, necessary funds to purchase record books and supplies for the county.

Preservation of Records

When the records of any court have been destroyed, it is the duty of such court, "and they are hereby required, when any original deed, with an endorsement of proof thereof, and order for recording same, attested by the clerk of the court, or the copy of the deed with endorsement so attested; or of any other instrument of writing required by law to be recorded; or the copy of any judgment, decree, or order of court; or the attested copy of any bond, bill, note or other paper which has been filed and destroyed," to have the clerk carefully file and preserve "all such instruments of writing as ordered to be recorded," and make a marginal note in the record book, "stating the original had been lost or destroyed; and the records so made, as attested by the clerk thereupon shall be legal evidence." (552)

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551. CARROLL, SEC. 388.
552. LITTELL, 1803, III, 154; CARROLL, SEC. 3998.

Housing, Care and Accessibility of Records (First entry, p. 110)

Certain provisions have also been made for the permanent preservation of some of the county's non-current records. An act of 1926 specified that the fiscal court of each county may, at its discretion, remove certain records, documents, and papers for which the county no longer has need, to the Kentucky State Historical Society at Frankfort, Kentucky. Here they can be filed and permanently preserved for the use of historians or persons interested in the records. (553) Old marriage records from 1853-57, 1859, are deposited with this society, and old birth and death records are also filed there. In addition old assessment lists have been preserved in the Kentucky Historical Society.

In 1950, legislation authorized the circuit clerk, who is librarian of the county law library, to give such non-current books, records, papers, and reports as the law library or the county no longer needs, to the libraries of the University of Kentucky and the four State teachers' colleges. (554)

Destruction of Old Records

No provision is made for the destruction of non-current records, except in the case of tax schedules or tangible personal property, which may be destroyed after 5 years (555), and in the case of election ballot stubs, which the county court clerk is authorized to destroy after 4 years. (556)

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3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The present courthouse of Anderson County was erected in Lawrenceburg, the county seat, in 1915, after fire had destroyed the second courthouse, which had been erected in the years 1860-61. (1)

By a fiscal court order of April 24, 1915, the firm of Joseph and Joseph, Architects and Engineers of Louisville, Ky., was designated to superintend the construction of a courthouse in Lawrenceburg. For its services the company was to receive not exceeding 5 percent of the total costs of the building. (2)

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553. Acts, 1926, p. 869.
554. Acts, 1930, pp. 200-203.
555. Acts, 1917, pp. 14, 15.
556. Acts, 1918, p. 378; Carroll, sec. 1482B.

1. For a description of the first courthouses, see Historical Sketch, p. 1.
2. Fiscal Court Minutes (Orders) vol. 4, p. 124, see entry 1.

Housing, Care, and Accessibility of the Records (First entry, p. 110)

On May 11 of that year, upon motion of Magistrate Bixler, seconded by Magistrate Sparrow, it was ordered by the court that "the plans for the rebuilding of the courthouse as submitted by Joseph and Joseph, Architects and Engineers, be accepted and working drawings be prepared, using the old walls as far as it is possible and not increasing the area except moving the front or west portico walls farther west toward Main Street and in addition a clock tower as shown on elevation A, building outside of main walls to be built to house, the heating apparatus for the heating of said building and jail. The first floor of the courthouse to be made absolutely fireproof." (3)

Upon receipt of bids, the court awarded the contract for the reconstruction of the courthouse to A. J. Stair of Knoxville, Tenn., for the sum of $34,722. The order read " that said courthouse shall be reconstructed strictly in accordance with the plans, drawings, and specifications as prepared by Joseph and Joseph, Architects and Engineers, Great Southern Building, Louisville, Kentucky, and now on file in said architects' office and the office of the county clerk of Anderson County in Lawrenceburg, Kentucky. Said work to be completed not later than January 1st, 1916, after which date ascertained and liquidated damages will be charged said contractor." (4)

This present courthouse, approximately 78 by 69 by 60 feet, is a handsome, well-proportioned building, constructed of stone quarried in the county, and its exterior is in excellent condition. Broad steps, topped by four Ionic columns two stories high, lead up to the entrance. From the center section, which stands higher than the wings of the structure, rises an ornamental cupola in which the clock is placed. The building is fireproof, and the interior, like the exterior, is in good condition. Each office is well ventilated and lighted, and is heated throughout by steam.

The clock tower on top the courthouse is used as a depository for some of the non-current records of the county. This tower has a wood ceiling and floor and brick walls, and two windows which afford sufficient light. There are about 63 linear feet of shelving here at present, which is completely utilized, and more shelving could easily be supplied for future storage purposes.

The fiscal court holds its sessions in the court room on the second floor. This room measures approximately 34 by 44 by 18 feet and is also used for meetings of the county, quarterly, and circuit courts. The court room is adequately lighted by eight large windows and seven small ones. Heat is furnished by six large steam radiators. Approximately 98 percent of the records of the fiscal court are filed in the county court clerk's office and vault. The remainder are stored in the clock tower.

The county court clerk's quarters consist of two rooms. One he uses as his office; the other is the vault for housing records. The office

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3. IBID., P. 126, SEE ENTRY 1.
4. IBID., P. 137, SEE ENTRY 1.

Housing, Care, and Accessibili-
ty of the Records

(First entry, p. 110)

measures approximately 17 by 12 by 12 feet, and is adequately lighted by 2 large windows. In addition, one large ceiling light affords artificial illumination. The furnishings consist of two desks and three chairs. The county court clerk keeps only a few of his current records in this room.

The vault, 17 by 17 by 12 feet, is well lighted by three windows, and by three large electric bulbs. Approximately 99 percent of the records are stored in this depository, which contains about 490 linear feet of steel shelving. The remaining 1 percent is stored in the clock tower, with the exception of a few records which are housed in the Old State Capitol at Frankfort. The records are free from dust and the labeling is legible and in good condition. There is little space here in which to store future records.

All the records of the circuit court are filed in the circuit court clerk's vault except a few volumes which are stored in the clock tower. The commonwealth's attorney keeps no records.

The office of the circuit court clerk is, in reality, a vault. This room measures 17 by 17 by 12 feet, and is furnished with two small desks and one large one, which is placed in the center of the room. In addition to the natural light furnished by three windows, one large ceiling fixture provides sufficient illumination. In this office there are approximately 483 linear feet of steel shelving. While the records stored in this office are not overcrowded, there is practically no room for expansion. Approximately 100 percent of the circuit clerk's records are housed here.

Adjoining the office of the circuit court clerk is the county library room, which also serves as the office for the representative of the Old Age Assistance Bureau. This room measures 17 by 12 by 12 feet and is lighted and ventilated by two large windows. The furnishings consist of two steel filing cabinets, two desks, and four chairs, which are adequate for the convenience of those desiring to use the library. There are approximately 90 linear feet of shelving here.

The master commissioner occupies a room on the second floor measuring 13 by 12 by 10 feet. It is furnished with three tables and two chairs. Adequate light is obtained from one large window and a large ceiling fixture. About 60 percent of the records of this officer are kept in the circuit clerk's vault, and 40 percent are in the master commissioner's office. The master commissioner is also the treasurer of the county. With the exception of a few volumes stored in the clock tower, the county court records are all housed in the vault of the county court clerk.

The county judge's office consists of a room approximately 18 by 14 by 12 feet with an adjoining consultation room measuring 9 by 8 by 12

Housing, Care, and Accessibility of the Records (First entry, p. 110)

feet. Each office is amply lighted by a large window. The county judge's records are not stored in this office, but are filed about equally in the offices of the county and the circuit court clerks.

The clerk of the circuit court is also clerk of the quarterly court, and keeps 99 percent of this court's records in his vault. The remaining records are stored in the vault and office of the county court clerk and in the clock tower.

The county attorney's quarters are across the hall from the offices occupied by the county judge, and consist of two rooms. One, a large room, 18 by 14 by 12 feet, the county attorney uses as an office; the adjoining small room, 9 by 8 by 12 feet, serves as a consultation room. Each room is ventilated and lighted by one large window. This officer keeps no records.

Justices of the peace have not held court in the county since 1925, and the only records of these officers were found in the clock tower.

The office of the sheriff measures approximately 14 by 14 by 12 feet. It is ventilated and lighted by one large window, and is furnished with one desk and five chairs. This room contains a fireproof safe in which the sheriff keeps about 87 percent of his records. Some 12½ percent of the old records of this office are housed in the clock tower, and the remainder are filed in the vault of the county court clerk. There is ample room in this office for the proper housing of future records.

Although there is no constable in the county at present, former constables kept no records.

The jailer keeps all his records in his home adjoining the jail.

The coroner keeps no records, and his reports to the circuit court are filed in the circuit court clerk's vault.

The petit jury room on the second floor of the courthouse measures 13 by 14 by 10 feet. It is lighted and ventilated by two windows, and is furnished with two tables and four chairs. This room is also used by the tax commissioner, and the meetings of the board of tax supervisors are held here. The records of these officials are not stored here, but are all filed in the county court clerk's office and vault, except old assessment lists which are cared for by the Kentucky Historical Society at Frankfort.

The reports of the budget commission are housed in the vault of the circuit court clerk.

The treasurer, who is also the master commissioner, keeps approximately 50 percent of his records in his office. The remaining 50 percent are filed in the county court clerk's vault.

Approximately 60 percent of the records of the county board of election commissioners are stored in the clock tower, and 40 percent are housed in the county court clerk's vault.

Housing, Care, and Accessibility of the Records

(First entry, p. 110)

The county board of registration and purgation keeps no records.

Across the hall from the sheriff's office is the room occupied by the county school superintendent. This office is 14 by 14 by 12 feet and one large window furnishes light and ventilation. The furnishings consist of two desks and five chairs. There are approximately 73 linear feet of shelving and two large steel filing cabinets. Approximately all the records of the superintendent and the county board of education are filed here in fireproof cabinets, except a few which are housed in the office of the health department and the county court clerk's vault. The space and equipment for caring for additional records is ample.

The grand jury room measures 13 by 17 by 10 feet. Two large windows afford ventilation and natural light. Artificial light is furnished by one large ceiling light. The room contains two tables, one desk, five chairs, and two steel filing cabinets. In these cabinets 100 percent of the records of the county board of health and the county health officer are kept. The health department also uses this room as a reception room.

The office adjoining the grand jury room is used by the county health officer. This room, 13 by 9 by 10 feet, is lighted and ventilated by one large window. It also has a large ceiling light and a table lamp which afford additional illumination. Only current reports are kept in this office.

At present there is no livestock inspector for Anderson County, and the former inspectors kept no records.

The county has no surveyor today, and the inventory of the county archives failed to reveal any records of maps or surveys kept by former incumbents of this office.

No records of the county road engineer were found in the county.

The agricultural and the home demonstration agents maintain quarters on Main Street, diagonally across from the courthouse. All the records of the former office are housed here. The home demonstration agent keeps no records.

The inventory of the Anderson County records indicates that the various officials are cognizant of the importance of keeping their records safely housed and carefully maintained. Practically all the file boxes are of steel, and the physical condition of the majority of the volumes is excellent. Careful attention has been given to such details as the repair, rebinding, and clear, adequate labeling. The indexing and filing systems are in accord with those generally used throughout Kentucky counties. Records are unusually free from dampness and dust, and the fire hazard has been practically eliminated. In some instances, records filed in containers need to be sorted and rearranged, in order to make them more readily accessible to those desiring to obtain information from them. The county officials are at all times cooperative and courteous to consultants.

(First entry, p. 110)

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

alph. . . . . alphabetical(ly)
amend. . . . . amendment
arr. . . . . arrangement or arranged
art(s) . . . . . article(s)
aver. . . . . average
B. M. . . . . Ben Monroe
bd. . . . . board
bdl(s). . . . . bundle(s)
ch. . . . . chapter
chron. . . . . chronological(ly)
cir. . . . . circuit
clk. . . . . clerk's
co. . . . . county, company
com. . . . . commissioner, commissioner's
comp. . . . . compiler
Const. . . . . Constitution of Kentucky
Crim. . . . . .Criminal
ct. . . . . court
dist. . . . . .district
docs. . . . . documents
ed. . . . . editor, edition
et al . . . . . and others
et seq. . . . . and the following
f.b. . . . . file box(es)
f.d. . . . . file drawer(s)
ff. . . . . following pages
fm. . . . . forms
Gen. Stat. . . . . General Statutes of Kentucky
hds. . . . . heads
hdw. . . . . handwritten
ibid. . . . . in the same place, the same work as the preceding
i.e. . . . . that is
Ky. . . . . Kentucky, Kentucky Reports
Lough. . . . . .Loughborough
M. B. . . . . Morehead and Brown
n.d. . . . . no date
no(s) . . . . . number(s)
numer. . . . . numerically
O.A.G. . . . . Opinion of Attorney General
off. . . . . office
op. cit. . . . . in the work cited
p., pp. . . . . page, pages
pr. . . . . printed
Rev. Stat. . . . . Revised Statutes of Kentucky
rm. . . . . .room
S.W. Reptr. . . . . Southwestern Reporter
sch. . . . . school

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 110)

sched. . . . . schedule
sec(s) . . . . . section(s)
st. . . . . street
strm. . . . . storeroom
supp. . . . . supplement
supt. . . . . superintendent's
U.S. . . . . United States
v. . . . . versus
vol(s) . . . . . volume(s)
vt. . . . . vault

Other commonly accepted abbreviations are occasionally used.

Symbols

- . . . . . indicates that dates, letters, or numbers are inclusive
-- . . . . . indicates that the record is current
x . . . . . used between figures indicates "by"

Explanatory Notes

Citations: Whenever possible the four constitutions and original acts of the General Assembly of Kentucky are cited to substantiate statements made in the legal essays of this inventory. Compilations are also used to supplement the original acts in documentation. Acts passed between 1792 and 1817 are cited from five volumes of original acts compiled by William Littell, which also contains Parliamentary and Virginia laws from 1776 to 1792. The page numbers in such cases refer to these volumes by Littell, and the date following the volume number is not the year of publication but indicates the year in which the acts were passed which are included in that volume. These original acts are cited with the following authority: "The session acts and resolutions of the General Assembly, heretofore or hereafter published, the editions of the statutes of Kentucky by Daniel Bradford, by William Littell . . . shall be received as evidence in the courts and tribunals of the state." (1)

The Civil and Criminal Codes, Kentucky Reports, and Opinions of the Attorney General are cited, as well as order books, deed books, and other source material from the records of the county.

Entries: As far as possible the records of each office are arranged from a functional point of view, with the functions considered in the order of their importance. Center headings are used to designate a group of similar records; sub-headings at the left-hand margin indicate a group of specifically related records.

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1. Acts, 1891-93, p. 594.

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 110)

Titles of Records: Exact titles of records are written in upper case without parentheses. In the absence of titles, descriptive titles have been assigned, which are also written in upper case and enclosed in parentheses. Titles of artificial entries are in solid capitals and enclosed in parentheses. If a record title is not descriptive of the contents of the record, an assigned explanatory title (or explanatory words), written with initial capitals and enclosed in parentheses, has been added. The current or most recent title of a record is used as the entry title, and any title variation is indicated.

Dates: All dates used are inclusive. Missing records are indicated by broken dates. Where no reason for the creation or for the discontinuance of records is given, and where no cross reference appears, the reason for such creation or discontinuance could not be ascertained.

Labeling: Figures or letters in parentheses, following the number of volumes, file boxes, or other type of container, indicate the labeling. If no labeling is indicated, it may be assumed that there is none.

Description of Records: The description of the contents of a record applies only to the current or most recent record unless change in contents is actually shown in the record entry.

Condition of Records: Records are in good condition unless otherwise indicated.

Dimensions: Dimensions are always given in inches, unless otherwise indicated, and therefore the symbol (") has been omitted.

Location of Records: All records are located in the courthouse unless otherwise indicated. When all or the majority of the records of an office have a common location, the location is indicated at the close of the office essay instead of in each individual entry.

Cross References: Cross references in the title line are used to complete series for records kept separately for a period of time, and in other records for different periods of time, as in entry 59, "Commissioners Deeds, March 10, 1922--. 1 vol. 1827-March 9, 1922 in Deeds, entry 55."

Title-line cross references are arranged chronologically as in entry 78, "Chattel Mortgages, April 15, 1912--. 6 vols. (1-6) December 1835-August 1840 in Deeds, entry 55; September 1840-March 1912 in Mortgages, entry 71." In both instances, the description of the master entry shows the title and the entry number of the record from which the cross reference is made, arranged in numerical order, as in entry 64, ". . . Also contains: (Dissolution Agreements), December 1934--, entry 62; (Partnership Agreements), September 1925--, entry 66." Dates shown in the description of the master entry or entry of miscellaneous content are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

Numerals appearing in parentheses at the upper right of the page always refer to entry numbers, unless pages are indicated.

PART B. COUNTY OFFICERS AND THEIR RECORDS

I. FISCAL COURT

Structure

Creation

The fiscal affairs of Anderson County, created in 1827, were administered by the county court until 1851 when the county court, as a court of claims and levy, transacted the county's business. In 1892, however, the fiscal court was established and took over all the fiscal functions formerly vested in the court of claims and levy. (1)

The fiscal court of Anderson County, and its predecessor body, the claims and levy session of the county court, was composed of the county judge, its presiding officer, and the justices of the peace. Since the personnel and functions of the fiscal court were the same as its predecessor's, it is not surprising that the records of the new court were continued for some time as the records of the old court of claims and levy. Thus, the records of the first meeting of the Anderson County Fiscal Court, held at Lawrenceburg, the county seat, on April 18, 1892 (2), and of subsequent meetings were kept as records of the predecessor body until November 1899, when they were first entered as fiscal court records. (3)

From time to time disputes arose because of the misconception entertained by some of the county judges that the powers previously vested in the county court of claims and levy were to be construed as belonging solely to the county court - namely, the county judge - and not to the fiscal court. An opinion of the Court of Appeals held that although the county court, prior to the establishment of the fiscal court, was both a judicial and administrative body, and that while it was classed chiefly within the judicial category by the Constitution of 1850 and possessed

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1. CONST. 1891, SEC. 144; ACTS, 1891-92, PP. 256-274; CARROLL, SEC. 1040.
2. COUNTY COURT ORDERS, VOL. H, P. 217, SEE ENTRY 194.
3. FISCAL COURT MINUTES (ORDERS), VOL. 2, P. 1, SEE ENTRY 1.

many judicial powers, it was not exclusively a judicial tribunal, since many non-judicial powers were also vested in the county court. (4) These disputes, however, were settled in 1922 by a decision of the Court of Appeals which stated that it was the evident intention of the legislature to endow the fiscal court with all of the functions of the old court of claims and levy. (5)

Selection and Term

The fiscal court of Anderson County was, and is today, composed of the county judge and six justices of the peace, elected for a 4-year term of office. (6) For other features of the structure of the office of these officials, see Justices' Courts, p. 229 , and County Court, p. 188 .

Sessions

The fiscal court was required to hold at least two regular terms each year, and to remain in session until the business of the court had been completed. The county judge could call as many special meetings of the court as were necessary for the transaction of county business. (7) The Anderson County Fiscal Court now meets on the first Tuesday in April and October and on the first Monday of each other month. (8)

Function of the County Judge

The county judge, as presiding officer of the fiscal court, was given the authority to fine and imprison for contempt of court; if he were absent or had been disqualified, the justice elected to preside in his place had the same authority. (9)

Function of Other Agents of the Court

The county court clerk has been the clerk of the fiscal court since its establishment and acts as its recording agent. Likewise, the county attorney has been required to attend all meetings of the court and to serve as its legal consultant at all necessary times. (10)

Functions

Fiscal Administration

The act establishing fiscal courts provided that, "the corporate powers

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4. PENNINGTON V. WOOLFOLK, 79 KY. 13; 3 KY. REPTR. 42, (1880).
5. SILBERSACK V. KRAFT ET AL., 194 KY. 587 (1922).
6. ACTS, 1891-93, PP. 143, 260; CARROLL, SECS. 1519, 1833; SEE JUSTICES' COURTS, P. 229 AND COUNTY COURT, P. 188.
7. CONST. 1891, SEC. 144; ACTS: 1891-93, PP. 269, 270; 1932, P. 147; CARROLL, SEC. 1836.
8. FISCAL COURT MINUTES (ORDERS), VOL. 7, P. 33, SEE ENTRY 1; KENTUCKY COURT CALENDAR FOR 1938-39, P. 22.
9. ACTS: 1851-52, P. 96; 1891-93, P. 260; REV. STAT., I, 235; CARROLL, SEC. 1836.
10. ACTS, 1891-93, PP. 266, 269; CARROLL, SECS. 126, 1835.

of the several counties of the state shall be exercised by the fiscal courts thereof respectively." (11) The fiscal courts have always been required to lay the county levy with which to pay the county's debts and obligations. (12) The sheriff or other officer who collected the taxes was required to make settlement annually, or more often if necessary, with the fiscal court, showing the amount of poll and ad valorem taxes collected, as well as an itemized statement of disbursements. According to law, this detailed settlement had to be published for at least 2 weeks in the county newspaper having the largest circulation. In the event there was no newspaper in the county, written or printed handbills were posted at the front door of the courthouse and in at least three other public places in the county. (13)

Revenue

As provided by the Constitution of 1891, the Kentucky General Assembly could authorize the county to levy a poll tax not exceeding $1.50 per person, the purpose of which must be distinctly specified, and the collections received therefrom must not be used for any other purpose. (14) Subsequent legislation authorized the fiscal court to levy and collect a poll and an ad valorem tax to pay off existing county indebtedness, and to defray the current and necessary expenses of the county. This act, however, cannot be construed to authorize the fiscal court to levy a tax to pay any railroad bonded indebtedness or any interest on any such indebtedness. The ad valorem tax could not exceed 50 cents on each $100 worth of taxable property assessed in the county, based on the supervised assessment for State taxes. (15) Recent legislation gave the fiscal court limited jurisdiction to impose liquor license fees on persons wishing to sell alcoholic beverages in the county. The amount of such fees must be reported to the State Alcoholic Beverage Control Board by the county court clerk, and if a person pays a similar fee in an incorporated town, he may deduct this amount from his county fees. (16)

Disbursements

Since 1893 the treasurer has paid approved claims from county revenue. He is required to submit his settlements (namely, the paid claims with the receipts showing payment) to the fiscal court. Upon approval, the court orders the clerk to record such settlements in a book specifically kept for that purpose. (17)

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11. Acts, 1891-93, p. 269.
12. Ibid., pp. 40, 41.
13. Ibid., pp. 41, 42; Carroll, sec. 1884.
14. Const. 1891, sec. 180.
15. Acts, 1891-93, p. 41; Carroll, secs. 1882, 1883.
16. Acts, 1938, pp. 63, 64; William E. Baldwin, ed., Baldwin's Kentucky Statutes Service, Supplementing Carroll's Official Kentucky Statutes, 1936, sec. 2554B-112, hereinafter cited as Baldwin's Supp.
17. Acts, 1891-93, p. 522; Carroll, sec. 931; see County Court Clerk, p. 124 ; County Treasurer, p. 282.

Fiscal Court (First entry, p. 110)

By an act passed in 1912, any warrant that the fiscal court ordered to be issued for payment of a claim against the county was required to be presented to the county treasurer within 30 days after the date of the court's approval of that claim. If payment was refused, the warrant drew interest at 6 percent per annum from that date until it was paid or called in for payment. (18) A few years later this act was amended to allow the court to anticipate the revenue for a current year and to borrow money at a lower rate of interest with which to pay county claims, in lieu of issuing 6 percent warrants. (19) An act of 1926 attempted to repeal section 1840-a, but was held unconstitutional on December 17, 1926. (20) In 1932 legislation repealing section 1840-a was upheld on June 9, 1933 (21), but the Court of Appeals failed to decide whether or not the act was operative. An act of 1934 which established the present county budget commission did not specify the exact interest rate which warrants might bear, but authorized the court to anticipate the revenue for a fiscal year, and to borrow money to meet current expenses or to liquidate interest-bearing county warrants which became due before sufficient revenue had accrued to liquidate such warrants. (22) Earlier provision also required the court to designate one or more banks or trust companies as county depositories in which the treasurer was authorized to deposit the county's funds. (23)

Audit

Legislation in 1922 required the court to cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, to have accounts of all county offices audited when necessary, and to employ, if the court deemed advisable, a competent person to keep such accounts and records, and to make such audits. (24)

The Anderson County Fiscal Court has never employed a county auditor and its books have been subject to audit by an inspector from the office of the State Auditor of Public Accounts.

Bond Issues

The present constitution, adopted September 28, 1891, limited all counties to a tax rate of not more than 50 cents per $100 of taxable county property, unless it should be necessary to enable the county to pay the interest and provide a sinking fund for the extinction of indebtedness contracted prior to the adoption of the constitution. (25)

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18. Acts, 1912, pp. 227, 228.
19. Acts, 1916, p. 581; Carroll, sec. 1840-A.
20. Felts v. Linton, 217, Ky. 305 (1926).
21. State Budget Commission v. Adams, 249 Ky. 680 (1933).
22. Acts, 1934, pp. 68, 69; Carroll, sec. 1851c-7; see County Budget Commission, p. 279.
23. Acts, 1891-93, p. 226; Carroll, sec. 938h-57; see County Treasurer, p. 282.
24. Acts, 1922, p. 161; Carroll, sec. 1840.
25. Const. 1891, sec. 157.

Fiscal Court (First entry, p. 110)

1. Refunding Bonds: In 1892 the court was authorized to call in any of its outstanding bonds, matured or subject to call, which were legally issued for railroad or other purposes, prior to the adoption of the present constitution, and to issue new bonds therefor, not exceeding the old bonds in amount or interest rate. The new bonds could not pay more than 6 percent interest. The court was given power to levy an annual tax on each $100 of assessable county property, sufficient to pay interest on the bonds and to create a sinking fund for their retirement. (26) This act was later amended to include all legally issued bonds, whether issued prior or subsequent to September 28, 1891. (27)

2. Funding Bonds: In the same year, the court was also allowed to fund debts contracted in the construction and repair of county buildings, bridges, and turnpikes, by issuing bonds; the court could levy an ad valorem tax not exceeding 50 cents on each $100 worth of taxable county property to pay interest on such bonds and create a sinking fund for their redemption. (28)

3. Bridge Bonds: In 1892 the court was authorized to issue bonds bearing not more than 6 percent interest to enable it to finance the building of county bridges. The court could appoint a commissioner to sell such bonds and could annually levy an ad valorem tax not exceeding 50 cents per $100 assessed valuation to pay interest and sinking fund requirements. (29) An act of 1914, however, attempted to repeal section 1862 (30), but the editors of Carroll's Kentucky Statutes have nevertheless continued the section as effective until the Court of Appeals shall have upheld the validity of the attempted repeal.

4. Financing of Roads and Bridges: The county court was authorized to sell unappropriated lands and to use the proceeds for the improvement of county roads and bridges (31), and also for other county purposes (32), if the proposition was submitted to the voters for their approval or rejection. (33) In 1893 the fiscal court was empowered to levy a special ad valorem tax not exceeding 25 cents per $100 assessed valuation for the construction and improvement of county roads and bridges. This tax was to be collected in the same manner as other county revenue and the proceeds derived therefrom were designated as the "road and bridge fund." (34) Later legislation provided that the proceeds of the poll tax could be used by the court for the maintenance of roads; however, when this was done, the court was required to enter an order to that effect. (35) In November

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26. Acts, 1891-93, p. 222.
27. Acts, 1904, p. 177; Carroll, sec. 1852.
28. Acts, 1891-93, pp. 5, 6; Carroll, sec. 1857.
29. Acts, 1891-93, pp. 203, 205; Carroll, sec. 1862, et seq.
30. Acts, 1914, p. 382; Carroll, sec. 4356a.
31. Acts, 1934-35, p. 360.
32. Rev. Stat., II, 430-435; Acts: 1891-93, p. 445; 1926, p. 865; Carroll, sec. 4702.
33. Acts, 1891-93, pp. 203-206; Carroll, sec. 1880.
34. Acts, 1891-93, pp. 1193, 1194.
35. Acts, 1908, p. 71; Carroll, sec. 1882.

1906, an amendment to the present constitution was ratified, permitting any county to incur indebtedness for public road purposes in any amount fixed by the county, provided it was not in excess of 5 percent of the value of taxable property, and that such additional indebtedness was first submitted to the voters for approval or rejection at a special election held for the purpose. When any such indebtedness was incurred by the county, the court could levy, in addition to the tax of 50 cents authorized by the constitution, an amount not exceeding 20 cents on $100 assessed valuation for the purpose of providing for interest and sinking fund requirements. (36) Bonds issued under this section had to be limited to such an amount as could be paid from the 20 cent tax. This limit was not affected by the appropriation of a part of the 50 cent tax levied for general court purposes, to pay interest and to create a sinking fund. (37)

An act of 1914 authorized the court to issue and sell 5 percent bonds within the constitutional limitation for the purpose of constructing and improving roads and bridges. Before issuing such bonds, however, the county judge, upon petition of 150 legal voters and freeholders of the county, was required to order a special election so that the voters could approve or reject the proposal. (38) Despite the fact that this law specifically stated that the proceeds from these bonds could be used for the building and maintenance of roads only, two recent decisions of the Court of Appeals held that "a bridge is nothing more than that part of a road which crosses a stream," and that therefore the proceeds of the bonds could be used for the construction and repair of both roads and bridges. (39) Under this ruling of the court, section 4307 plainly permits fiscal courts to issue bonds for both road and bridge purposes. The same act provided that, if bonds were sold for such purposes, the court could levy a tax not exceeding 30 cents per $100 assessed valuation to be appropriated for the payment of the interest on the bonds, while the balance was to be placed to the credit of a sinking fund for the redemption of the bonds. The court could lend any accumulation in the sinking fund on first mortgage real estate security, on the basis of 50 percent of its valve, at legal interest which accrued to the sinking fund. (40) This latter section, giving the court permission to levy a tax not over 30 cents, was held unconstitutional and void insofar as it purported to authorize a tax exceeding the constitutional limit (Section 157a) of 20 cents per $100 assessed valuation. (41) An act of 1916 authorized the court to appoint four or more commissioners to act as a road commission to handle the funds derived from the sale of road and bridge bonds. (42)

In 1917 the legislature sought to clarify the situation by providing that the fiscal court could submit to the voters the question of voting a

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36. Const. 1891, as amended November 1909, sec. 157a.
37. Smith v. Livingston County, 195 Ky. 382 (1922).
38. Acts, 1914, pp. 347, 348; Carroll, sec. 4307.
39. Denton v. Pulaski County, 170 Ky. 33 (1916); Whitley County v. Luten Bridge Co., 208 Ky. 625 (1925).
40. Acts, 1914, p. 348; Carroll, sec. 4308.
41. Mitchell v. Knox County Fiscal Court, 165 Ky. 543 (1915).
42. Acts, 1916, pp. 51, 52; Carroll, sec. 4307a-1.

tax not exceeding 20 cents per $100 assessed valuation, under section 157a of the constitution, for the construction or improvement of the county's roads and bridges, either or both, as directed by the court. An order of the court calling an election must specify the amount of the tax to be levied each year and the number of years for which the tax may be imposed, not exceeding 10 years. It must also provide that no amount of money in excess of the amount that may be raised by the levy in any 1 year shall be expended in that year. In addition, the court may borrow money in any year in advance of the collection of the tax for that year, not exceeding 80 percent of the estimated tax, and may issue bonds therefor, the amount of the tax to be estimated according to the assessment and collection of the preceding year. Any money so borrowed shall be paid out of the money raised from the tax in the year in which the money is borrowed, so that all indebtedness in any 1 year shall be paid out of the fund raised in that year. (43)

Bonds for Construction and Maintenance of County Buildings

Since 1892 the court has had the power to issue bonds for building and maintaining county jails, courthouses, and other county buildings. Before issuance of the bonds, the court is required to submit the proposal to the voters. It can appoint a commissioner to sell the bonds and can levy an ad valorem tax not exceeding 50 cents per $100 assessed valuation to pay interest and sinking fund charges on the bonds. (44) A law of 1934 provides that the court can construct and maintain county school buildings and can issue bonds to defray the necessary expenses as a means of qualifying for Federal aid under W.P.A. (45)

Since 1932 the fiscal court has been required, when issuing bonds for any purpose whatsoever, to provide that, in addition to the payment of semi-annual or annual interest, a certain proportion of bonds shall fall due annually and shall be called in and paid off, so that at final maturity all bonds will have been paid off and cancelled. (46)

Public Health

The fiscal court exercises a limited jurisdiction over health matters in the county. It appoints a member of the county board of health (47), and may create a health district. (48) Anderson County today has an up-to-date health organization. (49)

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43. Acts, 1917, p. 23; Carroll, sec. 4307B-1; Collier v. Bourbon County Fiscal Court, 188 Ky. 491 (1920)
44. Acts, 1891-93, pp. 198-206; Carroll, sec. 1872, et seq.
45. Acts, 1934, pp. 366-368; Carroll, secs. 4421-24, 4421-25.
46. Acts, 1932, p. 126; Carroll, sec. 186c-8.
47. Acts: 1891-93, pp. 824, 825; 1904, pp. 106, 107; Carroll, sec. 2055.
48. Acts, 1918, p. 294; Carroll, sec. 2054A-2.
49. See County Health Unit, p. 327.

Public Welfare

1. Care of the Poor: The fiscal court, since its establishment, has always had the duty of providing for the care of the poor in Anderson County. (50) It was authorized to purchase land for use as a county poor farm (51), and later statutes authorized it to provide a poorhouse and a poor farm. (52)

2. Provision for Indigent Sick, Recreation: Since 1902 the fiscal court has had authority to provide for the hospitalization of the indigent sick. (53) Later legislation gave the county the power to contract with another county or municipality for the hospitalization of indigent sick when the county itself had no facilities for caring for such cases. (54) In 1924, the court was given additional powers to provide for crippled children; to appropriate money for the support of the blind; to appoint a recreation board and to establish and maintain playgrounds and a recreation system; and to establish and maintain tuberculosis sanatoriums. (55)

Public Works

1. Roads and Bridges: Since its establishment, the fiscal court has had the financial administration of the construction and maintenance of roads and bridges, and the county court has had jurisdiction of such matters as the appointment of road viewers, and the judicial steps necessary to lay out the routes of new roads. (56) The fiscal court, and before its creation, the claims and levy session of the county court, managed the county's roads by dividing the county into road precincts and appointing a road surveyor in each precinct. (57) In 1894, the fiscal court appointed a county road supervisor with general supervision of county roads and bridges. (58) In 1912, the county road supervisor was replaced by the county road engineer, who was appointed, upon the approval of the court, by the county judge. (59)

2. Public Buildings: The fiscal court has always been authorized to finance the construction of necessary county buildings such as courthouses and jails, and provide in the county levy for their repair. (60) Since 1910 the court has had the power to levy and set aside in a separate fund an annual tax of not less than 10 cents per $100 assessed valuation for the erection and equipment of a courthouse and jail. (61) Later statutes

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50. Acts, 1891-93, p. 270; Carroll, sec. 1840.
51. Acts, 1891-93, p. 187.
52. Acts: 1902, p. 215; 1906, p. 342; 1922, pp. 161, 162; Carroll, sec. 1840.
53. Acts: 1902, p. 215; 1906, p. 342; 1922, pp. 161, 162; Carroll, sec. 1840.
54. Acts, 1936, pp. 298, 299; Carroll, sec. 913-1.
55. Acts, 1924, pp. 25, 30, 256, 293, 294; Carroll, secs. 331M-9, 1893A-10, 2061A-3, 3909A-1.
56. Littell, 1797, T, 633-636; Acts, 1914, pp. 338-382; Carroll, secs. 4306, 4307.
57. Littell, 1792, T, 90; Gen. Stat., 1873 ed., p. 764.
58. Acts, 1894, pp. 80, 81.
59. Acts: 1912, pp. 329, 330; 1914, p. 357; Carroll, sec. 4325; see County Road Engineer, p. 340.
60. Acts, 1891-93, p. 270; Carroll, sec. 1840.
61. Acts, 1910, p. 155.

have amended this act to allow the county judge, the county attorney, and the county clerk to compose a building commission, authorized to make contracts for such buildings. (62) Anderson County, however, has not established a county building commission. Legislation in 1916 gave the court power to acquire armories, or contract for them, if the county had a militia organization (63), but Anderson County has no militia unit.

3. Drainage: Since 1894 the court has had the power to undertake drainage projects in order to prevent sickness, the cost of such work to be paid out of the county levy or by taxation of county property. If the probable cost of such work amounted to more than the revenue of the county for the year in which the work was to be done, the county court ordered a special election to be held to ascertain the wishes of the electorate. Any debt voted was required to be so divided as not to require a tax rate exceeding 50 cents per $100 assessed valuation. If the vote was in the affirmative, the county judge was required to prepare semiannual coupon bonds; these were turned over to the fiscal court, which could then contract for the necessary work. If the land to be drained was confined to a small part of the county, and the legal voters thereof wished the work done despite the fact the cost amounted to more than the revenue of the county for that year, the county court was authorized to lay off such portion of the county into a taxing district and prepare county bonds to be turned over to the fiscal court. The latter court then contracted for the work. The bonds were paid by taxation of the inhabitants of the taxing district. (64) In 1930, an amending act provided that when the fiscal court undertook a drainage project, it had the power to acquire for the county by contract or condemnation such land as was necessary to carry out the work. If condemnation proceedings were necessary, they were to be carried on in the same manner as provided by law in the case of railroad companies. (65)

Miscellaneous Functions

1. Agricultural Aid: Money to carry on extension work in home economics and county agriculture may be appropriated by the fiscal court, and an agricultural agent and a home demonstration agent may be appointed. (66) The fiscal court of Anderson County has appropriated funds for an agricultural and a home demonstration agent. (67) At first the county judge was authorized to appoint a county livestock inspector, whose salary was to be fixed and paid by the fiscal court (68), but later he was appointed and paid solely by the court. (69) The appointment of this officer is optional, but, if the appointment is made, the appointee must be approved by the State Livestock Sanitary Board. (70) Since August 1934, Anderson County has not

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62. Acts: 1914, p. 1 ff.; 1928, pp. 156, 157; Carroll, sec. 1881A-1.
63. Acts, 1916, pp. 479, 480; Carroll, sec. 2711A-128.
64. Acts, 1894, p. 216 ff.
65. Acts, 1930, pp. 36, 37; Carroll, secs. 2413-2416.
66. Acts, 1916, p. 156; Carroll, sec. 4636g-2.
67. Fiscal Court Minutes (Orders), vol. 6, p. 11, see entry 1.
68. Acts, 1910, pp. 196, 197.
69. Acts, 1914, p. 385.
70. Acts, 1918, p. 361; 1929 O.A.G., 1566; Carroll, sec. 63c-18.

employed a livestock inspector. (71)

2. Weights and Measures: Before the fiscal court was created, the county court was required to furnish a standard of weights and measures. (72) An act of 1910 provided that the fiscal court supply duplicates of the standard weights, measures, and balances approved by the Federal Government, which were to be kept in the office of the county court clerk. (73) In addition, the court could appoint an inspector of weights and measures for a 2-year term to test public and commercial scales. (74) This act was later repealed, however, (75), and at present the fiscal court has no control over weights and measures.

3. Libraries: In any county in which there is no free public library, the fiscal court of that county may establish such a library and levy a tax of not less than one-half or more than one mill per dollar of assessable property to support such a library, on written petition of 25 freeholders of each magisterial district, and may appoint two members of the county library board. (76) In 1930 the court was required to establish a county law library at Lawrenceburg, and provide adequate quarters for it. The circuit court clerk is librarian and the members of the fiscal court act as library trustees. (77)

4. Appointments: Since 1893 when the office of treasurer was created, it has been the duty of the court to appoint the incumbent, and to designate a person or bank as a depository for the revenue. (78) In connection with the general county administration, the court has wide discretionary powers in the appointment of various commissioners to sell bonds, convey land, and attend to other such delegated functions.

5. Records: The fiscal court's records are stored in the county court clerk's office unless otherwise specified.

Proceedings

1. FISCAL COURT MINUTES (Orders), Nov. 1899--. 6 vols. (2-7) Title varies: Minutes, 5 vols., Nov. 1899-Mar. 1938. Apr. 18, 1892-Oct. 1899 in County Court Orders, entry 194.

Minutes of proceedings at each daily session of fiscal court and record of administrative and road orders issued at each session of court. Minutes of proceedings show: date, term of court, names of presiding judge, members present, and parties concerned, summary of proceedings, action taken, and

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71. SEE LIVESTOCK INSPECTOR, P. 334.
72. Acts, 1838-39, P. 84.
73. Acts, 1910, PP. 265, 266.
74. IBID., P. 266.
75. Acts, 1914, P. 129.
76. Acts, 1920, P. 639; CARROLL, SEC. 938D-1.
77. Acts, 1930, PP. 200-203; CARROLL, SECS. 2438C-9, 2438E-10.
78. Acts, 1891-93, PP. 226, 522; CARROLL, SEC. 928; SEE COUNTY TREASURER, P. 282.

notation of adjournment. Administrative orders include: accepting bids and approving contracts; accepting road rights-of-way; advertising for bids; allowing payment of claims for county and pauper expenses, and poll tax exemptions; appointing commissioners to settle with officials, committees to negotiate loans, county officials, and members of bond commissions; appropriating funds for payment of county's expenses; approving officials' bonds, commissions, reports, resignations, and settlements; approving sales of county owned equipment, machinery, and property; directing the collection of delinquent taxes; establishing magisterial districts, rate of county levy, salaries of county officials and employees, and voting precincts; granting franchises; issuing bonds; printing ballots for county elections; providing insurance coverage for county owned property; purchasing equipment, material, and supplies for county; and retiring bonds; summary for each order shows: date, term of court, name of presiding official, members present, and principal involved, nature of order, and signature of presiding official. Road orders include: advertising for bids; approving contracts; appointing road engineer, road and bridge commissioners, road overseers, road supervisors, and road surveyors; building new roads and changing courses of old roads; purchasing equipment, material, and supplies to be used on county roads and bridges; and assigning workers to county roads; summary for each order shows: date, term of court, names of presiding official, members present, and principal involved, nature of order, name of road or bridge, and signature of presiding official. Also contains: Fiscal Court Claims, Nov. 1899-June 1937, entry 13; Stock Claims Allowed, Nov. 1899-Dec. 1927, entry 17; Road Book (Appointments of Road Surveyors), July 1911--, entry 32. Arr. chron. by date of court term. No index. Hdw. Aver. 475 pp. 16 x 11 x 3.

Finance

Administration

2. AUDIT AND BUDGET, 1934--. 20 docs. in 1 f.d.
Original budget prepared by budget commissioners of appropriations for expenditures and amount of estimated receipts from county revenue; and reports of audits and investigations of management of county affairs for fiscal year made by State Inspector of Public Accounts; summary of budgets show: period covered by fiscal year, summary analysis of appropriations, grand total, estimated receipts from all sources, estimated receipts from tax levies, amount appropriated for general expense fund including salaries of county officials, fees, and supplies, estimated expenditures for road purposes, statement of bonded indebtedness, statement of floating loan indebtedness, date submitted to finance officer, signatures of budget commissioners including county judge, county attorney, and one commissioner appointed by the fiscal court, approval and signature of department of revenue finance officer, and certification of county judge; summary of audit reports show: period covered by report, names of county officers and title of office held by each, itemized list of receipts and disbursements by sheriff, itemized list of expenditures from general expense fund, road and bridge bond sinking fund statement, total amount of warrants issued, magisterial meetings, date of meeting, and amount paid each magistrate,

livestock fund statement, total budget summary, statement of county indebtedness, receipts and expenses of county officials, salaries of county officers, county's share of audit cost, statement of receipt of county's share of audit cost to State examiner, amount received, and signature of State Auditor. Arr. chron. by date filed. No index. Typed on pr. fm. 11 x 5 x 13.

3. SCHOOL TAX LEVY (County School Budget), 1933--. 8 docs. in 1 f.d. Original county school budget prepared by county board of education and filed with fiscal court, showing: period for which budget is prepared, number of months in school year, amount produced by taxes under present rate, amount received from county, itemized expenditures and receipts during past year, itemized estimate of receipts and expenditures for ensuing year, dates filed and approved, signatures of board chairman and secretary, and acknowledgment of fiscal court clerk. Also contains: County Levy, 1933-38, entry 4. Arr. chron. by date filed. No index. Typed on pr. fm. 11 x 5 x 13.

Revenue

4. COUNTY LEVY, 1930-32. 4 docs. in 1 f.b. 1933-38 in School Tax Levy (County School Budget), entry 3; 1939-- in Treasurer's Report, entry 24.
Fiscal court orders establishing rate of county levy, showing: date, rate of tax, road tax, poll tax, county school, city school, and common school, signature of county judge, fiscal court minute book reference to court's order, and certification of county court clerk. No obvious arr. No index. Hdw. 4½ x 4½ x 10. Clock tower.

Taxation

5. CORPORATION ASSESSMENT, 1910--. 200 docs. in 2 f.d.
Statements furnished fiscal court by State Tax Commission determining amount of county, school, and city tax due on tangible and intangible property of corporations in county, showing: date, period covered, name and address of taxpayer, taxing district, and total assessment. No obvious arr. No index. Typed under pr. hds. 11 x 5 x 13.

6. CERTIFICATIONS FROM STATE TAX COMMISSIONER, RECEIPTS OF TAX BOOKS, Aug. 1922--. 40 docs. in 1 f.d.
Certificates of equalized assessments of the county made by State Tax Commissioner to county court clerk to be used in making settlement with sheriff for county taxes collected and receipts given to county court clerk by city school tax collector for tax books received from clerk. Certificates of equalized assessments show: amount of assessment of land, timber, and improvements, tax rate, amount of tax assessed, assessments of town lots, tax rate, amount, total real property, amount of tax, tangible and intangible personal property and amount of tax due, total amount of real and personal property, exemptions, total livestock and amount of tax, grand total equalized assessment and state taxes due, and certification date and signature of chairman of board of State Tax Commissioners; tax book receipts show:

name of county court clerk, total number of tax bills contained in tax books, total amount of taxes, date of receipt, and signature of city school tax collector. Arr. chron. by date filed. No index. Typed on pr. fm. 11 x 5 x 13.

7. DELINQUENT LISTS, 1932--. 45 docs. in 1 f.d.
List of delinquent taxpayers furnished fiscal court by sheriff and list of persons exonerated from payment of county levy upon orders of fiscal court, list of delinquent taxpayers shows: name of property owner, precinct, description of property, assessed valuation, tax levy, year delinquent, and signature of sheriff; exonerated list shows: name of property owner, precinct, description of property, assessed valuation, date and reason exonerated, fiscal court order book reference to exoneration, and signature of sheriff. Also contains: Land Sold for Taxes, 1933--, entry 8; Sheriffs Monthly Report, 1934--, entry 23; Inventory, Appraisement, and Sale Bill, 1936, entry 204. No obvious arr. No index. Hdw. and typed. 11 x 5 x 13.

8. LAND SOLD FOR TAXES, Jan. 1882-July 1933. 125 docs. in 1 f.d.
1933-- in Delinquent Lists, entry 7.
Sheriffs' reports made to fiscal court, of land sales for delinquent taxes showing: name of delinquent, date of sale, amount of taxes, tax bill number, name of purchaser, location and description of property, date report filed, signature of sheriff, and attestation of county court clerk. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11 x 5 x 13.

9. LIST OF DOGS FILED BY ASSESSOR (and Claims), 1930--. 9 docs. in 1 f.d.
Reports made to fiscal court by county assessor of dogs in county and claims made with fiscal court by sheriffs for killing unlicensed dogs; assessor's reports show: name of owner, number of dogs, sex, license number, remarks, and signature of assessor; sheriff's claims show: number of dogs killed, amount allowed for killing each dog, total, sworn statement of sheriff, and date claim filed. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

10. DOG REPORT BY ASSESSOR, 1918--. 3 vols.
Record of reports made to fiscal court by county assessor of dogs in county, showing: date of report, name of dog owner, number of dogs owned by each owner, sex of dog, and name of assessor. Arr. chron. by date of report. No index. Hdw. under pr. hds. Aver. 150 pp. 18 x 14 x 1. 1918-22, 2 vols., clock tower; 1923--, 1 vol., co. ct. clk. vt.

11. DOG LAW RECORD, Oct. 1919--. 1 vol.
A dog tax record determining the amount collected by the county for dog taxes and the amount paid by the county for stock killed or injured by dogs, showing: date and number of license, whether male or female dog or kennel license; amount of license fee collected, amount paid out, for what; number of head and kind of livestock killed or injured; amount of fines collected; date of collection, amount, and from whom collected. Arr. chron. by date of license. No index. Hdw. under pr. hds. 272 pp. 21½ x 15½ x 1.

Fiscal Court - Finance (12-17)

Expenditures

12. CLAIMS, Jan. 1897--. 3,500 docs. in 6 f.b., 10 f.d.
Original bills that have been paid upon order of the fiscal court for merchandise furnished and services rendered, showing: name of claimant, date of claim, itemized list of merchandise or services, total amount of claim, date paid, and warrant number. Also contains: Pauper Claims, entry 30; County Road Orders (Road Claims), 1934--, entry 33. Arr. chron. by date of payment. No index. Hdw. and typed. F.b., 4½ x 4½ x 10; f.d., 11 x 5 x 13. 1897-1932, 6 f.b., clock tower; 1933--, 10 f.d., co. ct. clk. vt.

13. FISCAL COURT CLAIMS, July 1937--. 2 vols. Nov. 1899-June 1937 in Fiscal Court Minutes (Orders), entry 1.
Record of claims allowed by fiscal court for services rendered or materials furnished county and for pauper care, showing: date, term of court, name of claimant, date claim filed, amount of claim, nature of services rendered or description of material furnished, fund to which charged, and signature of county judge. Arr. chron. by date of court term. No index. Hdw. under pr. hds. Aver. 300 pp. 16 x 12 x 1½.

14. WARRANTS, 1919--. 2 vols.
Stubs of vouchers issued by county court clerk upon orders of fiscal court in payment of claims against county, showing: date, number, and amount of voucher, name of payee, purpose of payment, fund on which drawn, and fiscal court order book reference. Arr. chron. by date issued. No index. Hdw. on pr. fm. Aver. 300 pp. 14 x 12 x 2.

15. CLAIM ORDERS, 1875--. 7 vols. Title varies: Claims Certificate Book, 2 vols., 1875-1909; Orders on County Treasurer, 1 vol., 1910-14; County Orders, 1 vol., 1915-18; County Claims Book and Ledger, 2 vols., 1919-33.
Stubs of claim orders issued by fiscal court in payment of approved claims against county, showing: date of claim, amount of order, name of claimant, fund to which charged, order book reference, and signature of county court clerk. Arr. chron. by date issued. No index. Hdw. on pr. fm. Aver. 200 pp. 16½ x 14 x 1½. 1875-1914, 3 vols., clock tower; 1915--, 4 vols., co. ct. clk. vt.

16. SHEEP CLAIMS, 1911--. 520 docs. in 3 f.d., 1 f.b.
Original claims filed with the fiscal court by owners of poultry and livestock for damages sustained by having livestock or poultry injured or destroyed by dogs, claims to be paid from dog license fund, showing: name of claimant, date stock injured or killed, list of stock, value of each, total amount of loss, names of persons appointed by county judge to appraise damage, date and signatures of appraisers, certification of appraisement, and signature of county judge. Arr. chron. by date of claim. No index. Hdw. on pr. fm. 11 x 5 x 13. 1911-14, 1 f.b., clock tower; Oct. 19, 1914--, 3 f.d., co. ct. clk. vt.

17. STOCK CLAIMS ALLOWED, 1928--. 1 vol. Nov. 1899-Dec. 1927 in Fiscal Court Minutes (Orders), entry 1.
Record of claims allowed by fiscal court for stock killed or injured by dogs,

showing: date, term of court, name of claimant, list of stock injured or killed, date, appraised value, names of appraisers, record of appraisers' report, amount allowed, and attestation of county court clerk. Arr. chron. by date of court term. No index. Hdw. 250 pp. 16 x 14 x 2.

18. STOCK CLAIM WARRANT, Aug. 1930--. 2 vols. Title varies: Warrants Live Stock Fund, 1 vol., Mar.-May 1931.
Stubs of warrants issued by county court clerk upon orders of fiscal court directing payment out of livestock fund of a given amount to owners of livestock or poultry injured or killed by dogs, showing: warrant number, date issued; date and amount of claim, name of claimant, date claim allowed; signature of county treasurer, and attestation of county court clerk. Arr. numer. by warrant no. and chron. thereunder by date issued. No index. Hdw. on pr. fm. Aver. 200 pp. 16 x 14 x 12.

19. APPROPRIATION LEDGER, 1935--. 1 vol.
Record of appropriations made by fiscal court for payment of county's expenses, showing: date, amount, number, and purpose of appropriation, and fund from which payable. Arr. numer. by appropriation no. and chron. thereunder by date of record. No index. Hdw. under pr. hds. 400 pp. 12 x 14 x 2.

Settlements of County Officials' Accounts

20. SHERIFFS SETTLEMENTS, 1874--. 117 docs. in 1 f.d. 1934 also in Inventory, Appraisement, and Sale Bill, entry 204.
Original financial settlements made annually by sheriffs with commissioners appointed by fiscal court to settle with county officials, showing: names of sheriff and commissioners, date of settlement, period covered, itemized list of receipts and disbursements, totals and balance, signature of sheriff, date settlement approved, attestation of commissioners, certification of county court clerk, page number in sheriff's settlement book where recorded, and date recorded. Also contains: Treasurers Settlements, 1925-26, entry 21. Arr. chron. by date of settlement. No index. Hdw. and typed. 11 x 5 x 13.

21. TREASURERS SETTLEMENTS, 1927--. 12 docs. in 1 f.d. 1925-26 in Sheriffs Settlements, entry 20.
Original financial settlements made annually by county treasurers with fiscal court, showing: date of settlement, name of treasurer, period covered, itemized list of receipts and disbursements, totals and balance, sworn statement of treasurer, date settlement approved, attestation of county judge, fiscal court order book reference to approval, and acknowledgment of county court clerk. Arr. chron. by date of settlement. No index. Typed. 11 x 5 x 13.

22. JAILERS ACCOUNTS, 1923--. 180 docs. in 1 f.d.
Original financial settlements made by jailers with fiscal court, showing: date, period covered, list of prisoners committed to jail, dates committed and released, amount of board costs per prisoner, number of prisoners committed and released during period, total costs for boarding prisoners, itemized list of repairs to jail and cost of repair work, itemized list of other

expenditures, total disbursements, sworn statement of jailer, attestation of county judge, fiscal court order book reference to approval, and acknowledgment of county court clerk. Arr. chron. by date of settlement. No index. Hdw. 11 x 5 x 13.

23. SHERIFF'S MONTHLY REPORT, May 1934--. 150 docs. in 2 f.d. 1934--
also in Delinquent Lists, entry 7.

Original reports of tax collections made monthly by sheriff to fiscal court clerk, showing: date of report, name of sheriff, period covered by report, amount of state, county, school, and poll taxes collected, amount of dog license fees collected, amount of commission due sheriff on each type of tax, sheriff's signature, date and acknowledgment of county court clerk, approval of county judge, and certification of county court clerk. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11 x 5 x 13.

24. TREASURER'S REPORT, 1935--. 43 docs. in 1 f.d.

Original reports and documents filed by county court clerk upon orders of fiscal court, including:

i. Original monthly financial reports made by treasurers to fiscal court and filed by county court clerk upon approval of court, showing: date of report, balance in bank at date of last report, itemized list of expenditures and receipts, total of each, balance of cash in bank at date of report, signatures of treasurer, attestation of county judge, date report approved, acknowledgment of county court clerk, fiscal court order book number and page reference to order approving report, and date recorded;

ii. School budget submitted to fiscal court by State Board of Education, 1938--, showing: amount of money needed for payment of teachers' salaries, maintenance and operation of schools, building repairs, and equipment; amount to be raised by local taxation; number of pupils attending schools, amount per capita; date submitted; school tax levy; and signatures of chairman and secretary of board of education;

iii. Contract for collection of whisky tax, 1938, showing: date contract made and entered, name of principal, terms of contract, percentage tax collector to receive, and signatures of county judge and principal;

iv. Appointments of special commissioners, 1938, showing: date, name of appointee, assignment and description of business to be transacted, fiscal court minute book reference where appointment recorded, name of county judge, and signature of county court clerk;

v. Fiscal court orders directing road work to be done by citizens under fifty years of age on dirt roads of county without pay, 1939, showing: date of order, name and boundaries of road, names of citizens ordered to work road, and overseer, signature of county judge, fiscal court minute book reference to court order, and certification of county court clerk.

Also contains: County Levy, 1939--, entry 4. Arr. chron. by date of record. No index. Hdw. and typed on plain paper and pr. fm. 11 x 5 x 13.

Fiscal Court - Finance (25-28)

25. REPORTS COUNTY ROAD ENGINEER, Apr. 1915-Dec. 1917, Jan. 19, 1920, May 1, 1920. 50 docs. in 1 f.d.
Original reports made by county road engineer to fiscal court of money received and disbursed and of work performed on county roads, Apr. 1915-Dec. 1917, showing: date of report, name of road engineer, itemized list of receipts and expenditures, total balance, and signature of road engineer. Also contains:

i. Resignation of road engineer, Jan. 19, 1920, the letter of resignation from the road engineer to the fiscal court requesting release from office, showing: date, name of fiscal court judge, effective date of resignation and signature of county road engineer;
ii. Specifications of turnpikes, April 23, 1915, original orders issued by fiscal court to road engineer of specifications for turnpikes in county, showing: date adopted, description of specifications, and attestation of fiscal court clerk;
iii. Judges report, May 1, 1920, original report of fiscal court judge of expenditures on county roads, showing: name of fiscal court judge, voucher number, name of person to whom issued, date, amount, and signature of judge.

No obvious arr. No index. Typed. 11 x 5 x 13.

26. REPORT OF STATE BOARD OF HEALTH, ANDERSON COUNTY BOARD OF HEALTH, AND ANDERSON COUNTY FISCAL COURT, Jan. 1932-July 1935. 14 docs. in 1 f.d.
Original activity reports made quarterly to fiscal court by county health department, showing: date of report, number of lectures given and number attending, and full report of other activities relating to sanitary inspections, communicable diseases control, tests, child hygiene, laboratory examinations, correction of physical defects, and signature of health officer. Arr. chron. by date of report. No index. Typed. 11 x 5 x 13.

27. SUP'S (Superintendent) OF SCHOOL SETTLEMENT, 1914-23. 2 f.d.
Annual reports made to fiscal court by county superintendent of public instruction of receipts and disbursements for county schools, showing: number of school districts in county, names and addresses of trustees, length of school term, maximum, minimum, and average number of attending students, cost of tuition for each, number of teachers employed, average wages of teachers, amount received for common school purposes, number, type, and value of each schoolhouse, amount received for official compensation and expenses, total amount paid teachers, date and acknowledgment of county judge, and attestation of county court clerk. Arr. chron. by date of report. No index. Hdw. on pr. fm. 11 x 5 x 13.

Insurance

23. INSURANCE POLICIES, 1915--. 27 docs. in 1 f.b., 1 f.d.
Fire insurance policies issued in favor of county covering county owned buildings, showing: date of issuance, name of carrying company, location and description of property, amount of coverage and premium rate, expiration date, signature of agent of carrying company, and approval of county

judge. No obvious arr. No index. Typed on pr. fm. 11 x 5 x 13. 1915-16, f.b., clock tower; 1917--, f.d., co. ct. clk. vt.

Welfare

29. ASSIGNMENTS, RELIEF FOR THE BLIND, SUMMONS, SUBPOENA, COSTS, 1930--. 1 f.d.

Applications from destitute blind persons requesting aid from the county, showing: condition of applicant, amount of property or possessions, signature of applicant, date, and acknowledgment of county court clerk. Also contains:

i. Statement of court costs necessary to investigate cases of blind persons applying for relief, showing: itemized list of costs of examination, placing of application, and total expense;

ii. Physicians' certificates declaring blind persons to be destitute of useful vision, showing: date, statement and signature of examining physician, and acknowledgment and signature of county court clerk;

iii. Subpoenas issued by the county court directing sheriff to produce named persons in court to testify in cases of destitute blind applying for aid, showing: name and address of person summoned, date of appearance, title of case in which testimony is requested, date of subpoena, return of sheriff, and signature of county court clerk.

Arr. chron. by date of application. No index. Typed. 11 x 5 x 13.

30. PAUPER CLAIMS, Mar. 1905-May 1909. 33 docs. in 1 f.b. Jan. 1897-- also in Claims, entry 12.

Claims filed with fiscal court for services, material, and merchandise furnished paupers, showing: date of claim, name of claimant, nature of services rendered or description of material or merchandise furnished named pauper, amount of claim, claimant's affidavit in support of claim, amount allowed, date claim approved, fiscal court minute book and page number where approval recorded, and signature of county judge. No obvious arr. No index. Hdw. 4½ x 4½ x 10. Clock tower.

Public Works

Conveyances

31. ROAD DEEDS, Apr. 1930-Feb. 1931. 338 docs. in 1 f.d.

Original deeds of conveyance transferring ownership of property to county for road and highway purposes, showing: date, names of grantor and commissioners for county, consideration, location and description of property, acknowledged signature of grantor, dates filed and recorded, volume number and page where recorded, and certification of county court clerk. Arr. chron. by date recorded. No index. Hdw. on pr. fm. 11 x 5 x 13.

Orders

32. ROAD BOOK (Appointments of Road Surveyors), Apr. 1864-June 1911. 1 vol. July 1911-- in Fiscal Court Minutes (Orders), entry 1.
Record of orders issued by fiscal court appointing road surveyors, showing: order number and date issued, name of surveyor, precinct number, name of road, and boundaries of precinct. Arr. numer. by order no. and chron. thereunder by date of order. No index. Hdw. on pr. fm. 400 pp. 18 x 12 x 2½.

33. COUNTY ROAD ORDERS (Road Claims), June 1915--. 1900 docs. in 2 f.b., 4 f.d. 1934-- also in Claims, entry 12.
Claim orders issued by fiscal court in payment of road claims for labor and material, showing: date and number of order, nature of claim, name of claimant, signature of road engineer, approval of county judge, and counter signature of county treasurer. Arr. numer. by number of order. No index. Hdw. on pr. fm. 11 x 5 x 13. June 1915-Dec. 1933, 2 f.b., clock tower; Jan. 1934--, 4 f.d., co. ct. clk. vt.

Surveys

34. ROAD BOUNDARIES, 1921. 25 docs. in 1 f.d.
Boundaries of county roads filed with fiscal court by county road engineer, showing: name of road, district number, and boundaries of road. No obvious arr. No index. Hdw. 11 x 5 x 13.

35. PROFILES FOR TURNPIKES (Road Surveys), Apr. 1903-Apr. 1927. 25 docs. in 1 f.d.
Original surveys of turnpike drawn to measurement by county surveyors, showing: name of turnpike, identity of beginning and ending points of survey, measurements of turnpike, and signature of surveyor. No obvious arr. No index. Hdw. 11 x 5 x 13.

Bids and Contracts

36. TURNPIKE BIDS (County Road Bids), 1921-22. 260 docs. in 1 f.d.
Bids for construction of county roads furnished fiscal court by road contractors, showing: date bid submitted, name of road, district number, nature of work to be done, type of material to be used, amount of bid, signature of bidder, and acknowledgment of county court clerk. No obvious arr. No index. Hdw. and typed. 11 x 5 x 13.

37. CONTRACTS FOR BUILDING COURT HOUSE, 1915. 5 docs. in 1 f.d.
Original contracts and agreements between fiscal court and contractors for construction of county courthouse and installation of electrical wiring, showing: date of contract, name of fiscal court judge, terms of contract, specifications, date work must be completed, total amount of contract, and signatures of contractors, witness, and judge of fiscal court. No obvious arr. No index. Typed. 11 x 5 x 13.

38. ROAD AND BRIDGE CONTRACTS, 1914-17. 7 docs. in 1 f.d.
Original contracts between fiscal court and various contractors for construction of new roads and bridges and repairs to old roads and bridges, showing: date, name of contractor, location and description of road or bridge, specifications of work to be done and type of material to be used, terms of contract, signatures of contractor and county road engineer, and approval of county judge. No obvious arr. No index. Typed. 11 x 5 x 13.

Miscellaneous

39. TREASURER B. T. P. A. C. (Building Turn Pike Anderson County), 1874-1900. 1 vol.
Record of statements furnished fiscal court by treasurer of turnpike company, showing: date, name of company, names of stockholders, number of shares owned by each, amount of dividend paid to each, and date paid. Arr. chron. by date of statement. No index. Hdw. 80 pp. 8 x 5 x 1. Clock tower.

40. STATE AID DOCUMENTS, 1919. 1 doc. in 1 f.d.
Statement furnished fiscal court by State Highway Commission of state aid allotted to county for road work, showing: date, amount allotted, name, number, and location of road, type of material to be used, and signature of State Highway Commissioner. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

Officials of County

Commissions

41. COMMISSIONS (County Officials), 1906--. 88 docs. in 1 f.b., 1 f.d.
Commissions issued by Governor of Commonwealth to county officials appointed or elected to office, showing: date issued, name of official, title of office, terms and conditions of commission, seal of state, and signatures of Governor and Secretary of State. Also contains: (Appointments of County Officials), entry 42. No obvious arr. No index. Typed on pr. fm. F.b., 4½ x 4½ x 10; f.d., 11 x 5 x 13. 1906-15, f.b., clock tower; 1916--, f.d., co. ct. clk. vt.

Appointments

42. (APPOINTMENTS OF COUNTY OFFICIALS), 1888-1905. 115 docs. in 1 f.b. 1879-87 in Miscellaneous, entry 52; 1906-- in Commissions (County Officials), entry 41.
Appointments of county officials made by fiscal court, showing: date of appointment, name of appointee, title of office, term of appointment, salary schedule, amount of surety bond required, and signature of county judge. No obvious arr. No index. Typed on pr. fm. 4½ x 4½ x 10. Clock tower.

Fiscal Court - Officials of County (45-45)

Surety Bonds (See also entry 190)

43. SHERIFF'S OFFICIAL BONDS, Jan. 1875--. 4 vols. Last entry Dec. 1937. Title varies: Sheriff's Bonds, 3 vols. Jan. 1875-Feb. 1919. Feb. 1843-Nov. 1848 in Mortgages, entry 71; 1849-52 in General Bonds, entry 50; 1853-74 in Sheriffs, Jailers, Coroners, and Surveyors Bonds, entry 51.

Original surety bonds furnished Commonwealth by sheriffs including sheriff's official bond, county levy bond, and State revenue bond. Sheriff's official bond is a covenant to and with the Commonwealth that principal shall, by himself and his deputies, well and truly discharge all the duties of said office and pay over to such persons, and at such times as they may respectively be entitled to the same, all moneys that may come to principal's hands, showing: names of principal and surety; date and amount of bond; signatures of principal and surety, and attestation of county court clerk; sheriff's bond for collection of county levy furnished Commonwealth as security that principal shall well and truly collect, account for, and pay over to the person entitled to receive the same, according to law, the county levy and public dues, and that principal shall, when called upon by the county court, settle his accounts, if any, of public money in his hands belonging to county, and shall, in all things, well and truly demean himself and perform the duties of collector of the county levy, showing: names of principal and surety; year covered by bond, date bond executed; signatures of principal and surety, and attestation of county court clerk; sheriff's bond for collection of State revenue is a covenant with Commonwealth that principal shall faithfully perform the duties appertaining to the collection of revenue, and shall within the time prescribed by law, collect, account for, and pay into treasury of State, and to the persons entitled thereto, according to law, all taxes and public dues, fines, amercements, and penalties directed or authorized by law to be collected or received by him within the said year, showing: names of principal and surety; year covered by bond, date bond executed; signatures of principal and surety, and attestation of county court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. Aver. 475 pp. 14 x 10 x 2..

44. (JAILERS' BONDS), 1853--. 1853-1904 in Sheriffs, Jailers, Coroners, and Surveyors Bonds, entry 51; 1905-- in General Bonds, entry 50.

Original surety bonds furnished Commonwealth by jailers as a covenant that all public duties will be well and truly performed, showing: date of bond, name of principal and surety, amount of bond, affidavit of surety, signatures of principal and surety, and attestation of county court clerk.

45. (CORONERS' BONDS), 1853--. 1853-1908 in Sheriffs, Jailers, Coroners, and Surveyors Bonds, entry 51; 1909-- in General Bonds, entry 50.

Original surety bonds furnished Commonwealth by coroner as a covenant that all public duties will be well and truly performed, showing: date of bond, name of principal and surety, amount of bond, affidavit of surety, signatures of principal and surety, and attestation of county court clerk.

46. (SURVEYORS' BONDS), 1853--. 1853-1908 in Sheriffs, Jailers, Coroners, and Surveyors Bonds, entry 51; 1909-- in General Bonds, entry 50.
Original surety bonds furnished Commonwealth by surveyors as a covenant that all public duties will be well and truly performed, showing: date of bond, names of principal and surety, amount of bond, affidavit of surety, signatures of principal and surety, and attestation of county court clerk.

47. BOND JUSTICE OF THE PEACE, May 1867--. 2 vols. Last entry Dec. 1937. Title varies: Justice of Peace Bonds, 1 vol., May 1867-Nov. 1924.
Original surety bonds furnished Commonwealth by justices of the peace as a covenant for faithful discharge of all the duties of said office as required by law and payment in due time, to the proper persons, all money received for fines, taxes, judgments rendered, or executions issued, showing: date, number, and amount of bond, names of principal and surety, signatures of principal and surety, date bond approved, signature of county judge approving bond, and attestation of county court clerk. Arr. numer. by bond. no. and chron. thereunder by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fms. Aver. 475 pp. 14 x 9⅝ x 2½.

48. SUPT. (Superintendent) OF SCHOOL BONDS, Dec. 1917. 1 vol. Dec. 1897-July 1928 also in General Bonds, entry 50.
Original surety bonds furnished Commonwealth by county school superintendents as a covenant for faithful discharge of all duties of said office as required by state laws, showing: names of principal and surety, amount of bond, year dates bond covers, date executed, signatures of principal and surety, and attestation of county court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 240 pp. 14 x 9 x 2.

49. CONSTABLES BONDS, May 1875-Nov. 1924. 1 vol. Office discontinued.
Original surety bonds furnished Commonwealth by constables as a covenant that principal shall well and truly collect all officers' fees and dues put into his hands to collect, and account for and pay the same in such time and manner as directed by law, and shall well and truly execute, and due return make, all process and precepts to him directed and to him delivered, and all notices and orders of justices or other tribunals given to him to execute and will pay and satisfy all sums of money by him received upon such process or precept, or any note, account, fee-bill, or other claim placed in his hands for collection, to the person entitled thereto, or to his order; and in all other things shall faithfully and truly execute and perform the said office of constable during his continuance therein, showing: names of principal and surety, amount of bond, date executed, signatures of principal and surety, and attestation of county court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. 221 pp. 14 x 9½ x 1½.

50. GENERAL BONDS, 1870--. 320 docs. in 2 f.b., 1 f.d.
Original surety bonds furnished Commonwealth by county officials, including: Assessors; Circuit Court Clerk, July 1913--; County Court Clerks, Dec. 1876--

County Judges, Jan. 1894--; County Road Engineers, Oct. 1913-Apr. 1919; County Treasurer, Apr. 1909--; Game and Fish Wardens, May 1906; Oil Inspectors, Mar. 1903-Mar. 1914; Poorhouse keeper, Dec. 1900-Nov. 1906; Road Contractors, 1890; and Turnpike Supervisors, May 1895-Apr. 1924. Summary for each bond shows: date of bond, names of principal and surety, amount of bond, affidavit of surety, signatures of principal and surety, and attestation of county court clerk. Also contains: Sheriff's Official Bonds, 1849-52, entry 43; (Jailers' Bonds), 1905--, entry 44; (Coroners' Bonds), 1909--, entry 45; (Surveyors' Bonds), 1909--, entry 46; Supt. (Superintendent) of Schools Bonds, Dec. 1897-July 1928, entry 48; Guardian's Bonds, Mar. 1910-Mar. 1922, entry 209; (Assignees' Bonds), Feb. 1895-Nov. 1915, entry 211. No obvious arr. No index. Hdw. and typed on pr. fm. F.b., 4½ x 4½ x 10; f.d., 11 x 5 x 13. 1870-1906, 2 f.b., clock tower; 1907--, 1 f.d., co. ct. clk. vt.

51. SHERIFFS, JAILERS, CORONERS, AND SURVEYORS BONDS, 1853-1908. 1 vol.

Original surety bonds furnished Commonwealth by county officials, containing: Sheriff's Official Bonds, 1853-74, entry 43; (Jailers' Bonds), 1853-1904, entry 44; (Coroners' Bonds), entry 45; (Surveyors' Bonds), entry 46. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 400 pp. 18 x 14 x 2. Clock tower.

Miscellaneous

52. MISCELLANEOUS, 1843, 1846, 1877, 1879--. 120 docs. in 2 f.b.

Miscellaneous papers and documents pertaining to fiscal court affairs of county, including:

i. Appropriations made by fiscal court for bridge construction, 1924--, showing: date, location of bridge, nature of work, amount appropriated, and signature of county judge;

ii. Bridge commissioners' reports, 1889-91, showing: date, location of bridge, nature of work, names of hands, amount due each, and signature of commissioners;

iii. Changes in road boundaries, 1890, showing: date, name of road, description of old boundaries and new boundaries, reason for change, and signature of road overseer;

iv. Contracts with poorhouse keeper, 1888-1925, showing: date, name of keeper, terms of agreement, and signature of keeper and county judge;

v. Petitions for stock law, 1910, 1916, showing: date, statement of petition, and signature of petitioners.

Also contains: (Appointments of County Officials), 1877-87, entry 42; Deed Book (Original Recorded Deeds), 1843, 1846, 1877, entry 54; (Dissolution Agreements), Aug. 1936, entry 62; (Partnership Agreements), Aug. 1936, entry 66. No obvious arr. No index. Hdw. and typed. 4½ x 4½ x 10.

(Next entry 53, p. 132)

II. COUNTY COURT CLERK

Structure

Creation

When Anderson County was created by an act approved January 16, 1827, the first meeting of the county court was held on February 5, 1827, after its members had been commissioned by Governor Desha. At this meeting, David White, Jr., presented his certificate of qualification from the Court of Appeals, and was appointed clerk of the Anderson County Court. (1)

Selection and Term

Until 1850 the county court clerk of Anderson County was appointed for a term lasting during good behavior. Constitutional provision in 1850, however, made this office elective for a 4-year term, as is the case today. (2)

Qualifications

The clerk was required to have been a resident of the county for 1 year prior to his appointment, but, since Anderson was a new county, the first clerk must have lived for that length of time in one of the counties from which Anderson was taken. (3) Later this provision was changed, and in order to qualify for office the clerk was required to have lived in the State 2 years and in the county 1 year preceding his election. (4)

Until 1850, research disclosed no specific age qualification for the county court clerk; however, the constitution of that year stipulated that he must have been at least 21 years of age preceding his election, a provision which was later reaffirmed and is still in effect. (5)

The clerk, before qualifying as a permanent official, has always been required to produce a certificate from a majority of the judges of the Court of Appeals that he has been examined by their clerk and is qualified to perform the duties of his office. (6)

Oath

The county court clerk was required to take the oaths to support the constitution and to perform the duties of his office faithfully. (7) In

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1. CONST. 1799, ART. 4, SEC. 10; ACTS, 1826-27, PP. 44, 57; COUNTY COURT ORDERS, FIRST VOL. NOT LABELED, PP. 1, 2, SEE ENTRY 194.
2. CONST. 1799, ART. 4, SEC. 10; CONST. 1850, ART. 6, SEC. 1; CONST. 1891, SEC. 99.
3. CONST. 1799, ART. 3, SEC. 9.
4. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
5. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
6. CONST. 1799, ART. 4, SEC. 10; CONST. 1850, ART. 4, SEC. 39; CONST. 1891, SEC. 100.
7. CONST. 1799, ART. 6, SEC. 1.

1850, and again in 1891, the previous constitutional provisions were reaffirmed, with the further stipulation that he must not have participated in any way in duels. (8)

Bond

By acts passed prior to 1827, the clerk was required to give bond and security approved by the county court. (9) Constitutional provision in 1850 and 1891 directed the county court clerk to give bond and security to the Commonwealth as often as was deemed necessary. (10) Today his bond is executed and approved by the county judge and entered upon the records of the county court. A copy is transmitted by the clerk to the Auditor of Public Accounts within a month after its approval. The clerk must renew his bond every 2 years, or oftener if required by the court. (11) An act of March 21, 1928, added the provision that in counties having the same population category as Anderson, the clerk's bond shall not be less than $5,000. (12)

Removal

The county court clerk has always been subject to removal from office for breach of good behavior by a two-thirds concurrence of the judges present in the Court of Appeals, upon information and good cause shown. (13)

Vacancy

From 1827 to 1850, a vacancy in the office of county court clerk was filled by the county court's appointment of some competent person to serve in that capacity. (14) Since 1850 a vacancy has been filled temporarily by the county court until a successor has been elected and has qualified. (15)

Compensation

From the beginning of his office, the clerk has been paid on a fee basis regulated by statutes; however, constitutional provision prohibits an annual income in excess of $5,000. (16) In Anderson County, for the fiscal year ending June 30, 1939, the county clerk, in addition to fees, received $500, half of which was for his services as budget bookkeeper. (17)

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8. CONST. 1850, ART. 8, SEC. 1; CONST. 1891, SEC. 228; Acts, 1891-93, P. 534; CARROLL, SEC. 372.
9. LITTELL, 1810, IV, 123.
10. CONST. 1850, ART. 6, SEC. 9; CONST. 1891, SEC. 103.
11. Acts, 1891-93, P. 535.
12. Acts, 1928, P. 406; CARROLL, SEC. 373.
13. CONST. 1799, ART. 4, SEC. 10; CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 124.
14. CONST. 1799, ART. 4, SEC. 10.
15. GEN. STAT., 1873 ED., P. 336; Acts, 1891-93, P. 145; CARROLL, SEC. 1526.
16. LITTELL, 1792, I, 62; Acts: 1851-52, PP. 304, 305; CONST. 1891, SEC. 106; Acts: 1891-93, PP. 1131-1137; 1904, P. 289 FF.; 1928, P. 392 FF.; CARROLL, SEC. 1720.
17. REPORT OF NAT. B. SEWELL, DIRECTOR OF POST AUDITS, UPON AN AUDIT OF THE ACCOUNTS AND AN INVESTIGATION OF THE FISCAL RECORDS AND AFFAIRS IN ANDERSON COUNTY FOR THE FISCAL YEAR ENDING JUNE 30, 1939.

County Court Clerk (Next entry 53, p. 132)

Deputies

Statutory provision in 1798 authorized the county court clerk to appoint deputies to assist him when it was deemed necessary. (18)

Requirements of Office

Until 1852, the county clerk was required to live at the seat of justice. (19) In that year, however, legislation stipulated that he keep his office within 200 yards of the courthouse and hold it open and accessible to the public at all reasonable times, except on Sundays. For failure to do so, a penalty of $5 was imposed. (20)

Legislation enacted subsequent to 1850 prohibited the county court clerk from practicing law while in office, and forbade him to have any interest whatsoever in contracts with the county. (21)

Functions

Relative to Other Agencies

The county court clerk has always been a ministerial officer of the county court in its judicial capacity. (22) He was also secretary of the county court when it met as a court of claims from its establishment until 1892, and after that time he served as clerk of the fiscal court.(23) His duties in connection with the supervision of tax assessments were part of his ministerial functions as a county court officer until 1852. (24) Since 1852, however, they have been a part of his duties as clerk of the board of tax supervisors. (25) In 1906, he became clerk of the "juvenile session" of the county court (26); in 1934 he was made clerk of the county budget commission (27);and he served as clerk of the various canvassing boards which preceded the county board of election commissioners, and also as clerk of the latter board. (28) He serves as a member of the county building commission, but Anderson County does not at present have such a commission. (29)

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18. LITTELL, 1798, II, 83.
19. IBID., 1799, II, 300.
20. ACTS: 1851-52, P. 62; 1891-93, P. 536; CARROLL, SEC. 380.
21. ACTS: 1851-52, P. 97; 1891-93, P. 271; CARROLL, SEC. 1044.
22. FOR SUCH DUTIES SEE COUNTY COURT, P. 188.
23. SEE FISCAL COURT, P. 101.
24. SEE COUNTY COURT, P. 188.
25. SEE BOARD OF TAX SUPERVISORS, P. 275.
26. SEE COUNTY COURT, P. 188.
27. SEE COUNTY BUDGET COMMISSION, P. 279.
28. SEE COUNTY BOARD OF ELECTION COMMISSIONERS, P. 287.
29. ACTS: 1914, P. 1; 1928, P. 156; CARROLL, SEC. 1881A-1.

County Court Clerk (Next entry 53, p. 132)

Independent Functions

Aside from duties delegated to him by a court or other body, the county court clerk has always performed many duties per se as the clerk of the county. Generally speaking, his independent duties may be grouped as follows: 1. Chief recording agent of the county; 2. Custodian of the major portion of the county's records; 3. County official in charge of preparing certain tax data for the tax commissioner and sheriff; 4. County officer issuing marriage, motor, hunting, fishing, and occupational licenses; 5. County officer charged with the preparation of election paraphernalia; 6. County officer as agent of the State, reporting and accounting to the State Auditor for State taxes received by him on documents and suits, and making reports to the State Tax Commission concerning appraisals of estates; and 7. Miscellaneous duties. Any one particular function performed by the clerk seldom consists of a single act, such as serving as the custodian of the surveyor's books; usually he combines two, three, and sometimes four duties, as, for example, in the case of deeds. In this instance, he records the deed, is custodian of the deed as a permanent record, collects a fee for his office, and acts as an agent for the State in collecting the State tax upon the deed. These various categories of duties assigned by statute to him as the clerk of the county, are treated in the following paragraphs.

1. Recording Officer: Under provisions of an early act, the county court clerk was required, in 1827 when Anderson was established, to record all deeds. (30) In 1839 he not only recorded deeds and mortgages, but also indexed them in the proper deed books. He was further required to advertise annually a list of unrecorded deeds, giving the reasons why they had not been recorded. (31) Two years later he was required to enter in index books all conveyances alphabetically by the name of the grantor, and to keep an alphabetical cross index of all such conveyances. (32) Early legislation required the clerk to record and certify all mortgages, pledges, or liens on personal property. (33) Since 1928 he has been required to keep a chattel mortgage minute book in which he enters abstracts of all pledges, mortgages, or liens on personal property. (34) In 1839 he began to keep a list of persons who hold life estate in slaves (35), but this function was discontinued after the Emancipation Proclamation.

Since 1896 the clerk has received and recorded notices of lis pendens in a book kept for that purpose, and it was his duty to number each notice in the order of its arrival, and to endorse on each the date and hour of receipt, and the name of the person filing it. (36) It has been his duty, since 1938, to keep in a special lien book, furnished by the State De-

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30. LITTELL: 1806, III, 358; 1810, IV, 165; ACTS: 1891-93, pp. 830, 836; 1910, p. 249; CARROLL, secs. 501, 502.
31. ACTS: 1838-39, p. 96; 1841-42, p. 20; 1891-93, p. 835; CARROLL, sec. 512.
32. ACTS: 1841-42, p. 20; 1891-93, p. 835; 1918, p. 597; 1920, p. 270; CARROLL, sec. 513.
33. GEN. STAT., 1873 ED., p. 239.
34. ACTS, 1928, p. 468; CARROLL, sec. 523A-2.
35. ACTS, 1838-39, p. 135.
36. ACTS, 1896, p. 14; CARROLL, sec. 2358A-3.

partment of Public Welfare, a record of liens against recipients of old age assistance. (37) This is done for the Division of Public Assistance created in the State Department of Welfare in 1936. (38)

In general, the clerk records all instruments of writing embraced in the statutes which are lodged for record and properly certified, or which are acknowledged or proved before him as required by law. (39) The county court may or may not scrutinize a particular instrument which it is the duty of the clerk to record. Thus, the clerk records any instrument of conveyance given to him for record. If the instrument is the subject of litigation, the clerk's further action is in strict obedience to the order of the court. Obviously, the clerk's duties as a recording agent may at times be ministerial and at other times be independent.

2. Custodian: As custodian of all records which the statutes directed him to preserve, the clerk was also charged with the safe-keeping of the greater portion of the county records. Upon his resignation, removal from office, or the expiration of his term of office, he must immediately, upon application, deliver all records and papers belonging to his office to his successor or such person as the court may designate. He must not permit the removal of records from the county except in great emergencies or by court order. (40)

3. Preparation of Tax Data: Originally the county court clerk performed a few duties concerned with the compilation of tax data. These duties have gradually grown more numerous during the years, until today this officer is the coordinator of the majority of the property and tax records of Anderson County.

Upon the establishment of his office, the clerk received from each commissioner of the tax, his original tax list and three alphabetical lists made by him from the original list. He examined these lists, correcting any errors by comparing the lists with the county deed books, and then certified these lists as true copies. He retained one list to use in laying the county levy and returned the others to each commissioner of the tax, who delivered one copy to the sheriff and sent another copy to the State Auditor by November 1, annually. The remaining copy he kept for his own use. (41) In 1809 each commissioner of the tax delivered only the original tax list of persons and property to the clerk, who then compiled alphabetical books from the original list, examined these books, and certified them as correct. After the sheriff had entered into bond for collecting the taxes, the clerk delivered to him one copy of the tax book as a guide to the collection of these taxes, transmitted another copy to the State Auditor as a check upon their collection by the sheriff, and kept a copy in his office for use in laying the county levy. (42) He

37. Acts, 1938, p. 392.
38. Acts, 1936, pp. 303-309; Baldwin's Supp., sec. 3766B3-11B; Acts, 1938, p. 392.
39. Acts, 1891-93, p. 829; Carroll, sec. 511.
40. Littell, 1799, II, 83, 255; Acts, 1891-93, pp. 535, 536; Carroll, secs. 374, 377.
41. Littell: 1797, I, 678; 1799, II, 319.
42. Ibid., 1809, IV, 162; Acts: 1818-19, p. 652 ff.; 1831-32, p. 173.

continues to copy the tax books, sending a copy to the State Auditor (43), and in addition he prepares annually a book of tax bills and stubs in triplicate for the use of the sheriff. (44)

More recent acts required the county court clerk to certify to the county tax commissioner, annually, a complete statement of all conveyances for the preceding year (45), and on or before August 1, to make and to certify to the county tax commissioner a complete statement of all purchase money, notes, mortgages, and other obligations or liens for money due or to be paid the county, except such as are owned by banks or trust companies. (46)

On or before July 10 of each year, the clerk reported to the State Tax Commission on forms furnished and prescribed by that body, a record of all sales of real estate for the year immediately preceding July 1. (47) He was also authorized to receive from the county tax commissioner, on or before January 1 of each year, all tax schedules except those of intangible property, to be filed and preserved for a period of 5 years. (48)

4. License Duties: The county court clerk has always been required to issue and record marriage licenses (49); however, an act of 1938, effective March 1, 1940, requires applicants for marriage licenses to be examined 15 days before applying for a marriage license, to show that they are free from venereal diseases. If the applicant fails to present this certificate, it is the duty of the clerk to refuse to issue the license. (50) He issued and recorded licenses to " tavern keepers, peddlers of clocks, and owners and keepers of covering horses and jacks." (51) Legislation passed after 1850, directed him to issue licenses for bowling alleys, menageries, and circuses, as well as to vendors of playing cards and peddlers of merchandise. (52) Since 1878, statutory provision has required him to issue licenses to pawnbrokers. (53) Legislation enacted between 1904 and 1933, required him to issue licenses to transient merchants, auctioneers, fortune tellers, steam laundries, restaurants, real estate agents, and various other business enterprises.(54) The clerk, as an agent for the State, was required to issue licenses for businesses intended to be conducted within his county, except those otherwise provided

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43. Acts, 1891-93, p. 534; CARROLL, SEC. 384.
44. Acts, 1912, p. 474; CARROLL, SEC. 4239A; SEE ALSO BOARD OF TAX SUPERVISORS, P. 275; SHERIFF, P. 287.
45. Acts, 1906, p. 217; CARROLL, SEC. 4240.
46. Acts, 1905, pp. 97, 98; CARROLL, SEC. 4051A.
47. Acts: 1917, pp. 13, 14; 1922, p. 346; CARROLL, SEC. 41141-14.
48. Acts:1917, pp. 14, 15; 1922, p. 346; CARROLL, SEC. 41141-15.
49. LITTELL, 1799, 11, 275; Acts: 1891-93, p. 927; 1934, p. 524; CARROLL, SEC. 2108-1.
50. Acts, 1938, p. 625; BALDWIN'S SUPP., SEC. 2103A-1.
51. Acts, 1831-32, pp. 132, 135.
52. GEN. STAT., 1873 ED., pp. 688, 711-715, 727.
53. Acts: 1877-78, p. 28; 1885-86, I, 76; 1905, p. 102; 1938, p. 399: BALDWIN'S SUPP., SEC. 4224A-1.
54. Acts, 1904, p. 104, 1905, pp. 190, 191; 1916, p. 654; 1933, pp. 14-16; CARROLL, SEC. 4224.

for by law (55), and he continues to issue and to account for automobile licenses to the State Tax Commission. (56) The licensing and supervision of loan companies continues today under special legislation. (57) By an act of March 12, 1938, however, various license taxes were repealed, including those of peddlers, transient merchants, auctioneers, and fortune tellers. (58) Legislation in 1940, however, restored peddlers' licenses. (59)

Subsequent to 1850, at each term of court, the clerk was required to report to the circuit court a list of licenses granted, giving the name of licensee, the date of and reason for issuance of each license, the date of expiration, and the amount of tax. (60) An act of 1906 made it also the clerk's duty to include in such report the amount of all money due the Commonwealth and collected by him from all sources except State and district taxes, since his last report was made. (61) An act of 1914 makes it the clerk's present duty to report to the State Auditor, instead of the circuit court, on the last day of each month and to pay into the State treasury all the funds on hand. (62)

Since 1912 the clerk has issued hunting licenses, keeping a record of them in a special book. (63) He was also required to issue game and fish licenses and to return all unused licenses and the stubs for the previous year, to the State Game and Fish Commission. (64) In 1918 he was required to issue dog and kennel licenses and permits, and to keep a record of the same; but this duty in 1950 was given to the sheriff. (65) Since 1928 he has issued fishing licenses, accounting to the commissioner in the same manner as for hunting licenses. (66)

5. Election Official: The county court clerk has always had a great many duties relating to the holding of elections. (67) These duties, apart from his duties as clerk of the board of election commissioners are as follows: To have printed, bound, and ready for distribution at least 30 days before any regular primary or regular election, and at least 2 days before any other election, one book of stubs and ballots for each voting precinct in his county; to furnish 50 percent more ballots for each precinct than there were votes cast there at the last State or National election; and to furnish the precincts with necessary election materials such as

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55. Acts, 1906, p. 103; Carroll, sec. 4190.
56. Acts: 1920, p. 415; 1934, p. 496; Carroll, sec. 2739A-62.
57. Acts, 1922, p. 286; Carroll, sec. 6831-1 ff.
58. Acts, 1938, pp. 133, 390 ff.; Carroll, sec. 4217B-2.
59. See County Court, p. 188.
60. Gen. Stat., 1873 ed., pp. 729, 805.
61. Acts, 1906, pp. 224, 225.
62. Acts, 1914, p. 47; Carroll, sec. 4600-5.
63. Acts, 1912, p. 165; Carroll, sec. 1954c-26.
64. Acts: 1912, p. 166; 1916, pp. 343-346; Carroll, sec. 1954c-30.
65. Acts: 1918, pp. 484, 488; 1930, p. 3; Carroll, secs. 608-4, 608-11.
66. Acts, 1928, p. 228; Carroll, secs. 1893c-1, 1893c-7.
67. See County Board of Election Commissioners, p. 287.

election seals, sealing wax, linen envelopes, black ink stencils, sample ballots, and cards of instructions to voters. (68)

6. Agent of the State: When Anderson County was created, the clerk was required to account to the State Auditor and pay into the State treasury each November, all money received by him on public account for taxes on suits, documents, and various other instruments. (69) At present he accounts for all taxes and other public money received by him up to the first day of each circuit court. (70) By an act of 1833 which set up a jury fund and trustee, the clerk, upon the order of the circuit court, turned over to the trustee of the jury fund all State money collected by him, including fines and forfeitures imposed by the county court. The clerk settled with the trustee on the first day of each circuit court term; his settlement was filed by the trustee with the clerk of the circuit court, who sent a copy to the State Auditor. (71) This procedure continued with minor variations (72), until 1934 when legislation abolished the jury fund and trustee, and the circuit court clerk was authorized to take over the trustee's duties. The county court clerk was directed by the same act to report to the circuit clerk a full list of all fines and forfeitures imposed by the county court at each term of court. Since July 1, 1934, when the act became effective, the county court clerk has paid into the county treasury all money which was formerly paid to the trustee. The county treasurer then transferred this money to the general fund of the State and accounted for it to the State Auditor. (73)

Since 1924 the clerk has been required to report each month to the State Tax Commission, on forms published by the Commission, a list of wills probated and administrators appointed, together with the name of the decedent and the value of the estate when an inventory is filed. On request from the Commission, he furnished such other information as might be of record concerning any such estate. (74)

7. Miscellaneous Duties: An early duty of the county court clerk was to transmit a list of justices to the Secretary of State; to receive papers and record books of a justice of the peace in the event of his resignation, removal, or death; and to make annually a list of deeds recorded by him, copies of which he delivered to the various courts. (75) Since 1850 the clerk has reported to the county judge a list of law books received on public account. It has always been his duty to safeguard these books and prevent their removal from his office. (76)

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66. Acts: 1891-93, pp. 111, 113, 119; 1900, pp. 32, 35, 37; 1919, pp. 111, 113; Carroll, sec. 1465; see County Board of Election Commissioners, p. 287.
69. Littell, 1798, II, 65.
70. Acts, 1906, p. 219; Carroll, sec. 4242.
71. Acts, 1833-39, p. 239.
72. Acts: 1891-93, p. 921 ff.; 1906, pp. 219, 220.
73. Acts, 1934, pp. 541, 542; Carroll, sec. 2290-1.
74. Acts, 1924, p. 340; Carroll, sec. 4251A-34.
75. Littell, 1798, II, 86, 90.
76. Gen. Stat., 1873 ed., p. 612; Acts, 1891-93, p. 597; Carroll, sec. 2429.

County Court Clerk - Instruments of Conveyance (53-54)

Early statutes, reaffirmed by later legislation and in force today, gave the clerk authority to administer oaths pertaining to any matter in which an oath may be legally administered. (77)

Unless otherwise specified, the records of the county court clerk are housed in his vault.

Instruments of Conveyance

Land Titles

53. UNRECORDED DEEDS, Apr. 26, 1852--. 350 docs. in 1 f.d. Original deeds transferring title to property from one party to another filed by county court clerk but unrecorded as recording fee was not paid, showing: date of deed, names of grantor and grantee, location and description of property, consideration involved, signature of grantor, and acknowledgment of county court clerk. Also contains:

i. Unrecorded mortgages, 1920--, showing: date of mortgage, names of mortgagor and mortgagee, location and description of property, terms, amount secured, signature of mortgagor, attestation of notary public, and acknowledgment of county court clerk;

ii. Unrecorded chattel mortgages, 1922--, showing: names of mortgagor and mortgagee, amount secured, description of property, signature of mortgagor, attestation of notary public, and acknowledgment of county court clerk;

iii. Unrecorded commissioners' deeds, 1888-1901, showing: date of indenture, names of plaintiff and defendant, name and address of purchaser, description and location of property, date and amount of sale, date confirmed by court, signature of confirming officer, and attestation of county court clerk;

iv. Unrecorded power of attorney grants, 1888-1902, showing: names of grantor and attorney in fact, date, extent, and provisions of grant, signature of grantor, and acknowledgment of county court clerk;

v. Unrecorded deeds of partition, 1892-1915, showing: date of deed, names of estate, heirs, and executor, location and description of property, value of estate, manner of division, signature of executor, and acknowledgment of county court clerk.

No obvious arr. No index. Hdw. 11 x 5 x 13.

54. DEED BOOK (Original Recorded Deeds), Dec. 1835--. 3600 docs. in 48 f.d. (lettered or numbered according to deed vol. where recorded). 1843, 1846, 1877 also in Miscellaneous, entry 52. Original notarial and private acts of conveyance, instruments pertaining to conveyances, and public notices filed with county court clerk for recording,

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77. LITTELL, 1800, II, 370; Acts, 1891-93, p. 534; CARROLL, SEC. 360.

showing: date and number of indenture, names of grantor and grantee, location and description of property, consideration involved, deed volume letter or number and page where recorded, grantor's notarized signature, date notarized, attestation of notary public, certification of county court clerk, and date recorded. Also contains: Commissioners Deeds, 1835-1920, entry 58; Chattel Mortgages, Dec. 1835-July 1840, entry 77. Arr. numer. by deed no. and chron. thereunder by date recorded. No index. Hdw. and typed. 11 x 5 x 13.

55. DEEDS, Feb. 1827--. 60 vols. (A-I, K-Z, 1-35) Title varies: Deed Book 55 vols., 1827-Feb. 5, 1935. Oct. 31, 1840-June 30, 1897 also in Mortgages, entry 71.

Record of notarial and private acts of conveyances, instruments pertaining to conveyances, and public notices recorded by county court clerk, including: deeds of committees, confirmation, conveyance, correction, assessment, emancipation, executors, exchange, gift, merger, patent right, quit claim, release, relinquishment, rights-of-way, road, sheriff, slave, trust, and warranty; affidavits; cancellation and transfer of contracts and agreements; charter; contracts; donations; land grants; notices of trade-marks; plats; receipts for notes and transfers of notes; revocation of power of attorney grants; title bonds; and transfers of lands; each summary showing: date of instrument, names of parties at interest, location and description of property involved, amount of consideration, how secured, copy of grantor's notarized signature, certification of county court clerk, date recorded, and date certificate delivered to grantee. Also contains: Commissioners Deeds, Feb. 1827-Mar. 9, 1922, entry 59; (Leases), entry 60; (Agreements), entry 61; (Bills of Sale), entry 63; (Power of Attorney), Oct. 1827--, entry 67; (Affidavits of Slave Ownership), Mar. 10, 1860-Mar. 1, 1865, entry 68; Mortgages, Oct. 28, 1827-Sept. 8, 1840, entry 71; Chattel Mortgages, Dec. 1835-Aug. 1840, entry 73. Arr. chron. by date recorded. For index, see entry 56. 1827-1909, hdw.; 1910--, typed. Aver. 600 pp. 20 x 18 x 3.

56. GENERAL CROSS INDEX TO DEEDS, Feb. 1827--. 3 vols. (1-3)

General cross index to Deeds, entry 55, alphabetical: direct by first letter of surname of grantor, showing name of grantee and volume letter or number and page where recorded; and indirect by first letter of surname of grantee, showing name of grantor and volume letter or number and page where recorded. Arr. alph. by first letter of surnames of grantor and grantee and chron. thereunder by date recorded. Hdw. under pr. hds. Aver. 320 pp. 20 x 18 x 3.

57. MEMORANDUM OF DEEDS, 1835-62. 1 vol. Record discontinued.

Minutes of deeds filed with county court clerk for recording, showing: date recorded, names of grantor and grantee, number of acres, location, type of instrument, and deed book letter and page number where recorded. Arr. chron. by date recorded. No index. Hdw. under pr. hds. 200 pp. 12 x 12 x 1½. Clock tower.

County Court Clerk - Instruments of Conveyance (58-62)

58. COMMISSIONERS DEEDS, Jan. 1921--. 75 docs. in 1 f.d. 1835-1920 in Deed Book (Original Recorded Deeds), entry 54.
Original deeds of conveyance executed by master commissioner transferring title to property sold upon orders of circuit court and filed with county court clerk for recording, showing: case number, date of deed, names of plaintiff and defendant, name and address of purchaser, location and description of property, amount of sale, date confirmed by circuit court, signature of circuit judge confirming sale, attestation of master commissioner, date filed for recording, certification of county court clerk, date recorded, and page number in commissioner's deed volume where recorded. Arr. chron. by date recorded. No index. Hdw. on pr. fm. 11 x 5 x 13.

59. COMMISSIONERS DEEDS, Mar. 10, 1922--. 1 vol. Feb. 1827-Mar. 9, 1922 in Deeds, entry 55.
Record of deeds of conveyance executed by master commissioner transferring title to property sold upon orders of circuit court and recorded by county court clerk, showing: case number, date of deed, names of plaintiff and defendant, name and address of purchaser, location and description of property, amount of sale, date of court's confirmation, name of confirming officer, attestation of county court clerk, and date recorded. Arr. chron. by date recorded. Alph. cross index; direct by first letter of surname of grantor, showing name of grantee, and p. no. where recorded; and indirect by first letter of surname of grantee, showing name of grantor, and p. no. where recorded. Hdw. on pr. fm. 640 pp. 18 x 12 x 2.

Leases and Agreements

60. (LEASES), Feb. 1827--. In deeds, entry 55; Mar. 1, 1881-- also in Mortgages, entry 71.
Record of leases granting possession of described land for specified period of time and stated purposes recorded by county court clerk, showing: names of lessor and lessee, date, terms, and purpose of lease, location and description of land, source of title, names of witnesses and notary public who attested original document, certification of county court clerk, date recorded, and date original document delivered to grantee.

61. (AGREEMENTS), Feb. 1827--. In Deeds, entry 55; Aug. 25, 1840-Feb. 8, 1876 also in Mortgages, entry 71.
Record of agreements of mutual understanding made between contracting parties recorded by county court clerk, showing: date of instrument, names of parties to agreement and witnesses, nature and terms of indenture, certification of county court clerk, date recorded, and date certificate delivered to grantee.

62. (DISSOLUTION AGREEMENTS), Dec. 1934--. In Articles of Incorporation, entry 64; Aug. 1936 also in Miscellaneous, entry 52.
Dissolution agreements filed for record with county court clerk by stockholders of incorporations licensed to operate in county, showing: name of

corporation, reference to statute under which dissolution is sought, date of dissolution, reason, notarized signatures of stockholders, number shares held by each, date filed, and acknowledgment of county court clerk.

Personal Property

63. (BILLS OF SALE), Feb. 1827--. In Deeds, entry 55; Feb. 2, 1841-Oct. 12, 1870 also in Mortgages, entry 71.
Record of bills of sale covering transfer of ownership of personal property recorded by county court clerk, showing: date of instrument, names of vendor and purchaser, description of property, amount of sale, how secured, certification of county court clerk, date recorded, and date certificate delivered to purchaser.

64. ARTICLES OF INCORPORATION, Jan. 7, 1892--. 110 docs. in 1 f.d.
Original incorporation papers of firms authorized to operate in county as corporations filed with county court clerk for recording, showing: date of instrument, names of corporation and incorporators, principal office and place of business, nature of proposed business, amount of capital stock, par value of shares, address of each incorporator, number shares subscribed by each, articles of incorporation, signatures of incorporators, attestation of notary, date recorded, volume and page number where recorded, and certification of county court clerk. Also contains: (Dissolution Agreements), Dec. 1934--, entry 62; (Partnership Agreements), Sept. 1935--, entry 66. Arr. chron. by filing date. No index. Jan. 7, 1892-Jan. 26, 1899, hdw.; June 29, 1900--, typed. 11 x 5 x 13.

65. RECORD OF ARTICLES OF INCORPORATION, Feb. 23, 1891--. 1 vol.
Transcripts of records pertaining to incorporation of firms, including:

i. Articles of incorporation of firms, incorporated to transact business in county, showing: names of corporation and incorporators, principal office and place of business, nature of proposed business, amount of capital stock, par value of shares, number of shares subscribed by each incorporator, articles of incorporation, name of notary public who attested incorporators' signatures on original document, attestation of county court clerk, and date recorded;

ii. Amended articles of incorporation, Mar. 3, 1898--, showing: date and explanation of amendment, names of stockholders and notary public who attested stockholders' signatures on original document, attestation of county court clerk, and date recorded;

iii. Statement of reduction of capital stock, Oct. 20, 1917-Aug. 5, 1919, showing: name of corporation, statement furnished by stockholders declaring a reduction in the capital stock, amount of reduction, names of directors and notary public who attested directors' signatures on original document, attestation of county court clerk, and date recorded;

iv. Dissolution of articles of incorporation, Dec. 6, 1932--, showing; name of corporation, statement of dissolution and date effective, names of directors and notary public who attested

directors' signatures on original document, attestation of county court clerk, and date recorded.
Arr. chron. by date recorded. Alph. index, direct by first letter of name of corporation, showing p. no. where recorded. Hdw. 480 pp. 18½ x 13 x 2½.

66. (PARTNERSHIP AGREEMENTS), Sept. 1935--. In Articles of Incorporations, entry 64; Aug. 1936 also in Miscellaneous, entry 52.
Declarations of intention by individuals to operate as firms or partnerships filed with county court clerk for recording, showing: date of declaration, nature, name, and address of proposed operation, names and addresses of firm members, dates filed and recorded, and attestation of county court clerk.

67. (POWER OF ATTORNEY), Oct. 1827--. In Deeds, entry 55; Sept. 24, 1841-June 9, 1869 also in Mortgages, entry 71.
Record of power of attorney grants giving one person authority to legally transact specified business matters for another, recorded by county court clerk, showing: names and addresses of grantor and attorney in fact, date of indenture, nature of grant, copy of grantor's notarized signature, by whom notarized, certification of county court clerk, and date recorded.

68. (AFFIDAVITS OF SLAVE OWNERSHIP), Dec. 31, 1849-Mar. 1, 1865. Dec. 31, 1849-Feb. 27, 1860 in Mortgages, entry 71; Mar. 10, 1860-Mar. 1, 1865 in Deeds, entry 55.
Record of affidavits furnished county court clerk by slave owners in support of statement that slaves purchased and brought into county were not for sale but for use of owner only, showing: name of slave owner, date of affidavit, number of slaves imported, copy of owner's statement, certification of county court clerk, and date recorded.

69. CERTIFICATIONS DEED AND MORTGAGES FROM OTHER COUNTIES, Apr. 5, 1920-June 16, 1924. 4 docs. in 1 f.d.
Schedules of notes, mortgages, and other liens on property in other counties certified by county court clerk to tax assessor for purpose of assessment, showing: name and address of taxpayer holding mortgage, date and county where mortgage was filed, dates of execution and maturity, amount, attestation date and signature of county court clerk. No obvious arr. No index. Hdw. under pr. hds. 11 x 5 x 13.

Encumbrances

Real Estate Liens

70. MORTGAGE BOOK (Original Recorded Real Estate Mortgages), Aug. 22, 1840--. 750 docs. in 16 f.d. (A-I, K-O, PQ, RS).
Original mortgages pledging real property as security for the payment of indebtedness, filed by county court clerk after recording of indenture, showing: date of mortgage, names and addresses of mortgagor and mortgagee, location and description of property, amount secured, terms and conditions

of indenture, signature of mortgagor, date filed and recorded, mortgage book letter and page number where recorded, and attestation of county court clerk. Also contains: Chattel Mortgages, Aug. 1840-Apr. 1912, entry 77. Arr. chron. by date recorded. No index. Hdw. and typed. 11 x 5 x 13.

71. MORTGAGES, Sept. 9, 1840--. 19 vols. (A-I, K-T). Title varies: Mortgage Book, 15 vols., A-I, K-P, Sept. 9, 1840-Dec. 3, 1929. Oct. 28, 1827-Sept. 8, 1840 in Deeds, entry 55.
Record of mortgages pledging real property as security for the payment of indebtedness and recorded by county court clerk, showing: date of mortgage, names of mortgagor and mortgagee, location and description of property, amount secured, terms and conditions of indenture, name of notary public who attested mortgagor's signature on original indenture, date of notarization, certification of county court clerk, date recorded, and date of release. Also contains: Sheriff's Official Bonds, Feb. 1843-Nov. 1848, entry 43; Deeds, Oct. 31, 1840-June 30, 1897, entry 55; (Leases), Mar. 1, 1881--, entry 60; (Agreements), Aug. 25, 1840-Feb. 8, 1876, entry 61; (Bills of Sale), Feb. 2, 1841-Oct. 12, 1870, entry 63; (Power of Attorney), Sept. 24, 1841-June 9, 1869, entry 67; (Affidavits of Slave Ownorship), Dec. 31, 1849-Feb. 27, 1860, entry 68; Chattel Mortgages, Sept. 1840-Mar. 1912, entry 78; Sheriff's Land Sold For Taxes, June 1867-July 1887, entry 251. Arr. chron. by date recorded. For index, see entry 72. Sept. 9, 1840-Oct. 13, 1922, vols. A-I, K-N, hdw.; Nov. 1, 1922--, vols. O-T, typed. Aver. 600 pp. 18 x 16 x 3.

72. GENERAL INDEX MORTGAGES, 1840--. 1 vol.
General cross index to Mortgages, entry 71, alphabetical: direct by first letter of surname of mortgagor, showing name of mortgagee and volume letter and page number where recorded; and indirect by first letter of surname of mortgagee, showing name of mortgagor and volume letter and page number where recorded. Arr. alph. direct by first letter of surnames of mortgagor and mortgagee and chron. thereunder by date recorded. Hdw. under pr. hds. 322 pp. 18 x 12 x 3.

73. RECORD OF ENCUMBRANCES ON REAL ESTATE, Jan. 8, 1897--. 2 vols.
Record of encumbrance liens filed against property as provided by State laws during the pendency of suits filed in circuit court for recovery of rights or claims and recorded by county court clerk, showing: date lien filed, names of plaintiff and defendant, amount of debt, date suit filed, location and description of property, attestation of county court clerk, and date recorded. Also contains:

i. Lis pendens notices given by county court clerk stating that plaintiffs have filed petitions to enforce mortgages on real property owned by defendants, showing: names of plaintiff and defendant, location and description of property pledged, location in mortgage book where mortgage recorded, amount secured, rate of interest, date of notice, case number, and attestation of county court clerk;

ii. Notices of assignment that plaintiffs have transferred interest in property, showing: names of plaintiff and defendant, amount assigned, to whom assigned, rate of interest, date assigned,

location in mortgage book where mortgage recorded, and attestation of county court clerk;

iii. Notice of tax liens under internal revenue laws, May 1928--, showing: name and address of taxpayer, amount of federal tax due, nature of tax, taxable period, amount of tax assessed, additional penalty assessed, date assessment list received, name of collector of internal revenue, attestation of county court clerk, record of tax lien release upon payment of tax, and date of release;

iv. Notice of executions in actions transferred from quarterly to circuit court, showing: date transferred to circuit court, number of execution, names of plaintiff and defendant, name of sheriff addressed in execution, date filed, and attestation of county court clerk.

Arr. chron. by date recorded. Alph. index, direct by first letter of surname of plaintiff, showing name of defendant, description of lien, and p. no. where recorded. Hdw. Aver. 560 pp. 13 x 12 x 2½.

74. MECHANICS LIENS, Oct. 22, 1874--. 150 docs. in 1 f.d.
Original liens against property filed to secure payment of debts and court judgments and notices that actions affecting title to named property have been filed protesting against subsequent claims except subject to this action, showing : date of filing, names of persons seeking to enforce lien and property owner, amount of lien, description of property, notarized signature of plaintiff, attestation of notary public, encumbrance volume number and page where recorded, date recorded, and certification of county court clerk. Arr. numer. by lien no. No index. Hdw. and typed. 11 x 5 x 13.

75. MECHANIC'S LIEN BOOK, Oct. 22, 1874--. 1 vol.
Record of liens filed against property to insure payment for work done and material furnished and recorded by county court clerk, showing: date of filing, name of party seeking to enforce lien, amount of lien, name of person against whom lien is filed, location and description of property, nature of lien, name of notary public who attested original document, attestation of county court clerk, date recorded, and date of release. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of property owner, showing p. no. where recorded. Hdw. under pr. hds. 334 pp. 16 x 11 x 1½.

76. (OLD AGE PENSION LIENS), Jan. 1936-1940. 1 vol. Record discontinued.
Minute record of liens upon property owned by recipients of old age pension grants filed with county court clerk by State Department of Welfare, showing: name and address of grantee, number of county, application number, grant number, and amount of grant. Arr. numer. by grant no. No index. Typed on pr. fm. 250 pp. 16 x 14 x 2.

Chattel Liens

77. CHATTEL MORTGAGES, Apr. 30, 1912--. 900 docs. in 3 f.d. (numbered according to chattel mortgage vol. where recorded). Dec. 1835-July 1840 in Deed Book (Original Recorded Deeds), entry 54; Aug. 1840-Apr. 1912 in Mortgage Book (Original Recorded Real Estate Mortgages), entry 70.

Original mortgages filed with county court clerk for recording on personal property pledged as security for payment of indebtedness, showing: names and addresses of mortgagor and mortgagee, description of property pledged, date mortgage made and date due, number of mortgage, amount secured, chattel mortgage number and page where recorded, sworn statement and signature of mortgagor, attestation of notary public, certification of county court clerk, and date recorded. Arr. chron. by date recorded. No index. Hdw. and typed. 11 x 5 x 13.

78. CHATTEL MORTGAGES, Apr. 15, 1912--. 6 vols. (1-6) Dec. 1835-Aug. 1840 in Deeds, entry 55; Sept. 1840-Mar. 1912 in Mortgages, entry 71.

Record of mortgages pledging personal property as security for the payment of indebtedness recorded by county court clerk, showing: date entered, names and addresses of mortgagor and mortgagee, terms of mortgage, kind and description of property pledged, condition of mortgage, date mortgage made and date due, name of notary public who attested mortgagor's signature on original document, certification of county court clerk that foregoing mortgages has been recorded, date recorded, attestation of county court clerk, and date of release upon fulfillment of contract. Arr. chron. by date recorded. Alph. index: direct by first letter of surname of mortgagor, showing name of mortgagee and p. no. where recorded; and indirect by first letter of surname of mortgagee, showing name of mortgagor and p. no. where recorded. Typed. Aver. 600 pp. 18 x 12 x 3.

79. MINUTES CHATTEL MORTGAGES, June 14, 1923--. 1,600 docs. in 4 f.d. (1, 1, 2, 3).

Original chattel mortgages pledging personal property sold on time payment contracts as security for the payment of indebtedness recorded and filed by county court clerk, showing: time of filing, file number, names of mortgagor and mortgagee or trustee, date of instrument, amount secured, when due, general description of property pledged, remarks, notarized signature of mortgagor, attestation of notary public, acknowledgment of county court clerk, minutes chattel mortgage volume and page where recorded, and date recorded. Arr. chron. by date recorded and numer. thereunder by mortgage no. No index. Hdw. on pr. fm. 11 x 5 x 13.

80. MINUTES CHATTEL MORTGAGES, June 14, 1923--. 2 vols.

Minutes of chattel mortgages pledging personal property sold on time payment contracts as security for the payment of indebtedness recorded by county court clerk, showing: time of filing, file number, names of mortgagor and mortgagee or trustee, date of instrument, amount secured, when due, general description of property pledged, remarks, attestation of county court clerk, date recorded, and date of release upon fulfillment of

contract. Arr. chron. by date recorded. Alph. index: direct by first letter of surname of mortgagor, showing name of mortgagee and p. no. where recorded; and indirect by first letter of surname of mortgagee, showing name of mortgagor and p. no. where recorded. Hdw. on pr. fm. Aver. 640 pp. 18 x 12 x 3.

81. FEDERAL CROP MORTGAGES, June 13, 1931--. 300 docs. in 1 f.d. Original mortgages taken by the Federal Government on farmers' crops as a covenant for money borrowed and filed with county court clerk, showing: mortgage number, name and address of mortgagor, amount involved, rate of interest, date mortgage made and date mortgage due; description and location of crop, notarized signature of mortgagor, attestation of notary public, acknowledgment of county court clerk, date filed, and date of release. Arr. chron. by date of mortgage and numer. thereunder by mortgage no. No index. Hdw. on pr. fm. 11 x 5 x 13.

82. FEDERAL CROP MORTGAGES, June 5, 1931-June 20, 1932. 1 vol. Discontinued, recording of record not required.
Record of mortgages taken by the Federal Government on farmers' crops as a covenant for money borrowed and recorded by county court clerk, showing: mortgage number, name and address of mortgagor, amount involved, rate of interest, date mortgage made and date due, description and location of crop, name of notary public who attested mortgagor's signature on original indenture, date mortgage filed, certification of county court clerk, date recorded, and date of release. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of mortgagor, showing p. no. where recorded. Hdw. on pr. fm. 646 pp. 19 x 12 x 2½.

Vital Statistics

Marriage Records

83. (MARRIAGE LICENSES), July 17, 1837--. 6,650 docs. in 19 f.d. (labeled to agree with vol. in which marriage bond is recorded). Title varies: Marriage Bonds, 14 f.d., July 17, 1837-Dec. 28, 1916, Jan. 6, 1928-Mar. 2, 1934; Marriage Bond Books, 3 f.d., Jan. 27, 1917-Dec. 10, 1927.
Original marriage licenses issued by county court clerk to applicants and certificates of marriage filled in and returned with license to county court clerk by persons performing ceremony. Marriage licenses are returned to county court clerk within ninety days by persons performing ceremony as per state law, showing: date of license, names, addresses, ages, places of birth, and marital status of groom and bride, names and places of birth of parents, occupation of groom, signature of county court clerk, and date license returned; certificates of marriage show: date of marriage, names of groom and bride, place of marriage, title of person performing ceremony, signatures of witnesses and person performing ceremony, and date of return. Also contains: (Marriage Consents), entry 87. Arr. numer. by license no. No index. Hdw. on pr. fm. 11 x 5 x 13.

84. GENERAL INDEX TO MARRIAGE RECORDS, 1827--. 1 vol.
General index to Marriage License and Bonds, entry 85, and Marriage Bonds Colored Persons, Mar. 25, 1866-Nov. 19, 1914, entry 86, alphabetical direct by first letter of surname of groom, showing name of bride, and marriage bond volume letter or number and page number where recorded. Arr. alph. by first letter of surname of groom and chron. thereunder by date of record. Hdw. under pr. hds. 600 pp. 19 x 13 x 3.

85. MARRIAGE LICENSE AND BONDS, Apr. 18, 1831-Aug. 15, 1842, July 19, 1851--. 35 vols. (A-I, K-T, 1 vol. not labeled, 1-15).
Original marriage bonds, register of marriage licenses issued, and record of marriage certificates. Original marriage bonds executed before county court clerk by parties obtaining marriage licenses as a covenant with Commonwealth that all state marriage laws will be obeyed, showing: number of bond, names of groom and surety, date and amount of bond, maiden name of bride, signatures of groom and surety, and attestation of county court clerk. Register of marriage licenses issued by county court clerk, showing: names of groom and bride, place to be married, date of marriage, ages, places of birth, and marital status of groom and bride, occupation of groom, names of parties' parents, date of license, and signature of county court clerk. Record of marriage certificates returned to county court clerk by person performing ceremonies as required by state law, showing: name of person performing ceremony, title, date and place of marriage, name of husband and wife, and attestation of county court clerk. Also contains: Marriage Bonds Colored Persons, Nov. 20, 1914--, entry 86; (Marriage Consents), entry 87. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of groom, showing p. no. where recorded; for separate index, see entry 84. Hdw. on pr. fm. Aver. 360 pp. 16 x 12 x 2.

86. MARRIAGE BONDS COLORED PERSONS, Mar. 25, 1866-Nov. 19, 1914. 3 vols. (E, B, C). Title varies: Marriage Bonds for Colored, vol. E, Mar. 25, 1866-June 17, 1882; Marriage Bond Book Colored, vol. B, Aug. 1, 1882-July 5, 1900. Nov. 20, 1914-- in Marriage License and Bonds, entry 85.
Original marriage bonds, register of marriage licenses issued, and record of marriage certificates. Original marriage bonds executed before county court clerk by parties obtaining marriage licenses as a covenant with Commonwealth that all state marriage laws will be obeyed, showing: number of bond, names of groom and surety, date and amount of bond, maiden name of bride, signatures of groom and surety, and attestation of county court clerk. Register of marriage licenses issued by county court clerk, showing: names of groom and bride, place to be married, date of marriage, ages, place of birth, and marital status of groom and bride, occupation of groom, names of parties' parents, date of license, and signature of county court clerk. Record of marriage certificates returned to county court clerk by persons performing ceremonies as required by state law, showing: name of person performing ceremony, title, date and place of marriage, names of husband and wife, and attestation of county court clerk. Also contains: (Marriage Consents), entry 87. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of groom, showing p. no. where recorded; for separate index, see entry 84. Hdw. on pr. fm. Aver. 360 pp. 16 x 12 x 2.

87. (MARRIAGE CONSENTS), Apr. 18, 1831--. Apr. 18, 1831-Aug. 15, 1842, July 19, 1851-- in Marriage License and Bonds, entry 85; July 17, 1837-- also in (Marriage Licenses), entry 83; Mar. 25, 1866-Nov. 19, 1914 also in Marriage Bonds Colored Persons, entry 86.
Original letters of consent written by parents or guardians of minors authorizing county court clerk to issue marriage licenses to named minors, showing: date of consent, name, age, and sex of minor, statement of consent, name of person minor wishes to marry, and signature of parent or guardian.

88. DECLARATION OF FREEDMAN, Mar. 25, 1866-July 22, 1895. 1 vol.
Declarations of colored persons who have lived together as man and wife for more than five years, stating their desire to continue living together as such, petitioning county court clerk for a certificate legalizing the union, showing: names of husband and wife, date of certificate, number of years lived together, statement of intent, signatures of husband and wife, and attestation of county court clerk. Arr. chron. by date of certificate. Alph. index, direct by first letter of surname of husband, showing p. no. where recorded. Hdw. on pr. fm. 460 pp. 14 x 9 x 2½.

89. ANDERSON COUNTY MARRIAGES, 1852-57, 1859. 7 vols.
Old marriage records deposited with Kentucky Historical Society, showing: name of husband and maiden name of wife, places of birth, addresses and age of parties, and date of marriage. Arr. chron. by date of marriage. No index. Hdw. under pr. hds. Aver. 15 pp. 24 x 15 x 1/8. File room, 1st floor, Kentucky Historical Society, Old State Capitol, Frankfort, Ky.

Births and Deaths

90. ANDERSON COUNTY BIRTHS, 1852-59. 9 vols.
Record of births, showing: names of child, father, and mother (or owner prior to 1865), and date and place of birth. Arr. chron. by date of birth. No index. Hdw. on pr. fm. Aver. 15 pp. 24 x 15 x 1/8. File room, 1st floor, Kentucky Historical Society, Old State Capitol, Frankfort, Ky.

91. ANDERSON COUNTY DEATHS, 1852-59. 8 vols.
Record of deaths, showing: name of deceased, date of birth, date and cause of death, names of parents or owner, address, sex, and age of deceased, and places of birth and death. Arr. chron. by date of death. No index. Hdw. under pr. hds. Aver. 15 pp. 24 x 15 x 1/8. File room, 1st floor, Kentucky Historical Society, Old State Capitol, Frankfort, Ky.

92. VITAL STATISTICS RECEIPTS, Apr. 1917-Apr. 1933. 250 docs. in 1 f.d. Record discontinued.
Orders issued to the county treasurer by the State Board of Health, Bureau of Vital Statistics, authorizing payment of fees due registrars reporting monthly births and deaths in county, showing: date of order, name of registrar to whom fee is due, signature of State Registrar of Vital Statistics, total number of births and deaths reported, and total amount of fees to be paid by county treasurer. Arr. chron. by date filed. No index. Hdw. and typed on pr. fm. 11 x 5 x 13.

Revenue

Taxation

93. WHOLESALE AND RETAIL DEALERS GASOLINE REPORT, 1920-23. 300 docs. in 1 f.d. Discontinued, subsequent reports made to Commonwealth.

Original reports made monthly to county court clerk by gasoline dealers of amount of tax due on gasoline sold, showing: date of report, name of dealer, month covered by report, number of gallons on hand at beginning of period, number of gallons purchased during month, number of gallons on hand at ending of period, number of gallons sold during month, amount of tax due, signature of dealer, attestation of county court clerk, and date report filed. Arr. chron. by date of report. No index. Hdw. on pr. fm. 11 x 5 x 13.

94. WHISKY REPORT, Jan. 9, 1908-Jan. 11, 1920, Jan. 10, 1935--. 375 docs. in 3 f.d.

Whisky reports made to county court clerk by distillers for the purpose of determining the amount of tax due State and county, showing: dates covered by report, name of distillery, location, amount in warehouse, amount received, amount removed, dates of production, dates when assessments are due, signature of secretary of distillery, attestation of notary public, acknowledgment of county court clerk, and date report filed. Arr. chron. by date of report. No index. Hdw. on pr. fm. 11 x 5 x 13.

95. DRUGGIST LIQUOR REPORTS, 1928-33. 120 docs. in 1 f.d. Record discontinued.

Reports made monthly to county court clerk by druggists of liquor sales under state laws, showing: date of report, name of druggist, itemized list of sales made during month, date of each sale, name and address of purchaser, amount purchased by each, amount on hand at beginning of period, amount bought during period, amount sold during period, amount on hand at ending of period, sworn statement of druggist, and attestation of county court clerk. Arr. chron. by date of report. No index. Hdw. and typed on pr. fm. 11 x 5 x 13.

Licenses

96. MOTOR VEHICLE REGISTER, Dec. 11, 1922--. 7 vols. (4 vols. dated, 3 vols. not labeled).

Registration of motor vehicles in county for which licenses were issued by county court clerk, showing: registration number, name and address of owner, date of registration, year, month, and day; amount of registration fee paid, make of vehicle, year, horsepower, weight, load capacity if truck, style of body, motor number, old registration number, transfer date if any, and remarks. Arr. chron. by date registered and numer. thereunder by registration no. Alph. index, direct by first letter of surname of owner, showing p. no. where recorded. Hdw. under pr. hds. Aver. 238 pp. 11 x 16 x 2.

97. TRANSFERS FOR MOTOR VEHICLES, Feb. 1, 1934--. 1,500 docs. in 7 f.d.
Duplicates of transfer certificates of motor vehicle registrations, showing: date of transfer, names of former and present owner, serial, motor, and registration numbers, make, model, year, horsepower, and type of car, style of body, amount and distribution of fee, and certification of county court clerk. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

98. AUTOMOBILE STUB BOOK, 1934--. 240 vols. (dated).
Duplicate registration certificates issued to car owners, showing: date of registration, registration number, type of car, name and address of owner, amount and distribution of fee, make, model, horsepower, weight, body style, motive power, and motor number of car, chassis number, previous registration number and by whom registered, date procured and from whom, date brought into Kentucky if purchased outside, and signature of county court clerk. Arr. numer. by certificate no., and chron. thereunder by date issued. No index. Hdw. on pr. fm. Aver. 50 pp. 8 x 6 x 1.

99. AUTO REPORT, July 21, 1934--. 175 docs. in 1 f.d.
Duplicates of weekly reports made to State Tax Commissioner by county court clerk of automobile licenses issued and duplicates of usage tax reports made by county court clerk to State Tax Commissioner of usage tax collected on automobiles licensed for first time in State, showing on weekly reports: number of report, period covered, name of county, itemized list of licenses issued, date, class, license number, horsepower, amount of fee, clerk's commission, record of license transfers, to whom transferred, license number, total amount reported, and signature of county court clerk; and showing on usage tax reports: name of county, date, class, license number, delivered price of new or used car or truck, rate of tax, amount reported, and signature of county court clerk. Arr. chron. by date of report. No index. Hdw. on pr. fm. 11 x 5 x 13.

100. AUTOMOBILE LICENSE TRANSFERS FROM OTHER COUNTIES, 1924--. 300 docs. in 1 f.d.
Duplicate certificates of automobile license transfers issued by county court clerk to car owners living in other counties and bills of sale filed with county court clerk by person securing transfer certificates, showing on transfer certificates: registration number, transfer certificate number, date, name and address of owner, make, model, weight of car, motor and serial number, horsepower, and body style; and on bills of sale, showing: name and address of purchaser, make, model, horsepower, body style, chassis and motor numbers, county last registered in, year, registration number, signature and address of vendor, date, and attestation of notary public. Arr. chron. by date of certificate. No index. Hdw. on pr. fm. 11 x 5 x 13.

101. LICENSES (Occupational), July 1, 1939--. 1 vol.
Record of occupational licenses issued daily by county court clerk and reported monthly to State Auditor of Public Accounts, showing: number, date issued, to whom issued, address of licensee, date license expires, amount of license fee, and signature of county court clerk. Arr. numer. by license no. and chron. thereunder by date issued. No index. Hdw. on pr.

fm. 300 pp. 12 x 8 x 1.

102. ANIMAL LICENSE, 1890-95. 1 vol.
Record of licenses issued by county court clerk to owners of male animals, showing: name of licensee, kind and description of animal, amount of service fee, amount of license fee paid, and attestation of county court clerk. Arr. chron. by date license issued. No index. Hdw. under pr. hds. 300 pp. 18 x 16 x 1½. Clock tower.

103. FISHING LICENSE REPORT BOOK, 1914--. 12 vols.
Record of fishing licenses issued daily by county court clerk and reported monthly to State Game and Fish Commission, showing: name of licensee, number of license, date issued, amount of license fee, address of licensee, whether resident or non-resident of State, how long a resident of State, whether or not applicant can write name, description of licensee, affidavit of licensee, and attestation of county court clerk. Arr. numer. by license no. and chron. thereunder by date issued. No index. Hdw. on pr. fm. Aver. 200 pp. 14 x 9 x 1. 1914-25, 10 vols., clock tower; 1926--, 2 vols., co. ct. clk. vt.

Registration

104. MEDICAL REGISTER, Dec. 7, 1888--. 1 vol. Last entry Mar. 13, 1935.
Record of medical practitioners holding certificates and registered with county court clerk as directed by state laws, including: Chiropractors, October 28, 1925 -May 19, 1926; Dentists, Feb. 20, 1894-July 5, 1934; Embalmers, Dec. 30, 1904-July 3, 1914; Nurses, June 20, 1934-Mar. 13, 1935; Opticians, July 28, 1920-Jan. 22, 1927; Physicians, Dec. 7, 1888-Aug. 16, 1922; Veterinarians, July 1, 1918; each summary showing: date registered, name, age, address, and nativity of practitioner, name of hospital or school granting diploma, date granted, type of degree, names of State Board members signing certificates, signature of principal, certification of county court clerk, and date registered. Arr. chron. by date registered. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. 300 pp. 16 x 11 x 1½.

Finance

105. COUNTY CLERK'S CASH RECEIPTS, 1863--. 4 vols. Title varies: Public Funds, 1 vol., 1863-90; Settlement Book Trustee Jury Fund, 1 vol., 1891-1918.
A daily record of county court clerks' cash receipts reported monthly to State Auditor of Public Accounts, showing: date collected, amount, from whom, and nature of service rendered; recapitulation shows: number of deeds, mortgages, and power of attorney grants recorded, marriage licenses issued, game and fish licenses, miscellaneous, and tax on seals; summary shows: amount collected for each service, total collected less commission, and total reported. Also contains: Cash Expenditures of County Clerk,

1920--, entry 106. Arr. chron. by date collected. No index. Hdw. under pr. hds. Aver. 400 pp. 16 x 13½ x 2. 1863-90, 1 vol., clock tower; 1891--, 3 vols., co. ct. clk. vt.

106. CASH EXPENDITURES OF COUNTY CLERK, 1915-19. 1 vol. 1920--
in County Clerk's Cash Receipts, entry 105.
Record of county court clerk's daily cash expenditures reported monthly to State Auditor of Public Accounts, showing: date of payment, to whom paid, reason for payment, fund from which payable, amount reported, date of report, and signature of county court clerk. Arr. chron. by date of payment. No index. Hdw. under pr. hds. 300 pp. 16 x 12 x 2. Clock tower.

107. RECEIPTS FROM AUDITOR AND GAME AND FISH COMMISSION, 1917--.
1 f.d.
County court clerks' receipts from State Game and Fish Commission and State Auditor for license fees collected, showing: name of county court clerk, amount of fees collected, and signature of Commissioner or State Auditor. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

108. FEE BOOK, 1843--. 7 vols.
Record of fees collected daily by county court clerk and reported monthly to State Auditor of Public Accounts, showing: date received, name of payer, service rendered, amount of fee, date of report, amount reported, and signature of county court clerk. Arr. chron. by date of payment. No index. Hdw. under pr. hds. Aver. 300 pp. 18 x 16 x 2. 1843-1923, 6 vols., clock tower; 1924--, 1 vol., co. ct. clk. vt.

Miscellaneous

109. HONORABLE DISCHARGE RECORD, April 18, 1919--. 1 vol.
Record of honorable discharges from military service in United States Army, Navy, and Marine Corps recorded by county court clerk, showing: name of person discharged, date and place of birth, age at time of enlistment, date of discharge, service record, signature of person discharged, name of commanding officer, attestation of county court clerk and date recorded. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of person discharged, showing p. no. where recorded. Hdw. on pr. fm. 640 pp. 12 x 18 x 3.

110. CORRESPONDENCE, 1930--. 700 docs. in 1 f.d.
Original letters written to county court clerk and duplicates of letters written by county court clerk pertaining to the county's affairs, showing: date, to whom written, nature of contents, and on original letters signature of sender. Arr. by subject matter and chron. thereunder by date written. No index. Hdw. and typed. 18 x 12 x 24.

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III. CIRCUIT COURT

Structure

Creation

The act creating Anderson County in 1827 made provision for the establishment of a circuit court (1), and since that time a single judge has presided over this body. (2)

The court has always had the power to order grand and petit jurors to attend the court, with the sheriff acting as the summoning officer (3), since the constitutions each provided that the right of trial by jury be held inviolate. (4)

First Meeting of Court

The first meeting of the circuit court was held on Monday, January 22, 1827, "for the said county and circuit of Anderson at the house of William Hudgins in the town of Lawrenceburg and county aforesaid." The Honorable Henry Davidge presided as circuit judge. (5)

Terms

The circuit court held three terms a year, beginning on the fourth Monday in January, July, and November. Each term consisted of 6 judicial days. (6) Constitutional provision in 1891 continued the requirement that the circuit court meet three times each year (7), and the present circuit court holds its sessions at Lawrenceburg, the county seat, on the second Monday in March, the third Monday in June, and the fourth Monday in November. Each term consists of 12 judicial days. (8) The circuit judge is empowered to call a special term whenever he considers it necessary. (9)

Districts

At the time of its establishment, Anderson County was attached to the fourth district. (10) On February 8, 1851, it was included in the

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1. Acts, 1826-27, pp. 44, 45.
2. Littell, 1815, V, 346; Const. 1850, art. 4, sec. 23; Const. 1891, sec. 129.
3. Littell, 1802, III, 41-44; Rev. Stat., I, 321; Acts: 1926, p. 136; 1932, p. 346.
4. Const. 1799, art. 10, sec. 6; Const. 1850, art. 13, sec. 8; Const. 1891, Bill of Rights, sec. 7.
5. Civil Orders Circuit Court, vol. A, p. 1, see entry 125.
6. Acts, 1826-27, p. 44; M. B., I, 499.
7. Const. 1891, sec. 131.
8. Acts, 1922, pp. 155, 156; Carroll, sec. 965-12.
9. Acts: 1891-93, pp. 1035, 1038; 1918, p. 684; 1926, pp. 134-137; 1932, pp. 345-347; Carroll, secs. 964, 965.
10. Acts, 1826-27, p. 44.

seventh judicial district, that district being composed of Nelson, Washington, Marion, Mercer, Boyle, Garrard, and Anderson Counties. (11) In 1892 Kentucky was redivided into judicial districts, and Anderson County was placed in the twelfth district which consisted of Spencer, Shelby, Anderson, Oldham, Trimble and Henry Counties. (12)

Selection and Term

When the circuit court was established in Anderson County, the circuit judge was appointed and commissioned by the Governor, and served during good behavior. (13) In 1850, however, the office of circuit judge was made elective. The first election took place in May 1851; the second was held on the first Monday in August 1856, and at the same time every sixth year thereafter. (14) After the adoption of the present constitution, the first election of the circuit judge was held in 1892, with the first judge elected to hold office for 5 years. Since 1897 the judge has held office for a 6-year period, beginning on the first Monday in January succeeding his election. (15)

Qualifications

From 1827 to 1850 the circuit judge was required to have been a resident of the district only. (16) The third constitution specified that he must have lived 2 years in his district prior to his election. (17) Under the present constitution he is required to be a citizen of Kentucky and to have been a resident of his district for 2 years prior to his election. (18)

Qualifications regarding age and experience were not specified until 1850, when the judge was required to be at least 30 years old, and to have been a practicing lawyer for 8 years, or a judge whose service upon the bench of any court of record, when added to the time he had practiced law, was equal to 8 years. (19) He is now required to be at least 35 years of age when elected, and must have practiced law for 8 years. (20)

Oath

The circuit judge has always been required to take the oath to perform his duties faithfully and to "do equal right to the poor and rich."(21)

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11. Acts, 1850-51, I, p. 23.
12. Acts, 1891-93, pp. 174, 1033; Carroll, sec. 363.
13. Littell, 1802, III, 40, 41.
14. Const, 1850, art. 4, sec. 20.
15. Const. 1891, sec. 128; Acts, 1891-93, pp. 142, 143, 1034, 1035; Carroll, secs. 963-1, 1518.
16. Littell, 1808, IV, 504-507.
17. Const. 1850, art. 4, sec. 22.
18. Const. 1891, sec. 130.
19. Const. 1850, art. 4, sec. 22.
20. Const. 1891, sec. 130.
21. Littell, 1802, III, 41; Acts, 1891-93, p. 1048; Carroll, sec. 972.

Removal

Since the establishment of his office, the circuit judge has been subject to impeachment by the House of Representatives for misdemeanor. Upon impeachment, a judge is tried by the Senate, and if convicted by a concurrence of two-thirds of the Senators present, he is summarily removed from office. (22) A judge has also been subject to removal by the Governor for any "reasonable cause which shall not be sufficient ground for impeachment." Such action, however, must be preceded by an address to the Governor by two-thirds of the members of each house of the legislature. Each address must state in detail the cause given for removal; the journal of each house must also contain a detailed statement of the reason. (23) Since 1850, a judge's residence outside his district has been automatic cause for his removal from office. (24)

Vacancy

A vacancy in the judge's office has always been filled by the Governor, with the advice and consent of the Senate. (25) An act of 1851 added the stipulation that the Governor fill a vacancy within 6 weeks of receiving notice of such vacancy. (26)

Compensation

Statutes in effect when Anderson County was created provided that the circuit judge receive $1,200 a year. (27) An act of 1852 raised this amount to $1,400. (28) Later the compensation he received was increased to $3,000 (29), which is his annual salary today. (30)

Jurisdiction of the Court

The circuit court has always been a court of record. (31)

Original Jurisdiction

By acts passed prior to 1827, the court was given jurisdiction over "all causes, matters, and things" at common law and chancery involving

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22. CONST. 1799, ART. 5, SECS. 1-3; CONST. 1850, ART. 5, SECS. 1-3; CONST. 1891, SECS. 66-68.
23. CONST. 1799, ART. 4, SEC. 3; CONST. 1850, ART. 4, SECS. 3, 23; CONST. 1891, SEC. 112.
24. CONST. 1850, ART. 4, SEC. 23; CONST. 1891, SEC. 129.
25. CONST. 1799, ART. 3, SEC. 9; CONST. 1850, ART. 3, SEC. 9; CONST. 1891, SEC. 152.
26. ACTS, 1850-51, T, 90.
27. LITTELL, 1816, V, 347.
28. ACTS, 1851-52, P. 170.
29. GEN. STAT., 1873 ED., P. 773.
30. ACTS, 1887-88, T, 143; CARROLL, SEC. 4357-5.
31. LITTELL, 1802, III, 40; ACTS: 1851-52, P. 91; 1891-93, P. 1033; CARROLL, SEC. 966.

Circuit Court

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5 pounds or more in money, or 1,000 pounds or more of tobacco (32), and jurisdiction in cases of public debtors. (33) Specific additions to its original jurisdiction which have been authorized by the legislature throughout the existence of the court are as follows: In 1852, reaffirmation of the court's jurisdiction was given as "over all matters in law and equity, provided the jurisdiction of these matters is not exclusively delegated to some other tribunal." (34) In 1879, it was given jurisdiction of claims upon the State treasury (35); and in 1893, jurisdiction concurrent with justices' and quarterly courts of penal actions where the fine upon conviction exceeds $20. (36) In 1906 this concurrent jurisdiction was changed to "all penal cases, the punishment of which is limited to a fine not exceeding $100, or imprisonment not exceeding 50 days, or both." (37) This provision was reaffirmed by an act of 1924. (38) An act of 1928 gave the court concurrent jurisdiction with the justices' and quarterly courts in all penal and misdemeanor cases, the punishment of which was limited to a fine not exceeding $500, or imprisonment not exceeding 6 months, or both. (39) In 1934 the limit of punishment was raised to 12 months, the amount of the fine limitation remaining the same as before. (40)

The circuit court was also given jurisdiction concurrent with the justices' and quarterly courts of the offense of vagrancy. (41) By an act of 1924 the court's jurisdiction included petit larceny and the first offense of carrying concealed and deadly weapons. (42)

In 1893 the circuit court was given jurisdiction concurrent with the quarterly court in all actions for the recovery of money or personal property in civil cases where the amount in controversy, exclusive of interest and costs, was over $50 and not more than $200. (43)

Further legislation in 1893 directed that, if at the end of any term of circuit court there should be persons in jail charged with misdemeanor, the court must order the transfer of all such indictments to the county court. The circuit court clerk, immediately upon adjournment, furnished a copy of the record in such cases to the county judge, who then tried the cases. An appeal could be taken from the judgment of the county court in such cases. (44)

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32. LITTELL, 1802, III, 40.
33. Ibid., 1809, IV, 70.
34. Acts, 1851-52, p. 90.
35. Acts, 1879, I, 106.
36. Acts, 1891-93, p. 1058.
37. Acts, 1906, p. 383.
38. Acts, 1924, p. 66.
39. Acts, 1928, p. 155.
40. Acts, 1934, p. 422; Crim. Code, sec. 13-5; Carroll, sec. 1093.
41. Acts, 1904, p. 134.
42. Acts, 1924, p. 66; Carroll, sec. 4758-3.
43. Acts, 1891-93, p. 1049; Carroll, sec. 1051.
44. Acts, 1891-93, p. 1056 ff.; Carroll, secs. 1075, 1077.

Circuit Court (Next entry 111, p. 170)

An act of 1920 gave the circuit court jurisdiction of violations of the common carrier laws. (45) Legislation in 1922 gave it jurisdiction in criminal actions against juvenile offenders, and authority to commit convicted minors to the house of reform. (46) In 1936, the court was granted power to postpone judgments and to place on probation persons charged with crime. (47)

Jurisdiction in Land Cases

The court has always had original and exclusive jurisdiction of cases involving land title. A law in force today gives the court jurisdiction in all cases where the title to land is in question, or in which it is sought to enforce a lien upon, or to subject land by provisional remedy for the payment of debt. (48)

This original and exclusive jurisdiction in land cases is convincingly demonstrated by two other statutes passed in 1893. One act gave the circuit court the power to sell, upon petition in equity by interested parties, lands formerly belonging to charitable and religious societies other than Shakers. After the societies had been dissolved, such lands passed to the trustees of the county seminary, or, if there was no county seminary, to the county court for the benefit of the common schools of the county. Such lands could be sold only for the purpose of reinvesting in similar property in the same county. (49) The other act provided that, in actions tried in the quarterly court but involving title to real estate, it was the duty of the court, on motion of either party to the action, to make an order transferring the case to the circuit court, and to deliver the original papers in the case, with certified copies of all orders made, to the circuit court clerk, who docketed the case. The case then was tried as though the action had been brought originally in the circuit court; if, however, the quarterly court rendered judgment, the title to any real estate involved was not affected thereby. (50)

Jurisdiction of Persons of Unsound Mind

An act of 1802, in effect in 1827, gave the circuit court charge of matters relating to persons of unsound mind (51), still pursuant to the law of 1793 which placed supervision of such matters in the jurisdiction of "any court of chancery in the Commonwealth." (52) The law stipulated merely that the court "inquire into the facts." In 1831 the legislature

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45. Acts, 1920, pp. 257, 258
46. Acts, 1922, p. 158.
47. Acts, 1936, p. 74.
48. Littell, 1802, III, 40; Acts, 1891-93, p. 1033; Carroll, sec. 966.
49. Acts, 1891-93, pp. 910, 911; Carroll, secs. 323, 324.
50. Acts, 1891-93, p. 1050; Carroll, sec. 1052; see Quarterly Court, p. 217.
51. Littell, 1802, III, 40.
52. Ibid., 1793, I, 191.

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decided that as a result of this mode of proceeding many persons who were not idiots had been declared to be such, and were being supported out of the public treasury. The legislature increased the stringency of the law by directing the circuit court hereafter not to draw any order requiring money to be paid to any idiot or to his committee, until the court had ascertained by competent evidence or personal examination that the person was an idiot. In addition, the court was directed not to be content with an "inquiry into the facts," but to summon 12 housekeepers to serve as jurors at insanity inquisitions. The circuit court had exclusive jurisdiction over the care and custody of persons of unsound mind and over the appointment and control of their committees. (53) This jurisdiction was reaffirmed by legislation passed in 1840 and 1841. (54)

Later acts specified that when the circuit court was not in session, an insanity inquest could be held by the circuit judge, the county judge, or the judge of a city or police court. The papers in such cases were filed with the circuit court clerk, and at the next term of circuit court a committee was appointed by the court in the same manner as though the inquest had been regularly held by the circuit court, and all necessary orders were issued. (55) This procedure continued until 1893, when the legislature abolished the power of city and police judges to hold insanity inquests when the circuit court was not in session, but continued the county judge's power to hold such inquests when the circuit court was not in session. The county judge was also allowed to have concurrent jurisdiction with the circuit court in the care and custody of persons of unsound mind and jurisdiction over their committees, with power to appoint, suspend, and remove committees, to require committees to make settlements in the same manner as fiduciaries, and to make all necessary orders. (56) Later legislation made several changes in the general procedure (57), but the above-mentioned jurisdiction remained unchanged until 1928, when a provision was added that in no case should an inquest upon an idiot or a convict be held except in circuit court, and an inquest upon a convict must be held at a regular term of court. (58) In 1893, the county court was given concurrent jurisdiction with the circuit court in cases of persons of unsound mind, and since that time the circuit court has had appellate jurisdiction of county court cases in which persons adjudged unsound of mind seek to be legally declared of sound mind. It also had jurisdiction of appeals from orders of the county court appointing or removing guardians or committees, or refusing to appoint or remove them. (59)

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53. Acts, 1831-32, pp. 109-111.
54. Preston S. Loughborough, A Digest of the Statute Laws of Kentucky, 1842, pp. 268-270; hereinafter cited as Lough.
55. Rev. Stat., II, 33, 35, 37; Gen. Stat., 1873 ed., pp. 534, 536.
56. Acts, 1891-93, pp. 483-485; Carroll, sec. 2140.
57. Acts: 1918, p. 156 ff.; 1924, p. 27.
58. Acts, 1928, pp. 110, 123; Carroll, secs. 216AA-68, 2140.
59. Acts: 1891-93, pp. 483-489; 1928, p. 123; Carroll, sec. 216AA-101.

Circuit Court (Next entry 111, p. 170)

Other Jurisdiction

Legislation prior to 1827, and in force today, gave the circuit court exclusive jurisdiction over the arrest and imprisonment of fugitives from the justice of another state. The same act also gave the court power, upon the authorization of the Governor of Kentucky, to return the fugitive to the state where he was wanted, upon the order of the Governor of that state. (60)

The court has always had the power to issue injunctions and writs of certiorari, ne exeat, and habeas corpus (61), and these powers are continued today under the chancery jurisdiction of the court, as provided by the Code of Practice. (62)

Appellate Jurisdiction

By legislation enacted before the creation of the county, persons aggrieved by the action of the county court in establishing a ferry could appeal to the circuit court (63) and this legislation remains in force today. (64)

An act of 1829 authorized the Court of Appeals to try matters of law and fact concerning road cases appealed from the county court. Another act approved January 29, 1830, repealed this procedure, however, and provided that the appeal be made to the circuit court, as was true in cases concerning the probating of wills. (65)

Statutory provision in 1852 gave the circuit court jurisdiction over cases appealed from the county court concerning passways, mills, water works, and dams; appellate jurisdiction of quarterly and justices' courts in cases where the amount of the suit was more than $16; and appellate jurisdiction of trespass actions in justices' courts. (66)

A taxpayer, before 1894, had no appeal from the action of the board of tax supervisors. An act approved March 15, 1894, gave a taxpayer aggrieved by the action of the board the right to appeal to the judge of the county court, and from the latter's action to the circuit court, and on to the Court of Appeals. (67) An act of 1906, reaffirmed in 1924, substituted the quarterly court for the county court in this line of appeals. (68)

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60. LITTELL, 1814, V, 185, 186; Acts, 1891-93, p. 195; CARROLL, secs. 1026, 1027.
61. LITTELL, 1802, III, 37, 38.
62. Acts, 1932, p. 334.
63. Acts, 1819-21, p. 252.
64. GEN. STAT., 1873 ED., pp. 479, 480; CARROLL, sec. 1301.
65. Acts, 1829-30, p. 217.
66. Acts, 1851-52, p. 90.
67. Acts, 1894, p. 185.
68. Acts: 1906, p. 152; 1924, p. 417.

 (Next entry 111, p. 170)

Legislation in 1893 gave the court appellate jurisdiction of the following: All orders or judgments of the fiscal or quarterly courts in civil cases where the value in controversy, exclusive of interest and costs, was more than $25; all judgments of the county court where the amount in controversy was over $50, exclusive of interest and costs; all judgments and orders of the county court in bastardy cases, or in the settlement of the accounts of personal representatives, assignees, guardians, and other fiduciaries; orders of the county court granting, revoking, or refusing testamentary letters or letters of administration; orders of the county court appointing, refusing to appoint, or removing guardians, curators, trustees, or committees of estates; county court orders granting or refusing to grant druggist, tavern, or liquor licenses; and judgments in proceedings to condemn land for any purpose. (69) The court also has appellate jurisdiction in judgments against defendants in criminal actions in the lower courts for imprisonment, or for fine of $20 or more (70), and in judgments of justices' courts in forcible entry and detainer proceedings. (71)

Provisions of an act of 1938, which created a county board of registration and purgation for the purpose of purging election lists, directed a voter, aggrieved by the action of the board or its purgation officers, to take an appeal to the county judge or the circuit judge 5 days prior to an election. (72)

Naturalization

Power to naturalize foreigners was conferred by Congress on State courts which were courts of record "having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited." (73) The circuit court is included in this category (74), but a search of the records of Anderson County has revealed no record of naturalizations.

Non-Judicial Functions

Appointments

Legislation in force at the time Anderson County was created gave the court power to appoint one or more commissioners to convey title to lands by deed, agreeable to the court's decree, in certain chancery cases. (75)

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69. Acts, 1891-93, pp. 1040, 1049; Carroll, sec. 978.
70. Crim. Code, sec. 362.
71. Ibid., sec. 463.
72. Acts, 1938, pp. 505, 506.
73. U. S. Code, 1934 ed., Title 8, sec. 357; Morgan v. Dudley, 18 B. M. 693 (1857).
74. U. S. Department of Labor, Directory of Courts Having Jurisdiction in Naturalization Proceedings (Fifth ed.) pp. 37-39).
75. Littell, 1807, III, 460.

Circuit Court (Next entry 111, p. 170)

In 1839 it was empowered to appoint a standing master commissioner to carry out the orders of the court in the administration and settlement of estates. (76)

An act approved February 15, 1838, required the circuit judge to appoint the circuit court clerk, or other competent person, as trustee of the jury fund. This trustee was charged with the duty of collecting fines and forfeitures accrued by judgment of the circuit, county, justices', and police courts, together with jury fees authorized by law. He also had the duty of disbursing this fund in payment to the grand and petit jurors serving in the county. (77) An act effective July 1, 1934, abolished the jury fund and the office of trustee of the fund, and delegated to the circuit court clerk the duties formerly discharged by the trustee. (78) For details of the collection of fines and forfeitures in the county, and the procedure by which the jury fund was collected, see the essay on Governmental Organization and Records System, p. 19.

The circuit court has authority to appoint guards for prisoners (79); an elisor to act in place of the sheriff (80); an attorney pro tempore to act for the commonwealth's attorney during his absence from any term of court (81); persons to occupy the vacated positions of commonwealth's attorney and circuit court clerk, pending an election for these offices (82); a court reporter for the judicial district (83); a receiver in cases where the master commissioner cannot act as such (84); guardians ad litem for persons under disability (85); two physicians to examine persons declared to be of unsound mind (86); three persons to serve as jury commissioners (87); and two or more examiners in each county of the judicial district to take depositions. (88) The court may also appoint a competent person, at least 30 years old, to the position of County Alcoholic Beverage Control Administrator, if the county judge is not qualified to act. (89)

Upon application of any printer, editor, publisher, or proprietor of any newspaper, the circuit court has power to authorize the publication of any advertisement required by law to be published. (90)

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76. Acts, 1838-39, p. 295.
77. Acts, 1837-38, p. 239.
78. Acts, 1934, pp. 540, 541.
79. Acts, 1891-93, p. 191.
80. Ibid., p. 228.
81. Ibid., p. 264.
82. Ibid., p. 146; see Commonwealth's Attorney, p. 156, and Circuit Court Clerk, p. 161.
83. Acts, 1891-93, p. 1523.
84. Ibid., p. 1402.
85. Civil Code, sec. 38.
86. Acts, 1928, pp. 112, 113.
87. Acts, 1936, p. 69.
88. Civil Code, sec. 559.
89. Acts, 1938, pp. 59-61.
90. Acts: 1835-36, p. 264; 1891-93, p. 426; Carroll, secs. 13 to 14A-4.

Judicial Council

In 1928 the judicial council of the Commonwealth was created, a body composed of the judges of the Court of Appeals and the circuit judges, with the Chief Justice of the Court of Appeals presiding. At present this council meets at least once a year in order to study the organization, procedure, and practice of the State's judicial system, and to review work accomplished and discuss current problems. Each circuit judge reports to the council concerning conditions in the circuit courts over which he presides, and the business dispatched and pending therein. (91)

Indexing

Since 1874 the court has had authority to order its clerk to make an index and a cross index of any records without indexes, or of any poorly-indexed records belonging to the circuit court in the county. (92)

Commonwealth's Attorney - Structure

Creation

The office of commonwealth's attorney was created in 1813, when the Governor, with the advice and consent of the Senate, appointed a commonwealth's attorney in each judicial district. (93) On January 3, 1827, by authority of the act of 1813, the Governor appointed Charles S. Bibb as commonwealth's attorney, for the fourth judicial district of which Anderson County was a part. (94)

Selection and Term

The act of 1813 provided that the commonwealth's attorney be appointed for a term of 2 years (95), and this officer continued to be appointed until 1850, when the office was made elective in each judicial district for a term of 6 years, his term being identical with that of the circuit judge. (96) The Constitution of 1891 provided for a term of 6 years beginning with 1897, and specified that the commonwealth's attorney elected in 1892 was to serve for 5 years only. (97) This officer has always been commissioned by the Governor. (98)

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91. Acts, 1928, pp. 145-148; Carroll, secs. 1126A-1 to 1126A-7.
92. Acts: 1873-74, p. 10; 1891-93, p. 530.
93. Littell, 1813, V, 19, 20.
94. Civil Orders, Circuit Court, vol. A, p. 2, see entry 125.
95. Littell, V, 19, 20.
96. Const. 1850: art. 4, sec. 20; art. 6, sec. 1.
97. Const. 1891, sec. 97; Acts, 1891-93, pp. 142, 143; Carroll, sec. 1518.
98. Littell, 1813, V. 19, 20; Acts: 1891-93, p. 916; 1930, p. 390; Carroll, sec. 3758.

Circuit Court - Commonwealth's Attorney Next entry 111, p. 170)

Qualifications

Legislation already in effect in 1827 specified that the commonwealth's attorney must have resided in the district for which he was appointed. (99) Since 1850, however, he must have resided in the State 2 years, and in the county and district 1 year preceding his election. (100)

No age qualification was specified before 1850, but by constitutional provision at that time, the commonwealth's attorney was required to be at least 24 years of age, as he is today. (101)

From 1850 to 1891, the commonwealth's attorney must have been a licensed, practicing attorney for 2 years before he could be eligible for the office. (102) Since 1891, in order to qualify for office, he must have had 4 years' experience as a licensed, practicing attorney preceding his election. (103)

Oath

The commonwealth attorney has always been required to take the oath of office before assuming his duties. (104) In 1834 he was required to take a special oath to prosecute persons importing slaves into Kentucky. This law was in effect until slavery was abolished. (105)

Removal

The commonwealth's attorney has always been liable to impeachment by a two-thirds concurrence of the House of Representatives for any misdemeanor in office. (106)

Vacancy

From the creation of Anderson County until 1850, a vacancy in the office of commonwealth's attorney was filled by the Governor, with the advice and consent of the Senate. (107) After 1850, a vacancy in this office was filled by the incumbent circuit court judge, pending the election and qualifying of a successor. (108) In 1894, however, legislation again authorized the Governor to fill a vacancy. (109) This provision was reaffirmed by an act of 1930 and is in force at the present time. (110)

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99. LITTELL, 1813, V, 19.
100. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
101. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
102. CONST. 1850, ART. 6, SEC. 2.
103. CONST. 1891, SEC. 100.
104. CONST. 1799, ART. 6, SEC. 1; CONST. 1850, ART. 8, SEC. 1; CONST. 1891, SEC. 228.
105. ACTS, 1832-33, P. 259.
106. CONST. 1799, ART. 5, SECS. 1-3; CONST. 1850, ART. 5, SECS. 1-3; CONST. 1891, SECS. 66-68.
107. LITTELL, 1813, V, 19.
108. ACTS, 1850-51, I, 90; REV. STAT., I, 441; GEN. STAT., 1873 ED., P. 386; ACTS, 1891-93, P. 146.
109. ACTS, 1894, P. 11.
110. ACTS, 1930, PP. 390, 391; CARROLL, SEC. 3758.

Compensation

An act approved in 1813 fixed the compensation of the commonwealth's attorney at $400 a year, to be paid from the public treasury. (111) An act approved March 24, 1851, provided that he receive $300 per year, plus a percentage of certain fees. (112) Later legislation increased his salary to $500 a year, plus 30 percent of all judgments which were rendered in favor of the Commonwealth, with certain exceptions, in the circuit court of his district. (113) An act of 1892 directed that his annual salary be $500, plus 50 percent of all judgments for fines and forfeitures rendered in favor of the Commonwealth in the courts of his district. His total compensation, however, could not exceed $4,000 per year. (114) Later legislation varied the percentage slightly, but his total compensation of $4,000, - $500 for salary plus $3,500 per annum out of the judgments for fines and forfeitures rendered in the courts of his district - remained the same. If these funds were insufficient to pay the specified amount in 1 year, then the shortage was to be made up in the succeeding year. (115)

When the commonwealth's attorney failed to attend any circuit court in his district, the circuit judge could appoint, pro tempore, a competent attorney to prosecute for the Commonwealth, and deduct payment for such services from the salary of the commonwealth's attorney. (116) This provision was reaffirmed in 1893, with the exception that the attorney pro tempore was to receive not more than $7 per day to be paid out of the public treasury, and one half the per centum allowed the commonwealth's attorney. (117)

Restrictions

The commonwealths's attorney was not permitted to accept anything from defendants in criminal cases, as consideration for failure to prosecute. (118) He was also forbidden to defend any criminal in the State except in cases in which he was retained before his election, or to which he was a party; neither could his law partner defend any person whom it was the duty of the commonwealth's attorney to prosecute. (119)

Commonwealth's Attorney - Functions

The chief duties of the commonwealth's attorney, which were also duties of his predecessors, the Attorney General and the attorney for the

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111. LITTELL, 1813, V, 19, 20.
112. Acts, 1851-52, p. 170; REV. STAT., I, 188.
113. GEN. STAT., 1873 ED., p. 152.
114. Acts, 1891-93, pp. 264-267.
115. Acts: 1928, p. 161; 1932, p. 35; CARROLL, SECS. 119, 124, 125.
116. LITTELL, 1813, V, 20.
117. Acts, 1891-93, p. 264; CARROLL, SEC. 120.
118. Acts, 1891-93, p. 809.
119. IBID., pp. 261, 264.

Commonwealth, have always been to present to each grand jury the evidence in cases which have accumulated since the previous session, or which were left over from former sessions; to draw up indictments against persons for whom the grand jury had returned true bills; when indictments were returned, to prosecute such cases before a petit jury; and to prosecute any cases taken to the Court of Appeals. (120)

The commonwealth's attorney has always attended the several circuit courts in his district and represented the Commonwealth in criminal prosecutions and civil cases in which the State had an interest. He also performed such other duties as were prescribed by law. (121) In reaffirming these general duties, an act of 1892 authorized the Governor to appoint counsel, when necessary, to assist the commonwealth's attorney in prosecuting such civil cases. (122)

He was also required to oppose improper applications for divorce (123), but this duty was later given to the county attorney. (124)

Early statutes directed this officer to prosecute persons against whom indictments had been returned charging violations of the election laws (125); to take depositions in the Commonwealth's interest (126); and to obtain a rule against persons delinquent in paying fines and forfeitures. (127) All of those duties are in effect at the present time. (128)

Legislation passed in 1829, and subsequently, authorized the commonwealth's attorney to prosecute attorneys who failed to pay to clients money they had collected, or who were otherwise delinquent. (129) He is also required to represent the Commonwealth in road cases appealed to the circuit court from the county court. The county attorney was required to attend and assist him in prosecuting such cases. (130) Until the keepers of billiard tables were legally licensed, the commonwealth's attorney was directed to prosecute such persons. (131)

The commonwealth's attorney has always had the duty of applying to the court for appointment of committees for persons of unsound mind (132);

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120. LITTELL, 1809, IV, 68.
121. IBID., 1813, V, 19.
122. ACTS, 1891-93, PP. 263, 264; CARROLL, SEC. 118.
123. LITTELL, 1809, IV, 20.
124. GEN. STAT., 1873 ED., P. 524.
125. ACTS, 1828-29, P. 198.
126. LITTELL, 1804, III, 189.
127. ACTS, 1819-20, P. 181.
128. ACTS, 1891-93, P. 263 FF.; CARROLL, SEC. 118.
129. ACTS: 1828-29, P. 129; 1891-93, P. 264; CARROLL, SEC. 105.
130. ACTS: 1855-56, I, 76; 1891-93, P. 266.
131. ACTS, 1830-31, P. 127; GEN. STAT., 1873 ED., P. 746.
132. LITTELL, 1793, I, 191.

and to require a committee in charge of an idiot to show cause why the annual allowance of public funds for his care and custody should not cease. (133) Later an amending act provided for the keeping of such persons in designated asylums (134), and required the commonwealth's attorney to represent the State in all inquests concerning sanity and to prevent the finding of any person to be of unsound mind when, in his opinion such person was of sound mind.(135)

From 1833 until slavery was abolished, the commonwealth's attorney took a special oath to prosecute persons importing slaves into the State. For the conviction of such offense a fine of $600 was imposed, of which the commonwealth's attorney was allowed 20 percent. The remainder of this amount was set apart as a fund for colonizing free Negroes on the coast of Africa, a colony which later became the Republic of Liberia. (136)

Other early statutes required the commonwealth's attorney to prosecute persons violating the currency laws (137) and to apply to the court for injunctions against such violators. (138) Today, the United States Treasury Department is charged with the enforcement of the currency laws. (139)

Legislation in 1840 required the commonwealth's attorney to see that the trustee of the jury fund faithfully carried out his duty of paying jurors and of making proper settlement to the circuit court at the end of each court term. (140) This duty was later reaffirmed, and the commonwealth's attorney was further required to advise the trustee in regard to motions against delinquent officers whose duty it was to collect fines and forfeitures, and to prosecute such motions. (141) When the office of trustee of the jury fund was abolished in 1934, its functions were given to the circuit court clerk, to be performed under the supervision of the State Auditor of Public Accounts. (142)

Although, as a matter of common law practice, the commonwealth's attorney has always filed a statement with the presiding judge, explaining why he dismissed an indictment or entered a nolle prosequi, it was not made a provision of law until after 1850, and was reaffirmed in 1892. (143)

More recent statutory provisions required the commonwealth's attorney to advise the collector of public funds in regard to motions against col-

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133. Acts, 1839-40, p. 170.
134. Acts, 1928, p. 116; Carroll, secs. 216AA-02, 216AA-03.
135. Acts, 1928, p. 111; Carroll, sec. 216AA-71.
136. Acts, 1832-33, p. 259.
137. Acts, 1837-38, p. 249.
138. Acts, 1838-39, p. 119; Rev. Stat., pp. 277,278; Gen. Stat., 1873 ed., p. 368; Carroll, sec. 1388.
139. U. S. Code, 1934 ed., Title 18, sec. 262, p. 264.
140. Acts, 1839-40, p. 134.
141. Gen. Stat., 1873 ed., pp. 152, 580.
142. Acts, 1934, pp. 540-542; Carroll, sec. 2290-1.
143. Gen. Stat., 1873 ed., p. 153; Acts, 1891-93, p. 255; Carroll, sec. 123.

lecting officers who were delinquent in paying over money due the Commonwealth; to investigate all unsatisfied judgments in his districts which were in favor of the Commonwealth (144); and to prosecute suits brought by the State Auditor for the collection of taxes due the State. (145) He must also prosecute violations of the game and fish laws (146); prosecute all violators of the sanitation laws, representing the State Board of Health in such cases (147); and assist the Forestry Department in enforcing its regulations. (148)

Legislation in 1922 prohibited the manufacture, sale, transportation, possession, or other disposition of spirituous or intoxicating liquors, and made it the specific duty of the commonwealth's attorney, except in districts containing cities of the first class, to appear personally and conduct all necessary prosecutions in the inferior courts against liquor violations. The intention of this act was to coordinate the law enforcement machinery of the State, to make more effective the provisions of this legislation. (149)

The commonwealth's attorney keeps no records.

Circuit Court Clerk - Structure

Selection and Term

The second constitution of Kentucky provided for the appointment of a clerk by each court, to hold office during good behavior. (150)

At the first meeting of the circuit court of Anderson County on January 22, 1827, David White, Jr., was appointed circuit court clerk, to hold office during good behavior. (151) Constitutional provision in 1850, reaffirmed later, made this office elective for a term of 6 years. (152)

Qualifications

Before 1850 the circuit court clerk was required to have been a resident of the county for 1 year preceding his appointment (153); but the residential qualifications were changed when his office became elective in 1850, and it was specified that he must have resided in the State 2 years and in the county 1 year prior to his election. (154)

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144. Acts: 1891-93, pp. 264, 266; 1926, p. 101; Carroll, secs. 122, 130.
145. Acts, 1906, p. 172.
146. Acts, 1912, p. 162; Carroll, sec. 1954c-18.
147. Acts: 1916, p. 424; 1918, p. 291.
148. Acts, 1930, p. 291; Carroll, sec. 2007i-25.
149. Acts, 1922, pp.129, 130.
150. Const. 1799, art. 4, sec. 10.
151. Acts, 1823-24, p. 336; Civil Orders, Circuit Court, vol. A, p. 1, <u>see</u> entry 125.
152. Const. 1850, art. 6, secs. 1, 3; Const. 1891, sec. 97; Acts, 1891-93, pp. 142, 143; Carroll, sec. 1518.
153. Const. 1799, art. 3, sec. 9.
154. Const. 1850, art. 6, sec. 2; Const. 1891, sec. 100.

Constitutional provision did not specify any age limit for the circuit court clerk until 1850, when he was required to be at least 21 years of age, as he must be today. (155) Upon his appointment, he was required to produce a certificate, signed by a majority of the judges of the Court of Appeals, stating that he was qualified to perform the duties of his office. (156)

Oath

Under provisions of the Constitution of 1799 each civil officer was required to take oaths to support the constitution and to discharge faithfully the duties of his office, and this provision applied to the circuit court clerk when he assumed office. (157) Legislation in 1850 further stipulated that he must not have participated in any manner in duels. (158)

Bond

Early legislation required the circuit court clerk to give bond in the amount of $10,000, which was to be renewed every fifth year. (159) Since 1850, the clerk has had to give surety bond in such amount and as often as required by law. (160)

Removal

Upon information and good cause shown, the circuit court clerk has always been subject to removal from office by the judges of the Court of Appeals, with the concurrence of two-thirds of the judges of that court present. (161)

Vacancy

From the beginning of his office until 1850, when the office of circuit court clerk became elective, a vacancy was filled by the court. (162) Since 1850, a vacancy in this office has been filled by the circuit judge, pending an election. (163)

Compensation

The circuit court clerk has always been paid on a fee basis. (164)

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155. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
156. CONST. 1798, ART. 4, SEC. 10; CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
157. CONST. 1799, ART. 6, SEC. 1.
158. CONST. 1850, ART. 8, SEC. 1; CONST. 1891, SEC. 228; ACTS, 1891-93, P. 534; CARROLL, SEC. 372.
159. LITTELL, 1810, IV, 123; ACTS, 1821-22, PP. 48, 49.
160. CONST. 1850, ART. 6, SEC. 9; CONST. 1891, SEC. 103; ACTS: 1891-93, P. 534; 1928, P. 407; 1934, PP. 60-62; CARROLL, SEC. 373.
161. CONST. 1799, ART. 4, SEC. 10; CONST. 1850, ART. 4, SEC. 39; CONST. 1891, SEC. 124.
162. CONST. 1799, ART. 4, SEC. 10.
163. GEN. STAT., 1873 ED., P. 386; ACTS, 1891-93, P. 146; CARROLL, SEC. 1525.
164. LITTELL, 1802, III, 83; ACTS, 1851-52, PP. 303, 304; GEN. STAT., 1873 ED., PP. 458-465; ACTS, 1928, PP. 392-398; CARROLL, SECS. 1720-1724.

Circuit Court - Circuit Court Clerk (Next entry 111, p. 170)

Office Requirements

The circuit court clerk was originally instructed to keep office in or near the courthouse. He now keeps it within 200 yards of the courthouse. (165)

Circuit Court Clerk - Functions

Court Recorder

The circuit court clerk, upon the establishment of his office, assumed the duties performed by the clerks of the various courts preceding the circuit court. (166) The circuit court clerk was authorized to draw up and record the orders of court each day and have them signed by the judge. (167) He also made complete records of court proceedings, if required, as in cases of appeal. (168) In 1839, he was given the duty of endorsing on an inner envelope all steps taken in each case. (169) This duty was later expanded to include the listing of all steps taken in each action and the filing of summaries thereof, with other papers in the case, within 30 days after the close of each term of court. (170) At present, he must write up each day's proceedings in court (171), and, each November, make a full report to the State Auditor of Public Accounts regarding cases filed in court the preceding year. (172)

Early legislation authorized the circuit court clerk to forward papers when a change of venue had been granted, and he was held answerable for the trustworthiness of persons carrying those papers. (173) He now has the additional duty of making a transcript of all papers when a change of venue is granted, and of forwarding the transcript to the clerk of the court to which the case has been removed. (174)

The circuit court clerk was early required to make out the docket for the succeeding term of court. (175) Later legislation also required him to keep a rule docket in which to enter the names of parties in the cases, and the steps taken in the court procedure (176), and further required him to keep equity and common law dockets. (177)

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165. LITTELL, 1802, III, 88; Acts, 1891-93, p. 536; CARROLL, sec. 380.
166. LITTELL, 1802, III, 37, 38.
167. REV. STAT., I, 249; GEN. STAT., 1873 ED., p. 200.
168. LITTELL, 1810, IV, 192.
169. Acts, 1838-39, p. 130.
170. Acts, 1891-93, p. 536; CARROLL, SEC. 379.
171. Acts, 1891-93, p. 536.
172. IBID., pp. 537, 538; CARROLL, secs. 378, 385.
173. LITTELL, 1815, V, 209; Acts, 1891-93, pp. 590, 1060; CARROLL, secs. 1099, 1124.
174. Acts, 1891-93, p. 1060; CARROLL, SEC. 1099.
175. LITTELL, 1810, IV, 177.
176. Acts, 1891-93, p. 420.
177. GEN. STAT., 1873 ED., p. 200; Acts, 1891-93, p. 420; CARROLL, SEC. 990.

Circuit Court- Circuit Court Clerk (Next entry 111, p. 170)

An act of 1811, in force in 1827, required the clerk to endorse and note returns of executions (178); after 1850, he issued executions and turned them over to the sheriff. (179) He now keeps a record of every execution and return made by the sheriff, recording all sales of real estate under execution, and the date relating to them. (180)

Collection of Revenue

The circuit court clerk was authorized by earlier acts, to receive fees, fines, and taxes in money instead of tobacco, as had been the custom (181); to deliver fee bills to the sheriff for collection (182); to produce fee bills chargeable to a person, and place in his office a list of these fee bills for public inspection (183); and to receive the tax on legal processes or writs. (184)

Legislation effective in 1873 directed the circuit court clerk to enter in a book all money received by him for the State. (185) He now keeps a record of all public money received, and makes a report of such receipts, together with the taxes, up to the first day of each circuit court session. (186) He lists all receipts and expenditures, and sends to the circuit judge, every 4 months, a written report on such receipts and expenditures. (187) In 1934 he was authorized to act for the State Tax Commission in issuing motor vehicle operator's licenses. (188)

The circuit court clerk was required by various acts to tax the costs of each party on papers filed with the case at the termination of the action (189); and to give to the State Auditor of Public Accounts an accounting of all tax money received by him. (190) On the second day of the court term it was his duty to give the State Auditor an account in writing, verified by oath, of all money on hand. (191) He was also required to deliver to the county court clerk, before the tenth day preceding the meeting of the court of claims and levy, a list of fines inflicted or collected by the circuit court (192); and to forward to the State Auditor a list of fines and forfeitures at each term, together with copies of the settlement with the trustee of the jury fund. (193) An act of July 1, 1934, abolished the jury fund and the office of trustee, and gave the duties of

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178. LITTELL, 1811, IV, 278.
179. GEN. STAT., 1873 ED., P. 726.
180. ACTS, 1891-93, P. 535; CARROLL, SEC. 375.
181. LITTELL, 1792, I, 88.
182. IBID., 1796, I, 508; 1808, IV, 485.
183. IBID., 1798, III, 261.
184. IBID., 1799, III, 329.
185. GEN. STAT., 1873 ED., P. 726.
186. ACTS, 1906, PP. 219, 220.
187. IBID., PP. 220, 224; CARROLL, SEC. 4242.
188. ACTS, 1934, SPECIAL SESSION, P. 139.
189. GEN. STAT., 1873 ED., P. 202; ACTS, 1891-93, P. 537; CARROLL, SEC. 303.
190. ACTS, 1931-32, P. 113.
191. GEN. STAT., 1873 ED., P. 579.
192. IBID., P. 388.
193. ACTS, 1939-40, PP. 132-134.

the trustee to the circuit court clerk, who now attends to the collection of fines and forfeitures, and keeps a record of the funds paid to jurors. (194)

County Librarian

Legislation in 1825 made the circuit court clerk responsible for the law books in his charge and directed him to give periodically to the circuit judge, a list of all law books received, transmitting a copy of the list to the Secretary of State. (195) He is now required to keep in his office for public use, all books entrusted to him (196) and to make a biennial report to the circuit judge of all books received on public account, and of all books remaining in his office. (197) In 1930, he was made librarian of the county library, with a monthly stipend of $20. He keeps the room in order, preserves the books, makes inventories, and gives receipts to the State Librarian for all books, maps, and furniture. (198) Legislation in 1934 authorized him to give, at his discretion, non-current documents, reports, and other library materials that are not needed by the county, to the libraries of the University of Kentucky and the four State teachers' colleges. (199)

Miscellaneous Functions

Early duties performed by the circuit court clerk were to certify to the State Auditor the number of slaves condemned and executed (200), until this duty was dropped with the abolition of slavery in 1863; to send the Governor a certified copy of the conviction of officers accused of certain crimes (201); to give a certificate of the number of terms the judge attended (202); and to transmit to the keeper of the penitentiary a statement of the expense of convicting prisoners. (203)

The circuit court clerk was also required to administer oaths of pleas of non est factum (204); to procure a seal of office (205); and to administer oaths out of court and take recognizance for the peace in certain cases. (206) An act of 1833 provided that the circuit court clerk make no charge for affixing the seal of office to documents for Revolutionary War soldiers. (207) He now certifies soldiers' claims without charge. (208)

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194. Acts, 1934, p. 541; Carroll, secs. 2290-1, 2290-2.
195. Acts, 1825-26, p. 110.
196. Acts, 1891-93, p. 596.
197. Ibid., pp. 596, 597; Carroll, secs. 2424, 2429.
198. Acts, 1930, pp. 200-203.
199. Acts, 1934, p. 427; Carroll, sec. 2438c-11A.
200. Littell, 1798, II, 118.
201. Ibid., 1799, II, 356.
202. Ibid., 1800, II, 416.
203. Ibid., 1802, III, 71.
204. Ibid., 1801, II, 440.
205. Ibid., 1804, III, 234.
206. Acts: 1827-28, p. 31; 1891-93, p. 536; Carroll, sec. 360.
207. Acts, 1832-33, p. 149.
208. Acts, 1891-93, p. 537; Carroll, sec. 362.

Circuit Court Clerk - Recordation

The circuit court clerk has always had certain duties in regard to the maintenance of an adequate record system. In the beginning, he furnished his own books for keeping records, his own presses, and stationery, chargeable to the public treasury. (209) Upon order of the circuit court, the clerk now procures the record books for this office, which are paid for by the State. (210) In 1831, he was required to make a list of idiots and lunatics and their committees in a docket book. (211) At present, the circuit court clerk also submits a list of pauper idiots to the State Auditor of Public Accounts on or before September 10 of each year, and transmits to him a certified copy of inquest proceedings. (212)

In addition to the recording duties previously mentioned, the circuit court clerk keeps a registry of suits to settle insolvent estates (213); a book of witnesses' attendance (214); a "General Index" containing the names of the parties to each suit, after the case is decided, together with reference to the number of the bundle or file box in which papers are filed (215); and a judgment book, with an alphabetically arranged index in which all civil and criminal judgments are entered. (216)

Upon removal, resignation, or expiration of his term of office, the circuit court clerk must deliver all records and papers belonging to his office to his successor, or to such person as the court may appoint. He is not permitted to remove records from the county, except in great emergencies or by court order. (217) The present circuit court clerk is also clerk of the quarterly court. (218)

Master Commissioner - Structure

Creation

The office of master commissioner, as it is now constituted, had not been established at the time Anderson County was created in 1827. Provision had been made earlier, however, for commissioners to convey land. (219) Legislation in effect in 1827, provided for one or more commissioners to convey title to lands by deed, satisfactory to the decree of

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209. LITTELL, 1810, IV, 189.
210. ACTS, 1891-93, P. 534; CARROLL, SEC. 388.
211. ACTS, 1830-31, P. 111.
212. ACTS, 1926, P. 100; CARROLL, SECS. 216AA-61, 216AA-62.
213. GEN. STAT., 1873 ED., P. 555.
214. IBID., P. 201.
215. IBID., P. 203; ACTS, 1891-93, P. 536.
216. ACTS, 1926, P. 160; CARROLL, SEC. 365A-1.
217. LITTELL, 1804, III, 184; GEN. STAT., 1873 ED., P. 199; ACTS, 1891-93, PP. 535, 536; CARROLL, SEC. 374.
218. SEE QUARTERLY COURT, P. 217.
219. LITTELL, 1796, I, 400.

the court, in certain chancery cases. (220) These commissioners were the forerunners of the present master commissioner.

It was not until 1839, however, that the name "master commissioner" was used, provision being made at that time for the appointment of such officers by the several chancery courts. (221) In 1852 an act of the General Assembly provided for the creation of the office of master commissioner in each county, such appointments to be made by the circuit court. (222)

Selection and Term

In 1827, legislation already in effect provided that commissioners be appointed by the circuit court for settling accounts and partitioning land or personal estates, these officers to serve as long as necessary. (223) By an act of 1852, the master commissioner was appointed by the circuit court for a term of 4 years. (224) In 1873, the law provided that no master commissioner could serve more than 4 years without reappointment, as is the case today. (225)

Qualifications

The law made no mention of any age requirement for either the early commissioners or the present master commissioner, but the incumbent, by provision made in 1799, for officers generally, must have been a citizen of the United States and a resident of his county for 1 year prior to his appointment. (226) Today the master commissioner must reside within the county to qualify for office. (227)

Oath and Bond

Acts passed in 1852 provided that the master commissioner take oath and furnish bond with good security. (228) Today he is required to take oath and execute a surety bond approved by the court, to be renewed once each year, or oftener, if the court so requires. Aggrieved persons could take action against his surety. (229) He was also required to execute a new or special bond whenever it was considered necessary. (230)

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220. Ibid.: 1807, III, 460; 1811, IV, 238.
221. Acts, 1838-39, p. 298.
222. Acts, 1851-52, p. 293; Rev. Stat., II, 140.
223. Littell: 1807, III, 460; 1811, IV, 238; Acts, 1850-51, I, 172-177.
224. Acts, 1851-52, p. 293; Rev. Stat., II, p. 140.
225. Gen. Stat., 1873 ed., p. 656; Acts, 1891-93, p. 48; Carroll, sec. 392.
226. Const. 1799, art. 3, sec. 9.
227. Const. 1891, sec. 234.
228. Acts, 1851-52, pp. 293, 294; Rev. Stat., II, 140; Gen. Stat., 1873 ed., p. 656; Acts, 1891-93, p. 48; Carroll, sec. 392.
229. Acts, 1891-93, p. 48; Carroll, sec. 392.
230. Gen. Stat., 1873 ed., p. 657; Acts, 1891-93, p. 48; Carroll, sec. 394.

Removal

The master commissioner has always been subject to removal for adequate cause, by the circuit court. (231)

Vacancy

When the office was made vacant by death, resignation, removal for cause, or removal from the county, the circuit judge appointed a suitable person to fill the vacancy at the next term of court, and this is the present procedure. (232)

Compensation

In 1852, the master commissioner was paid not more than $3 per day for each day engaged in his duties, except by consent of the parties in the suit to a larger amount. He was also allowed $1.50 for each deed executed under the decrees of the court, unless the parties concerned consented to more. (233) In 1893 he received not more than $3 per day when the amount was not agreed upon by the parties concerned; in addition, he was paid on a fee or percentage basis, according to the amount involved, for his various duties in connection with dividing and selling property, settling accounts, and allotting dowries. (234) Since 1852, all his fees have been taxed as a part of the costs, this tax being collected in the same manner as the fees of the circuit court clerk. (235) No allowance was made him, however, until his fees were ascertained by oath and evidence. (236) He was required to file a statement in court under oath, before he could collect any allowance. (237)

Deputies

The master commissioner was authorized to appoint a deputy commissioner if, and when, in the opinion of the court, one was necessary. If more than one were needed, the court determined the number to be appointed. Deputies so appointed took oath and furnished surety, and could be removed at will by the master commissioner. (238)

Special Commissioners

The circuit court appointed a special commissioner upon request of litigants, to handle the case when the master commissioner was personally

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231. Acts, 1851-52, p. 293; Rev. Stat., II, 140; Gen. Stat., 1873 ed., p. 656; Acts, 1891-93, p. 48; Carroll, sec. 392.
232. Acts, 1851-52, p. 293; Rev. Stat., II, 140; Gen. Stat., 1873 ed., p. 656; Acts, 1891-93, p. 49; Carroll, sec. 397.
233. Acts, 1851-52, p. 294; Gen. Stat., 1873 ed., p. 657.
234. Acts, 1891-93, p. 1146; Carroll, sec. 1740.
235. Acts, 1851-52, p. 294; Rev. Stat., II, 140; Acts, 1891-93, p. 494; Carroll, sec. 407.
236. Acts, 1851-52, p. 294.
237. Acts, 1891-93, p. 49; Carroll, sec. 396.
238. Acts, 1891-93, p. 493; Carroll, sec. 405.

involved in such action. This commissioner was required to take oath and give bond in the same manner as the master commissioner. (239) His fees were fixed by the circuit court and added as a part of the costs of the case, as they are today. (240)

Master Commissioner - Functions

An act of 1839 provided that, if an estate was insufficient to pay its debts and when, as a result, the representative had filed a bill in chancery for settlement, the master commissioner, after the court had referred the matter to him, ascertained and reported the estate, its debts, and the date fixed by the court when debtors were required to prove their claims. (241) Since 1852 it has also been his duty to settle the accounts of insolvent estates pending in the circuit court. (242) In 1852, he executed deeds under decree of the court. (243)

Unless otherwise specified by the court, it is the master commissioner's duty to make all conveyances of real property authorized by law to be made by a commissioner appointed by the court. (244) He makes only one deed in case of partition of land, unless he is otherwise ordered by the court. (245) The master commissioner was required to administer oaths and grant certificates thereof. (246) By statutes in effect in 1873, he could compel the attendance of witnesses by subpoena and attachment. (247) He now summons witnesses, and when persons duly subpoenaed refuse to testify, he asks the circuit court to issue citations against them, to show cause why they should not be punished for contempt of court. (248) It is his duty not only to summon, but also to swear witnesses, and take their proof in writing. (249) He also executes judicial sales. (250)

In 1852, he acted as receiver and collector of money at the discretion of the court. (251) He now keeps all money paid him under written order of the court, which order must be attested by the circuit court clerk. (252) He also reports the amount of money on hand the first day of the circuit

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239. GEN. STAT., 1873 ED., P. 658; Acts, 1891-93, PP. 49, 50.
240. GEN. STAT., 1873 ED., P. 658; Acts, 1891-93, P. 50; CARROLL, SEC. 407.
241. Acts, 1838-39, P. 295.
242. Acts, 1851-52, P. 293; REV. STAT., II, 140 Acts, 1891-93, P. 48; CARROLL, SEC. 394.
243. Acts, 1851-52, P. 294; REV. STAT., II, 140.
244. Acts, 1891-93, P. 494; CARROLL, SEC. 406.
245. Acts, 1891-93, P. 494; CARROLL, SEC. 406.
246. GEN. STAT., 1873 ED., P. 657; Acts, 1891-93, PP. 48, 49; CARROLL, SEC. 395.
247. GEN. STAT., 1873 ED., P. 657.
248. Acts, 1891-93, P. 48.
249. GEN. STAT., 1873 ED., P. 657; Acts, 1891-93, P. 48.
250. GEN. STAT., 1873 ED., P. 657; Acts, 1891-93, P. 48; CARROLL, SEC. 395.
251. Acts, 1851-52, P. 294; REV. STAT., II, 140; Acts, 1891-93, P. 1402; CARROLL, SEC. 409.
252. Acts, 1891-93, PP. 1402, 1403; CARROLL, SEC. 412.

court term showing the style of each case in which it had been collected. (253)

The present master commissioner of Anderson also acts as the treasurer of the county. (254)

Recordation

The master commissioner was authorized by acts of 1893 to keep a docket containing the number of the action, the style of suit, the names of plaintiff and defendant, and the date of reference in each case; and to enter all claims filed in his office in such actions, showing the date, name of person filing claim, nature and amount of claim, and stating whether or not the claim bears interest and, if so, from what date. He was also required to endorse the date on which the claim was filed on the back or margin of each claim and to attest the date. (255)

Unless otherwise specified, the circuit court records are found in the vault of the circuit court clerk.

Civil Actions at Law

Case Papers

111. CIVIL DISMISSIONS, 1834--. 12,850 docs. in 257 f.d. (numer. by case no.)
Original case papers and documents filed in civil suits tried before circuit court, from institution to final disposition of case, including petitions, citations, answers, motions, bills, notes and other documentary evidence exhibited, exceptions, returns on summonses and subpoenas, depositions, orders of attachment, transcripts, and actions of court, showing on each summary: docket number, style of case, date filed, names of parties' attorneys, various clauses indicating form of document, and signature of circuit court clerk. Also contains: Commonwealth Causes, 1834-1909, entry 131. Arr. numer. by case no. For index, see entry 112. Hdw. and typed on pr. fm. 11 x 5 x 13.

112. ALPHABET (Index to Suits), 1827--. 1 vol.
General index to Civil Dismissions, entry 111; Commonwealth Causes, entry 131; and Equity Causes, entry 147; alphabetically direct by first letter of surname of plaintiff, showing case number, name of defendant, and file where contained; and indirect by first letter of surname of defendant, showing case number, name of plaintiff, and file where contained. Arr. alph. direct by first letter of surname of plaintiff and indirect by first letter of surname of defendant. Hdw. under pr. hds. 200 pp. 16 x 11 x 1½.

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253. Acts, 1891-93, p. 50; Carroll, sec. 402.
254. See Treasurer, p. 262.
255. Acts, 1891-93, p. 493; Carroll, sec. 404.

Surety Bonds

113. REPLEVIN BONDS, Dec. 3, 1872--. 2 vols.
Original surety bonds furnished Commonwealth by principals securing payment of judgments rendered by circuit court within three months, showing: date of bond, names of principal and surety, amount of judgment, costs, and interest, date judgment rendered, amount of bond, signature of principal and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. Aver. 400 pp. 14 x 9½ x 1½.

114. ATTACHMENT BONDS, June 25, 1888--. 4 vols. (1-4).
Original surety bonds executed before circuit court by plaintiffs as a covenant with Commonwealth securing defendants against damages that may accrue should final judgment of court state that attachments were wrongfully obtained, showing: date and amount of bond, names of plaintiff and defendant, signatures of plaintiff and surety, affidavit of surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. Aver. 300 pp. 14 x 10 x 2.

115. APPEAL BONDS, Nov. 19, 1898--. 2 vols. Last entry Aug. 28, 1939.
Original surety bonds executed before circuit court by appellants, praying for relief from judgments rendered by lower courts, as a covenant with Commonwealth securing response to judgment rendered by circuit court, showing: date and amount of bond, names of appellant and appellee, explanation of judgment rendered by lower court, signatures of appellant and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of appellant, showing p. no. where recorded. Hdw. on pr. fm. Aver. 250 pp. 14 x 10 x 2.

116. SUPERSEDEAS BONDS, Apr. 1, 1896--. 1 vol.
Original surety bonds executed before circuit court by appellants praying stay of court's judgment pending appeal of case as a covenant with Commonwealth securing response to final judgment of court, showing: date and amount of bond, names of appellant and appellee, signatures of appellant and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. 168 pp. 14 x 9 x 2.

Miscellaneous Papers

117. JUDICIAL COUNCIL REPORT, 1930--. 6 docs. in 1 f.d.
Original reports of circuit court clerk to the Commonwealth of civil and criminal cases docketed for trial before the circuit court, showing: date, number of common law and equity cases on civil docket, number of felonies, crimes against property, and misdemeanors on criminal docket, and signature of circuit court clerk. Arr. chron. by date of report. No index. Hdw. on pr. fm. 11 x 5 x 13.

118. (MERCHANTS' LEDGERS), 1870-1912. 6 vols.
Journals of merchants used as evidence in circuit court cases seeking recovery of cost of merchandise, showing: names of plaintiff and defendant, date suit filed and noted, and signature of circuit court judge. Arr. chron. by date of record. No index. Hdw. Aver. 150 pp. 14 x 9 x 2. 1870-1912 4 vols., clock tower; Feb. 14, 1911-Oct. 29, 1912, 2 vols., cir. ct. clk. vt.

119. (DEPOSITIONS), Aug. 2, 1897-Aug. 8, 1927. 36 docs. loose on book shelves.
Original depositions taken by lawyers from plaintiffs, defendants, and witnesses, and used as testimony in suits tried before circuit court, showing: style of case, names of plaintiff, defendant, and witness, date of deposition, statement of testimony, sworn statement of deponent, and signatures of examiner and witnesses to statement. No obvious arr. No index. Hdw. and typed. 13 x 8 x 3/4.

120. TRANSCRIPTS FROM LOWER COURTS AND EXECUTIONS. 1850-69, Feb. 15, 1875--. 450 docs. in 1 f.d.
Transcripts, Feb. 15, 1875--, of judgments rendered in inferior courts and appealed to circuit court, showing: date, names of plaintiff and defendant, type and number of suit, date filed, judgment of inferior court, and statement of appeal. Also contains: Executions, 1850-69, entry 129. No obvious arr. No index. Hdw. 11 x 5 x 15.

Dockets

121. ORDINARY DOCKET, June 1, 1871--. 4 vols.
Docket of civil cases set for trial before circuit court prepared by circuit court clerk for use of judge during court term, showing: date, term of court, case number, last order in case, names of plaintiff's attorney, parties to action, and defendant's attorney, action, return on process, steps at present term, judgment rendered, and remarks. Also contains: Judgment Book, 1877--, entry 127; Judgments Default, Apr. 9, 1896--, entry 128. Arr. chron. by date of court term. No index. Hdw. under pr. hds. Aver. 640 pp. 18 x 13 x 3.

122. CLERKS STEP BOOK, June 1909-June 7, 1912. 1 vol. Record discontinued.
Clerk's record of steps taken in civil actions tried before circuit court from institution to final disposition, showing: case number, date of action, style of case, action, return on process, and steps taken at each term of court. Arr. chron. by term of court and numer. thereunder by case no. No index. Hdw. under pr. hds. 240 pp. 18 x 15 x 2.

123. (LAWYERS' DOCKET), May 4, 1875-June 6, 1882. 1 vol. Record discontinued.
Record of cases set for trial at each term of court prepared for use of lawyers, showing: term of court, number of suit, style of case, names of parties' attorneys, and date set for trial. Arr. chron. by date of court term. No index. Hdw. under pr. hds. 200 pp. 14 x 12 x 1.

Minutes

124. MINUTE BOOK, Nov. 21, 1864--. 8 vols.
Recorded minutes of proceedings in civil cases, equity cases, and administrative matters at each daily session of circuit court, showing on each day's proceedings: date, term of court, name of presiding judge, summary of proceedings, and notation of adjournment. Details are given as to the empanelling and discharge of juries, roll calls of juries, bills of information filed by district attorney, and true bills of indictment returned by grand jury and their recommendations. In civil and equity proceedings, motions by counsel, bills of exception, cases taken under advisement, and rules, orders, and judgments are among the items. Each summary shows: docket number, style of case, names of attorneys, and description of property involved. Arr. chron. by date of court term. No index. Hdw. Aver. 480 pp. 18 x 12 x 3.

Orders

125. CIVIL ORDERS CIRCUIT COURT, Jan. 22, 1827-June 26, 1912, May 23, 1915--. 27 vols. (A-U, W-Z, 1-2). Title varies: Order Book, vols. A-B, D-Q, Jan. 22, 1827-Aug. 30, 1834, Aug. 20, 1839-Dec. 5, 1897; Orders, vol. C, May 25, 1835-June 1, 1839; Order Book Civil Causes, vol. R, Apr. 1, 1898-Dec. 9, 1901; Orders Civil Cases, vol. S, Feb. 28, 1902-May 3, 1905; Civil Order Book, vol. T, May 4, 1905-Mar. 16, 1909.
Record of orders issued in civil and equity cases and administrative matters at each daily session of circuit court, showing: date, term of court, nature of order, and signature of presiding judge. In civil and equity cases, orders, rules, and judgments are among the items, summary of each showing: docket number, style of case, amount of judgment rendered, action taken, and steps at present term. Administrative orders include: appointments of officials, acceptance of resignations, calls for special court terms, approval of bonds, powers of attorney, and reports; summary of each showing: term of court, name of principal, and nature of order. Also contains: Commonwealth Orders, Jan. 22, 1827-Dec. 4, 1881, entry 144. Arr. chron. by date of order. Alph. index, direct by first letter of surname of plaintiff or principal, showing nature of order and p. no. where recorded; for separate index, see entry 126. Hdw. Aver. 560 pp. 18 x 12 x 3.

126. GENERAL INDEX, 1827--. 5 vols.
General index to Civil Orders Circuit Court, entry 125, alphabetical: direct by first letter of surname of plaintiff, showing name of defendant, case number, and order book letter or number and page number where recorded; and indirect by first letter of surname of defendant, showing name of plaintiff, case number, and order book letter or number and page number where recorded. Arr. alph. direct by first letter of surname of plaintiff and indirect by first letter of surname of defendant and chron. under each by date recorded. Hdw. under pr. hds. Aver. 500 pp. 18 x 13 x 3.

Circuit Court - Criminal Actions (127-131)

Judgments

127. JUDGMENT BOOK, Oct. 1853-May 1876. 1 vol. 1877-- in Ordinary Docket, entry 121.
Record of judgments rendered in civil cases tried before circuit court at each term of court, showing: style of case, date of trial, judgment rendered, when and how satisfied, and remarks. Arr. chron. by date of trial. No index. Hdw. under pr. hds. 600 pp. 16 x 12 x 3.

128. JUDGMENTS DEFAULT, Apr. 28, 1863-Apr. 8, 1896. 1 vol. Apr. 9, 1896-- in Ordinary Docket, entry 121.
Record of judgments rendered by circuit court in favor of plaintiffs upon failure of defendants to appear for trial, showing: number and style of case, names of plaintiff and defendant, date and description of judgment rendered, and attestation of presiding judge. Arr. chron. by date of judgment. No index. Hdw. on pr. fm. 550 pp. 17 x 12 x 2½.

Executions

129. EXECUTIONS, May 26, 1834--. 600 docs. in 4 f.d. 1850-69
also in Transcripts from Lower Courts and Executions, entry 120.
Executions issued on judgments rendered in civil caces tried before circuit court, showing: style and number of case, date of execution, amount of debt, interest, credit, and costs, to whom delivered, return date, and sheriff's return. Arr. chron. by date returned. No index. Hdw. and typed on pr. fm. 11 x 5 x 13.

130. EXECUTION BOOK, Aug. 7, 1827--. 7 vols. (A-G).
Record of executions issued on judgments rendered in cases tried before circuit court, showing: number and style of case, names of plaintiff, defendant, and attorneys, date and number of execution, amount of debt, interest, costs, and credits, date judgment rendered, name of executing officer, to whom delivered, return, and return date. Arr. chron. by date of execution and numer. thereunder by no. of execution. No index. Hdw. under pr. hds. Aver. 600 pp. 18 x 12 x 3.

Criminal Actions
(See also entries 117, 119, and 120)

Case Papers

131. COMMONWEALTH CAUSES, 1910--. 1,500 docs. in 8 f.d. 1834-1909
in Civil Dismissions, entry 111.
Original case papers and documents filed in criminal actions tried before circuit court, from institution to final disposition, including bills of information, grand jury indictments, petitions, citations, answers, evidence exhibited, pleas of accused persons, fixing of bonds, returns on process, notices to take depositions, warrants, capiases and pardons, showing: docket number, style of suit, offense, date of trial, action taken, and signature of presiding judge. Arr. numer. by case no. For index, see

entry 112. Hdw. and typed on pr. fm. 11 x 5 x 13.

132. COMMONWEALTH CASES EXAMINING TRIALS, Mar. 1926--. 21 docs. in 1 f.d.
Case papers and documents filed in misdemeanor actions tried before circuit court from institution to final disposition, including bills of information, indictments, petitions, citations, answers, evidence exhibited, pleas of accused persons, orders fixing amount of bond, and returns on process, showing: name of defendant, date of indictment, offense, date and place committed, signature of commonwealth's attorney, amount of bail bond if bond allowed, date of trial, names and verdict of jury, signature of jury foreman, judgment and date rendered, and final disposition of case. Arr. numer. by case no. No index. Hdw. and typed on pr. fm. 11 x 5 x 13.

Surety Bonds (See also entries 115 and 116)

133. BAIL BOND BOOK, Nov. 9, 1891--. 2 vols.
Original surety bonds furnished Commonwealth for release of defendants from custody and guaranteeing appearance for trial before circuit court, showing: date, number and amount of bond, name of defendant, offense, date of appearance, affidavit and signature of surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. on pr. fm. Aver. 235 pp. 14 x 10 x 2.

134. COM'TH (Commonwealth) REPLEVIN BONDS, 1918--. 21 docs. in 1 f.d. and 1 vol. Title varies: Fines Replevied, 1 f.d., 1918-26.
Original surety bonds furnished Commonwealth by defendants securing satisfaction of circuit court judgments within 3 months, showing: date of bond, names of plaintiff, defendant, and sureties, amount of fine replevied, signatures of defendant and sureties, attestation of circuit court clerk, and date fine satisfied. Arr. chron. by date of bond. No index. Hdw. on pr. fm. F.d., 11 x 5 x 13; vol., 300 pp. 18 x 12 x 2.

135. BONDS IN LIQUOR CASES, Nov. 24, 1924-Nov. 26, 1928. 2 vols.
Original surety bonds furnished Commonwealth by persons convicted in circuit court of liquor law violation guaranteeing peaceful behavior for one year, showing: date, number, and amount of bond, affidavit of surety, signatures of principal and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. Aver. 475 pp. 14 x 10 x 2½.

Miscellaneous Papers

136. INQUEST CORONER, 1916--. 88 docs. in 1 f.d.
Original reports made to circuit court by coroners concerning inquests held on persons who died under questionable or suspicious circumstances, showing: name of deceased, time and place where body was found, condition of body, cause of death, testimony of witnesses, verdict, date and signature of coroner. Arr. chron. by date of inquest. No index. Typed. 11 x 5 x 13.

137. GRAND JURY (Indictments), July 3, 1915--. 110 docs. in 2 f.d.
Indictments of persons accused of law violations returned by grand jury, showing: date of indictment, name of accused, offense, date and place committed, finding of grand jury, and signature of foreman. Arr. chron. by date of instrument. No index. Hdw. on pr. fm. 11 x 5 x 13.

138. DOG INDICTMENTS, 1923. 175 docs. in 1 f.d.
Orders of indictment returned by grand jury against persons accused of harboring unlicensed dogs, showing: name of defendant, number of indictment, signature of Commonwealth's attorney, date of indictment, names of witnesses, signature of foreman of jury, sheriff's return of summons, and date executed. Arr. numer. by number of indictment. No index. Hdw. on pr. fm. 11 x 5 x 13.

139. COMMONWEALTH WARRANTS OFF DOCKET, 1929--. 50 docs. in 2 f.d.
Original warrants of arrest issued by circuit judges commanding the arrest of persons accused of law violations, showing: name of defendant, date and description of offense, date of warrant, signature of circuit judge, and sheriff's return. Arr. chron. by date of warrant. No index. Hdw. on pr. fm. 11 x 5 x 13.

140. CAPIAS PRO FINES RETURNED, 1915--. 75 docs. in 1 f.d.
Orders issued by circuit court clerk to sheriff commanding the return of persons who have failed to pay fines in satisfaction of judgments rendered by the court, showing: name of defendant, charge, amount requested, date to appear before court, date of order, and signature of circuit court clerk. Also contains: Idict Committee Bond Book, 1917, entry 165. Arr. chron. by date issued. No index. Hdw. on pr. fm. 11 x 5 x 13.

141. PARDONS, 1917--. 14 docs. in 1 f.d.
Orders of pardon from the Governor of Commonwealth remitting sentence of persons convicted in circuit court and directing their release and acquittal, and orders restoring citizenship to persons released by pardon. Orders for pardon show: name of Governor, date of trial, name of offender, offense, date of pardon, and signatures of Governor, Secretary of State, and Assistant Secretary; orders restoring citizenship, show: name of offender, date of sentence, date of release, names of petitioners for restoration of citizenship, and signatures of Governor, Secretary of State, and Assistant Secretary. Arr. chron. by date of pardon. No index. Hdw. on pr. fm. 11 x 5 x 13.

Dockets

142. COMMONWEALTH DOCKET, Dec. 4, 1876--. 4 vols.
Docket of criminal cases set for trial at each term of circuit court prepared by circuit court clerk for reference to each step taken, showing: date, term of court, name of defendant, offense, name of defendant's attorney, nature of actions or steps taken in case, verdict, judgment, and how satisfied. Arr. chron. by date of court term. No index. Hdw. under pr. hds. Aver. 600 pp. 18 x 12 x 3.

143. BAR DOCKET, Aug. 1, 1893-Aug. 1, 1899. 1 vol. Record discontinued.
Record of criminal cases set for trial at each term of circuit court prepared by circuit court clerk for use by judge during court term, showing: number of case, last order, plaintiff's attorney, parties to action, defendant's attorney, action taken, and remarks. Arr. chron. by date of court term and numer. thereunder by case no. No index. Hdw. under pr. hds. 550 pp. 16 x 12 x 2½.

Orders, Judgments, and Executions

144. COMMONWEALTH ORDERS, Dec. 5, 1881-Aug. 23, 1893, Dec. 2, 1901--. 6 vols. (1, 3-7). Title varies: Commonwealth Order Book, vol. 1, Dec. 5, 1881-Aug. 23, 1893; Order Book Commonwealth Cases, vol. 3, Dec. 2, 1901-Mar. 17, 1909. Jan. 22, 1827-Dec. 4, 1881 in Civil Orders, entry 125.
Record of orders issued in criminal cases tried before circuit court, showing: date, number, and style of suit, name of defendant, and nature and disposition of order. Also contains: Idiots' Orders, Dec. 1922--, entry 166. Arr. chron. by date of order. Alph. index, direct by first letter of surname of defendant, showing nature of order and p. no. where recorded. Hdw. Aver. 560 pp. 18 x 12 x 3.

145. COM'TH (Commonwealth) JUDGMENTS, Nov. 13, 1916--. 1 vol.
Record of judgments rendered in criminal cases tried before circuit court, showing: name of presiding judge, style and number of case, name of defendant, offense, date of trial, judgment of court, date rendered, when and how satisfied, and attestation of circuit court clerk. Arr. chron. by date of trial. No index. Hdw. under pr. hds. 480 pp. 14 x 12 x 2.

146. COM'TH (Commonwealth) EXECUTIONS, Nov. 1916--. 1 vol.
Record of executions issued on judgments rendered in criminal cases tried before circuit court, showing: number of execution, style of case, type of execution, offense, fines, interest, credits, costs, date of judgment, return date, to whom delivered, date returned, and sheriff's return. Arr. chron. by date issued. No index. Hdw. under pr. hds. 450 pp. 18 x 12 x 2.

Chancery Actions
(See also entries 119, 120, 124, and 125)

Case Papers

147. EQUITY CAUSES, 1840--. 1,400 docs. in 18 f.d.
Case papers in equity suits tried before circuit court from institution to final disposition of case, including petitions, citations, answers, returns on process, orders, and judgments, showing: number and style of suit, date petition filed, date of trial, judgment of court and date rendered, and final disposition of case. Arr. numer. by case no. For index, see entry 112. Hdw. and typed on pr. fm. 11 x 5 x 13.

Surety Bonds (See also entries 113, 115, and 116)

148. INJUNCTION BONDS, May 17, 1900-July 20, 1935. 1 vol.
Original surety bonds executed before circuit court by plaintiffs as a covenant with Commonwealth securing defendants against damages that may accrue should final judgment of court state that injunctions were wrongfully obtained, showing: date and amount of bond, names of plaintiff and defendant, signatures of plaintiff and surety, affidavit of surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of plaintiff, showing p. no. where recorded. Hdw. on pr. fm. 480 pp. 14 x 9 x 2.

149. REGISTER OF SALE, REPLEVIN, AND OTHER BONDS, Feb. 17, 1879-Jan. 21, 1884. 1 vol. Record discontinued.
Register of bonds executed before circuit court prepared by circuit court clerk, showing: number of bond, names of plaintiff, defendant, and attorneys, date, time, amount of bond, interest, credit, costs, date of expiration, and remarks. Arr. chron. by date of bond. No index. Hdw. under pr. hds. 350 pp. 16 x 11 x 1½.

Dockets

150. EQUITY DOCKET, Dec. 1868--. 7 vols.
Docket of equity cases set for trial at each term of circuit court prepared by clerk for reference to steps taken in each case, showing: number and style of case, date of trial, names of parties to suit and their attorneys, date filed, steps taken, type of summons, date issued, to whom issued, date executed, name of executing officer, and last order or final disposition of case. Arr. chron. by date of court term. No index. Hdw. under pr. hds. Aver. 600 pp. 18 x 13 x 2½.

Master Commissioners' Records

151. COMMISSIONERS REPORTS OF FUNDS, 1915--. 180 docs. in 2 f.d.
Original financial reports made to circuit court at each court term by master commissioners regarding the status of accounts of the various actions referred to them by circuit court for adjudication, showing: name of presiding judge, term of court, number of action, style of case, amount of each action, itemized schedule of receipts and disbursements, balance on hand, signature of master commissioner, dates filed and recorded, volume number and page where recorded, and attestation of circuit court clerk. Arr. chron. by date of report. No index. Hdw. and typed. 11 x 5 x 13. 1915-24, 1 f.d., cir. ct. clk. vt.; 1925--, 1 f.d., master com. off.

152. COM'RS ETC. SETTLEMENTS (Commissioners' Settlements), Jan. 25, 1936--. 1 vol.
Record of master commissioner's financial reports made to circuit court at each term on status of accounts of various actions in circuit court referred to him for adjudication, showing: name of presiding judge, term of court,

number of action, style of case, amount of each action, itemized schedule of receipts and disbursements, balance on hand, name of master commissioner, dates filed and recorded, and attestation of circuit court clerk. Arr. chron. by date recorded. No index. Hdw. under pr. hds. 480 pp. 18 x 12½ x 2½. Master com. off.

153. COMMISSIONERS REPORT OF CLAIMS, Nov. 11, 1915--. 120 docs. in 2 f.d.

Original reports made by master commissioner to circuit court at each term of court of claims filed against actions in his hands of adjudication, showing: date of claim, name of estate, number of action, name of claimant, nature and amount of claim, sworn statement of claimant, signature of master commissioner, and acknowledgment of circuit court clerk. Arr. chron. by date of report. No index. Hdw. and typed. 11 x 5 x 13. Nov. 11, 1915-June 18, 1929, f.d., cir. ct. clk. vt.; July 1, 1929--, f.d., master com. off.

154. SETTLEMENTS OF MASTER COMMISSIONERS (Record of Claims), Jan. 4, 1910--. 1 vol.

Record of claims filed with master commissioner in settlement of estates referred to him for adjudication, showing: style of case, names of plaintiff and defendant, name of estate, date of claim, name of claimant, reason for claim, amount of each claim, and total amount of claims filed against each estate. Arr. chron. by date claim presented. No index. Hdw. 560 pp. 18 x 13 x 3. Master com. off.

155. MASTER COMMISSIONER'S DOCKET, Dec. 19, 1895--. 1 vol.

Recorded disbursements to claimants in estate settlements by commissioner and signatures of claimants in receipt for payment, showing: number and style of case, date of reference, date claims filed and by whom, name of claimant, amount of claim and interest, amount and date paid. Arr. chron. by date recorded. No index. Hdw. under pr. hds. 475 pp. 18 x 14 x 2½. Master com. off.

156. COMMISSIONERS REPORT OF SALES, June 23, 1915--. 150 docs. in 2 f.d.

Original reports made to circuit court by master commissioners of land sold in disputed causes, showing: style and number of case, date of report, location and description of property, appraised value, signatures of appraisers, date and place of sale, amount to be raised, terms of sale, name of purchaser, amount of sale price, signature of commissioner, date report filed, and acknowledgment of circuit court clerk. Arr. chron. by date of report. No index. Hdw. and typed. 11 x 5 x 13. June 23, 1915-Jan. 19, 1925, f.d., cir. ct. clk. vt.; Feb. 1, 1925--, f.d., master com. off.

157. RECORDS COM'RS (Commissioners) SALES, May 27, 1868-July 17, 1917. 1 vol. Aug. 1, 1917-- in Master Commissioners Reference Book, entry 158.

Record of reports made to circuit court by master commissioners of land sold in disputed causes, showing: style and number of case, date of report, location and description of property, appraised value, names of appraisers, date and place of sale, amount to be raised, terms of sale, name of purchaser,

amount of sale price, name of commissioner, date report filed and date recorded, and attestation of circuit court clerk. Arr. chron. by date recorded. No index. Hdw. 600 pp. 18 x 12 x 2½.

158. MASTER COMMISSIONERS REFERENCE BOOK, Dec. 15, 1892--. 2 vols. Title varies: Master Commissioner's Record, 1 vol., Dec. 15, 1892-Sept. 26, 1894.
Record of land sold in disputed causes prepared by master commissioner for use in circuit court, showing: style of case, names of plaintiff and defendant, date of judgment, date of sale, name of purchaser, terms of sale, appraised value, amount bid, amount of sale bond executed, date due, date of payment, total amount paid, balance, and remarks. Also contains: Records Com'rs (Commissioners) Sales, Aug. 1, 1917--, entry 157. Arr. chron. by date of sale. No index. Hdw. under pr. hds. 480 pp. 16 x 10½ x 3. Dec. 15, 1892-Sept. 26, 1894, 1 vol., cir. ct. clk. vt.; Jan. 21, 1895--, 1 vol., master com. off.

159. REGISTRY OF INSOLVENT ESTATES, Apr. 19, 1875-May 8, 1879. 1 vol. Record discontinued.
Record of estates inadequate to satisfy claims of plaintiffs in cases before circuit court, showing: number and style of case, names of plaintiff, defendant, and attorneys, date filed, date of judgment for distribution, steps taken, and final order for disposition of case. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. under pr. hds. 370 pp. 14 x 9 x 1½.

Land Sales

160. RECORD OF LAND SOLD UNDER EXECUTION, Aug. 26, 1868--. 2 vols.
Record of sheriffs' reports of land sold under execution orders issued by circuit court, showing: date of sale, date and number of execution order, style and number of case, location and description of property, amount of debt, interest, credits, and costs, name of purchaser, terms and amount of sale, name of sheriff, and attestation of circuit court clerk. Arr. chron. by date of report. No index. Hdw. Aver. 560 pp. 16 x 11 x 3.

Lunacy and Guardianship
(See also entries 208-210, 213-215)

161. INQUESTS OF FEEBLE MINDED, 1916--. 56 docs. in 1 f.d.
Case papers in inquests held to determine mental status of persons suspected of having an unsound mind and incompetent to manage own affairs, showing: date of inquest, name, age, sex, occupation, marital status, and address of defendant, signature of petitioner, attestation of circuit court clerk, name of examining physician, name of defendant's attorney, report and signature of examining physician, sheriff's return of summons, date, and signature of circuit court clerk. Arr. chron. by date of inquest. No index. Hdw. on pr. fm. 11 x 5 x 13.

162. INQUESTS FEEBLE MINDED PERSONS, June 25, 1920--. 1 vol.
Record of inquests held by circuit court to determine mental status of persons

suspected of being feeble minded, showing: date of inquest, name, age, sex, marital status, and address of incompetent, names of parents, whether living or deceased, names of jurors, report of examining physician, history of case, verdict of jury, court's decision, date rendered, attestation of circuit court clerk, and date recorded. Arr. chron. by date recorded. No index. Hdw. 400 pp. 16 x 12 x 2.

163. LUNACY INQUESTS, June 8, 1920--. 1 vol.
Record of inquests held by circuit court to test sanity of persons against whom lunacy warrants have been issued, showing: date of inquest, names of defendant, petitioners, and examining physicians, date of lunacy warrant, statement of petitioners, names of defendant's parents, whether living or dead, age, sex, marital status, and address of defendant, names of jurors, report of examining physician, history of case, verdict of jury, decision of court, attestation of circuit court clerk, and date recorded. Arr. chron. by date recorded. No index. Hdw. 400 pp. 16 x 12 x 2.

164. IDIOTS INQUESTS, June 20, 1916--. 2 vols. Last entry Mar. 20, 1939.
Record of inquests held by circuit court upon pauper idiots recorded by circuit court clerk, showing: date, term of court, names of idiot and circuit judge, statement of commonwealth's attorney as to defendant's mental, physical, and pecuniary condition, names of persons empaneled to hold inquest, statement of examining physician, verdict of jury, sworn statement of jury foreman, name of committee appointed for idiot, amount of surety bond required, attestation of circuit court clerk, and date recorded. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of idiot, showing p. no. where recorded. Hdw. on pr. fm. Aver. 450 pp. 14 x 10 x 2.

165. IDIOT COMMITTEE BOND BOOK, Aug. 23, 1895--. 1 vol. 1917 also in Capias Pro Fines Returned, entry 140.
Original surety bonds furnished Commonwealth by committees for pauper idiots securing faithful performance of duties in managing idiots' affairs, showing: date and amount of bond, names of idiot and committee, date committee appointed, signatures of committee and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of committee, showing, name of idiot and p. no. where recorded. Hdw. on pr. fm. 195 pp. 14½ x 9½ x 2.

166. IDIOTS' ORDERS, Dec. 31, 1890-Nov. 1922. 2 vols. Dec. 1922-- in Commonwealth Orders, entry 144.
Record of orders issued by circuit court approving payment of allowances for support of pauper idiots, showing: date of order, names of idiot and committee, amount of allowance, period covered, and signature of circuit court judge. Arr. chron. by date of order. No index. Hdw. on pr. fm. Aver. 450 pp. 16 x 11 x 2.

167. AFFIDAVITS COMMITTEE PAUPER IDIOTS, 1915--. 45 docs. in 1 f.d.
Affidavits from committees for pauper idiots requesting allowances for support of their charges and orders issued by circuit court directing that

allowances be made. Affidavits show: names of affiant and pauper idiot, amount of requested allowance, signature of committee, date, and attestation of circuit court clerk; orders show: date of order, names of pauper idiot and committee, condition, age of idiot, amount of allowance, period covered, and attestation of circuit court clerk. Arr. chron. by date of affidavit. No index. Typed. 11 x 5 x 13.

168. GUARDIANS' BONDS, June 20, 1923--. 1 vol.
Original surety bonds executed before circuit court by guardians of wards' affairs as a covenant with Commonwealth securing faithful execution of all named duties as required by state laws, showing: names of guardian, ward, and surety, date and amount of bond, signatures of guardian and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 300 pp. 16 x 12 x 1½.

Business Administration

Financial Records

169. TAXATION AND COSTS, n.d. 243 docs. in 1 f.d.
Record of fees collected on cases tried before circuit court, showing: number and style of case, names of plaintiff and defendant, itemized list and amount of fees collected, from whom collected, and signature of circuit court clerk. No obvious arr. No index. Hdw. 11 x 5 x 13.

170. FEE BOOK, Apr. 1863--. 9 vols.
Record of fees collected daily by circuit court clerk and reported monthly to State Auditor of Public Accounts, showing: date received, style and number of case, itemized list of fees collected, nature of services rendered, total collected, date and amount reported, and signature of circuit court clerk. Arr. numer. by case no. and chron. thereunder by date received. No index. Hdw. on pr. fm. Aver. 300 pp. 16 x 12 x 2.

171. REPORTS OF OFFICERS, June 1909-June 1924. 275 docs. in 4 f.d.
Copies of original reports and original reports made by county officials to circuit court, including:

i. Copies of reports made by county judge to circuit court of fines collected in criminal cases tried before quarterly court, showing: date, term of court, date of trial, style of case, name of defendant, offense, amount of fine, total amount received, amount of tax, total, signature of county judge, acknowledgment of circuit court clerk, and date report approved by circuit court;

ii. Grand jury reports made to circuit judge of investigations made, showing: date of investigation, name of defendant, offense, decision of grand jury, and signature of foreman;

iii. County court clerks' reports made tri-yearly to circuit court of taxes collected for recording documents and fees collected on licenses issued, showing: date of report, name of county court clerk, itemized list of taxes collected on documents and license fees, amount of each and total collected, amount remitted monthly to Commonwealth, date remitted, signature of county court clerk, date report approved by circuit court, and acknowledgment of circuit judge;

iv. Circuit clerks' reports made tri-yearly to circuit court of taxes collected on suits, and fines and forfeitures collected in cases tried before circuit court, showing: date of report, name of circuit clerk, number and type of cases for which tax was collected, amount of each, total, signature of circuit clerk, approval of circuit court, and acknowledgment of circuit judge;

v. Copies of reports made quarterly by trustee of jury fund to circuit court of fines and forfeitures collected, showing: date of report, date of collection, from whom collected, on what account, signature of trustee of jury fund, approval of circuit court, date approved, and acknowledgment of circuit judge;

vi. Reports made by circuit judge to State Auditor of Public Accounts summarizing reports made to circuit court by county judges, county court clerks, and circuit clerks, showing: date of report, period covered, name of circuit judge, enumerated and itemized copy of each official's report, total amount of report, and signature of circuit judge.

No obvious arr. No index. Hdw. and typed on pr. fm. 11 x 5 x 13.

172. JUDGE'S REPORTS, Dec. 5, 1881-June 1924. 2 vols. Record discontinued, reports now made to State Auditor.

Record of fees and public funds reported to circuit court by county officials on the first day of each court term, and used by circuit judge in preparing his reports to Commonwealth, showing: date, term of court, name of each official making report to circuit court, title of office held, enumerated list of fees, fines, taxes, forfeitures, and public funds collected and reported by each official, total reported to circuit court, date of circuit judge's report to Commonwealth, amount reported, and signature of circuit judge. Arr. chron. by date of report. No index. Hdw. on pr. fm. Aver. 250 pp. 16 x 11 x 1.

173. CASH BOOK, Mar. 3, 1871--. 4 vols. Title varies: Public Funds Collected, 3 vols., Mar. 3, 1871-Jan. 21, 1918.

Record of public money collected daily by circuit court clerk and reported monthly to State Auditor of Public Accounts, showing: date when received, from whom received, on what account, amount, remarks, total reported, and date of report. Arr. chron. by date received. No index. Hdw. under pr. hds. Aver. 350 pp. 16 x 11 x 2.

174. FINES AND FORFEITURES (Reports), June 1915-Mar. 1918. 10 docs. in 1 f.d. Apr. 1918-- in Claims Public Accounts, entry 178. Original reports made quarterly to circuit court by trustees of jury fund through June 1934 and subsequently by circuit court clerks of fines and forfeitures collected, showing: date of judgment, date of collection, from whom received, on what amount credited, amount collected by each court, total, signature of trustee of jury fund or circuit court clerk, and acknowledgment of circuit judge. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11 x 5 x 13.

175. FINES AND FORFEITURES, 1860-Mar. 1922. 3 vols. Apr. 1922-- in Orders Trustee of Jury Fund, entry 176. Record of fines and forfeitures collected in criminal cases tried before circuit court, showing: date of fine, parties' names, offense, by whom assessed, amount of fine, costs, date of execution, to whom delivered, return on execution, amount remitted, amount paid to trustee of jury fund through June 1934 and subsequently to State Auditor, by whom paid, when and how judgment satisfied, and remarks. Arr. chron. by date of fine. No index. Hdw. under pr. hds. Aver. 400 pp. 16 x 13 x 2. 1860-May 1877, 1 vol., clock tower; June 1877-Mar. 1922, 2 vols., cir. ct. clk. vt.

176. ORDERS TRUSTEE OF JURY FUND, Aug. 1893--. 2 vols. Title varies: Order Book T. J. F., 1 vol., Aug. 1893-Nov. 1914. Record of reports made to circuit court by trustees of jury fund through June 1934 and subsequently by circuit court clerks of fines and forfeitures collected in circuit, quarterly, justices, and other courts, showing: date, from whom received, amount, on what account, total received in each court, total of report, and signature of trustee of jury fund or circuit court clerk. Also contains: Fines and Forfeitures, Apr. 1922--, entry 175. Arr. chron. by date of report. No index. Hdw. on pr. fm. Aver. 385 pp. 18 x 12 x 2.

177. TRUSTEE OF JURY FUND REPORTS, May 31, 1876--. 3 vols. Title varies: Sett. with T. J. F., 1 vol., May 31, 1876-Apr. 1, 1893. Record of settlements made with circuit court by trustees of jury fund through June 1934 and subsequently by circuit court clerks determining amount of funds paid out and received by the jury fund, showing: date of settlement, name of county, names and titles of different officials from whom cash was received, total amount received from all sources, credits including grand and petit jurors, number of days each juror served, rate per day, total amount paid out, balance due Commonwealth, signature of trustee of jury fund or circuit court clerk, and approval of circuit judge. Arr. chron. by date of settlement. No index. Hdw. on pr. fm. Aver. 375 pp. 16 x 11 x 2.

178. CLAIMS PUBLIC ACCOUNTS, June 1915--. 190 docs. in 2 f.d. Original claims presented to circuit court by jailers and sheriffs for services rendered, showing: date claim filed, name of claimant, nature of services rendered, amount of claim, signature of claimant, acknowledgment

of circuit court clerk, approval of circuit court, and signature of circuit judge. Also contains: Fines and Forfeitures (Reports), Apr. 1918--, entry 174. Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 13.

179. AUDITORS MONTHLY RECEIPT, 1922--. 150 docs. in 1 f.d.
Receipts from State Auditor of Public Accounts acknowledging receipt of taxes on suits from the circuit court clerk, showing: date, amount, name of circuit court clerk, period covered, and signature of State Auditor of Public Accounts. Arr. chron. by date of receipt. No index. Hdw. on pr. fm. 11 x 5 x 13.

180. RETURNED CHECKS CITY AND SCHOOL TAXES, 1938--. 300 docs. in 1 f.d.
Checks issued by circuit court clerk to county treasurer for payment of city and school taxes collected by circuit court clerk and returned to clerk by treasurer after cancellation, showing: date of check, name of payee, amount, name of taxpayer, signature of circuit court clerk, and bank's cancellation. Arr. chron. by date issued. No index. Hdw. on pr. fm. 11 x 5 x 13.

181. MOTOR OPERATOR'S LICENSE REGISTER, Sept. 5, 1934-July 8, 1936. 1 vol. Record discontinued.
Register of persons obtaining licenses to operate motor vehicles, showing: license number, name of operator, address, occupation, amount of fee, date license purchased, age, sex, weight, height, race, and color of eyes and hair. Arr. chron. by date issued and numer. thereunder by license no. Alph. index, direct by first letter of surname of operator, showing p. no. where recorded. Hdw. under pr. hds. 150 pp. 14 x 9 x 1.

182. (OPERATORS' LICENSES), 1934--. 3,300 docs. in 22 f.d.
Duplicates of motor operators' licenses issued by circuit court clerk, showing: name and address of operator, date of birth, number of license, amount of license fee, description of licensee, number of years licensee has driven a motor vehicle, date and signature of applicant, and signature of circuit court clerk. Arr. alph. by first letter of surname of applicant. No index. Hdw. on pr. fm. 11 x 5 x 13.

Jury Records

183. LISTS OF GRAND JURORS AND PETIT JURORS, 1922--. 80 docs. in 1 f.d.
Lists of grand and petit jurors drawn for service in circuit court showing: date of court, names of jurors to be summoned, signature of circuit court judge, and attestation of circuit court clerk. Arr. chron. by date of court term. No index. Typed. 11 x 5 x 13.

184. JURY BOOK, Apr. 1857-Dec. 1889, Nov. 1906--. 3 vols.
Record prepared by circuit court clerk of payments made to grand and petit jurors for services rendered at each term of court, showing: date, term of court, number of jurors serving, name of each juror, days served, amount paid each juror, signature of juror upon receipt of payment, and attestation of circuit court clerk. Arr. chron. by date of court term. No index. Hdw. under pr. hds. Aver. 300 pp. 17 x 14 x 2.

Circuit Court - Business Administration (185-189)

Witness Records

185. WITNESS ATTENDANCE, May 1866--. 4 vols. (1-2, 1903, 1 vol. not labeled). Title varies: Witness Book, vols. 1-2, May 1866-Dec. 1902.
Record of witnesses' appearances in cases tried in circuit court, showing: date of trial, names of parties to suits, name of witness, for whom appearing, number of days served, amount paid for services, mileage, tolls and ferriage. Arr. chron. by date of court term. No index. Hdw. under pr. hds. Aver. 400 pp. 16 x 11 x 2.

186. CIVIL WITNESS CERTIFICATES, 1890--. 4 vols.
Stubs of certificates issued in payment of witness attendance in civil suits tried before circuit court, showing: names of parties to suit, cause of action, name of witness, date of attendance, for whom appearing, number of days served, amount allowed for services, mileage, and ferriage, total amount, and signature of circuit court clerk. Arr. chron. by date issued. No index. Hdw. on pr. fm. Aver. 300 pp. 18 x 12 x 2. 1890-1903, 2 vols., clock tower; 1904--, 2 vols., cir. ct. clk. vt.

187. COMMONWEALTH WITNESS ORDER BOOK, June 1871--. 4 vols.
Record prepared by circuit court clerk of payments made to witnesses appearing for Commonwealth in criminal cases tried before circuit court at each term of court, showing: date, term of court, style of case, name of witness, number of days served, amount allowed for service, mileage, tollage, and ferriage, and attestation of circuit court clerk. Arr. chron. by date of court term. No index. Hdw. on pr. fm. Aver. 200 pp. 16 x 12 x 2.

188. COMMONWEALTH WITNESS CERTIFICATES, 1893-96, June 1909--. 5 vols. Title varies: Witness Certificates, 1 vol., 1893-96; Witness Certificates Felony, 1 vol., June 1909-Mar. 1913.
Stubs of certificates issued to witnesses appearing in criminal cases tried before circuit court, showing: date, term of court, style of case, name of witness, amount allowed, name of accused person and offense committed, number of days in attendance, mileage, ferriage, and tollage allowed, total amount allowed, and attestation of circuit court clerk. Arr. chron. by date of court term. No index. Hdw. on pr. fm. Aver. 300 pp. 16 x 12 x 2. 1893-96, 1 vol., clock tower; June 1909--, 4 vols., cir. ct. clk. vt.

Surety Bonds (See also entries 43-51)

189. SPECIAL COMMISSIONERS BOND BOOK, Dec. 21, 1896-Mar. 10, 1926. 1 vol.
Original surety bonds executed before circuit court by special commissioners and receivers as a covenant with Commonwealth that all public duties will be well and truly performed as per state laws, showing: style of case, names of principal and surety, date and amount of bond, signatures of principal and surety, attestation of circuit court clerk, and approval of circuit judge. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. 120 pp. 14 x 9 x 1.

190. OFFICIAL BONDS (Circuit Court), Mar. 15, 1932--. 1 vol.
Copies of bonds executed before fiscal court by circuit court clerks, master commissioners, and trustees of jury fund as a covenant between principals and Commonwealth that all duties of office will be well and truly performed and as security for all public moneys in their possession, showing: names of principal and surety, amount of bond, date executed, signatures of principal and surety, attestation of circuit court clerk, and approval of circuit court judge. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. 484 pp. 14 x 10 x 2½.

Miscellaneous

191. E. M. STINNETT SHERIFF (Activity Reports), Jan. 31, 1938-Dec. 30, 1939. 20 docs. in 1 f.d.
Reports prepared monthly by sheriff and submitted to the circuit court clerk and county attorney of motor vehicle collisions investigated and visits made to business places accused of law violation, showing: date of report, number of Kentucky Statute governing action taken, inclusive dates of report, date and name and address of place of business visited, degree of law violation noted, amount of commission due for each visit, total amount due, date and description of motor vehicle collisions investigated, names and addresses of parties involved, license numbers, and signature of sheriff. Arr. chron. by date filed. No index. Typed. 11 x 5 x 13.

192. LETTERS, 1922--. 300 docs. in 1 f.d.
Copies of letters written by circuit court clerk, showing: date written, to whom addressed, subject of letter, and name of sender. Arr. by subject matter and chron. thereunder by date written. No index. Typed. 18 x 24 x 36.

IV. COUNTY COURT

Structure

Creation

By an act approved January 16, 1827, the Kentucky General Assembly created Anderson County and on February 5, 1827, 10 justices of the peace named by Governor Desha met at the home of William Hudgins in Lawrenceburg,

took the oaths of office, and appointed Jesse Guess as presiding justice. (1)

Constitutional and Statutory Changes in the Court

When the court first met in March 1827, until June 1851, the justices composed the court, any three of whom constituted a quorum. (2) During this early period the court sat at monthly terms as a judicial body, but could constitute itself a court of claims whenever necessary to consider the fiscal affairs of the county. The court also met annually in October or November as a court of levy to determine the county's expenses, lay the county levy, and assess the poll tax to defray such expenses. (3)

The Constitution of 1850 specified that the county court should be a tribunal composed of a county judge and two associate judges, but it also provided that the legislature could abolish the office of associate judge at any time it saw fit. (4) The office of associate judge was abolished by the legislature prior to the county election of May 1851, and therefore the county judge elected in that month assumed office in June 1851, as the sole member and presiding judge of the judicial branch of the Anderson County Court. Whenever it was necessary to consider the fiscal business of the county, the county judge associated himself with the justices; i.e., in the court of claims and the court of levy. (5) Thus it will be seen that, beginning in June 1851, the justices were no longer a part of the county court sitting to consider judicial matters, but that they continued to function, under the chairmanship of the county judge, as members of the court of claims and the annual court of levy. Although these two latter courts were considered as divisions of the county court, and as much a part of the county court as the court over which the county judge presided as sole member (6), the county court of claims and the county court of levy are considered as predecessors of the present fiscal court, which was created in October 1892, as a separate administrative body. (7)

From its creation in 1827 until 1851, the county court of Anderson County was composed of the justices acting both in a judicial and administrative capacity; from 1851, when the office of county judge was created, he acted as sole member of the judicial division of the county court, associating himself with the justices to form the fiscal division of the county court, which in 1892 was constituted as a separate legal entity, under the name of the fiscal court. To understand this complex setup, it

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1. Acts, 1826-27, pp. 44-47; County Court Orders, first vol. not numbered, p. 2, see entry 194; see Justices' Courts, p. 229.
2. Littell, 1796, I, 374.
3. Ibid.; 1797, I, 670-681; 1810, IV, 172; 1811, IV, 217.
4. Const. 1850, art. 4, sec. 29.
5. Acts, 1851-52, p. 96.
6. Pennington v. Woolfolk, 79 Ky. 13 (1880).
7. Acts, 1891-93, p. 268; Const. 1891, sec. 144; Carroll, sec. 1833; See also Fiscal Court, p. 101.

will be helpful to remember that the personnel of the judicial division of the county court, which is the subject of this essay, - the fiscal division (fiscal court) being treated in a separate essay (8) - consisted of the justices only until the establishment of the office of county judge in 1851, and that since that time, the county judge has continued as presiding judge and sole member of the judicial branch of the county court, his jurisdiction being reaffirmed under the present constitution. (9)

Sessions

The first session of the Anderson County Court was held on Monday, February 5, 1827, and thereafter on the fourth Monday in each month, except during the months the circuit court met. (10) Later legislation authorized the county court to hold a regular term of court on one Monday of every month during the year. Anderson County Court now meets on the third Monday of each month. (11)

County Judge

Selection and Term

The county judge of Anderson County was the presiding judge and sole member of the judicial division of the county court and also acted as the presiding officer of the court of claims and levy. (12) Pursuant to the present constitution, the latter court was established in 1892 as the "fiscal court," thus ending the confusing status under which Kentucky county courts, from 1792 to 1892, had been considered as both judicial and administrative bodies. Thereafter, "county court" meant the judicial tribunal presided over by the county judge, its sole member. (13)

The office of county judge has always been elective, the first incumbent serving until the first Monday in August 1854, when his successor took office for a 4-year term. (14) When the Constitution of 1891 was adopted, the county judge then in office had been elected in August 1890, and his term normally would have expired in August 1894; but the constitution provided that he continue in office until the first Monday in January 1895, at which time the judge, elected in August 1894, assumed office and served 3 years. In 1897, and every 4 years thereafter, a county judge was elected who held office for 4 years from the first Monday in January after his election. (15)

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8. SEE FISCAL COURT, P. 101.
9. CONST. 1891, SECS. 140, 141; SEE ALSO FISCAL COURT, P. 101.
10. ACTS, 1826-27, P. 45; COUNTY COURT ORDERS, FIRST VOL. NOT NUMBERED, P. 1, SEE ENTRY 194.
11. ACTS, 1891-93, P. 1051; KENTUCKY COURT CALENDAR, 1938-39.
12. CONST. 1850, ART. 4, SEC. 32; ACTS, 1851-52, P. 96.
13. CONST. 1891, SEC. 140.
14. CONST. 1850, ART. 4, SECS. 30, 31; ACTS, 1891-93, P. 268, 274, 1051; CARROLL, SECS. 1057, 1833-1840.
15. CONST. 1891, SECS. 99, 100, 140.

(Next entry 193, p. 207)

County Court

Qualifications

When his office was created, the county judge was required to be at least 21 years of age. (16) The age qualification is now 24 years. (17) Originally he must have been a resident of the county 1 year prior to his election (18); later this provision was extended to include a residence requirement of 1 year in the county and 2 years in the State, preceding his election. (19)

Oath, Bond, and Security

The judge has always taken the oath to support the constitution and to perform faithfully the duties of his office, with the further provision that he must not have participated in any way in duels. (20) He also has always given bond and security before assuming office, and as often thereafter as it was deemed necessary. (21)

Removal

The county judge was liable to impeachment for any misdemeanor in office, by concurrence of two-thirds of the members present in the House of Representatives. (22) By a later provision, he was subject to indictment or prosecution for any misdemeanor in office, or for willful neglect of official duties, in such manner as was prescribed by law; however, he had the right of appeal to the Court of Appeals. The Kentucky General Assembly also provided other methods for his removal or reinstatement. (23) Legislation approved March 20, 1924, provided that if he be found guilty of gross misconduct, bribery, or gross neglect of duty, he may be removed from office by the Governor; he may take an appeal to the Court of Appeals within 10 days after the entry of the order of removal; if removed, he shall be disqualified from holding office in this State, for a period of 4 years. (24)

Vacancy

From 1851 to 1930 a vacancy in this office was filled by a majority of the justices of the peace, whose appointee served until a successor could be elected and qualified. (25) However, in 1930 the legislature stipulated

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16. CONST. 1850, ART. 4, SEC. 32.
17. CONST. 1891, SEC. 100.
18. CONST. 1850, ART. 4, SEC. 32.
19. CONST. 1891, SEC. 100.
20. CONST. 1850, ART. 8, SEC. 1; CONST. 1891, SEC. 228.
21. CONST. 1850, ART. 6, SEC. 9; CONST. 1891, SEC. 103; ACTS, 1891-93, P. 1052; CARROLL, SEC. 1061.
22. CONST. 1850, ART. 5, SECS. 1-3; CONST. 1891, SECS. 65-68.
23. IBID., SEC. 227, AMEND. 6.
24. ACTS: 1924, PP. 72-75; 1926, P. 680 FF.; CARROLL, SECS. 3766A-6, 3766A-8.
25. CONST. 1850, ART. 4, SEC. 35; ACTS, 1851-52, P. 131; CONST. 1891, SEC. 152; ACTS, 1891-93, P. 144; CARROLL, SEC. 3758-1.

that, in case the fiscal court failed to fill a vacancy within 10 days, the county court clerk must notify the Governor in writing; it then became the duty of the Governor to fill the vacancy immediately. (26) By an act of 1936 the fiscal court was deprived of the power to fill a vacancy in this office. When the office of county judge became vacant, the county court clerk immediately notified the Governor, who then filled the vacancy and issued his commission to the appointee. (27)

Compensation

From 1851 to 1892 the court of claims and levy fixed the judge's annual salary (28); since 1892 the fiscal court has had this duty. (29) The salary of the county judge of Anderson County for the year 1939 was $1,380, paid in monthly installments. (30)

Functions of County Judge

In addition to his functions as presiding judge of the county court and as presiding officer of the fiscal court (31), the county judge has been given many other duties throughout the years. Since 1852, he has been the presiding judge of the quarterly court. (32) From 1852 to 1858, he and the county court clerk composed a county board of tax supervisors (33), but an act of February 15, 1858, required the judge to appoint citizens of the county as members of the board. (34) In 1904, he became a member of the county board of health (35), and in 1906, the judge of the juvenile session of the county court. (36) Recent provision made him a member of the county building commission whenever the county desires to set up such a commission (37), and in 1934 he became a member of the county budget commission. (38)

General Jurisdiction

Penal and Misdemeanor Cases

Since 1934, statutory provision authorized the county court to exercise criminal jurisdiction concurrent with the justices', quarterly, and circuit

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26. Acts, 1930, pp. 390, 391; Carroll, sec. 3758-1.
27. Acts, 1936, p. 272; Const. 1891, sec. 152; Carroll, sec. 1529.
28. Const. 1850, art. 4, sec. 30; Acts, 1851-52, p. 97; Rev. Stat., I, 300.
29. Acts: 1891-93, p. 1055; 1918, p. 448; Carroll, sec. 1072.
30. Report of Nat. B. Sewell. . . 1939.
31. See Fiscal Court, p. 101.
32. Acts, 1851-52, pp. 93, 94; Const. 1891, sec. 139; see Quarterly Court, p. 217.
33. Rev. Stat., II, 257, 258.
34. Acts: 1857-58, 1, 57, 58; 1906, p. 140; 1918, p. 15; Carroll, sec. 4115; see County Board of Tax Supervisors, p. 275.
35. Acts: 1904, p. 107; 1918, p. 290; Carroll, sec. 2055.
36. Acts: 1906, p. 322; 1910, p. 227; Carroll, sec. 3316-3.
37. Acts: 1910, p. 154; 1914, p. 1; 1920, p. 156; Carroll, sec. 1681A-1.
38. Acts, 1934, p. 63; Carroll, sec. 1051c-2.

courts, over cases in which the punishment did not exceed a fine of $500, or imprisonment for 1 year, or both. (39)

Insanity Inquests

Subsequent to the passage of the third constitution, the circuit judge or, in his absence, the county judge, was given power to hold an insanity inquest when the circuit court was not in session. (40) If the county judge held the inquest, this officer was authorized to "make all orders for the security of the estate and care of the person found of unsound mind" and to file the papers with the clerk of the circuit court having jurisdiction at its next term. This court could then issue such other orders as might be necessary concerning the care of the person adjudged unsound of mind. (41) Legislation in 1893 and 1918 continued this power of the county judge to hold such inquests, but the law expressly stated that in no case could an inquest upon an idiot be held except in the circuit court. (42) The county judge's inquest power continues today, with the proviso that an inquest upon an idiot or a convict shall be held only in the circuit court, and an inquest upon a convict shall be conducted at the regular term of that court. (43)

Care of Persons of Unsound Mind

From the time of its creation until 1893, the circuit court had exclusive jurisdiction over all matters pertaining to the care and custody of persons of unsound mind and their committees, and made the proper orders for the support, restraint, and safe-keeping of such persons. (44) Jurisdiction over such persons prior to 1802 is treated in the essay on Circuit Court, p. 147 . Legislation in 1893 authorized the county court to have jurisdiction concurrent with the circuit court over the above-mentioned persons and their estates, and over their committees, with power to appoint, suspend, and remove them, and to make settlements in the same manner as was made over the persons, estates, and guardians of infants. (45) Later acts somewhat changed the general procedure concerning the care and treatment of persons of unsound mind (46), but the jurisdiction as specified in 1893 remains the same today under an act of 1928. (47)

Complaints of Apprentices and Servants

During the early days of its existence the county court heard complaints

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39. Acts, 1934, p. 422; Carroll, sec. 1093; for a more detailed treatment of the courts exercising this jurisdiction, see Governmental Organization and Records System, p. 19; Justices' Courts, p. 229; Quarterly Court, p. 217; and Circuit Court, p. 147.
40. See Circuit Court, p. 147.
41. Acts, 1851*52, pp. 253, 254; Rev. Stat., II, 93 ff.; Gen. Stat., 1873 ed., pp. 534,535.
42. Acts: 1891-93, p. 485; 1918, p. 161.
43. Acts, 1928, p. 110; Carroll, sec. 216AA-6B.
44. Littell, 1802, III, 40; Acts, 1831-32, pp. 109-111; Lough., pp. 268-270; Acts, 1851-52, p. 250.
45. Acts, 1891-93, p. 483.
46. Acts: 1918, pp. 164, 165; 1924, p. 27.
47. Acts, 1928, pp. 115, 116, 123; Carroll, sec. 2149.

of apprentices or hired servants, who were citizens living within the jurisdiction of the court, against masters or mistresses. (48) Early statutory provision authorized the court to hear a servant's complaint against his master when that master failed in his legal duties or was guilty of injurious treatment. (49) No later legislation on the court's jurisdiction to hear servants' complaints has been found, and the sections in Carroll's 1936 Edition, Kentucky Statutes, merely define the reciprocal obligations of servants and masters, without mentioning the matter of complaints. (50) The county court today continues to receive and hear complaints of apprentices who reside in the county, against their masters for undeserved correction; insufficient food, raiment, or lodging; or lack of medical attention. (51)

Forcible Entry and Detainer Proceedings

Early cases of forcible entry and detainer, which came under the individual jurisdiction of the justices of the peace and not under their jurisdiction in their corporate capacity as the county court (52), were later tried by either the county judge or a justice, if neither party demanded a jury. In such cases, the county judge or any justice had authority to try all questions concerning cases of forcible entry and detainer, whether of law or of fact. (53)

Assignments

After 1894 the county court had jurisdiction of voluntary assignments. However, if a suit involving a settlement of an estate was brought into the circuit court of the county in which the assignment was made, the jurisdiction of the county court automatically ceased, and all papers relating to the estate which had been filed in the county court were transmitted by the county court clerk to the circuit clerk. (54)

Bastardy Proceedings

Since its beginning the county court has heard and determined all causes concerning bastardy proceedings. (55)

Jurisdiction of Tax Matters

The county court in 1827 possessed power to hear cases and impose a

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48. LITTELL: 1796, I, 375; 1797, I, 677, 678.
49. IBID., 1798, II, 8; GEN. STAT., 1873 ED., P. 655.
50. CARROLL, SECS. 2607-2610.
51. IBID., SEC. 2602.
52. LITTELL, 1810, IV, 182.
53. CIVIL CODE, 1876, SEC. 454; ACTS, 1887-88, I, 112; CIVIL CODE, 1938, SEC. 454.
54. ACTS, 1894, P. 196; CARROLL, SEC. 96.
55. LITTELL, 1795, I, 282; ACTS: 1851-52, P. 95; 1891-93, PP. 67-72; CARROLL, SECS. 168 ET SEQ.

fine and triple tax on persons delinquent in filing lists of taxable property with the commissioner of the tax. (56) The court also heard appeals from property valuations placed by the commissioner of the tax, and, if it thought proper, corrected them. (57) In 1842 the county court was given authority to summon a jury to determine the facts against a person failing to list taxable property. If found guilty, the court rendered judgment against him according to the findings of the jury. (58) A later act of March 22, 1844, further provided that each commissioner, as before, list with the county court the names of all persons failing to list their property, but such persons were to be proceeded against in the circuit instead of the county court. (59) An act effective July 1, 1852, provided that the county judge and the county court clerk should constitute a board of tax supervisors, which was directed to hold sessions attended by the commissioner of the tax and his assistants. This board was to report delinquents to the county court and, finally, to give a certificate of approval of the tax books. (60) The county court, therefore, instead of the circuit court, was again made the court in which proceedings were heard against tax delinquents. (61)

Jurisdiction of Juvenile Cases

The Anderson County Court has always had jurisdiction over orphans, apprentices, and neglected, dependent, and delinquent children. (62) Later legislation empowered the court to regard infant children of convicts as orphans, appoint guardians for them,and bind them out as apprentices during the term of confinement of the parent (63), and by an act of 1825 the jurisdiction of the court was extended to include poor children of color who were free. (64)

An act approved February 24, 1894, directed the court to commit a child adjudged to be vagrant or destitute, to any charitable reformatory or other institution in the county authorized to take charge of minors, and ordered the county court clerk to enter proceedings against any such child in a separate book, styled "Infant Vagrants." (65)

The county court was later given the power to commit, at its discretion, any boy or girl under 18 years of age to a house of reform upon receipt of a report, instead of an indictment, recommending such action. The provisions of this act, however, were not mandatory; therefore, it left the status of juvenile offenders unchanged. (66)

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56. LITTELL, 1814, V, 290.
57. Acts, 1818-19, pp. 652-660.
58. Acts, 1841-42, p. 76.
59. Acts, 1843-44, pp. 70-80.
60. Rev. Stat., II, 257, 258.
61. IBID.; I, 295, 296; II, 254, 255; Acts, 1906, p. 111; CARROLL, secs. 4061-4063.
62. LITTELL: 1793, I, 191, 192; 1797, I, 674.
63. IBID., 1802, III, 74.
64. Acts, 1825-26, p. 137; GEN. STAT., 1873 ED., p. 673; CARROLL, sec. 2591.
65. Acts, 1894, pp. 28, 29; CARROLL, sec. 325.
66. Acts, 1895, pp. 60-62.

An act of March 21, 1906, which was later amended by an act of 1908, created "The Juvenile Session of the County Court." This juvenile session was given original jurisdiction of the care, protection, and correction of dependent and delinquent male children under 17 years of age, and female children under the age of 18 years. This act, according to an opinion of the Court of Appeals in 1911, did not create a new court; it merely enlarged the powers of the county court. (67) Under the provisions of this act, the court was required to keep a "Juvenile Record," and the docket for cases coming within the scope of the act was to be known as "The Juvenile Docket." (68) The court was authorized to appoint probation officers (69) and confine any delinquent, dependent, or neglected child in a family home, detention school, house of reform, or any institution within the county suitable for the care of such children, but no child under 14 years of age could, under any circumstances, be placed in a detention school or detention ward of the county jail. (70) The juvenile session of the county court was also empowered to issue a summons for the parents or persons having custody of any child appearing to be neglected, dependent, or delinquent, and to issue a warrant when any such summons was not obeyed. If the facts in the case warranted it, the court was authorized to exclude the general public and to hold proceedings against any such children in camera. After advising the parent or guardian of the child about any such contemplated action, the juvenile session had authority to transfer the case to the court having jurisdiction of such offense, where the child could be proceeded against in the same manner as an adult. If advisable, the court, under provisions of this act, could also appoint a board of not less than 6 or more than 10 reputable inhabitants to serve without compensation as the "Advisory Board of the County Court, Juvenile Session," and to hold office during the pleasure of the court. (71)

An act approved March 23, 1920, transferred jurisdiction of neglected, dependent, and delinquent children from the county court to the circuit court (72), but was held invalid by the Court of Appeals on November 11, 1920 (73); consequently, the county court continues to hear juvenile cases in the juvenile session. (74)

Legislation prior to the formation of Anderson County had given the county court jurisdiction of cases concerning persons charged with cruelty toward children. (75) An act of 1894 extended this jurisdiction which provided severe penalties for persons found guilty of employing children in indecent or immoral occupations; of exhibiting any insane or idiotic child;

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67. MARLOW v. COMMONWEALTH, 142 KY. 106.
68. ACTS: 1906, P. 322; 1908, P. 181; CARROLL, SEC. 331C-2.
69. ACTS, 1926, P. 157; CARROLL, SEC. 331C-3.
70. ACTS, 1908, P. 181; CARROLL, SEC. 331C-4.
71. ACTS: 1906, PP. 322-332; 1908, PP. 181-194.
72. ACTS, 1920, PP. 329-333.
73. LYNN v. BULLOCK, 189 KY. 604 (1920).
74. ACTS: 1908, P. 181; 1912, P. 446; CARROLL, SEC. 331E-2.
75. ACTS, 1825-26, P. 137.

of neglecting to provide for any child under 14 years of age; and of the willful desertion of any child under 6 years of age. (76)

An act of 1906 provided that parents or persons having legal custody of a dependent, neglected, or delinquent child, who promoted or directed such neglect, dependency, or delinquency, were guilty of a misdemeanor which was punishable by a fine of not more than $200, or imprisonment for not more than 12 months, or both. (77) An act of 1908 repealed this law and provided that any person or institution could file a petition with the clerk of the county court, stating the facts or a belief concerning such delinquency. This petition then formed the basis of court proceedings against the person or persons charged with contributing to the neglect, dependency, or delinquency of any child. If a criminal action was involved, however, the judge was authorized to dismiss the case and direct the county attorney to prosecute such person in accordance with the penal laws of the State. (78) An act approved March 23, 1910, repealed this act of 1908, and reenacted the act of 1906 limiting the amount of the fine to not more than $100, and imprisonment to 50 days, or both. It also empowered the court to suspend sentence upon any such defendant and place him on probation for 1 year. (79) In 1918 the county court was given jurisdiction over cases of parents who failed to educate deaf children. (80)

Policy-determining Functions

Roads

From the beginning, the jurisdiction of the county court has extended over road matters. (81) It had power to construct and maintain county roads; to decide whether county roads, bridges, or landings should be established, altered, or discontinued; and to take whatever judicial steps were necessary to effectuate its decisions. (82) The financial administration of such work is under the fiscal court, but since the county judge also presides as chairman of the fiscal court, the functions of the county and fiscal courts in regard to the construction of roads, bridges, and landings are closely interrelated. (83)

Tollgates

In 1833 the county court was given power to have tollgates erected across public roads and to have such gates repaired or removed, with the

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76. Acts, 1894, pp. 29-31; Carroll, secs. 326, 328, 329.
77. Acts, 1906, pp. 302, 303.
78. Acts, 1908, p. 152 ff.
79. Acts, 1910, pp. 226-228; Carroll, secs. 331G-1, 331G-3.
80. Acts, 1918, p. 142; Carroll, sec. 298F-6.
81. Littell, 1792, I, 93.
82. Ibid., 1811, IV, 361; Acts: 1851-52, p. 33 ff.; 1891-93, p. 235 ff.; 1914, pp. 341-344; Carroll, sec. 4302.
83. See Governmental Organization and Records System, p. 19, for a detailed treatment of this subject.

provision, however, that mail roads or main highways leading from the courthouse of one county to that of an adjoining county were not to be obstructed by such gates. (84) This power was continued by legislation in 1914 which authorized the county court, upon petition, to permit tollgates to be erected across any county road, or cause any tollgate so erected to be removed. (85)

Ferries

Early legislation gave the county court authority to establish and regulate ferries and to grant ferry privileges, which authority it exercises today. (86)

Constables' Districts

One of the earliest functions of the county court was to lay the county off into constables' districts and to appoint a constable for each district. (87) The court also had power to change or modify constables' districts, with respect to both boundaries and number. In 1850, when the office of constable was made elective, the court's power to appoint those officers ceased. (88)

Justices' Districts: Election Precincts

Legislation passed in 1822, and subsequently, authorized the county court to establish justices' districts, divide them into election precincts, and appoint a clerk and two election judges in each precinct. (89) In 1892 the county judge was given power to appoint three responsible citizens living in different parts of the county whose duty it was to divide the county into not less than three or more than eight justices' districts. (90) These districts the county court divided into election precincts; established the name or number and boundaries of such precincts; and fixed a place of voting in each. The court could divide or consolidate precincts, change boundaries, or change the place of holding elections whenever public convenience required it; and the court still exercises these functions. (91) The court has had jurisdiction since 1936 over the cancellation of voters' registrations. (92)

Tavern Licenses

Since the county court was established, all causes pertaining to the

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84. Acts, 1832-33, p. 85.
85. Acts, 1914, p. 355; Carroll, sec. 4319.
86. Littell, 1806, III, 361; Acts: 1823-24, p. 366; 1851-52, p. 173; Gen. Stat., 1873 ed., p. 479; Carroll, sec. 1800.
87. Acts, 1819-20, p. 885.
88. Const. 1850, art. 6, sec. 5; Acts, 1891-93, pp. 143, 146; Carroll, secs. 1519, 1526.
89. Acts, 1822-23, p. 35; Const. 1850, art. 4, sec. 34; Acts, 1851-52, p. 124; Gen.Stat., 1873 ed., pp. 302, 376, 377.
90. Acts, 1891-93, p. 109; Carroll, secs. 1078, 1079.
91. Acts, 1891-93, pp. 106-108; Carroll, secs. 1443, 1444.
92. Acts, 1936, p. 131; Carroll, secs. 1406BB-15, 1406BB-16.

granting of tavern licenses and the regulation of tippling houses have come under its jurisdiction. (93) All places of public entertainment that sold liquor were required by an act of 1936 to obtain licenses from the court. This provision is in effect today. (94)

Peddlers' Licenses

An act of 1814, reaffirmed later, made it the duty of the county court clerk to grant and issue a peddler's license upon the applicant's payment of a fee of $20. (95) Later legislation empowered the county court to grant peddlers' licenses. Although this body had exclusive jurisdiction of granting such licenses (96), under provision of an act of March 12, 1938, a number of license taxes, including those of peddlers, transient merchants, and auctioneers were repealed. (97)

An act of 1940, however, provided that no peddler could sell any article or commodity without first obtaining a license from the county court clerk and paying a license fee. A $25 fee was specified for each peddler with a vehicle, except those who were engaged in selling their own poultry, farm, garden, or orchard produce from a vehicle. (98)

Towns

Early provision granted the county court power to establish towns within the county, appoint town trustees, and lay off streets and lots. (99) The court was later empowered to fix the number of trustees for each town in the county. (100) In 1852, the power of the court to establish towns, appoint trustees, and lay the town off into lots, streets, and alleys was reaffirmed. (101) An act approved July 3, 1893, transferred to the circuit court the county court's authority to establish towns and appoint trustees, and stated that the boundaries of the contemplated district to be established as a town must contain a minimum of 200 inhabitants, before a petition could be brought before the circuit court. (102)

Public Buildings

At the time Anderson County was created, the county court possessed jurisdiction over the erection and maintenance of public county buildings, with the exception of schools. Each county was required to erect a court-

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93. LITTELL, 1793, I, 194; Acts: 1819-20, p. 827; 1851-52, pp. 41-45; 1891-93, p. 1051.
94. Acts, 1936, p. 187; CARROLL, sec. 2554d-1.
95. LITTELL, 1814, V, 114; Acts: 1834-35, p. 218; 1841-42, p. 36.
96. GEN. STAT., 1873 ED., pp. 688, 689; Acts, 1938, pp. 398-402; CARROLL, sec. 4219.
97. Acts, 1938, pp. 398-402.
98. Acts, 1940, p. 438 ff.; BALDWIN'S SUPP., secs. 4215A-1 to 4215A-12.
99. LITTELL, 1796, I, 512, 513.
100. IBID., 1800, II, 406.
101. Acts, 1851-52, p. 73.
102. Acts: 1891-93, pp. 1387, 1388; 1914, p. 9; CARROLL, sec. 3714.

house on 2 acres of land authorized to be purchased for that purpose, and this provision was later reaffirmed. (103) Action of a majority of the justices was necessary before the court could make an appropriation for the erection of a courthouse or jail, or for making any repairs thereto. (104) Later acts authorized the court to rent a suitable courthouse within a quarter of a mile of the public square. (105) If the court desired to build a courthouse, however, three persons, not justices, were appointed as commissioners to let the contract for same at auction to the lowest bidder, who was required to give bond for double the amount of the contract to insure faithful discharge of the work. (106) In 1892, the fiscal court was authorized to issue bonds for the purpose of funding indebtedness contracted for in the construction or repair of any public county structure (107), and to issue revenue bonds for the above-mentioned purposes. (108)

School Districts

With the development of a public educational system (109), it became the duty of the county court to lay off school districts. (110) In 1852, the county court appointed commissioners who had power to alter, modify, or establish school districts. (111) Today each county constitutes one county school district, provided that, where there are one or more independent school districts, the county school district is composed of the remainder of the county outside the boundaries of such independent school districts. (112)

Marriages

Prior to the creation of Anderson County in 1827, ordained ministers properly certified by the county court could marry persons who had procured marriage licenses from the clerk of the court of the county in which the bride resided. The act which authorized this procedure stated that justices of the peace and others not authorized by law had been induced, because of the lack of ministers, to solemnize marriages. (113) Legislation effective January 1, 1800, gave the county court power to license one or more justices to solemnize marriages, in case of an insufficient number of ministers. (114) A few years later the authority to solemnize marriages was

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103. LITTELL, 1796, I, 374; Acts, 1851-52, p. 95.
104. LITTELL, 1811, IV, 217.
105. Acts: 1817-18, p. 418; 1851-52, pp. 70, 71.
106. Acts, 1821-22, p. 443.
107. Acts, 1891-93, p. 5; CARROLL, sec. 1857.
108. Acts, 1891-93, pp. 198, 199; CARROLL, sec. 1872.
109. See COUNTY BOARD OF EDUCATION, p. 300.
110. Acts: 1821-22, p. 352; 1837-38, pp. 277, 278; 1841-42, pp. 81, 82.
111. Acts, 1851-52, pp. 163-165.
112. Acts, 1934, p. 228 ff.; CARROLL, sec. 4399-2.
113. LITTELL, 1798, II, 64-69.
114. IBID., 1799, II, 275, 276.

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County Court

extended to all ministers who were duly qualified to preach, but they were first required to obtain from the county court a license to perform marriage rites. (115) Legislation in 1814 prohibited "ordained excommunicated preachers" from performing marriages. (116) More recent legislation directed that marriages may be solemnized by a minister or priest of any denomination, judges of the county court, or by such justices of the peace as the Governor or county court may authorize. (117)

Inspections of Commodities

Very early in its history, the county court was authorized to hear and decide all causes concerning public inspections and their supervision. (118) Among various inspections, it supervised those of flour, hemp, and tobacco (119), and established various inspection warehouses. (120)

Mills

From the beginning the county court has had jurisdiction of all matters pertaining to mills, milldams, and obstructions in such dams, and in such cases followed a procedure similar to that used in its jurisdiction over roads. (121)

Reclamation: Drainage

In 1893 the county judge was given power at any regular session of the county court to order the construction of any ditch, drain, canal, levee, or watercourse deemed necessary in the county, upon petition of interested landowners. (122) An act of 1912, amended by an act of 1926, continued the authority of the county judge "to locate, establish, and have constructed all levees, ditches, drains or canals, and to have constructed, straightened, widened, or deepened any ditch, drain, creek, or non-navigable water course . . . all for the purpose of draining or reclaiming low, swampy, or overflowed lands in such county." (123)

An act of 1918, amended in 1924, governing the functions of the county court in carrying out reclamation projects, changed considerably the foregoing procedure. (124) The Court of Appeals held that the drainage acts

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115. IBID., 1804, III, 202.
116. IBID., 1814, V, 95.
117. ACTS: 1891-93, P. 925; 1914, P. 263; 1932, P. 489; CARROLL, SEC. 2103-2.
118. LITTELL: 1794, I, 258; 1796, I, 374, 375; CONST. 1799, ART. 3, SEC. 9.
119. LITTELL: 1803, III, 123; 1809, IV, 13.
120. IBID., 1798, II, 195; ACTS, 1851-52, P. 152 FF.; GEN. STAT., 1873 ED., P. 557; CARROLL, SEC. 2186.
121. LITTELL: 1792, I, 93; 1796, I, 374, 375; 1797, I, 606; 1802, III, 9; ACTS, 1891-93, PP. 601-604; CARROLL, SEC. 2712, ET SEQ.
122. ACTS, 1891-93, P. 1502, FF.
123. ACTS: 1912, P. 483; 1926, P. 9; CARROLL, SEC. 2380-1.
124. ACTS: 1918, P. 192; 1924, P. 491; CARROLL, SEC. 2380B-1.

of 1912 and 1918 did not constitute a single code of laws, but that they constituted separate alternative codes for the reclamation of wet lands. (125) By this latter program, jurisdiction was conferred upon all county and circuit courts of the Commonwealth to establish and organize drainage, levee, and reclamation districts, and "to provide ways and means consistent with the provisions of this act for the establishment, organization, operation and maintenance of drainage, levee and reclamation districts. . . ." It was also stated that the original jurisdiction of the county and circuit courts "to establish, organize, and provide for the operation,and maintenance of drainage, levee, and reclamation districts shall be concurrent, the one with the other"; however, provision was made for appeals to the circuit court " from all orders and judgments of the county court concerning matters pertaining to the provisions of this act, which are final in their nature." (126) An act approved July 10, 1893, provided for a method of allocating costs of drainage work, with the sheriff being required to collect damages; however, legislation in 1894 gave the fiscal court authority to let drainage contracts and to finance the work. (127)

Water Districts

The county judge was given power in 1924, and subsequently, to create water districts, appoint water commissioners, and provide for the establishment, construction, or purchase of a waterworks system to furnish water to the inhabitants. (128)

Probate

The Anderson County Court, from its establishment, was given jurisdiction of all cases "respecting wills, letters of administration. . . the appointment of guardians and settling of their accounts. . . ." (129) This procedure has remained practically intact with the county court which, at present, is authorized to have jurisdiction to probate wills, appoint and remove personal representatives, guardians, trustees, committees, curators, and other fiduciaries. (130)

Care of the Poor

An act of 1793 instructed the county court to provide for "laying the county levy, for the relief of such poor persons in their several counties, as by personal debility or otherwise, are incapable of procuring a livelihood." The same act required the justices to give information to the court

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125. BOARD OF DRAINAGE COMMISSIONERS V. LANG, 187 KY. 123; 218 S. W. REPTR. 736 (1920).
126. CARROLL, SEC. 2380B-1.
127. SEE FISCAL COURT, P. 101.
128. ACTS: 1924, P. 251; 1926, P. 666; 1928, P. 18; 1930, P. 591; CARROLL, SEC. 938G-1.
129. LITTELL: 1792, I, 93; 1796, I, 374, 375; 1797, I, 613, 673-678.
130. ACTS, 1891-93, P. 1051; CARROLL, SECS. 1057, 4849.

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concerning poor orphans "and such other children within their knowledge, whose parents they shall judge incapable of supporting and bringing up in honest courses." Such children could be bound out by the court as apprentices to the age of 21 years, if a boy, or 18 if a girl. (131)

Authority to provide medical care for the poor was given to the county courts in 1803. Reasonable compensation to such physicians designated by the court was to be provided out of the county levy. (132)

Poorhouses were provided for by an act of 1821 which authorized county courts to purchase "any quantity of land within their respective counties, not exceeding two hundred acres, for the purpose of erecting a poorhouse thereon, and for the use and accommodation of the poor. . . ." The county court was further authorized to make rules and regulations for the administration of such poorhouse, and to employ a superintendent who, in addition to "reasonable compensation," was authorized "to cause any poor person or persons kept at such poorhouse, who shall be able to do any useful labor, to perform the same, under any reasonable and proper coercion." (133) The above provisions regarding the establishment and maintenance of poorhouses by the county courts were reenacted in 1852 (134), and in all essential features constitute the present law. (135)

The Court of Appeals has handed down the opinion that the above-mentioned provisions authorizing the county courts to purchase and maintain poorhouses do not prohibit the county court from adopting other methods of providing care for the poor. On the contrary, the court may contribute to and cooperate with private agencies, such as an orphan society, for example, which provides care for persons who otherwise would be a charge upon the county. (136)

Appointments

In addition to the appointive officers already mentioned, the county court was authorized by early constitutional provision to appoint various inspectors, collectors and their deputies, highway surveyors, jailers, and other inferior officers. (137) By that same provision, when the office of county jailer was created as a regular county office, the county court was authorized to make the appointment. (138) The court continued to perform this function until 1850, when the jailer's office was made elective. (139) Since 1852, when the court temporarily filled a vacancy in the office of jailer, the county judge has always issued a writ of election

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131. LITTELL, 1798, I, 191.
132. IBID., 1803, III, 133, 134.
133. ACTS, 1821-22, P. 385.
134. ACTS, 1851-52, P. 86.
135. GEN. STAT., 1873 ED., PP. 696, 697; CARROLL, SEC. 3925.
136. ORPHAN SOCIETY OF LEXINGTON V. FAYETTE COUNTY, 5 BUSH 413 (1869).
137. CONST. 1799, ART. 3, SEC. 9.
138. IBID.; LITTELL, 1799, II, 294.
139. CONST. 1850, ART. 6, SEC. 1; CONST. 1891, SEC. 99; ACTS, 1891-93, P. 143; CARROLL, SEC. 1519.

to fill out the unexpired term. (140)

In addition to the inspectors for flour, hemp, and tobacco mentioned earlier in this essay, the court was authorized in 1804 to appoint an inspector of salted beef and pork for exportation. (141) A year later an additional inspector was appointed to make such examinations (142), but legislation passed November 22, 1806, repealed these acts, which had failed to serve the purpose for which they were enacted. (143) The court has continued to appoint various inspectors to the present day. (144)

An act of 1820 gave the county court power to appoint a person to superintend the county's public works and buildings, including the courthouse, jail, and stray pen. (145) Later, the jailer was made superintendent ex officio of the public square, courthouse, jail, and stray pen. (146)

The court, in 1792, was authorized to appoint commissioners to list the taxable property in the county (147) and, in 1797, to take lists of tithables. (148) An act of 1792 gave the sheriff the duty of collecting the revenues for the county. However, if he failed to give satisfactory bond, the court could appoint a collector of the taxes. Later legislation reaffirmed this power. (149)

In the beginning the county court appointed two justices to examine the sheriff's accounts of money collected for the county and to make a report of such settlement. (150) Later legislation authorized the court to appoint a commissioner to examine the sheriff's accounts. (151) After 1893 the sheriff turned all county money over to the county treasurer, who reported the amount collected to the county judge. The judge in turn, then brought the report to the attention of the fiscal court. (152)

The court could appoint three justices, annually, vested with the power to award injunctions when the circuit court was not in session. (153) Because

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140. Acts, 1851-52, p. 131; Gen. Stat., 1873 ed., p. 567; Carroll, sec. 1526.
141. Littell, 1804, III, 237.
142. Ibid., 1805, III, 321, 322.
143. Ibid., 1806, III, 329.
144. Acts, 1851-52, p. 152; Gen. Stat., 1873 ed., pp. 556-560; Carroll, secs. 2188, 2189.
145. Acts, 1820-21, p. 48.
146. Acts, 1851-52, p. 70; Gen. Stat., 1873 ed., p. 703; Acts, 1908, p. 116; Carroll, sec. 3948.
147. Littell, 1792, I, 89.
148. Ibid, 1797, I, 678; See Tax Commissioner, p. 264.
149. Littell: 1792, I, 69-71; 1799, II, 322; Rev. Stat., I, 297; Acts: 1891-93, pp. 317, 318; 1902, pp. 326, 327; 1906, pp. 152, 153; Carroll, secs. 4129, 4131.
150. Littell, 1793, I, 202.
151. Acts, 1851-52, p. 187; Rev. Stat., I, 300, 301.
152. Acts, 1891-93, p. 522; Carroll, secs. 931, 932.
153. Acts, 1817-18, p. 525.

County Court (Next entry 193, p. 207)

of the urgent nature of injunctions, the Civil Code of 1938 provides that two justices sitting together may issue such orders only when the court in which action is pending is not in session, and the circuit and county judges are both absent from the county. (154)

In 1837 the county court was authorized to appoint guardians for non-resident infants having property in the county (155), and could empower the guardian of any such minor to sue for, recover, and remove any personal estate belonging to the latter. (156)

The court was further empowered to appoint a public administrator to administer decedents' estates for which there were no personal representatives, and to act in lieu of a guardian of such orphans as have none. (157) Reaffirmed by later legislation, this power is exercised by the court today. (158)

Statutes in 1912, reaffirmed in 1918, gave the county judge authority to appoint a board of drainage commissioners. (159) A later act in 1918 empowered him to appoint a drainage commissioner for the county who had the authority and performed the duties of the former board. (160) In 1924, the act of 1918 providing for a board of drainage commissioners was amended and reenacted, and the county judge at present appoints this board. (161)

Land Titles

The county court, by early statutory provision, was directed to appoint commissioners for processing land (162) and was authorized, upon application of any person claiming land in the county, to appoint three or more justices of the peace, or other fit persons, as commissioners to procession lands. Those commissioners, or any two of them, could examine entry marks of claimed land and witnesses thereto, take their depositions, and make a report to the county court for recording by the county court clerk. The court was authorized to lay off the county into districts for the purpose of processing every person's land, and to appoint one or more commissioners, upon proper application, to go around the applicant's lands, to resurvey old boundary lines, and to certify alterations in boundary marks to the county court clerk. (163) The commissioners worked in conjunction with the county surveyor

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154. CIVIL CODE, 1938, SEC. 284.
155. ACTS, 1836-37, P. 238.
156. ACTS, 1891-93, P. 378; CARROLL, SEC. 2041.
157. LITTELL, 1793, I, 202.
158. GEN. STAT., 1873 ED., P. 453; ACTS, 1891-93, P. 552; CARROLL, SEC. 3909.
159. ACTS: 1912, P. 491 FF.; 1918, P. 216 FF.
160. ACTS, 1918, PP. 504-507.
161. ACTS: 1924, P. 492; 1936, PP. 99, 100; CARROLL, SECS. 2380-7, 2380B-12.
162. LITTELL, 1795, I, 278.
163. IBID., 1796, I, 554-557.

or his deputy. (164) In 1852 the county court was given power to appoint as processioners three qualified persons for a 4-year term, any two of whom could constitute a quorum; they made a report as before to the court, for recording by the county clerk. (165)

The court, by legislation in 1893, was authorized to appoint three commissioners to assess damages in railroad condemnation proceedings. The court makes these appointments today. (166)

County Patrol

In the early years of Anderson County the county court was required to lay off the county into not more than five districts, and to appoint in each district a company of patrollers to serve for 1 year. A captain and not more than four men composed the patrol. Each appointee took an oath of office. The company patrolled as many hours each month as the court directed, but never less than 12 hours. It visited Negro quarters and other places suspected of harboring unlawful assemblies of slaves. Any slave found at such assembly, or caught strolling about from one plantation to another without a pass from his master, mistress, or overseer, or discovered with any property not specified in his pass, was given not exceeding 10 lashes. If such offenders were taken before a magistrate, the number of lashes was left to the discretion of the magistrate, but could not exceed 39. The captain received 4 shillings, and each patroller was paid 3 shillings for every 12 hours of service, after they made return upon oath before a justice of the peace, of the time served. After the justice certified the return, it was laid before the county court of claims and paid out of the county levy. (167)

This general procedure continued for about 25 years, when the duties of patrols were broadened to include the same power as that of the sheriffs to arrest, search, seize, and serve process, subject to the orders of the county court. They were paid a sum not to exceed $1 for each 10 hours of service. (168) In 1936, however, the old system of patrolling was abolished by a law which created a county highway patrol and an investigator for Anderson County, whose duties were to be performed by the sheriff and his deputies. (169)

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164. 1bid., 1814, V, 145.
165. Acts, 1851-52, p. 46; Gen. Stat., 1873 ed., p. 596; Acts, 1891-93, p. 495; Carroll, sec. 2367.
166. Acts, 1891-93, p. 612; Carroll, sec. 835.
167. Littell: 1799, II, 264; 1814, V, 110; Acts, 1836-37, p. 495.
168. Gen. Stat., 1873 ed., pp. 687, 688.
169. Acts, Fourth Special Session, 1936-37, p. 116 ff.; see also, Essay on the Sheriff, p. 237.

County Court (Next entry 193, p. 207)

Records

Deeds: Admission to Record:

From its establishment the Anderson County Court has had power to determine all causes respecting the admission to record of deeds and other writings. (170)

Functions of County Court Clerk in County Court

The county court had jurisdiction over the preservation of records, with power to have them transcribed and rebound (171), and the county clerk, who was clerk of the county court when it sat both as a judicial body and as a court of claims (172), recorded and preserved all records of the court. (173) It was his duty to administer oaths before the court, relating to any matter in which an oath might be legally administered. (174) He kept a record of persons testifying in court on legal summonses (175); made and certified an exact copy of every conveyance acknowledged or proved before the court, made a docket of them in alphabetical order, and returned the originals to their owners (176); and recorded the proceedings of the court each day, to be signed by the county judge. (177) The clerk could also issue commissions for taking depositions of witnesses in certain cases when court was not in session. (178) He affixed seals to soldiers' claims, or to any power of attorney concerning them, free of charge (179), and recorded relinquishment of dowers. (180) It was his duty to endorse on an inner envelope a list of the parties concerned and the steps taken in each case, within 30 days after the close of each term of court, and to file the envelope with the papers of the case. (181) The clerk keeps a book in which he enters a list of every execution, giving the names of plaintiff and defendant, the amounts and for what period each bears interest, the date, return day, the name of the person to whom delivered, and date when returned. (182) All records are kept in the vault of the county court clerk, unless otherwise specified.

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170. LITTELL: 1792, I, 93; 1796, I, 375; ACTS: 1891-93, P. 829 FF.; 1910, P. 249; CARROLL, SEC. 501.
171. GEN. STAT., 1873 ED., P. 411; ACTS:1891-93, P. 1164; 1912,P. 302; 1918, P. 555; CARROLL, SEC. 1632.
172. LITTELL, 1792, I, 94; ACTS, 1829-30, P. 53; GEN. STAT., 1873 ED., P. 307; ACTS, 1891-93, P. 535.
173. LITTELL, 1796, I, 568; ACTS: 1851-53, P. 60; 1891-93, P. 534; CARROLL, SEC. 376.
174. LITTELL, 1800, II, 370; ACTS, 1891-93, P. 536; CARROLL, SEC. 380.
175. LITTELL, 1796, I, 470; ACTS: 1851-52, P. 62; 1891-93, P. 537; CARROLL, SEC. 383.
176. LITTELL, 1796, I, 571; ACTS, 1891-93, P. 834; CARROLL, SEC. 510.
177. LITTELL, 1798, II, 83 FF.; ACTS: 1851-52, P. 62; 1891-93, P. 536; CARROLL, SEC. 378.
178. LITTELL, 1807, III, 524.
179. ACTS: 1830-31, P. 113; 1836-37, P. 278; 1851-52, P. 62; 1891-93, P. 537; CARROLL, SEC. 382.
180. LITTELL, 1803, III, 133; ACTS, 1891-93, P. 1382; CARROLL, SEC. 1404.
181. ACTS: 1838-39, P. 138; 1851-52, P. 62; 1891-93, P. 535; CARROLL, SEC. 379.
182. LITTELL, 1798, II, 86; ACTS: 1851-52, P. 60; 1891-93, P. 535; CARROLL, SEC. 376.

Minutes and Proceedings

193. COURT ORDERS, June 11, 1934--. 75 docs. in 1 f.d.
Original orders issued by the presiding judge in cases tried before county court, showing: date of order, name of principal, nature and disposition of order, and signature of presiding judge. Also contains:

i. Orders of commitment, Jan. 25, 1936--, original orders of juvenile court committing neglected and dependent children to orphans' homes, showing: name of judge, name of orphan, date of birth, names of parents, date of order, and signature of presiding judge;

ii. Granting access to lock box, Nov. 1, 1934, order issued by county court allowing county treasurer to have access to bank deposit box, showing: name and address of bank where deposit box is located, name of county treasurer, and signature of county court judge;

iii. Order approving justice of peace bond, Dec. 22, 1937, original county court order approving bond of justice of peace, showing: date, name of principal, number of district over which he is to preside, names of sureties, and amount of bond;

iv. Wills probated, June 11, 1934--, orders of the county court establishing the last will and testament of deceased, showing: name of deceased, names of witnesses, and order for will to be recorded;

v. Order approving qualification, Dec. 22, 1937, original order issued by county court approving certificate of election of county attorney and declaring that he has properly taken oath of office, showing: name of attorney and date of election;

vi. Appointment of county attorney, Dec. 22, 1937--, orders issued by the county court appointing attorneys to act for the county during the absence of the regular county attorney, showing: name of incumbent county attorney, length of absence, name of appointed county attorney, and signature of judge;

vii. Release of executors and administrators, Sept. 16, 1935--, orders for discharge of executors and administrators of estates who have made final settlements with the county court, showing: name of administrator or executor, name of estate, name of surety, and date report was filed;

viii. Change of name, Apr. 11, 1936, order of the county court granting use of maiden name to divorcee, showing: name of applicant, date when divorce was granted, age, place of birth, and signature of county court judge;

ix. Orders noting filing and approval of deeds, Dec. 16, 1935--, original orders of the county court for the filing and approval of deeds for condemned property to be used for public purposes, showing: names of plaintiff and defendant, name of special commissioner presenting deed, statement of deeds confirmation, and acknowledgment of county judge.

Arr, chron. by date of order. No index. Typed. 11 x 5 x 13.

County Court - Probate of Wills (194-196)

194. COUNTY COURT ORDERS, Jan. 17, 1827-June 12, 1848, Sept. 12, 1853--, 18 vols. (4 vols. not labeled, D-I, K-R). Title varies: Order Book, vols. D-I, K-N, Sept. 12, 1853-Oct. 1, 1925; Orders, vol. O, Sept. 21, 1925-Jan. 26, 1939.
Record of civil, criminal, probate, and administrative orders issued by county court at each daily session, showing on each day's orders: date, term of court, nature of order, and signature of county judge. In civil cases, items include rules, motions, and judgments; each summary shows: docket number, style of case, and action of court. In criminal cases are included orders for filing information, pleas of accused, fixing of bonds if allowable, continuances, rules, motions and judgments of court; each summary shows: docket number and style of case, offense, and action of court. In probate cases, filing of petitions, motions for inventory of estates, appointments of fiduciaries, fixing of bonds, approving settlements, and discharging fiduciaries are among the items; each summary shows: case number, names of estate, heirs, and fiduciary, and action of court. Administrative orders include acceptance of resignations of county officials and appointees, allowing claims against county for services rendered and materials furnished, appointing commissioners to appraise damages and fix value of land condemned for public use, county officials, election officers, and special commissioners, approving bonds of officials and private individuals, commissions issued by Governor of Commonwealth, deeds to property for highway purposes, officials' reports and settlements, and tax commissioners' books, apprenticing minors, assigning prisoners to work on county roads, correcting clerical errors in assessments, erection of public buildings, establishing identification marks for livestock, magisterial districts, and townships, exonerating taxpayers from payment of county levy, extending boundaries of precincts, granting franchises, approval of qualifications of public officials, and granting of licenses to ministers, attorneys, and taverns are among the items. Also contains: Fiscal Court Minutes (Orders), Apr. 18, 1892-Oct. 1899, entry 1; Jan. 17, 1827-June 12, 1848, Sept. 12, 1853-Aug. 22, 1913, Nov. 28, 1933--, Minute Book, 1934--, entry 195; Probate Orders, Aug. 22, 1913, Nov. 28, 1933--, entry 198. Arr. chron. by term of court. Alph. index, direct by first letter of surname of principal, showing nature of order and p. no. where recorded. Hdw. Aver. 600 pp. 18 x 12 x 3.

195. MINUTE BOOK, Dec. 1851-Nov. 1933. 3 vols. 1934-- in County Court Orders, entry 194.
Recorded minutes of proceedings of county court at each daily session of court, showing: date, term of court, summary of proceedings, action of court, and notations of adjournment. Arr. chron. by date of court term. No index. Hdw. Aver. 484 pp. 15 x 10½ x 2. Dec. 1851-Nov. 1921, 2 vols., clock tower; Dec. 1921-Nov. 1933, 1 vol., co. ct. clk. vt.

Probate of Wills

196. WILL BOOKS, May 23, 1830--. 300 docs. in 3 f.d. (A & B, B, B & C).
Original wills of deceased persons providing for disposition of estates, showing: name of testator, heirs, and executor, description and distribution

of estate, signatures of testator and witnesses, date probated and filed, volume and page number where recorded, and signature of county court clerk. Arr. chron. by date recorded. No index. Hdw. 11 x 5 x 13.

197. WILLS, Mar. 6, 1827--. 3 vols. (A-C). Title varies: Will Book, vols. A, B, Mar. 6, 1827-Mar. 17, 1930.
Record of original wills probated in county court and recorded by county court clerk upon orders of court, showing: date of will, names of testator, witnesses, and beneficiaries; value of estate, description of property, amount willed to each heir, date probated, attestation of county court clerk, and date recorded. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of testator, showing p. no. where recorded. Hdw. Aver. 625 pp. 16 x 11 x 2 3/4.

198. PROBATE ORDERS, Aug. 23, 1913-Nov. 27, 1933. 2 vols. Jan. 17, 1827-June 12, 1848, Sept. 12, 1853-Aug. 22, 1913, Nov. 28, 1933 in County Court Orders, entry 194.
Record of probate orders issued by county court at each day's session, including: filing of petitions, motions for inventory, appointments of appraisers and fiduciaries, fixing of fiduciaries' bonds, approving appraisements, fiduciaries' reports, settlements, and sales of property, and discharging fiduciaries, showing: date, term of court, case number, names of parties concerned, nature of order, and signature of county judge. Arr. chron. by date of order. No index. Hdw. on pr. fm. Aver. 375 pp. 18 x 12 x 2½.

199. PROCESSIONERS BOOKS (Processioners' Reports and Settlements), May 14, 1831--. 175 docs. in 1 f.d.
Original reports made to county court by processioners appointed by court to establish boundary lines in disputed land causes and filed with county court clerk for recording upon approval of court, showing: names of processioner, plaintiff, and defendant; amount, location, and description of land in original survey, plat of property, lines of dispute, description of boundaries established by processioner, date of survey, date report filed, signature of processioner, acknowledgment of county court clerk, date recorded, and page number where recorded. Arr. chron. by date filed. No index. Hdw. 11 x 5 x 13.

200. PROCESSIONER'S BOOK, May 14, 1831--. 2 vols.
Record of reports made to county court by processioners appointed by court to establish boundary lines in disputed land causes and recorded by county court clerk upon approval of court, showing: names of processioner, plaintiff, and defendant; amount, location, and description of land in original survey; description of boundaries established by processioner, date of survey, date report filed, date of court's approval, name of presiding judge, certification of county court clerk, and date recorded. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of plaintiff, showing p. no. where recorded. Hdw. Aver. 560 pp. 14 x 9 x 2.

201. EXECUTORS AND ADMINISTRATORS (Appointments), Aug. 9, 1852-Oct. 13, 1857. 1 vol. Record discontinued.
Record of appointments of executors and administrators by county court, showing: names of deceased, fiduciary, and sureties; date appointed and date qualified, amount of appraisement bill and sale bill, date of each settlement, balance due on settlement, costs of administration, and remarks. Arr. chron. by date qualified. No index. Hdw. under pr. hds. 300 pp. 15 x 10½ x 2.

202. ADM'RS (Administrators) BONDS, Oct. 9, 1837--. 7 vols. (2 vols. not labeled; 1-5).
Original surety bonds executed before county court by administrators of deceased persons' affairs as a covenant with Commonwealth for faithful discharge of duties as required by law, showing: date and amount of bond, names of estate, surety, and administrator; signatures of principal and surety, or power of attorney grant issued by surety directing county court clerk to sign surety bond in lieu of surety, approval and signature of county judge, and attestation of county court clerk. Also contains: (Assignees' Bonds), Apr. 1924--, entry 211; (Trustees' Bonds), July 1935--, entry 212. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of trust, showing p. no. where recorded. Hdw. on pr. fm. Aver. 475 pp. 14 x 9½ x 2½.

203. EXECUTOR'S BONDS, 1832--. 3 vols.
Original surety bonds executed before county court by executors of deceased person's affairs as a covenant with Commonwealth for faithful discharge of duties in administering estates as required by law, showing: date and amount of bond; names of estate, surety, and executor; signature of principal and surety, or power of attorney grant issued by surety directing county court clerk to sign surety bond in lieu of surety; approval and signature of county judge, and attestation of county court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of estate, showing p. no. where recorded. Aver. 400 pp. 13½ x 8½ x 2. 1832-Sept. 1852, 1 vol., clock tower; Oct. 1852--, 2 vols., co. ct. clk. vt.

204. INVENTORY, APPRAISEMENT, & SALE BILL, 1827--. 2,400 docs. in 16 f.d. (lettered according to vol. in which recorded). 1936 also in Delinquent Lists, entry 7.
Original inventories, appraisements, and sale bills of deceased persons' estates recorded and filed by county court clerk upon approval of county court, showing on inventories and appraisements: date of inventory; names of estates, appraisers, and trust; description, valuation, and itemized list of property; sworn statement and signatures of appraisers, and attestation of county judge. Sale bills show: date of sale, itemized list of property sold, sale price of each article, total amount of sale, sworn statement and signature of trust, date sale approved by court, attestation of county judge, acknowledgment of county court clerk, inventory, appraisement, and sale bill volume letter and page number where recorded, and date

recorded. Also contains: Sheriffs Settlements, 1934, entry 20; Settlement Book (Fiduciaries' Settlements), 1827-Aug. 1870, entry 206. Arr. numer. by case no. No index. Hdw. and typed. 11 x 5 x 13.

205. INV. APP. & SALES BILLS (Inventories, Appraisements, and Sales Bills), Mar. 5, 1827--. 11 vols. (A-E, 1 vol. not labeled, G-I, K, L). Title varies: Inventory, Mar. 5, 1827-Sept. 21, 1840, Apr. 19, 1850-Dec. 15, 1861, vols. A, C; Inventory Book, Oct. 14, 1840-Mar. 7, 1850, Sept. 13, 1861-Feb. 21, 1885, vols. B, D, E, 1 vol. not labeled; Inventories and Appraisements, Dec. 14, 1883-Feb. 1, 1895, vol. G; Inventories, Appraisements, and Sale Bills, July 27, 1895-June 19, 1929, vols. H, I, K.

Record of inventories, appraisements, and sale bills of deceased persons' estates recorded by county court clerk upon approval of county court, showing on inventories and appraisements: date of inventory, names of estate, appraisers, and trust; description, valuation, and itemized list of property; and copy of sworn statement of appraisers; and on sale bills: date of sale, itemized list of property sold, sale price of each article, total amount of sale, copy of sworn statement of trust, date sale approved by court, name of confirming officer, attestation of county court clerk, and date recorded. Also contains: Settlements Guardian's Admr's (Administrators) Executor's etc., Mar. 1827-July 1870, entry 207. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of estate, showing p. no. where recorded. Hdw. Aver. 600 pp. 18 x 12 x 3.

206. SETTLEMENT BOOK (Fiduciaries' Settlements), Sept. 9, 1870--. 2,890 docs. in 37 f.d. (labeled numer. by case no.). 1827-Aug. 1870 in Inventory, Appraisement, & Sale Bill, entry 204.

Original reports and settlements made with county court by administrators, executors, committees, guardians, processioners, special commissioners, curators, assignees, trustees, and special representatives, recorded and filed by county court clerk upon approval of court, showing: date of report or settlement, names of trust and estate, date trust qualified, value of estate, date classified, date claims filed against estate, amount, whether allowed or rejected, costs of administration, summary of costs, itemized list of receipts and disbursements, totals and balance, sworn statement and signature of trust, date approved by court, attestation of county judge, acknowledgment of county court clerk, date recorded, and settlement book and page where recorded. Arr. numer. by settlement no. No index. Hdw. 11 x 5 x 13.

207. SETTLEMENTS GUARDIAN'S ADM'RS (Administrators) EXECUTOR'S ETC., Aug. 16, 1870--. 7 vols. (A-G). Mar. 1827-July 1870 in Inv. App. & Sales Bills (Inventories, Appraisements, and Sales Bills), entry 205.

Record of fiduciaries' settlements made with county court and recorded by county court clerk upon approval of court, showing: date of settlement, names of decedent, heirs, and fiduciary; date fiduciary qualified, value of estate, date claims filed against estate and date allowed, itemized list of claims, itemized list of receipts and disbursements, totals and balance, copy of fiduciary's sworn statement, attestation of county court clerk, and date re-

corded. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of fiduciary, showing p. no. where recorded. Hdw. under pr. hds. Aver. 640 pp. 18 x 12 x 3.

Guardianship

208. GUARDIANS (Appointments), July 12, 1852-Apr. 3, 1896. 1 vol. Record discontinued.
Record of appointments by county court of guardians of wards' affairs, showing: name of guardian, ward, and surety, date appointed, when reported, dates and amounts of first and second settlement, balance on settlement, and date of final settlement. Arr. chron. by date appointed. No index. Hdw. under pr. hds. 300 pp. 16 x 10½ x 2.

209. GUARDIAN'S BONDS, Aug. 9, 1852--. 5 vols. (2 vols. not labeled; 4-6). May 30, 1874-Apr. 12, 1907 also in Guardians and Committees Bonds, entry 213; Mar. 1910-Mar. 1922 also in General Bonds, entry 50.
Original surety bonds executed before county court by guardians of minors' affairs as a covenant with Commonwealth that principals will faithfully discharge the trust of guardian to said minors in all respects as required by law, showing: date and amount of bond, names of ward, surety, and guardian; signatures of principal and surety, or power of attorney grant issued by surety, approval and signature of county judge, and attestation of county court clerk. Also contains:

i. Requests to appoint guardians, June 6, 1910--, made to county court by custodians of wards, showing: name of custodian and minor; age, sex, and color of minor, date of request, and name of person proposed as guardian;
ii. Resignations of guardians, Dec. 10, 1910-Aug. 27, 1915, made to county court by guardians of wards' affairs, showing: date of resignation, names of ward, guardian, and surety; date of last report, reason for resignation and date to take effect, and signature of guardian.

Arr. numer. by bond no. and chron. thereunder by date executed. Alph. index, direct by first letter of surname of ward, showing p. no. where recorded. Hdw. on pr. fm. Aver. 280 pp. 15½ x 9 x 1 3/4.

210. APPRENTICESHIP BONDS FOR FREEDMEN, Mar. 1866-Nov. 1900. 1 vol.
Record of indentures of apprenticeship by which Negro children are bound to masters until a specified age is reached, showing: names of child and master, date, trade to which apprenticed, terms of indenture, signatures of parties to indenture, and certification of county court clerk. Arr. chron. by date recorded. No index. Hdw. on pr. fm. 250 pp. 16 x 12 x 2.

Trusteeship

211. (ASSIGNEES' BONDS), Feb. 1895--. Feb. 1895-Nov. 1915 in General Bonds, entry 50; Dec. 1915-Mar. 1924 in Guardians and Committees Bonds, entry 213; Apr. 1924-- in Adm'rs (Administrators) Bonds, entry 202.
Original surety bonds executed before county court by assignees as a covenant with Commonwealth for faithful discharge of duties as required by state laws, showing: names of assignor, assignee, and surety; amount of bond, signatures of assignee and surety, approval and signature of county judge, and date bond executed.

212. (TRUSTEE BONDS), May 1874--. May 1874-June 1935 in Guardians and Committees Bonds, entry 213; July 1935-- in Adm'rs (Administrators) Bonds, entry 202.
Original surety bonds executed before county court by trustees as a covenant with Commonwealth for faithful discharge of duties as required by state laws, showing: names of trustee, surety, and person for whom trust created; date and amount of bond, signatures of trustee and surety, attestation of county court clerk, and approval of county judge.

Committeeship and Lunacy
(See also entries 161-167)

213. GUARDIANS AND COMMITTEES BONDS, May 30, 1874--. 1 vol.
Original surety bonds executed before county court by committees of pauper idiots' affairs as a covenant with Commonwealth for faithful discharge of duties as required by law, showing: date, number, and amount of bond; names of pauper idiot, surety, and principal; signatures of principal and surety, or power of attorney grant issued by surety directing county court clerk to sign surety bond in lieu of surety, approval and signature of county judge, and attestation of county court clerk. Also contains: Guardian's Bonds, May 30, 1874-Apr. 12, 1907, entry 209; (Assignees' Bonds), Dec. 1915-Mar. 1924, entry 211; (Trustee Bonds), May 1874-June 1935, entry 212. Arr. numer. by bond no. and chron. thereunder by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. 190 pp. 14½ x 9½ x 1 3/4.

214. LUNACY INQUEST, May 24, 1906-Jan. 23, 1923. 60 docs. in 1 f.d.
Case papers in actions held to determine mental status of persons suspected of having unsound minds, showing: date of inquest, name, age, sex, occupation, marital status, and address of incompetent; names of jurors, statements of examining physicians, names of parents and persons to notify in case of death, findings of jury, action of court, signatures of jury foreman and physicians, order book number and page reference to court action, and certification of county court clerk. Arr. chron. by date of inquest. No index. Hdw. on pr. fm. 11 x 5 x 13.

215. REVISED RECORD OF INQUESTS, Nov. 26, 1887-Dec. 13, 1917. 2 vols. Title varies: Record of Inquests, 1 vol., Nov. 26, 1887-Apr. 5, 1911.

Record of inquests held by county court to determine mental status of persons suspected of being of unsound mind, showing: date of inquest, name, age, sex, marital status, and address of defendant, names of parents if living, names of jurors, statements of examining physicians, brief history of case, verdict of jury and decision of court, name of presiding judge, attestation of county court clerk, and date recorded. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Aver. 314 pp. 14 x 9 x 1½.

Civil Actions at Law

Case Papers

216. ORDERS AND JUDGMENTS (Case Papers), July 25, 1827--. 750 docs. in 10 f.d. Title varies: Causes Decided, 8 f.d., July 25, 1827-1931.

Original case papers and documents from institution to final disposition of civil suits filed in county court for recovery of rights or claims; included are petitions, citations, answers, motions, bills, notes, and other evidence exhibited, summonses, subpoenas, warrants, writs and judgments. Summary of each suit shows: number and style of suit, date filed, signature of plaintiff, date of trial, judgment of court, and attestation of county court clerk. Arr. chron. by trial date. No index. Hdw. and typed on plain sheets and pr. fm. 11 x 5 x 13.

217. CONDEMNATION PROCEEDINGS, Jan. 1929--. 190 docs. in 4 f.d.

Original case papers and documents from institution to final disposition of suits filed in county court condemning land to be used for public roads and buildings; included are petitions, citations, answers, motions, blueprints, surveys, plats, summonses, orders appointing commissioners to view land, commissioners' report, and other evidence. Summary of each suit shows: style of case, location and description of land, docket number, date suit filed, court orders in case, and final disposition. Arr. numer. by case no. No index. Typed. 11 x 5 x 13.

Dockets

218. COUNTY COURT DOCKET, 1851--. 8 vols. (6 vols. not labeled, 4, 5). Title varies: Docket, 7 vols., 1851-Aug. 1928.

Docket of cases set for trial at each term of county court prepared for use by the judge during court term, showing: term of court, number of case, last order, names of plaintiff, defendant, and attorney; statement of motion, and steps taken at present term. Arr. chron. by date of court term and numer. thereunder by case. no. No index. Hdw. under pr. hds. Aver. 600 pp. 18 x 12 x 3. 1851-Aug. 1897, 4 vols., clock tower; Sept. 1897--, 4 vols., co. ct. clk. vt.

County Court - Juvenile Actions; Surety Bonds (219-223)

Juvenile Actions

219. JUVENILE COURT PROCEEDINGS, May 5, 1930--. 30 docs. in 1 f.d.
Case papers and documents in juvenile cases heard before juvenile division of county court, showing: term of court, number and style of case, name, address, age, and sex of defendant, names of parents or guardians, offense, date and place committed, date of trial, judgment rendered, and signature of county judge. Arr. numer. by case no. No index. Typed. 11 x 5 x 13.

220. JUVENILE ORDERS, June 19, 1919--. 1 vol.
Record of orders issued by county judge in cases tried before juvenile division of county court, showing: date of court term, names of plaintiff and defendant, age and sex of defendant, name of parent or guardian, offense, date and place committed, judgment rendered, decision of court, nature of order issued, and signature of county judge. Arr. chron. by date of court term. No index. Hdw. 480 pp. 16 x 11 x 2.

Surety Bonds

221. NOTARY PUBLIC'S BONDS, Nov. 21, 1905--. 1 vol. Jan. 24, 1876-Mar. 21, 1904 in Notaries Public Bonds and Ministers Bonds, entry 222.
Original surety bonds executed before county court by notaries public as a covenant and agreement with Commonwealth that principals shall well and truly discharge all duties of said office as required by law, showing: name of principal and surety, date and amount of bond, signatures of principal and surety, and attestation of county court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. 400 pp. 14 x 9 x 2.

222. NOTARIES PUBLIC BONDS AND MINISTERS BONDS, Dec. 14, 1875--. 1 vol.
Original surety bonds executed before county court by ministers as a covenant and agreement with Commonwealth that principals shall not violate state marriage laws, showing: names of principal and surety, amount of bond and date executed, signatures of principal and surety, and attestation of county court clerk. Also contains: Notary Public's Bonds, Jan. 24, 1876-Mar. 21, 1904, entry 221. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. on pr. fm. 220 pp. 14 x 9 x 2.

223. TAVERN KEEPERS' BONDS, Aug. 9, 1852-June 20, 1887. 2 vols. Record discontinued.
Original surety bonds executed before county court by tavern keepers as a covenant and agreement with Commonwealth that principals shall provide good and wholesome food and clean lodging for travelers; provide stabling and provender or pasturage for horses and mules; that he will not suffer any

gaming in his house or on his premises, nor suffer any person to tipple or drink more than is necessary in his house or on his premises, showing: names of principal and surety, amount of bond and date executed, signatures of principal and surety, and attestation of county court clerk. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of tavern keeper, showing p. no. where recorded. Hdw. on pr. fm. Aver. 240 pp. 9 x 14 x 2½.

224. COFFEE HOUSE KEEPERS BOND, 1866-73. 1 vol. Record discontinued. Original surety bonds furnished by coffee house keepers as a covenant and agreement with Commonwealth that principal shall keep an orderly house, will not sell or give any spirituous or vinous liquors to any person who is intoxicated, and that he will not sell or give such liquors to any minor, showing: names of principal and surety, amount of bond, date executed, signatures of principal and surety, and attestation of county court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 240 pp. 16 x 9 x 1½. Clock tower.

Petitions

225. ROAD PETITIONS, 1923-33. 40 docs. in 1 f.d.
Petitions submitted by property owners to county court requesting that roads be built through or abutting their various properties and declaring their willingness to deed rights-of-way and pay certain amounts to defray cost of construction, showing: proposed route of road, signatures of petitioners, amount subscribed by each, and date petition filed. No obvious arr. No index. Hdw. and typed. 11 x 5 x 13.

226. DUPLICATE APPLICATIONS FOR PENSIONS (Widows Indigent Pensions), Apr. 15, 1912-Nov. 15, 1915. 35 docs. in 1 f.d.
Duplicate copies of applications for pensions for indigent widows of civil war soldiers, showing: name and address of applicant, date of birth, name of husband, date of marriage, amount of possessions, signature of applicant, signatures of witnesses, certificate of need, and signature of notary public. Also contains:

i. Applications for pensions from disabled and indigent soldiers who served in the Civil War, showing: name and address of applicant, date of enlistment, company and regiment, name of commanding officer, signatures and addresses of witnesses and physician, certification of county court judge, and attestation of county court clerk.

Arr. chron. by date of application. No index. Hdw. on pr. fm. 11 x 5 x 13.

(Next entry 227, p. 220)

V. QUARTERLY COURT

Structure

Creation

The Constitution of 1850 authorized the Kentucky General Assembly to create such inferior courts as were necessary, and under this authority quarterly courts were established in Kentucky in 1851. (1)

The quarterly court of Anderson County, as elsewhere, was a statutory court from its establishment until 1891. (2) In that year it was made a constitutional court; however, it continued to exercise the same jurisdiction that had previously been conferred upon it. (3)

At the time of the inception of the quarterly court in Anderson County, the judge of the county court served as the presiding officer of its first quarterly court, which met at Lawrenceburg, the county seat, in 1851. The early records of the quarterly court, including the one giving the exact date of its creation in the county, were destroyed by fire. (4) For the structure of the office of county judge, see the essay on County Court, p. 188.

The judge held four sessions yearly in the courthouse at the county seat, and was later authorized to order monthly or continuous sessions at his discretion. (5) Later legislation, however, specified that four terms of the quarterly court should be held each year, at intervals of 3 months, and upon such days as the county judge fixed by an order entered as a matter of record. The terms when so fixed could not be changed except at the last regular term held in the year next preceding the year in which the change was to be made. At each term the court remained in session as long as the business before the court required. (6)

Original Jurisdiction

Civil

In the beginning the quarterly court was given power to empanel a jury. It was also given concurrent original jurisdiction, both in law and equity,

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1. CONST. 1850, ART. 4, SEC. 1; ACTS, 1850-51, I, 40.
2. IBID., I, 40-43; ACTS, 1851-52, P. 94.
3. CONST. 1891; SEC. 139; SCHED. SEC. 6.
4. SEE HISTORICAL SKETCH, P. 1.
5. ACTS: 1850-51, I, 40-43, 1851-52, P. 94; REV. STAT., I, 324-326; ACTS, 1891-93, P. 1049.
6. ACTS: 1891-93, P. 1049; 1898, PP. 152, 153; 1938, PP. 410, 411; CARROLL, SEC. 1050.

Quarterly Court (Next entry 227, p. 220)

with justices of the peace in all civil cases and concurrent jurisdiction with the circuit court in all civil cases where the amount in controversy did not exceed $100, exclusive of interest and costs, and where the right to or the boundary of real estate was not involved. (7) It also had jurisdiction over proceedings against constables for defalcation in office (8), and jurisdiction concurrent with justices' courts in motions against constables for money collected. (9) By an act of February 17, 1874, the quarterly court of Anderson County was given original jurisdiction, concurrent with the circuit court, of all actions for the recovery of money or personal property when the matter in question, exclusive of interest and costs, was between $100 and $200. (10) An act of June 10, 1893, continued the $200 maximum jurisdiction in civil cases, and made the jurisdiction of all actions for the recovery of money or personal property not exceeding $100 concurrent with the justices' courts, and concurrent with the circuit court in controversies which involved amounts between $50 and $200. (11)

The quarterly court in 1851 was given jurisdiction concurrent with the justices' courts to issue and try warrants of forcible entry and detainer; however, it had no jurisdiction in such cases where the title to real estate was involved. (12) In 1876 the Civil Code gave the justices or the county judge authority to try cases of forcible entry and detainer, but did not designate or make it mandatory in which of the two courts - the county court or the quarterly court - he was to exercise this jurisdiction. Although the county judge presides over both courts, the custom today seems to be to hear forcible entry and detainer cases in the county court. (13)

By an act of 1906, aggrieved taxpayers could appeal to the quarterly court within 30 days after the final adjournment of the board of tax supervisors. An appeal could be taken from the quarterly court to the circuit court and finally to the Court of Appeals. (14)

Criminal

In penal and criminal proceedings the quarterly court was given all the powers of a justice and of a court of inquiry. (15) In addition, it had concurrent jurisdiction with justices' courts in cases of riots. (16)

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7. Acts: 1850-51, I, 42, 43; 1851-52, pp. 93, 94.
8. Ibid., p. 94.
9. Acts, 1891-93, p. 1050.
10. Acts, 1873-74, p. 32.
11. Acts, 1891-93, p. 1049; Carroll, sec. 1051.
12. Acts, 1850-51, p. 42; Gen. Stat., 1873 ed., pp. 300-303.
13. Civil Code, 1876, sec. 454; Acts, 1894, p. 190; Civil Code, 1936, sec. 454.
14. Acts: 1906, p. 152; 1917, p. 73; Eminence Distillery v. Henry County Board of Tax Tax Supervisors, et al., 178 Ky. 811 (1918); Carroll, sec. 4126.
15. Acts: 1850-51, I, 42, 43; 1851-52, p. 93, 94.
16. Acts, 1850-51, I, 42, 43; Gen. Stat., 1873 ed., pp. 300-302.

Quarterly Court (Next entry 227, p. 220)

Legislation in 1906 gave the quarterly court jurisdiction, concurrent with justices' courts and exclusive of circuit courts, in all penal cases, the punishment of which was limited to not exceeding $20, and jurisdiction concurrent with circuit courts where the punishment was limited to a fine not exceeding $100 or imprisonment not exceeding 50 days, or both. The court also had jurisdiction of all city ordinances in towns of the sixth class in which there was no acting or qualified police judge. (17) An act of 1928 continued the jurisdiction exclusive of the circuit court and made it concurrent with justices' and police courts in the six classes of cities. The jurisdiction concurrent with the circuit court, however, was extended to include all penal and misdemeanor cases, the punishment of which was limited to a fine not to exceed $500, or imprisonment not to exceed 6 months, or both. (18) An act of 1934 continued this jurisdiction, but enlarged the jurisdiction concurrent with the circuit court by extending the imprisonment limit to 12 months. (19)

The quarterly court was also given concurrent jurisdiction with the circuit court over violations of the liquor law, where the penalty did not exceed a fine of $300 and imprisonment in the county jail for not more than 60 days. (20) In 1936, however, this jurisdiction was reduced to a fine of $100, with the imprisonment provision remaining the same. (21)

Appellate Jurisdiction

From 1851 until 1856 appeals from the justices' courts were directed to the county court where the amount in controversy, exclusive of interest and costs, was over $4 and under $16. (22) In 1856 an act was passed directing appeals in all cases involving $5 and over to the quarterly court. (23) Later legislation provided that the quarterly court hear appeals from all judgments and orders of justices', fiscal, city or police, and ordinance courts, where the amount in controversy exceeded $10. (24) By an act of 1904 this appellate jurisdiction was broadened to include "all judgments and orders of justices', fiscal, city or police, and ordinance courts in civil cases," regardless of the amount involved. (25)

Recordation

In the beginning the presiding judge of the quarterly court was authorized to act as his own clerk. He kept a docket, order book, and execution

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17. Acts, 1906, pp. 382, 383.
18. Acts, 1928, pp. 155, 156.
19. Acts, 1934, p. 422; Crim. Code, sec. 13-5; Carroll, sec. 1093.
20. Acts, 1934, pp. 653, 654; Carroll, sec. 2554B-79.
21. Acts, 1936, p. 17.
22. Acts: 1850-51, I, 43, 44; 1851-52, p. 96; Rev. Stat., I, 327.
23. Acts, 1855-56, I, 51; Rev. Stat., I, 346.
24. Acts, 1891-93, p. 1050.
25. Acts, 1904, p. 157; Carroll, sec. 1054.

book; and issued all process returnable thereto. He also fixed a rule day for the return of executions and other process. (26) Later legislation reaffirmed these duties, adding that the judge must keep a record of his official acts when court was not in session, and giving him authority to appoint a clerk, if he chose to do so, who filed papers, issued all process, and administered oaths. (27) The circuit clerk of Anderson County also serves as clerk of the quarterly court. He received $420 as compensation for 1939. (28) All records are located in the circuit clerk's vault, unless otherwise specified.

Civil Actions at Law

Case Papers

227. QUARTERLY COURT CASES JUDGMENT, Dec. 9, 1915---. 1,950 docs. in 14 f.d. Title varies: Quarterly Court Cases Off Docket, 6 f.d., Dec. 9, 1915-Oct. 1926; Quarterly Court Cases Filed Away, 1 f.d., April 21, 1924-Nov. 23, 1929.

Original case papers and documents filed in civil suits tried before quarterly court, including petitions of plaintiff, citations, answers, motions, bills, notes, and other documentary evidence exhibited, exceptions, returns on summonses and subpoenas, notices to take depositions, and depositions, showing: docket number, style of suit, date filed, names of parties to action and their attorneys, dates of instrument and filing, type of instrument and conditions, and signature of presiding judge. Arr. numer. by case no. and chron. thereunder by date filed. No index. Hdw. on pr. fm. and typed. 11 x 5 x 13.

Surety Bonds

228. CIVIL REPLEVIN BONDS, Apr. 19, 1926---. 1 vol. Last entry May 6, 1937.

Original surety bonds furnished Commonwealth by principals securing payment of judgments rendered in civil cases tried before quarterly court within 90 days, showing: date and amount of bond, names of defendant and plaintiff, amount of judgment, costs, and interest, date rendered, signatures of principal and surety, attestation of county judge, and date attested. Arr. chron. by date attested. No index. Hdw. on pr. fm. 400 pp. 15 x 12 x 2.

229. ATTACHMENT BONDS (Quarterly Court), Jan. 12, 1894---. 4 vols.

Original surety bonds executed by plaintiffs as a covenant with Commonwealth securing defendants against damages they may sustain should attachment issued by quarterly court be wrongfully obtained, showing: names of plaintiff and defendant, date and amount of bond, amount of attachment, signatures of plaintiff and surety, and attestation of quarterly court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Aver. 517 pp. 14 x 9 x 1½.

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26. ACTS: 1850-51, 1, 42, 43; 1851-52, pp. 90, 95.
27. ACTS: 1891-93, p. 1050; 1906, p. 351; 1930, p. 68; 1934, p. 423; CARROLL, SEC. 1055.
28. REPORT OF NAT. D. SEWELL. . . 1939.

230. APPEAL AND SUPERSEDEAS BONDS, Feb. 28, 1920--. 1 vol.
Original appeal bonds executed before quarterly court by appellants as a covenant with Commonwealth securing defendants against damages which they may sustain in action, payment of court costs, and response to judgment rendered; and original supersedeas bonds executed before quarterly court by appellants staying judgments pending decision of court upon the appeal, showing on each summary: names of surety, appellant, and appellee, date and amount of bond, judgment of court, signatures of appellant and surety, and attestation of county judge. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 300 pp. 14 x 12 x 2.

Dockets and Orders

231. ORDINARY DOCKET, 1894--. 6 vols.
Docket of cases set for trial before quarterly court prepared for use of judge during court term, showing: date, term of court, number and style of case, names of attorneys and parties to action, return on process, action of court, and steps at present term. Arr. chron. by date of court term. No index. Hdw. under pr. hds. Aver. 635 pp. 18 x 12 x 3. 1894-Aug. 1910, 1 vol., clock tower; Sept. 1910--, 5 vols., cir. ct. clk. off.

232. CIVIL ORDERS QUARTERLY COURT, 1851-59, May 1898--. 5 vols.
(1 vol. not labeled, 1 vol. erroneously dated 1895, 1-3).
Record of orders issued in civil cases tried before quarterly court, showing: date, number and style of case, names of plaintiff and defendant, nature of order, and signature of presiding judge. Arr. chron. by date of issue. Alph. index, direct by first letter of surname of plaintiff, showing p. no. where recorded. Hdw. under pr. hds. Aver. 640 pp. 18 x 13 x 3. 1851-59, 1 vol., clock tower; May 1898--, 4 vols., cir. ct. clk. vt.

Judgments and Executions

233. DEFAULT JUDGMENTS (Quarterly Court), Aug. 13, 1923--. 1 vol.
Record of judgments rendered by quarterly court in favor of plaintiffs upon failure of defendants to appear for trial, showing: number and style of case, names of plaintiff and defendant, date and description of judgment rendered, and attestation of presiding judge. Arr. chron. by date of judgment. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. on pr. fm. 640 pp. 18 x 13 x 3.

234. TRANSCRIPT FROM INFERIOR COURT, Feb. 15, 1875--. 2 vols.
Last entry Aug. 17, 1937.
Record of judgments rendered in cases tried before quarterly court and appealed to circuit court, showing: date, names of plaintiff and defendant, names of jurors, verdict rendered, name of presiding judge, date appealed, reason for appeal, attestation of circuit court clerk, and approval of county judge. Arr. chron. by date appealed. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Typed. Aver. 400 pp. 14 x 9½ x 2.

235. EXECUTION RETURNED, ANDERSON QUARTERLY COURT, Nov. 17, 1913--. 300 docs. in 2 f.d.
Original execution orders issued by quarterly court against property of defendants in civil actions to satisfy judgments and court costs, showing: names of parties to suit, nature of case, amount of judgment, court costs, interest; name of plaintiff's attorney, return date, when and to whom delivered, and sheriff's return. Arr. chron. by date filed. No index. Typed. 11 x 5 x 13. Nov. 17, 1913-July 2, 1917, f.d., co. ct. clk. vt.; Aug. 1917--, f.d., cir. ct. clk. vt.

Criminal Actions

Case Papers

236. COMMONWEALTH CAUSES OFF DOCKET, Sept. 22, 1925--. 410 docs. in 2 f.d.
Original case papers and documents filed in criminal actions tried before quarterly court from institution to final disposition, including petitions, citations, answers, evidence exhibited, accused persons' pleas, fixing of bonds, returns on process, notices to take depositions, depositions, warrants, capias, and other documentary papers; showing: docket number, style of suit, date filed, offense, date of trial, steps in case, actions taken, and signature of county judge. Arr. numer. by case no. No index. Hdw. and typed on pr. fm. 11 x 5 x 13.

237. EVIDENCE TAKEN IN QUARTERLY COURT, May 9, 1922-Jan. 6, 1923. 6 docs. in f.d.
Original depositions obtained from witnesses and defendants to be used as evidence in Commonwealth cases tried before quarterly court, showing: date, term of court, name and address of deponent, style of suit, date of deposition, sworn statement of deponent, signature of deponent, date summons delivered to sheriff for service, date executed, and sheriff's return. Arr. chron. by date of deposition. No index. Hdw. 11 x 5 x 13.

Surety Bonds

238. BAIL BOND (Quarterly Court), Aug. 4, 1922--. 2 vols.
Original surety bonds executed before quarterly court as a covenant with Commonwealth securing release of defendant from custody and guaranteeing appearance for trial, showing: date, number, and amount of bond, name of defendant, offense, signatures of defendant and surety, attestation of quarterly court clerk, and approval of quarterly court judge. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of accused, showing p. no. where recorded. Hdw. on pr. fm. 470 pp. 14 x 10 x 2.

239. COM'TH (Commonwealth) REPLEVIN BOND (Quarterly Court), Dec. 7, 1876--. 2 vols.
Original surety bonds furnished Commonwealth by defendants securing satisfaction of criminal judgments rendered by quarterly court within three months, showing: date, number, and amount of bond, amount of judgment,

costs, date of judgment, affidavit of surety, signatures of defendant and surety, and attestation of quarterly court judge. Arr. chron. by date of bond. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. on pr. fm. Aver. 480 pp. 14 x 9½ x 2½.

Orders and Judgments

240. COMMONWEALTH ORDERS QUARTERLY COURT, Nov. 1910--. 3 vols. (1-3).
Records of orders issued in Commonwealth cases tried before quarterly court, showing: date, number, and style of case, name of defendant, nature of order, and signature of presiding judge. Arr. chron. by date of issue. Alph. index, direct by first letter of surname of defendant, showing nature of order and p. no. where recorded. Hdw. under pr. hds. Aver. 640 pp. 18 x 13 x 3.

241. CRIMINAL JUDGMENT BOOK QUARTERLY COURT, June 1, 1926--. 1 vol.
Record of judgments rendered in criminal cases tried before quarterly court, showing: name of defendant, date and amount of judgment, order book number and page where recorded, and when and how satisfied. Arr. chron. by date recorded and numer. thereunder by case no. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. under pr. hds. 400 pp. 16 x 12 x 2½.

Business Administration

242. RECORD OF PUBLIC MONEY COLLECTED, Mar. 1912--. 1 vol.
Record of tax collected on suits tried before quarterly court, showing: date collected, case number and style of suit, amount collected, and remarks. Arr. chron. by date collected. No index. Hdw. under pr. hds. 318 pp. 18 x 12 x 1½.

243. FINES (County Judges' Reports), May 1, 1928-Jan. 1, 1934. 34 docs. in 1 f.d. Record discontinued.
Duplicates of reports made monthly to State Treasurer by county judge of fines collected and filed with county treasurer by county judge, showing: date of report, name of defendant, offense, amount of fine, total collected, and signature of county judge. Arr. chron. by date of report. No index. Typed. 11 x 5 x 13. Co. co. clk. off.

244. JUDGES REPORT OF COMMONWEALTH CASES TO TREASURER, 1934--. 84 docs. in 1 f.d.
Judges' report to county treasurer of Commonwealth cases tried in quarterly court and determining the amount due the county and State, showing: date and period covered by report, name of defendant, offense, amount of fine, case number, date tried, total amount of fines, and signature of quarterly court judge. Arr. chron. by date of report. No index. Hdw. 11 x 5 x 13.

(Next entry 245, p. 236)

VI. COUNTY ATTORNEY

Structure

Creation

Although provision "for such attorneys for the Commonwealth for the several counties to be appointed by the respective courts having jurisdiction therein" (namely, county attorneys) was made in the Constitution of 1799, the regular office of county attorney was not established in Anderson County until 1832. (1)

The county court, on November 12 of that year appointed John Draffen as its first county attorney. (2)

Selection and Term

The Constitution of 1799 made no mention of the term of office for the county attorney; however, it did provide for his appointment by the county court. (3) In 1829, statutory provision specified that he should be appointed by the county court for a period of 1 year. (4) In 1850, the office became elective for a 4-year term. (5)

Qualifications

Until 1850, the county attorney was required to have been a resident of the county for 1 year prior to his appointment to office. (6) Since 1850, however, a residence of 2 years in the State and of 1 year in the county has been required. (7)

No age qualification was mentioned until 1850, when it was required that the county attorney be at least 21 years of age upon election to office. (8) At present he must be at least 24 years old. (9)

Prior to 1850, the county attorney must have had a license to practice, signed by two or more judges of the Court of Appeals or district judges. (10) Since 1850 he has been required to have been a licensed, practicing attorney for 2 years prior to his election. (11)

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1. CONST. 1799, ART. 3, SEC. 23.
2. COUNTY COURT ORDERS, FIRST VOLUME NOT LABELED, P. 5, SEE ENTRY 194.
3. CONST. 1799, ART. 3, SEC. 23.
4. ACTS, 1828-29, P. 105.
5. CONST. 1850; ART. 4, SEC. 30; ART. 6, SEC. 3; CONST. 1891, SEC. 99; CARROLL, SEC. 1519.
6. CONST. 1799, ART. 3, SEC. 9.
7. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
8. CONST. 1850, ART. 6, SEC. 2.
9. CONST. 1891, SEC. 100.
10. LITTELL, 1796, I, 365.
11. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.

County Attorney (Next entry 245, p. 236)

Oath and Bond

The county attorney has always been required to take an oath to support the constitution and perform the duties of his office faithfully. (12) Since 1850, however, the stipulation that he must not have participated in any way in duels, has been added to the above oath. (13) He was also required to give such bond as was prescribed by law, as often as it was deemed necessary. (14)

Removal

The county attorney has always been liable to impeachment by the House of Representatives, with conviction by concurrence of two-thirds of the members present in the Senate, for any misdemeanor in office. (15) Moreover, he was subject to indictment or prosecution for such misdemeanor, or for willful neglect of official duties, in such manner as might be legally prescribed; however, all such charges could be taken on appeal to the Court of Appeals. The General Assembly also has authority to provide other methods for the removal or reinstatement of this officer. (16) An act approved March 20, 1924, provided that if this officer was found guilty of gross misconduct, bribery, or neglect of duty, the Governor could remove him from office. In this event, however, he could take an appeal to the Court of Appeals within 10 days after the entry of the order of removal. (17)

Vacancy

When a vacancy occurred in the office of county attorney, early provision stipulated that a successor be appointed by the Governor with the consent of the Senate. (18) It was later provided, however, that the county court fill such vacancy until the next succeeding August election, when a successor could be properly elected and qualified. (19) The county judge is empowered to appoint an attorney pro tempore to serve in the county attorney's absence. (20)

Compensation

By an act approved December 27, 1820, the courts were authorized to tax as costs to be used for attorney's fees, certain specified sums on all final judgments or decrees where costs are recovered, except in those cases

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12. CONST. 1799, ART. 6, SEC. 1.
13. CONST. 1850, ART. 8, SEC. 1; CONST. 1891, SEC. 228.
14. CONST. 1850, ART. 6, SEC. 9; CONST. 1891, SEC. 103.
15. CONST. 1799, ART. 5, SEC. 1-3; CONST. 1850, ART. 5, SECS. 1-3; CONST. 1891, SECS. 66-68.
16. IBID., SEC. 227, AMEND. 6.
17. ACTS, 1924, PP. 72-75.
18. CONST. 1799, ART. 3, SEC. 9.
19. CONST. 1850, ART. 6, SEC. 7; ACTS: 1850-51, 1, 90; 1891-93, P. 146; CARROLL, SEC. 1526.
20. ACTS, 1891-93, P. 267; CARROLL, SEC. 131.

(Next entry 245, p. 236)

where the law directed that no costs could be taxed. (21) In 1829, the county attorney was paid out of the county levy upon the authority of the county court.(22) Later he was authorized to receive a reasonable salary, plus fees from fines and taxable costs in cases prosecuted by him. (23) Still later legislation provided that he receive 30 percent of the fines and forfeitures for the prosecution of misdemeanors before the county judge, the justices of the peace, or other magistrates. (24) In 1892, he was allowed a reasonable salary out of the county levy, to be determined by the fiscal court. (25)

Legislation enacted from time to time provided for additional fees to his salary as determined by the fiscal court. At present he receives 30 percent of all judgments for fines and forfeitures rendered in favor of the Commonwealth, except those for less than $10, in which case a $5 fee is taxed as costs for him, and in all prosecutions in the circuit court in which he assists, he receives 25 percent of such judgments, except where the judgment is less than $25. In such case a $5 fee is taxed as his costs. (26) In 1906, he was allowed 25 percent of the fines recovered from all cases relative to the assessment of property. (27) A more recent enactment specified a fee of 40 percent of the recovered fines in all prosecutions before any county judge or magistrate, except when the judgment is for $25 or less, a fee of $5 is allowed. For the fiscal year ending June 30, 1939, the county attorney of Anderson received a salary of $720. (28)

Functions

Attorney for the County

The county attorney, as legal agent for the county, was required to attend all court cases wherein the rights and interests of the county were concerned; to give legal advice to any court or justice trying such cases; and to conduct notions of prosecution in the county court against sheriffs, constables, or other officers. He also attended the court of claims and, since 1892, the fiscal court, assisting in investigating claims to see that only legal and just ones were approved. (29) Later, he instituted and conducted prosecutions of suits in any court in the State where the interests of the county were involved. (30)

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21. Acts, 1820-21, p. 201.
22. Acts, 1828-29, p. 105.
23. Rev. Stat., II, 188.
24. Gen. Stat., 1873 ed., p. 151.
25. Acts, 1891-93, pp. 267, 268; Carroll, sec. 132.
26. Acts: 1891-93, p. 258; 1902, p. 80; Carroll, sec. 133.
27. Acts, 1906, p. 88; Carroll, sec. 4086.
28. Acts: 1928, p. 162; 1932, pp. 34, 35; Carroll, sec. 133A-1; Report of Nat. B. Sewell . . . 1939.
29. Acts: 1828-29, p. 105; 1850-51, I, 261; Carroll, sec. 126.
30. Acts, 1850-51, I, 261; Gen. Stat., 1873 ed., p. 151; Acts, 1891-93, p. 266; Carroll, sec. 127.

County Attorney (Next entry 245, p. 236)

After the court of claims was abolished in 1892, and the fiscal court established in its place, legislation was passed redefining the duties of the county attorney. As attorney for the county, he was required to attend all sessions of the county and fiscal courts; to conduct all business and cases in these courts which concern the interests of the county; to oppose the allowance of unjust or illegally presented claims; and to advise the county court and various county officers on matters within their respective jurisdictions. (31) He was further required to attend the circuit court sessions in his county, to aid the commonwealth's attorney in all prosecutions in the circuit court, and to attend to all business of the Commonwealth within the circuit court, during the absence of the commonwealth's attorney. (32) He also investigated all unsatisfied judgments in the county in favor of the Commonwealth, and took all the steps necessary to collect them. (33)

Law Enforcement

Since the beginning of his office, the county attorney has enforced the laws governing the granting of tavern licenses. (34) In 1831, an act directed him to prosecute tavern keepers and owners or keepers of covering horses and jacks for failure to obtain licenses and pay taxes. (35) Later statutes required him to prosecute if a tavern license was improperly granted and, when necessary, to appeal to the circuit court. (36) More recent enactment directed him to oppose the improper granting of merchant, drug, and tavern licenses, and to prosecute an appeal to the circuit court, if he believed a license had been improperly granted. (37)

The county attorney has always assisted in the enforcement of laws against riots, routs, and breaches of the peace; and his duties in this respect, required him to prosecute all violations except circuit court prosecutions of such cases. (38) He was also required to prosecute all charges of felony or other public offenses before examining courts in his county. (39) Under legislation passed in 1825, he prosecuted masters for inhuman treatment of apprentices. (40) Later, he was required to defend for the apprentices and to resist the release of the masters from their obligations. (41)

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31. Acts: 1850-51, I, 261; 1891-93, p. 266; Carroll, sec. 126.
32. Acts, 1891-93, p. 266; Carroll, sec. 127.
33. Acts: 1891-93, pp. 266, 267; 1926, pp. 101, 102; Carroll, sec. 130.
34. Acts, 1828-29, p. 105.
35. Acts, 1831-32, pp. 132, 133.
36. Acts, 1851-52, pp. 42, 43; Gen. Stat., 1873 ed., p. 150.
37. Acts, 1891-93, p. 266; Carroll, sec. 129.
38. Acts: 1828-29, p. 105; 1891-93, p. 266.
39. Gen. Stat., 1873 ed., p. 151; Acts, 1891-93, p. 266; Carroll, sec. 128.
40. Acts, 1824-25, p. 138.
41. Gen. Stat., 1873 ed., p. 655; Carroll, sec. 2599.

County Attorney (Next entry 245, p. 236)

Prosecution

An early act required the county attorney also to prosecute the sheriff for failure to transmit election certificates to the Secretary of State. (42) Acts passed subsequent to 1850 required him to file a signed statement, setting forth his reasons for dismissal or failure to prosecute, before entering a nolle prosequi. (43) Today, as formerly, he is directed by statute to prosecute in bastardy proceedings. (44) An early act required him to examine the county clerk's list of deeds and seals, and to compare it with the number recorded. (45) By recent statutes, he is directed to prosecute for erroneous entries of mortgages and deeds, and for failure of the county court clerk to perform his duties of recording deeds and mortgages. (46)

Road Cases

Statutory provision in 1830 directed him to represent the Commonwealth in road cases appealed to the circuit court from the county court. (47) Legislation enacted subsequently required him to oppose the wrongful alteration of roads. (48) In addition, an act of 1891 extended this last duty to include the opposing of wrongful opening or discontinuance, as well as the wrongful alteration of public roads. (49)

Functions Regarding County Revenue

Since the creation of his office, the county attorney has been required by statute to prosecute attorneys for the non-payment of money collected by them which rightfully belonged to their clients, or who were otherwise delinquent in the performance of their duties. (50) It also is his duty to prosecute delinquent taxpayers (51) and to prosecute for the recovery of penalties for tax evasions; to appeal from decisions of the board of tax supervisors to the quarterly court in behalf of the county; but, on the other hand, to represent the board when a taxpayer appealed from its decision to the quarterly or circuit courts. (52)

Miscellaneous Functions

The county attorney was further required to prepare and have printed

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42. Acts, 1833-34, p. 470; see County Board of Election Commissioners, p. 287.
43. Gen. Stat., 1873 ed., p. 154; Acts, 1891-93, p. 265; Carroll, sec. 123.
44. Acts, 1851-52, pp. 95, 96; Gen. Stat., 1873 ed., p. 161; Acts, 1891-93, p. 71; Carroll, secs. 160, 178.
45. Acts, 1831-32, p. 112.
46. Acts, 1906, p. 99.
47. Acts, 1829-30, p. 217.
48. Gen. Stat., 1873 ed., p. 150.
49. Acts, 1891-93, p. 266; Carroll, sec. 129.
50. Acts: 1829-29, p. 129; 1891-93, p. 260; Carroll, secs. 102, 105.
51. Gen. Stat., 1873 ed., p. 723; Acts, 1906, p. 230.
52. Ibid., pp. 112, 151.

election instructions (53); resist every application for divorce (54); and attend examining trials before magistrates. (55) He must also represent State and local boards of health within his jurisdiction; prosecute violators of health laws (56); prosecute violators of the hotel and restaurant laws (57); conduct prosecutions for violation of the labor act (58); enforce the game and fish laws (59); and represent actions brought by the forestry department. (60) A recent statute requires him to examine candidates for the office of tax commissioner (61), and in 1934 he was made a member of the county budget commission. (62)

This officer keeps no records.

VII. JUSTICES' COURTS

Structure

Creation

The constitution in effect when Anderson County was created provided for a competent number of justices for each county. (1) The act creating Anderson County, in 1827, provided for 10 justices of the peace. (2)

Selection and Term

In 1827, the justices of the peace were appointed by the Governor, with consent of the Senate, and were commissioned during good behavior. (3) By constitutional provision in 1799 the county court named two persons to

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53. Acts, 1891-93, p. 119, Carroll, sec. 1456.
54. Acts, 1891-93, p. 931; Carroll, sec. 2119.
55. Acts, 1891-93, p. 266.
56. Ibid.; p. 627; Acts, 1915, p. 420; Carroll, sec. 2054a-19.
57. Acts, 1919, p. 305; Carroll, sec. 2059a-14.
58. Acts, 1924, p. 164; Carroll, sec. 33a-12.
59. Acts, 1912, p. 162; Carroll, sec. 1954c-19.
60. Acts, 1930, p. 29; Carroll, sec. 2007i-25.
61. Acts, 1919, pp. 36, 37; see Tax Commissioner, p.264.
62. Acts, 1934, p. 63.
1. Const. 1799, art. 4, sec. 6.
2. Acts, 1823-24, p. 336; County Court Orders, first vol. not labeled, pp. 1, 2, see entry 194.
3. Const. 1799, art. 4, sec. 6.

the Governor, one of whom he appointed as justice; however, if the county court for 12 months failed to make such recommendation, the Governor with the consent of the Senate made the appointment. In newly created counties, a majority of the Representatives from the Senatorial district of which the county was a part made the recommendations, and those persons the Governor appointed. (4) The number of justices to which each county was entitled was fixed by law (5), and following the establishment of Anderson County in 1827, Governor Desha appointed Jesse Guess, James W. McBrayer, Dixon G. Dedman, John Wash, Andrew McBrayer, John Busey, Christopher Lillard, Reuben Boston, John C. Richardson, and Thomas Phillips to be the first justices for Anderson County. (6)

In 1851 Anderson County was divided into five magisterial districts, and provision was made for the election of two justices in each district for a term of 4 years. (7) At present there are six magisterial districts in the county with only one justice elected from each district for a term of 4 years. (8)

Qualifications

The justice of the peace has always been required to be a citizen and a resident of his county for 1 year prior to his appointment or election (9); and in 1850 he must also have been a resident of the county and district for 1 year preceding his election. (10) Today he must have been a citizen of the State for 2 years and of his county and district 1 year preceding his election. (11)

Although no prior statutory provision has been found specifying age as a qualification for office, the Constitution of 1850 provided that the justice must be at least 21 years of age. (12) At present, the justice must be at least 24 years old at the time of election. (13)

Oath

It has always been necessary for the justice of the peace to take an oath to support the constitution, and to perform the duties of his office faithfully, with the added provision, in 1850 and 1891, that he must not have participated in any way in duels. (14)

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4. 1810., ART. 4, SECS. 8, 9.
5. LITTELL, 1801, II, 444, 445.
6. Acts, 1826-27, PP. 44, 57; COUNTY COURT ORDERS, FIRST VOL. NOT LABELED, PP. 1, 2, SEE ENTRY 194.
7. CONST. 1850, ART. 4, SECS. 34, 35; Acts, 1850-51, I, 4-14.
8. CONST. 1891, SEC. 99; Acts, 1891-93, P. 143; CARROLL, SEC. 4519; FISCAL COURT MINUTES (ORDERS), VOL. 7, P. 160, SEE ENTRY 1.
9. CONST. 1799, ART. 3, SEC. 9.
10. CONST. 1850, ART. 4, SEC. 34.
11. CONST. 1891, SEC. 100.
12. CONST. 1850, ART. 4, SEC. 34.
13. CONST. 1891, SEC. 100.
14. CONST. 1799, ART. 6, SEC. 1; CONST. 1850, ART. 8, SEC. 1; CONST. 1891, SEC. 238; Acts, 1891-93, P. 1056; CARROLL, SEC. 1084.

Justices' Courts (Next entry 245, p. 236)

Bond

Since 1850, justices have been required to give bond and security as often as was deemed necessary. (15)

Removal

For any misdemeanor in office, the justice is, and always has been, liable to impeachment. (16) He is also subject to indictment or prosecution for malfeasance in office or willful neglect of duties, conviction for which removes him from office. He has, however, the right of appeal to the Court of Appeals. The General Assembly may also provide other methods for the removal or reinstatement of this officer. (17)

An act of 1924 specified that, should this officer be found guilty of gross misconduct, bribery, or gross neglect of duty, he could be removed from office by the Governor; however, he might take an appeal within 10 days after entry of the order of removal to the Court of Appeals. If removed, he was debarred from holding office in the State for 4 years. These provisions are in force today. (18)

Vacancy

Vacancies in the office of justice of the peace have always been filled by the Governor. Between 1800 and 1850, the county court recommended two persons when a vacancy was to be filled, one of whom the Governor appointed. (19) An act of 1814 authorized the county court to appoint the justice of the nearest district to receive papers and to discharge the duties of the vacant office until an appointment was made by the Governor. (20) After the office of justice of the peace was made elective in 1850, the Governor filled a vacancy temporarily (21) until 1893, when the county court filled such vacancy, pending an election. (22) An act of 1894, amending the act of 1893, was interpreted by the Court of Appeals in 1901 to empower the Governor, alone, to fill a vacancy in this office. (23)

Compensation

For the services which they perform as judicial officers, the justices of the peace have always been compensated by fees established by law. (24)

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15. CONST. 1850, ART. 6, SEC. 9; CONST. 1891, SEC. 103; ACTS, 1891-93, P. 1004.
16. CONST. 1799, ART. 5, SECS. 1-3; CONST. 1850, ART. 5, SECS. 1-3; CONST. 1891, SECS. 66-68.
17. CONST. 1799, ART. 4, SEC. 6; CONST. 1850, ART. 4, SEC. 36; CONST. 1891, SEC. 227, AMEND. 6; ACTS, 1891-93, PP. 913, 914; CARROLL, SEC. 3748.
18. ACTS: 1924, PP. 72-75; 1926, P. 630; CARROLL, SECS. 3766A-6 TO 3766A-8.
19. CONST. 1799, ART. 4, SEC. 8.
20. LITTELL, 1814, V, 258; ACTS, 1891-93, P. 146; CARROLL, SEC. 1527.
21. GEN. STAT., 1873 ED., P. 386.
22. ACTS, 1891-93, P. 146; CARROLL, SEC. 1527.
23. ACTS, 1894, P. 11; DAUGHERTY V. ARNOLD, 110 KY. 1 (1901); CARROLL, SEC. 375.
24. LITTELL, 1792, I, 112, 113; CONST. 1891, SEC. 105; ACTS: 1891-93, P. 1141; 1916, P. 702; CARROLL, SEC. 1731.

Nothing was said about compensation for their services in connection with the county court of claims and levy until 1852, when provision was made that they be paid $1 per diem from the county levy for attendance. (25) Later statutes provided that all members of the fiscal court, except the county judge, should be paid on a per diem basis, the amount of which, however, was changed in 1892, 1902, 1918, and 1926. Legislation in the latter year fixed the present per diem rate at $6. (26)

Sessions

For the trial of civil cases, the justices of the peace hold court on certain days set by the presiding judge of the county court during the months designated by law. (27) An act of 1908, however, provided that for such purposes they should hold court once each month. (28) For the trial of criminal or penal cases, the justices were authorized to hold court at any time. (29)

Non-Judicial Functions

Statutes in force in 1827, when Anderson County was created, gave the justices of the peace the power to enforce tavern regulations (30); license Indians and free Negroes to keep firearms (31); and perform marriages when, in the opinion of the county court, there was a lack of ordained ministers. (32) Legislation, passed since 1891, permits the justices to perform marriages when authorized by the county court (33) or the Governor. (34)

The power given the justices in 1802 to suppress riots, routs, and breaches of the peace was reaffirmed by later statutes, and additional authority empowered them to try persons accused of disorderly conduct, to be responsible for their appearance in court, and to place such persons under bond to keep the peace. (35) Early legislation, still in effect, authorized the justices to suppress gaming and lotteries (36); grant certificates for payments to persons killing wolves (37); and order mad dogs to be killed. (38) Since 1851, they have been empowered to hold inquests in the absence of the coroner. (39)

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25. Acts, 1851-52, p. 96; Rev. Stat., I, 234.
26. Acts: 1891-93, p. 271; 1902, p. 216; 1918, p. 672; 1926, p. 173; Carroll, sec. 1045.
27. Acts: 1851-52, p. 12, 100; 1891-93, p. 1055; Gen. Stat., 1873 ed., pp. 307, 309.
28. Acts, 1909, p. 131; Carroll, sec. 1005.
29. Acts, 1851-52, p. 102; Gen. Stat., 1873 ed., p. 309.
30. Littell, 1793, I, 196.
31. Ibid., 1799, II, 114.
32. Ibid., 1799, II, 275.
33. Acts: 1891-93, p. 927; 1914, p. 263.
34. Acts, 1932, pp. 488, 489; Carroll, sec. 2103.
35. Littell, 1802, III, 55-57; Acts, 1851-52; p. 99; Gen. Stat., 1873 ed., p. 310; Acts: 1891-93, p. 1058; 1934, p. 422.
36. Littell, 1804, III, 176; Acts, 1891-93, pp. 9, 744, 745.
37. Littell, 1814, V, 101.
38. Acts, 1906, p. 29.
39. Acts, 1851-52, p. 10; Gen. Stat., 1873 ed., p. 311; Acts: 1891-93, p. 371; 1936, p. 271; see Coroner, p. 259.

Justices' Courts (Next entry 245, p. 236)

General Court Powers

In 1812, justices were given power to determine questions of law, render judgments in keeping with verdicts, and fine disorderly or delinquent jurors and constables for neglect of duty. (40) Later provisions authorized the justices to subpoena witnesses, issue process, empanel juries, grant new trials or rehearings, and issue original or final process in all cases within their jurisdiction. (41) They also have the power to take oaths and affidavits with the same authority as the circuit judge. (42) Recent legislation gave them additional authority to make and adopt appropriate and uniform court rules in keeping with the civil and criminal codes of practice for governing their courts. (43)

General Jurisdiction

In 1792 the justices were given jurisdiction in all causes of less value than 5 pounds in current money or 1,000 pounds of tobacco; they were further authorized to give judgments and award executions against goods and chattels, but never against the body of the defendant. (44) Later they were given original jurisdiction over debts and accounts up to $50; however, appeals could be taken in cases involving more than 5 pounds. They also had exclusive original jurisdiction over cases where credits were endorsed in order to reduce the value to $50. (45) Their jurisdiction included cases involving sums not over $50, when the disputed matter concerned any specialty, bill, note in writing, or account (46), and bank notes or contracts. (47)

After 1850, the jurisdiction given the justices in cases of contract involving $50 or less, was reaffirmed. Their authority was extended to cover all cases of law and equity when the amount in question did not exceed $16, and in all penal cases involving a fine up to $16. This jurisdiction was further extended to include the subjection of choses in action and property of non-residents, to payment of demands. (48)

The justices have jurisdiction concurrent with the circuit court in all actions for recovery of money and property which, exclusive of interest, do not exceed $100. They also have jurisdiction, concurrent with the quarterly and circuit courts, of personal actions in civil cases when the amount in question is not above $100; and jurisdiction, exclusive of the

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40. LITTELL, 1812, V, 20, 29.
41. ACTS: 1851-52, PP. 99, 100; 1891-93, P. 1057; CARROLL, SEC. 1067.
42. ACTS, 1919-20, P. 976; GEN. STAT., 1873 ED., P. 310; ACTS, 1891-93, P. 1030; CARROLL, SEC. 1067.
43. ACTS, 1932, P. 605; CARROLL, SEC. 1063A-12.
44. LITTELL, 1792, I, 91.
45. IBID., 1811, IV, 342.
46. IBID., 1812, V, 29.
47. ACTS: 1823-24, P. 397; 1827-28, P. 22[illegible]; 1830-31, P. 310.
48. ACTS, 1851-52, PP. 99-101.

circuit court and concurrent with the quarterly court, of civil cases of not more than $50. (49) The same act also gave jurisdiction, exclusive of the circuit court, in criminal cases when the fine is limited to $20, and, concurrent with the circuit court, where the fine is limited to $100, or imprisonment for 50 days, or both. (50) The above criminal jurisdiction was subsequently enlarged so that, at present, justices may hear cases carrying a fine of $500 and imprisonment for 1 year. (51)

Prior to 1831, three justices sat as a court to hold inquests on persons believed to be of unsound mind (52), but in that year the jurisdiction of insanity inquisitions was given the circuit court because of illegal execution of previous laws. (53) Later provisions repealed the jurisdiction of justices' courts in cases of idiocy and lunacy, and reaffirmed the authority given the circuit court over insanity inquisitions. (54)

In 1855 the justices were empowered to render judgments against constables who had not accounted for money collected (55), and later were given jurisdiction of motions against constables. (56) Today, they have jurisdiction of motions against constables concurrent with the quarterly court. (57)

An act of 1798 gave the justices authority to examine charges against slaves, and to aid in recovering runaway slaves, stray boats, and animals. (58) They also investigated cases of free Negro immigrants entering the State in contravention of law. (59) They now have jurisdiction over stray and glandered animals. (60)

Miscellaneous Powers

In 1801, justices were authorized to issue executions to constables in other counties to which debtors had moved. (61) They were also required to order payment to the plaintiff when executions not exceeding 5 pounds had been returned with no property found. (62) When records were lost or

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49. Acts, 1891-93, p. 1057; Carroll, sec. 1086.
50. Acts, 1891-93, p. 1058.
51. Ibid.; Acts: 1906, p. 382; 1924, p. 65; 1928, pp. 155, 156; 1934, p. 422; Crim. Code, sec. 13-5; Carroll, sec. 1093 ff.
52. Littell (Va. Law, 1795) II, 570.
53. Acts, 1831-32, p. 109.
54. Acts, 1851-52, p. 100.
55. Acts, 1834-35, p. 301.
56. Acts, 1851-52, pp. 99, 100.
57. Acts, 1891-93, p. 1057; Carroll, sec. 1086.
58. Littell, 1798, II, 5, 79, 215.
59. Ibid., 1807, III, 499.
60. Acts, 1891-93, pp. 542-544; 1897, p. 3; 1910, p. 3; Carroll, sec. 47A, 1246-2.
61. Littell, 1801, II, 465-466.
62. Ibid.: 1806, III, 376; 1810, IV, 102-106.

destroyed, later legislation provided that the justices could render new judgments. (63) Legislation in effect today gives the justices jurisdiction of forcible entry and detainer proceedings. (64)

Justices of the peace were required to issue warrants in bastardy cases (65); escape warrants, warrants for the arrest of traitors, felons, and disturbers of the peace (66); warrants for persons disturbing public worship (67); warrants for those charged with shooting, stabbing, or wounding (68); and distress warrants for rent. (69) Later statutes reaffirmed their power to issue distress warrants for rent, and gave them authority to issue attachments for rent. (70) The justices also issued warrants for the arrest of fugitives (71), and for the arrest of persons violating the game laws. (72)

Examining Trials

In 1809 two justices, sitting as a court, had the power to examine criminal charges, the punishment of which was capital or corporal, or by imprisonment (73); and a later statute provided that two justices could examine and try all persons charged with infractions of penal and criminal laws, the final trial of which was cognizable in the circuit court. (74) The justices may now conduct examining trials when the county attorney has been notified of such action. (75)

The justices were early given authority to examine charges against vagrants.(76) In Anderson County, however, the justices have not held court since approximately 1925 and therefore do not exercise these jurisdictions conferred upon them.

Recordation

Early legislation required the justices of Anderson County to report to the county court clerk all fines assessed in their respective courts, together with their constables' returns on executions for such fines. (77)

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63. Acts: 1851-52, p. 102; 1891-93, p. 1058.
64. Civil Code, p. 452.ff.
65. Littell, 1795, I, 282.
66. Ibid., 1796, I, 505, 590, 591.
67. Ibid., 1801, II, 479.
68. Ibid., 1809, IV, 78.
69. Ibid., 1810, IV, 271.
70. Acts, 1891-93, p. 458.
71. Acts, 1839-40, p. 114.
72. Acts, 1894, p. 42; Carroll, sec. 1953.
73. Littell, 1809, IV, 67.
74. Acts, 1851-52, p. 99.
75. Acts, 1891-93, p. 266; Civil Code, secs. 49-51; Carroll, sec. 1281.
76. Littell, 1795, I, 289; Acts, 1904, p. 134.
77. Littell, 1806, III, 375, 376.

They also kept a record of all proceedings of their courts, sending a copy of the record, with the court papers, to the circuit court clerk. (78)

By an act of 1838 which created a jury fund and a trustee of that fund, the justices were required to file with the trustee a list of fines and forfeitures made by them, and to pay over to the trustee the amounts received therefrom. (79) Such money is now paid into the county treasury since the office of trustee of the jury fund was abolished in 1934. (80) Since 1893 the justices have been required to record all proceedings in an order book and to keep an execution book, each properly indexed, and also to furnish copies of any records of proceedings in their custody, to persons desiring such documents. (81)

Before they ceased holding court, the justices reported on the first day of each circuit court session the amount of all money due the Commonwealth and collected from all sources since the last report, except State and district taxes. They also reported all unsatisfied judgments in favor of the Commonwealth during the past 12 months covered by the report, listing the names and residences of the persons against whom such judgments were rendered, with the date and amount of each judgment, and the reason it had not been paid. (82)

245. MAGISTRATE JUDGMENTS AND EXECUTION DOCKET, 1858-61. 1 vol. Docket of cases set for trial before justices of the peace prepared for use by justice at each session of court and a record of executions issued in each case. Docket shows: number of case, names of plaintiff and defendant, date of trial, judgment rendered, and amount of costs; record of executions show: names of parties, number and amount of judgment, execution number, date issued, name of constable addressed, return day, and constable's return. Arr. chron. by date of trial. No index. Hdw. under pr. hds. 600 pp. 18 x 12 x 2. Clock tower.

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78. IBID., 1811, IV, 343.
79. ACTS, 1837-38, P. 240.
80. ACTS, 1934, P. 541.
81. ACTS, 1891-93, PP. 1057, 1058; CARROLL, SEC. 1088.
82. ACTS, 1906, P. 224; CARROLL, SEC. 4252.

(Next entry 246, p. 245)

VIII. SHERIFF

Structure

Creation

The Constitutions of 1792 and 1799 provided for the office of sheriff in every Kentucky county. (1) Authorized by an act of January 18, 1827, which created Anderson County, Governor Desha appointed John F. Blackwell as the first sheriff, who in turn appointed Sandford McBrayer and Jordon Walker as his deputies. (2)

Selection and Term

In appointing the first sheriff, the Governor acted upon recommendation of a majority of all the members of the House of Representatives from the senatorial district in which the new county was situated. (3) Thereafter until 1850 the Governor, with due regard for seniority, appointed the sheriff for a term of 2 years from one of two justices of the peace recommended by the county court. In the event no recommendation was made, the Governor, with the consent of the Senate, appointed and commissioned a fit person for the office. (4) In 1850 the office was made elective for a 2-year term, the incumbent being eligible for reelection, but not for a third successive term. (5) The present constitution provides for the election of a sheriff for a 4-year term and prohibits his reelection, or his serving as deputy for the succeeding term. (6) When the office is filled by an elisor he may serve 1 year, or until a regular sheriff is elected and has qualified. (7)

Qualifications

The sheriff of Anderson County, from 1827 to 1850, before he could qualify for appointment, must have resided in the county for 1 year, or in the county from which the new county was formed. (8) Since 1850, he must have been a citizen of the United States, and a resident of the State 2 years and of the county 1 year previous to his election. (9)

No age requirement was necessary until 1850 when the sheriff must have

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1. CONST. 1792, ART. 6, SEC. 1; CONST. 1799: ART. 3, SEC. 31; ART. 4, SEC. 9.
2. Acts, 1822-23, P. 336; COUNTY COURT ORDERS, FIRST VOL. NOT LABELED, P. 4, SEE ENTRY 94.
3. CONST. 1799, ART. 4, SEC. 9.
4. IBID.: ART. 3, SEC. 31; ART. 4, SEC. 9.
5. CONST. 1850, ART. 6, SEC. 4.
6. CONST. 1891, SEC. 99; Acts, 1891-93, P. 143; CARROLL, SEC. 1519.
7. Acts, 1891-93, PP. 228, 229; CARROLL, SEC. 1598.
8. CONST. 1799, ART. 3, SEC. 9.
9. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.

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Sheriff

been at least 21 years old upon qualifying for office. (10) Today, the age requirement for this officer is at least 24 years. (11)

Oath

The sheriff, since the creation of his office, has taken the oaths to support the constitution and to perform faithfully the duties of his office; and since 1850, swears that he has not taken any part in duels. (12)

Bond

Since the beginning of Anderson County the sheriff has given bond, with good security, for the faithful performance of his duties as a peace officer and as collector of taxes, fines, and fees. (13) Since 1850, he has given such bonds and security as often as was necessary. (14)

Removal

The sheriff may be impeached for any misdemeanor in office by two-thirds concurrence of the House of Representatives. All impeachments must be tried by the Senate, concurrence of two-thirds of the members present being necessary for conviction. Judgment in such cases may not extend further than removal from office and disqualification for holding any other office of trust under the Commonwealth. (15) He may be indicted or prosecuted for any misdemeanor in office, or willful neglect of official duties, in the manner prescribed by law, with the right of appeal to the Court of Appeals. In addition the General Assembly may provide other methods for his removal or reinstatement. (16)

Pursuant to the above, an act of 1924 provided that if the sheriff be found guilty of gross misconduct, bribery, or gross neglect of duty, the Governor may remove him from office. He may take an appeal within 10 days after entry of the order of removal; but if removed, he is disqualified from holding office in the State for 4 years. (17)

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10. CONST. 1850, ART. 6, SEC. 4.
11. CONST. 1891, SEC. 100.
12. CONST. 1799, ART. 6, SEC. 1; CONST. 1850, ART. 8, SEC. 1; CONST. 1891, SEC. 228; ACTS: 1906, P. 154; 1934, PP. 55, 56.
13. LITTELL, 1796, I, 580, 581.
14. CONST. 1850, ART. 6, SEC. 9; ACTS, 1851-52, P. 184; CONST. 1891, SEC. 103; ACTS: 1891-93, P. 41; 1906, P. 154; 1934, PP. 55, 56; CARROLL, SEC. 4134.
15. CONST. 1799, ART. 5, SECS. 1-3; CONST. 1850, ART. 5, SECS. 1-3; CONST. 1891, SECS. 66-68.
16. IBID., SEC. 227, AMEND. 6.
17. ACTS: 1924, PP. 72-75; 1926, P. 691; CARROLL, SECS. 3766A-6 TO 3766A-8.

Sheriff - (Next entry 246, p. 245)

Vacancy

After 1827, when Anderson County was created, the Governor, with the consent of the Senate, filled any vacancy in the office of sheriff. (18) By authority of an act of 1850, reaffirmed by later statutes in force today, the county court, pending an election, fills a vacancy in the sheriff's office. (19) If a vacancy occurs at a time when a circuit court is being or about to be held, the circuit judge can appoint an elisor to act in the place of the sheriff. He may hold office for 1 year, or until a sheriff has qualified, unless he is removed by the circuit judge. Before assuming his duties, he must take the same oath and give the same bond; he also receives the same fees and compensation as the sheriff. (20)

Compensation

When Anderson County was established, the sheriff was allowed 6 percent of the tax collections which he made. (21) Since 1891, for collecting and paying over the State and county taxes he receives 10 percent on the first $5,000 paid into the State treasury each year, and 4 percent on the remainder. He is allowed the same percentage by the county treasurer, but his aggregate compensation must not exceed $5,000 for fiscal services, independent of the legally authorized compensation paid his deputies and assistants. (22)

The sheriff and his deputies are now required to serve as a county highway patrol. This officer is allowed a maximum of $1,500 a year for this extra duty, provided his total compensation does not exceed $5,000 a year. (23)

Deputies

With approval of the county court, the sheriff has always appointed his deputies, and removed them at will, since he is liable for their actions. (24)

Functions

Law Enforcement

Legislation enacted prior to and subsequent to 1850, and in force

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18. LITTELL: 1796, I, 580; 1801, II, 465; 1814, V, 89.
19. CONST. 1850, ART. 6, SEC. 4; ACTS, 1850-51, I, 96; REV. STAT., I, 44; GEN. STAT., 1873 ED., P. 306; ACTS, 1891-93, P. 146; CARROLL, SEC. 1526.
20. ACTS, 1891-93, PP. 228, 229; CARROLL, SECS. 1597-1599.
21. LITTELL, 1792, I, 84.
22. CONST. 1891, SEC. 246; ACTS: 1891-93, P. 1140; 1903, PP. 171, 172; CARROLL, SECS. 1726-1729, 4168.
23. ACTS, FOURTH SPECIAL SESSION, 1936-37, P. 119; BALDWIN'S SUPP., SEC. 3786-4.
24. LITTELL, 1796, I, 580; ACTS: 1891-93, PP. 555, 556; 1903, P. 157; CARROLL, SECS. 4141, 4563, 4569.

today requires the sheriff to see that peddlers obtain licenses (25); suppress places of gambling (26); break down doors, if necessary, in executing certain writs and in making arrests (27); enforce the game and fish laws (28); impound unlicensed dogs running at large (29); pursue convicts escaped from confinement (30); arrest persons engaged in riots, routs, unlawful assemblies, or breaches of the peace, and empanel a jury for their trial (31); and arrest persons disturbing public worship. (32)

When necessary, the sheriff has authority to command a posse comitatus or "power of the county," to aid him in the execution of the duties of his office, whether civil or criminal.(33) He may also call out the county militia to enforce the laws. (34)

An act of 1937 created a county highway patrol and investigator, giving to the sheriff's office the duty of patrol over public roads and highways in the county, in order to maintain a maximum degree of safety to the public. The sheriff records his findings in cases of accident upon the highways; and, when a person is wounded or killed, and there is reason to suspect criminal negligence, the sheriff takes the necessary statements or affidavits, and returns them, together with his report to the county attorney, and a duplicate report to the circuit court clerk for submission to the next grand jury. This act does not affect the duties of the State Highway Patrol. At least once a month the sheriff or his deputies investigate the conduct of any public house, camp restaurant, or any place where intoxicating liquors are sold or furnished to the public, or where men and women are provided rooms or lodging. He then reports his conclusions in writing to the county attorney, together with the name and address of any witness who claims knowledge of any violation of the law, or any disturbance occurring at such places, and files with the circuit court clerk a duplicate of each report, to be delivered to the foreman of the grand jury next to be convened in the county; he also sends a copy to the State Alcoholic Beverage Control Board. (35)

Incidental to the foregoing duties and to the enforcement of the law in general, the sheriff has the right to carry concealed weapons. (36)

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25. GEN. STAT., 1873 ED., P. 688; Acts: 1906, PP. 190-192; 1916, PP. 667-672; CARROLL, SEC. 4217B-9; Acts, 1940, P. 438 FF.
26. Acts, 1908, P. 121; CARROLL, SEC. 3914B-5.
27. Acts, 1891-93, PP. 358, 559; CARROLL, SECS. 4579-4584.
28. Acts: 1912, P. 162; 1916, P. 634; CARROLL, SECS. 1954B-14, 1954C-18.
29. Acts: 1918, P. 490; 1930, P. 9; CARROLL, SEC. 68B-18.
30. LITTELL, 1802, TTT, 73.
31. IBID., PP. 55, 56.
32. IBID., 1813, V, 48, 49.
33. Acts, 1891-93, P. 558; CARROLL, SEC. 4578.
34. Acts, 1934, P. 166; CARROLL, SEC. 2711A-145s.
35. Acts, 1936-37, FOURTH SPECIAL SESSION, PP. 116-118; BALDWIN'S SUPP., SECS. 3786-1 TO 3786-3.
36. Acts, 1891-93, P. 800; CARROLL, SEC. 1313.

Sheriff (next entry 246, p. 245)

Servant of the Court

Statutes passed before Anderson County was formed authorized the sheriff to execute all writs and process legally issued to him, and make due return of each, endorsing same with the date received. (37) Until 1863, it was his duty to make certificates of execution of slaves. (38) He could not execute process on Sunday, however, except for treason, felony, breach of the peace, or escape. (39) Later legislation, in reaffirming this duty, added that the sheriff may also serve a writ of habeas corpus on Sunday. (40)

The sheriff was authorized to execute and make due return of notices and process against any person or property in the county, endorsing upon the document the date of receipt, and a memorandum of how the service was accomplished. (41)

It has long been the duty of the sheriff to summon grand and petit juries, and to notify the court that he had served summonses to jurors to provide the panel. (42)

Early statutes, in force today, provide that upon orders of the county court, the sheriff must assume charge of estates for which there are no administrators, and sell enough of the property to satisfy the debts of the deceased. (43) He can also convey land sold by virtue of an execution. (44)

It has also been the duty of the sheriff to convey to the penitentiary all persons sentenced to be confined there; to execute persons condemned to be hanged in the county; and to execute the sentence of the court in other criminal or penal cases. He must attend, keep order, and obey the court orders in the circuit, county, quarterly, and the court of claims, and in the fiscal court after 1892. (45)

By authority given him in 1865, and still in force, the sheriff is empowered to make arrests in bastardy proceedings upon warrants issued to him by the county court clerk. (46)

Collection of Revenue

Since the establishment of his office in 1827, the sheriff of Anderson County has collected both the State taxes and the county levy. (47) Prior

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37. LITTELL, 1796, I, 505.
38. IBID., 1798, II, 118.
39. IBID., 1796, I, 584.
40. GEN. STAT., 1873 ED., P. 781; ACTS, 1891-93, P. 536; CARROLL, SEC. 4567.
41. GEN. STAT., 1873 ED., PP. 781-786; ACTS, 1891-93, PP. 556, 557; CARROLL, SEC. 4565.
42. LITTELL: 1796, I, 475; 1802, III, 41; 1811, IV, 267; ACTS, 1891-93, P. 555; CARROLL, SEC. 2246.
43. LITTELL, 1797, I, 264; ACTS: 1885-86, 1, 84; 1891-93, P. 553; CARROLL, SEC. 3907.
44. LITTELL, 1796, I, 585; ACTS, 1906, P. 169.
45. REV. STAT., II, 344; GEN. STAT., 1873 ED., P. 784; ACTS: 1891-93, P. 558, 560; 1920, P. 694; CARROLL, SECS. 1137-1, 1137-2, 4587.
46. GEN. STAT., 1873 ED., P. 161; ACTS, 1891-93, P. 68; CARROLL, SEC. 168.
47. LITTELL, 1799, II, 322; ACTS, 1818-19, P. 652.

Sheriff

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to the creation of the office of county treasurer, the sheriff acted in this capacity, retaining custody of the county funds and paying out to the creditors of the county such amounts as are certified to him by the county court clerk. (48)

In 1892 the sheriff was authorized to collect the county levy to be used for payments of debts and current expenses of the county. (49) Since 1893 these funds have been paid to the county treasurer on May 1, and every 60 days thereafter, for which he takes duplicate receipts, keeping one and giving one to the county judge. Upon final annual settlement he pays all county money on hand to the county treasurer, taking and giving receipts as stated before. (50)

Under an act of 1906 the sheriff collects all county and district taxes unless a payment is directed by law to be made to some other officer. (51) In 1917 he was instructed to collect a special tax, if such tax should be voted at a special election, for the construction and improvement of county roads and bridges, and to pay over such tax as the fiscal court might direct. (52)

Statutes passed prior to 1873 required the sheriff to report, under oath, to the State Auditor of Public Accounts, on October 1 of each year, and every 60 days thereafter, the amount of taxes collected for the State and to pay these over at the same time, making a final settlement and payment by April 1, annually. For failure to accomplish these duties punctually, the sheriff and his sureties were liable for damages. (53) He now reports to the Auditor and pays over to the State Treasurer, on the tenth of each month, the total of State taxes collected for the preceding month. Failure to do so renders him liable to indictment. (54)

Another initial duty of the sheriff, later reaffirmed, was to return a list of all delinquent taxpayers. (55) After the board of tax supervisors had made a list of omitted property, the clerk of the board delivered to the sheriff the original and duplicate of each omitted tax bill after judgment was rendered, listing such items for taxation. The sheriff notified the delinquent taxpayer of the omission and, upon payment of the tax, receipted the original bill for the taxpayer, keeping the duplicate on file in his office. (56)

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48. LITTELL, 1797, II, 680, 681.
49. Acts, 1891-93, pp. 40-42; CARROLL, SEC. 1864.
50. Acts, 1891-93, pp. 522-526; CARROLL, SEC. 932.
51. Acts, 1906, p. 152; CARROLL, SEC. 4129.
52. Acts, 1917, p. 24; CARROLL, SEC. 4307b-4.
53. GEN. STAT., 1873 ED., p. 733.
54. Acts: 1906, p. 157; 1932, p. 631; CARROLL, SEC. 4143.
55. LITTELL, 1804, III, 180; GEN. STAT., 1873 ED., p. 723.
56. IBID., p. 736; Acts, 1912, pp. 476-483; CARROLL, SEC. 4239B.

Sheriff (Next entry 246, p. 245)

A law passed in 1799 required the sheriff to make a list of insolvent taxpayers and a list of persons who had moved form the county. (57) The latter function is no longer required; however, the listing of insolvent taxpayers has been reaffirmed, and the sheriff is further authorized to hold property of insolvent debtors in trust for creditors. (58) The sheriff must also advertise property to be sold for taxes, by posting a notice at the courthouse for 15 days before the sale, and publishing the list in a newspaper of general circulation, once a week for 4 consecutive weeks. (59) He is further required to notify all taxpayers whose property has been raised or assessed by the board of tax supervisors, and to buy real estate sold for taxes, for the State, county, or district, when no one else will buy it. (60)

It has always been the duty of the sheriff to collect all officers' fees listed with him during his term of office, accounting for and paying such money to the persons legally entitled to it. (61) After the sheriff had paid the several officers the fees due them, he used the remainder of the public money in his possession to pay claims against the county, thus acting in the capacity of treasurer of the county. (62)

With the establishment of a jury fund and trustee in 1838, it became necessary for him to file his list of fines and forfeitures with the trustee, and to pay over to him the amounts received therefrom. (63) In 1934 the jury fund and office of trustee were abolished, the duties of the latter being assumed by the circuit court clerk. Since that time the sheriff has paid into the county treasury all such moneys formerly paid to the trustee of the jury fund. (64)

At present, on the first day of each court session, the sheriff makes a sworn report to the State Auditor of the money due the Commonwealth which has been collected from all sources other than State and district taxes. This report must show the source, amount and date of collection, and the reason for payment. It must also show the fines and forfeitures on which the county attorney is due a commission, all unsatisfied judgments rendered the past year, giving name and address of the person against whom judgment was rendered, with date, amount of judgment, and the reason it was not collected. (65)

It has always been the duty of the sheriff to deliver to the person from whom taxes, levies, or fees are to be collected, a list of every article of

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57. LITTELL, 1799, TT, 321.
58. GEN. STAT., 1873 ED., P. 555; ACTS, 1891-93, PP. 87-89; CARROLL, SECS. 2180-2185.
59. ACTS, 1906, P. 162; CARROLL, SEC. 4149.
60. ACTS: 1906, P. 150; 1918, P. 537; 1928, PP. 448-450; CARROLL, SECS. 4122, 4151-2.
61. LITTELL, 1796, T, 582, 583; ACTS, 1891-93, P. 557; CARROLL, SEC. 4572.
62. LITTELL, 1797, T, 680, 681; ACTS, 1851-52, PP. 184, 185; SEE TREASURER, P. 282.
63. ACTS, 1837-38, P. 240.
64. ACTS, 1934, P. 541; SEE CIRCUIT COURT CLERK, P. 151.
65. ACTS, 1906, P. 224; CARROLL, SEC. 4252.

the demand, before making a distress. (66) He may also distrain the goods of persons failing to pay taxes or levies (67); and he may collect for 2 years after his term expires any distrainable fee bills received for collection while he was in office. (68)

It was not until 1906 that the sheriff was legally required to keep his office open at all reasonable hours, except on Sunday and legal holidays, for the collection of money and the reporting of such collections. (69)

Elections

It was the sheriff's duty, authorized by early legislation, to advertise and conduct elections, and to deliver election certificates to those elected. For a time all the sheriffs met in Frankfort to count the votes cast for Governor, Lieutenant Governor, and electors for the President and Vice President of the United States. Sheriffs were also authorized to appoint deputy sheriffs solely for attending elections and comparing polls. (70) But after 1833, when the State was divided into 13 Congressional Districts, with Anderson County in the Fifth District, all the sheriffs in this district met at the courthouse in Mercer County to count the votes for Representatives. In case of a tie, the sheriffs decided who should take office. (71) When this law was repealed in 1841, the sheriff was required to deposit the poll books of each election with the county court clerk. (72)

Later legislation provided for a county election board composed of the county judge, county court clerk, and sheriff, any two of whom could act in examining the poll books of the county, and in issuing certificates of election. The sheriff was authorized to deposit the poll books of the various precincts with the county court clerk within 2 days after an election. The day after the books were deposited, the board met at the county court clerk's office, counted the votes and, over their signatures, issued three or more certificates of election for those elected, one copy for the county court clerk, one for each person elected, and a third for the Secretary of State. If a Congressman was elected, a fourth certificate was mailed to the Clerk of the House of Representatives at Washington. (73) Today, each sheriff is a member ex officio of his county board of election commissioners, which office was established in 1900. (74) Statutes in effect since 1891 require the sheriff to provide a voting place in each precinct of the county

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66. LITTELL, 1792, I, 85; Acts, 1891-93, p. 557.
67. LITTELL, 1796, I, 582; Acts, 1906, p. 161; CARROLL, SEC. 4149.
68. Acts, 1891-93, p. 556; CARROLL, SEC. 4564.
69. Acts, 1906, p. 156; CARROLL, SEC. 4140.
70. LITTELL, 1799, II, 339-341, 345, 346; Acts, 1822-23, p. 292.
71. Acts, 1832-33, pp. 267-269.
72. Acts, 1841-42, p. 83.
73. GEN. STAT., 1873 ED., p. 381 FF.
74. Acts, 1900, SPECIAL SESSION, p. 29; CARROLL, SEC. 1596A-2.

for each election, preserve order at the polls, enforce the election laws, act as umpire when the judges disagree (75), and deposit with the county court clerk the election returns from the different precincts. (76)

Miscellaneous

The sheriff, by virtue of an act approved February 4, 1812, was authorized to serve as jailer if the jailer himself was incarcerated. (77) At present he acts as jailer when the office is vacant. (78) A recent statute requires the sheriff to execute summonses and orders issued by the Railroad Commission. (79)

Recordation

From the beginning of his office in the county, the sheriff has made an annual report and payment to the State Treasurer of the taxes levied in his county for the State (80); and, as detailed under the section on revenue in this essay, he makes written sworn reports to the State Auditor of Public Accounts. (81) He also keeps a cash book and other books in the manner specified by the State Auditor. (82) In 1906, the sheriff made a report each May, June, July, August, September, October, November, and December. (83) An act of 1932 directed the sheriff to make to the county court a monthly report of money collected the previous month. (84) He also was instructed to furnish the fiscal court yearly, with an itemized sworn financial statement which he was required to publish at the close of the fiscal year. (85)

Unless otherwise specified the records of this office are found in the sheriff's office.

Taxation

Assessments

246. ASSESSORS BOOKS, 1921--. 151 vols. (dated and numer. by dist. no.) Assessment lists of real and personal property subject to taxation furnished sheriff for collection by tax commissioner, showing: tax bill number, name

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75. Acts, 1891-93, pp. 119, 128, 129.
76. Acts, 1900, Special Session, p. 33; Carroll, sec. 1596A-5.
77. Littell, 1812, V, 387.
78. Acts, 1891-93, p. 753.
79. Acts: 1922, p. 272; 1930, p. 621; Carroll, sec. 2016-15.
80. Littell, 1799, II, 322.
81. Acts: 1906, p. 224; 1932, p. 631; Carroll, sec. 4252.
82. Acts: 1906, pp. 156-159; Carroll, secs. 4139, 4143.
83. Acts, 1906, p. 159.
84. Acts, 1932, pp. 631, 632.
85. Acts: 1926, p. 287; 1928, p. 461; Carroll, sec. 3747A-1.

and address of taxpayer, name of nearest resident, itemized descriptive list of property, total tax values of land, coal, timber, and improvements, assessed value, and amount of tax due. Arr. numer. by dist. no. and alph. thereunder by name of taxpayer. No index. Hdw. on pr. fm. Aver. 320 pp. 18 x 16 x 2. 1921-32, 29 vols., clock tower; 1933--, 122 vols., sheriff off.

247. OMITTED TAX LISTS, 1890-1924, 1928-29, 1931--. 7 vols. Title varies: List of Omitted Assessments, 2 vols., 1890-1924. Additional list of property omitted from general tax roll upon owners' failure to list property for assessment, certified to sheriff for collection by county court clerk, showing: name of property owner, location and description of property omitted form assessment rolls, assessed value as fixed by tax commissioner, amount of tax due, date assessed, and signature of county court clerk. Arr. alph. by name of property owner. No index. Hdw. on pr. fm. Aver. 700 pp. 18 x 12 x 3. 1890-1924, 1928-29, 5 vols., clock tower; 1931--, 2 vols., sheriff off.

Collections

248. TAX REPORTS, Jan. 1, 1938--. 22 docs. in 1 f.b., 1 f.d. Copies of reports of tax collections prepared monthly by sheriff and submitted to State Auditor of Public Accounts, fiscal court, and county school superintendent. Reports to State Auditor of Public Accounts show: period covered by report, gross amount of collections of State taxes on real estate, tangible and intangible property, tax rate and amount of discount on each, amount of collection commission, total amount remitted, and signature of sheriff; reports to county court clerk show: name of sheriff, period covered by report, total amount of each type of tax collected, amount of discount allowed, amount of commission, dog license fees collected, amount deposited to credit of livestock fund, and signature of sheriff; and reports to county school superintendent show: period covered by report, amounts of general property, poll, and corporation school taxes collected, collector's commission, net amount due school district, date of report, and signature of sheriff. No obvious arr. No index. Hdw. on pr. fm. F.b. 4 x 5 x 10; f.d. 11 x 5 x 13.

249. WHISKEY TAX REPORTS, 1894-98, May 1, 1938--. 133 docs. in 1 f.b., 1 f.d.
Reports submitted to sheriff by distillers of taxes due county on products in their possession, showing: date of report, name and number of distillery, date of assessment, number of barrels of whiskey withdrawn from warehouse, rate and amount of road, school and county taxes due; total amount remitted to sheriff, notarized signature of distillery official, and signature of notary. Arr. chron. by date filed. No index. Hdw. on pr. fm. F.b., 4½ x 4½ x 10; f. d., 11 x 5 x 13. 1894-98, f.b., clock tower; May 1, 1938--, f.d., sheriff off.

250. GENERAL INDEX TO SUITS (Franchise and Whiskey Tax Collections), Jan. 26, 1938--. 1 vol.
Record of franchise and whiskey tax collections made by sheriff. Summary of franchise tax collections show: date of report, name of company, date of

tax collection, amount of county, school, and road taxes collected on real, personal, tangible, and intangible property; and total amount collected; summary of whiskey tax collections show: date of report, name of distillery, date of collection, amount of assessment, amount of whiskey withdrawals from warehouse, amount of county and road tax, total amount of county tax, amount of school tax, total amount of all taxes, amount of interest and penalties, and total amount collected. Arr. chron. by date reported. No index. Hdw. under ruled hds. 550 pp. 18 x 12 x 3.

Land Sales

251. SHERIFF'S LAND SOLD FOR TAXES, Aug. 8, 1887--. 2 vols. Title varies: Land Sold for Taxes, 1 vol., Aug. 8, 1887-June 21, 1937. June 1867-July 1887 in Mortgages, entry 71.
Record of sheriffs' reports made to fiscal court of land sold for non-payment of taxes and recorded by county court clerk upon order of court, showing: date of report, date and place of sale, name of delinquent taxpayers, years delinquent, amount, location, and description of property, assessed value, amount of tax, costs, and interest due, number of tax receipt, name of purchaser, date of redemption, amount paid, name of person redeeming property, attestation of county court clerk, distribution of redemption, interest, clerks' fee, penalty, and total redemption costs. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of delinquent taxpayer, showing p. no. where recorded. Hdw. on pr. fm. Aver. 600 pp. 18 x 12 x 2½. Co. ct. clk. vt.

Dog Licenses

252. SETTLEMENT BOOK (Record of Dog Licenses), Jan. 1, 1938--. 1 vol.
Record of dog licenses issued by sheriff, showing: date of issue, license number, name and address of dog owner, breed of dog, sex, age, color, markings, fee collected, transfer of ownership if any, to whom transferred, and date of transfer. Arr. chron. by date license issued. Alph. index, direct by first letter of surname of dog owner, showing date of issue and p. no. where recorded. Hdw. under pr. hds. 638 pp. 18 x 12 x 3.

253. KENNEL LICENSES, Jan. 14, 1939--. 3 docs. in 1 f.d.
Stubs of kennel license certificates issued to dog kennel owners by sheriff, showing: date and serial number of license, name and address of dog kennel owner, amount of license fee, number of dogs in kennel, number of males and females, and breeds of dogs licensed. No obvious arr. No index. Hdw. on pr. fm. 4 x 5 x 10.

254. LIVE STOCK CLAIMS (Reports of Dog Licenses Issued), Jan. 1938--. 25 docs. in 1 f.b.
Copies of reports submitted monthly by sheriff to State Commissioner of Agriculture and county treasurer of dog licenses issued and copies of claims filed with county treasurer for payment of fees due for killing unlicensed dogs. Reports to State Commissioner of Agriculture show: name of sheriff, date license issued, name and address of dog owner, breed of dog, amount of fee, total licenses issued, total amount received, amount remitted to State

Commissioner of Agriculture, amount deposited to credit of county livestock fund, and signature of sheriff; reports to county treasurer show: period covered by report, total number of male and female licenses issued, amount of fees collected, amount remitted to State Commissioner of Agriculture, amount deposited to credit of county livestock fund, and signature of sheriff; sheriff's claims show: date of claim, date and number of dogs killed, amount of claim, and signature of sheriff. Arr. chron. by date issued. No index. Typed under pr. hds. 4 x 5 x 10.

Business Administration

Account Books

255. SHERIFFS CASH ANDERSON COUNTY, 1921--. 5 vols. Title varies: Sheriffs Cash Book, 3 vols., 1921-33; Sheriff's Fees, 1 vol., 1934-37.
Record of tax collections by sheriff determining the amount of State, county and school taxes paid in county, showing: date, name and address of taxpayer, stub number of duplicate tax receipt, amount of real estate, intangible personalty, total tangible tax for general fund, total State tax, poll tax, road fund tax, county tax, school tax, total amount of all taxes, discount, and total less discount. Arr. chron. by date of collection. No index. Hdw. under pr. hds. Aver. 300 pp. 28 x 12 x 2½. 1921-33, 3 vols., clock tower; 1934--, 2 vols., sheriff off.

256. SHERIFF'S MONTHLY REPORT, May 3, 1924--. 1 vol.
Record of reports of tax collections made monthly to fiscal court, showing: name of sheriff, period covered by report, amount of State taxes collected and amount sent to State Treasurer, sheriff's commission, amount of county tax, road tax, school tax, and property tax collected, amount of commission and amount delivered to county treasurer, acknowledgment of county court clerk, copy of signature of judge, date of certification, and signature of county court clerk. Arr. chron. by date of report. No index. Hdw. on pr. fm. 480 pp. 16 x 12 x 2½. Co. ct. clk. vt.

257. SHERIFFS SETTLEMENT, Nov. 10, 1874--. 1 vol.
Record of annual financial settlements made by sheriffs with commissioners appointed by fiscal court to settle with county officials, showing: names of sheriff and commissioners, date of settlement, period covered, itemized list of receipts and disbursements, totals and balance, date settlement approved, attestation of county court clerk, and date recorded. Arr. chron. by date recorded. No index. Hdw. 320 pp. 16 x 11 x 1½. Co. ct. clk. vt.

Strayed Animals

258. STRAY BOOK, 1827-70. 1 vol.
Record of notices issued by sheriff of strayed stock which were reported to him by persons finding and taking up stock, showing: name of finder, names of appraisers, description of stock, when and where found, appraised value, copy of signature of appraisers and finders, date recorded, and certification of county court clerk. Arr. chron. by date recorded. No index. Hdw.

490 pp. 14 x 10 x 3. Clock tower.

Executions

259. WARRANTS, Nov. 29, 1935--. 20 docs. in 1 f.b.
Warrants issued upon orders of circuit court and quarterly court judges for arrest of persons accused of law violations, showing: name of defendant, offense, amount of bail bond fixed by judge, signature of issuing officer, date accused to appear for trial, and signature of executing officer. No obvious arr. No index. Hdw. on pr. fm. 4 x 5 x 10.

260. NOTICES, n.d. 50 docs. in 1 f.b.
Notices to tenants to vacate property issued upon orders of justices' courts and delivered to sheriff for service, showing: names and addresses of property owners and tenants, location and description of property to be vacated, and signature of sheriff. No obvious arr. No index. Typed. 4 x 5 x 10.

261. CIVIL JUDGMENT BOOK (Sheriff's Execution Book), Jan. 1, 1933--. 1 vol.
Sheriff's record of judgment execution orders received and executed, showing: date received, number and style of case, number and type of execution, date executed, amount of execution and cost, how satisfied, amount of sheriff's fee, and date return made. Arr. chron. by date received. Alph. index, direct by first letter of surname of plaintiff, showing name of defendant and p. no. where recorded. Hdw. under pr. hds. 241 pp. 16 x 12 x 2½.

Bonds and Claims

262. BONDS, May 11, 1933--. 50 docs. in 1 f.b.
Original surety bonds furnished sheriff by plaintiffs as a covenant with Commonwealth securing defendants against damages which may be sustained should attachments be wrongfully obtained, showing: date of issue, names of plaintiff and defendant, description of property involved, amount of attachment, signature of plaintiff and surety, date and attestation of sheriff. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 4 x 5 x 10.

263. CIRCUIT COURT CLAIMS, Mar. 1938--. 16 docs. in 1 f.b.
Copies of claims presented to circuit court by sheriff for payment of services rendered court, showing: term of court, date, name of sheriff, date of service, itemized list of services, amount of claim for each, signature of sheriff, acknowledgment of county attorney and circuit court clerk, and approval of circuit court judge. No obvious arr. No index. Typed under pr. hds. 4 x 5 x 10.

264. CITY CLAIMS, May 2, 1938--. 40 docs. in 1 f.b.
Copies of claims filed against city of Lawrenceburg by sheriff for services rendered in suits to which city was a party, showing: date of claims, itemized list of services rendered, amount of claim for each, total claim, and signature of sheriff. No obvious arr. No index. Typed. 4 x 5 x 10.

(Next entry 265, p. 253)

IX. CONSTABLES

Structure

Creation

On February 5, 1827, after Anderson County was created, the members of the county court met for the initial session at the home of William Hudgins in Lawrenceburg and adjourned until the next day. On this latter date, they laid off the county into five constabulary districts and appointed James Hackley, James J. Morgan, Joshua McMichael, Randall Walker, and Joel Boston as constables in their respective districts, each to act as ministerial officer of his respective justice of the peace. (1)

Selection and Term

After the adoption of the second constitution, the county court continued to appoint a constable for each magisterial district, who served during good behavior. (2) In 1835 the constables were appointed for a term of 2 years, and were eligible for reappointment. (3) After 1850, when the office was made elective for a 2-year term (4), statutes provided for the election of one constable for each of the five magisterial districts into which Anderson County was divided. (5) Since 1891, a constable has been elected in each magisterial district for a term of 4 years, as is the law today. He is eligible for reelection. (6)

Qualifications

Since Anderson County was created from sections of Franklin, Mercer, and Washington Counties, the first constables were required to have lived in one of them for at least 1 year preceding election. Subsequent appointees must have resided for that length of time in Anderson County. (7) In 1820, a constable was required to live in the precinct assigned to him. (8) Constitutional provision in 1850, and again in 1891, required the constable to have resided in the State 2 years and in his district 1 year previous to his election, a qualification in force today. (9)

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1. LITTELL, 1792, I, 101; CONST. 1799, ART. 3, SEC. 9; ACTS: 1826-27, PP. 44, 57; COUNTY COURT ORDERS, FIRST VOL. NOT LABELED, PP. 14-16, SEE ENTRY 194.
2. CONST. 1799, ART. 3, SEC. 9; LITTELL, 1799, II, 294.
3. ACTS, 1834-35, P. 61.
4. CONST. 1850, ART. 6, SEC. 5.
5. ACTS, 1850-51, PP. 4-14; GEN. STAT., 1873 ED., P. 111.
6. CONST. 1891, SEC. 99; ACTS, 1891-93, P. 143; CARROLL, SEC. 1519.
7. CONST. 1799, ART. 3, SEC. 9.
8. ACTS, 1820-21, P. 407.
9. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.

Constables (Next entry 260, p.258)

By legislation in 1820, reaffirmed by constitutional provision in 1850, the constable was required to be at least 21 years old. (10) Since 1891, however, he must have been at least 24 years of age before he could become a candidate for office. (11)

Oath

Before assuming his duties, the constable took an oath to support the constitution and to perform faithfully the duties of his office. (12) Later constitutional provision added the specification that he must not have taken part, in any way, in duels. (13)

Bond

From the creation of his office to the present, the constable has been required by successive legislation to execute a satisfactory bond. (14) In 1803 he was required to renew his bond every 2 years (15), but in 1820 he gave bond in open court for not less than $2,000. (16) Constitutional provision in 1850, required him to give bond as often as was deemed proper. (17) Today he furnishes surety bond every 2 years or oftener, with such additional security as the county court may demand. (18)

Removal

The constable has always been liable to impeachment by the House of Representatives for any misdemeanor in office, with conviction, by a two-thirds concurrence of the members present in the Senate. (19) At present the constable is subject to indictment or prosecution for any misdemeanor in office, or for intentional neglect of official duties, in such manner as may be prescribed by law, although he has the right of appeal to the Court of Appeals. By a constitutional amendment adopted in 1919 the Kentucky General Assembly may provide other methods for his removal or reinstatement. (20) Pursuant to this amendment, an act of 1924 specified that, if the constable is found guilty of gross misconduct, bribery, or neglect of duty, the Governor may remove him from office. In this event, the constable is permitted to take an appeal to the Court of Appeals within 10 days after entry of the order of removal. Removal from office prohibits him from holding office in the State for 4 years. (21)

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10. Acts, 1819-20, p. 866; Const. 1850, art. 6, sec. 2.
11. Const. 1891, sec. 100.
12. Const. 1799, art. 6, sec. 1; Littell: 1799, II, 294; 1803, III, 127, 128; Acts: 1819-20, p. 866; 1891-93, p. 816; Carroll, sec. 424.
13. Const. 1850, art. 8, sec. 1; Const. 1891, sec. 228.
14. Const. 1799, art. 3, sec. 9; Littell: 1799, II, 294; 1803, III, 127, 128; Acts: 1819-20, p. 866; 1891-93, p. 816; Carroll, sec. 424.
15. Littell, 1803, III, 131.
16. Acts, 1819-20, p. 865.
17. Const. 1850, art. 6, sec. 9.
18. Const. 1891, sec. 103; Acts, 1891-93, p. 817; Carroll, sec. 426.
19. Const. 1799, art. 5, secs. 1-3; Const. 1850, art. 5, secs. 1-3; Const. 1891, secs. 66-68.
20. Ibid., sec. 227, amend. 6.
21. Acts, 1924, pp. 72-75.

Constables (Next entry 265, p. 253)

An early statute, still in effect, provided that when a constable vacated his office he must return and account for all claims, process, and other papers in his hands, in the same manner as if he had retained his office. (22)

Vacancy

Until 1850, whenever the office of constable became vacant, the county court filled the vacancy (23); and after 1850, when the constable's office was made elective, the county court temporarily filled the vacancy pending an election. (24)

Compensation

The constable has always been paid on a fee basis. (25)

Deputies

In 1893 the constable had the power to appoint one or more deputies. (26) One year later it was provided that such appointments be made with the consent of the county judge, and that such deputies reside in the same district as the constable by whom they were appointed. (27) Recent legislation provided for the removal of deputy constables by order of the county court, upon written direction of the constable. (28)

Functions

Servant of Court

Since 1827 the constables of Anderson County executed warrants against persons breaching contracts with owners of boats (29); executed warrants in bastardy cases (30); levied any execution or attachment; served or executed warrants or other process anywhere in the county; and endorsed all warrants or other process executed by him. (31) He also summoned witnesses (32), served and made returns of notices in cases of injunctions, and gave notice of ejectment and every other notice required by law, endorsing on each the

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22. LITTELL, 1803, III, 127; Acts: 1851-52, p. 66; 1891-93, p. 817; CARROLL, SEC. 428.
23. CONST. 1799, ART. 3, SEC. 9; LITTELL, 1799, II, 294.
24. CONST. 1850, ART. 6, SEC. 7; GEN. STAT., 1873 ED., P. 336; Acts, 1891-93, P. 146; CARROLL, SEC. 1526.
25. LITTELL: 1798, II, 26; 1799, II, 299-301; Acts, 1851-52, P. 307; GEN. STAT., 1873 ED., PP. 179, 471, 472; Acts, 1891-93, P. 1143; CARROLL, SEC. 1733.
26. Acts, 1891-93, P. 816.
27. Acts, 1894, P. 35.
28. Acts, 1933, P. 481; CARROLL, SEC. 425.
29. LITTELL, 1794, I, 262.
30. IBID., 1795, I, P. 282; Acts, 1891-93, P. 68; CARROLL, SEC. 168.
31. LITTELL: 1803, III, 131; 1804, III, 239; 1813, V, 28; Acts: 1819-20, P. 885; 1891-93, PP. 819, 820; CARROLL, SEC. 436.
32. LITTELL, 1803, III, 130; Acts, 1891-93, P. 818; CARROLL, SEC. 436.

Constables (Next entry 265, p. 258)

time it was given. (33) Later laws reaffirmed these duties, and required him to execute the rules and orders of the court in all criminal, penal, and civil cases, and make return to the court on or before return day, noting the time of execution on each return. (34) He has never been permitted to execute a process in which he was personally interested, or to sell or levy on land. (35) He could not execute or make return of "not found" without actually visiting the home of the defendant, if known to him. (36)

An old Virginia law in effect when Anderson County was created authorized the constable to execute warrants to search for deer skins, in order to detect violations of the hunting laws. (37) Later statutes, still in effect, require him to enforce the game and bird law. (38) The present law concerning the same forbids killing, catching, injuring, or molesting of elk or deer. (39)

Maintenance of Law and Order

The constable early had conferred upon him the power to execute warrants destroying gambling devices, and he could call upon bystanders for assistance, if needed. (40) Today he has authority not only to destroy, but also to seize, with or without warrant, any illegal gambling device. (41) From the beginning of his office he has been authorized to arrest persons engaged in riots, routs, and breaches of the peace (42); to conduct prisoners to jail and to arrest persons charged with bribery (43); and to arrest fugitives from justice and, before slavery was abolished, to whip slaves, by order of a justice of the peace. (44) The constable has the right to carry concealed weapons. (45)

Collection of Revenue

Unless precept was against property in the district, the constable could not be forced to receive a fee bill, precept, order for witness attendance, or other claims, against anyone residing outside his district. (46) It has always been his duty to account to the court giving him an order for his own

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33. LITTELL, 1803, IV, 458.
34. GEN. STAT., 1873 ED., P. 240; ACTS, 1891-93, P. 818; CARROLL, SEC. 436.
35. ACTS: 1820-21, P. 248; 1891-93, P. 819; CARROLL, SEC. 440.
36. LITTELL, 1803, III, 128; ACTS, 1891-93, P. 819; CARROLL, 437.
37. LITTELL, (VA. LAW 1738) III, 555.
38. GEN. STAT., 1873 ED., P. 495; ACTS, 1916, P. 333; CARROLL, SEC. 1954B-14.
39. ACTS: 1920, P. 575; 1936, P. 159; CARROLL, SEC. 1938A-16.
40. LITTELL, 1804, III, 176, 177; ACTS: 1851-52, P. 344; 1891-93, P. 743.
41. IBID.; CARROLL, SEC. 1962.
42. LITTELL, 1803, III, 130.
43. IBID.
44. IBID.: 1805, III, 300; 1806, III, 403; ACTS, 1891-93, PP. 196, 790, 810.
45. IBID., P. 800; CARROLL, SEC. 1313.
46. LITTELL, 1803, III, 120; ACTS, 1891-93, P. 819; CARROLL, SEC. 436.

Constables

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and other officers' fees placed in his hands for collection. He is also required to give additional security when demanded by the county court. (47) Early statutes required the constable to take forthcoming and replevin bonds, and he still has authority to distrain for his own and other officers' fees placed with him for collection. (48)

An early law also required him to collect bonds forfeited by other constables; later, he collected fines and forfeitures, and accounted for them, before making payment to the proper officials. (49) Today, like the sheriff, the constable is authorized to account for and make payment of fees, fines, and forfeitures (50), and to levy on and satisfy fee bills, orders of witness attendance, distress warrants, and attachments in the order in which they are placed in his hands. (51)

By statutory provision in 1859, the constable delivered to the sheriff all property attached by him, when the amount involved was more than $50. (52) Later acts broadened the jurisdiction of justices' courts to include cases involving as much as $100. As a result, the constable could levy on and distrain personal property up to $100, and make his return on such distress to the justice's court issuing it, until approximately 1925, when the Anderson County justices ceased holding court. (53)

The duties of the constable were so materially curtailed after the justices no longer held court, that the need for this officer decreased, and at the present time there is no constable in Anderson County.

These officers kept no records.

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47. LITTELL: 1803, III, 130; 1806, III, 329; ACTS, 1891-93, P. 819; CARROLL, SEC. 426.
48. LITTELL: 1803, III, 130; 1806, III, 329; ACTS, 1891-93, P. 819, 1012, 1013; CARROLL, SEC. 441.
49. LITTELL: 1803, III, 127; 1806, III, 374.
50. ACTS, 1891-93, P. 819; CARROLL, SEC. 441.
51. ACTS: 1819-20, P. 867; 1851-52, P. 66; 1891-93, P. 819; CARROLL, SEC. 442.
52. ACTS, 1858-59, P. 261.
53. ACTS, 1891-93, P. 1057; CARROLL, SEC. 1006.

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X. JAILER

Structure

Creation: Selection and Term

In 1827, when Anderson County was created, it was a function of the county court to appoint a jailer as often as necessary to hold office at the pleasure of the court. (1)

On February 5, 1827, George Morris was appointed as the first jailer of Anderson County. (2) The office continued to be appointive until 1850 when it was made elective for a 4-year term. (3) Constitutional provision in 1891 reaffirmed both the method of selection and the term (4), and empowered the Kentucky General Assembly to consolidate, at any time, the offices of sheriff and jailer in the county. (5) This consolidation was accomplished by an act of 1934 (6), but legislation passed in 1937 repealed this act. (7)

Qualifications

The jailer was required to be a resident of Anderson County for 1 year prior to his appointment or, as in the case of the first jailer, of one of the counties from which the new county was taken. (8) In 1850, however, this residence requirement was changed to 2 years in the State and 1 year in the county, before a candidate could qualify for office. (9) This requirement is in effect today. (10)

Prior to 1850 no age qualification was definitely specified for the jailer, but in that year he was required to be at least 24 years old, the present age requirement, before he could be a candidate for the office. (11)

Oath and Bond

Since the beginning of his office the jailer has been required to take oath, and give surety bond before undertaking the duties of his office. (12)

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1. CONST. 1799, ART. 3, SEC. 9; LITTELL, 1799, II, 294.
2. COUNTY COURT ORDERS, FIRST VOL. NOT LABELED, P. 10, SEE ENTRY 194.
3. CONST. 1850, ART. 6, SEC. 1.
4. CONST. 1891, SEC. 99; ACTS, 1891-93, P. 143; CARROLL, SEC. 1519.
5. CONST. 1891, SEC. 105.
6. ACTS: 1934, P. 540.
7. ACTS, 1936-37, FOURTH SPECIAL SESSION, P. 120; CARROLL, SEC. 2237-1.
8. CONST. 1799, ART. 3, SEC. 9; ACTS, 1834-35, P. 192.
9. CONST. 1850, ART. 6, SEC. 2.
10. CONST. 1891, SEC. 100.
11. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
12. LITTELL, 1799, II, 294; CONST. 1850: ART. 6, SEC. 9; ART. 8, SEC. 1; CONST. 1891, SECS. 103, 228; ACTS, 1891-93, P. 751; CARROLL, SEC. 2224.

Jailer

(Next entry 265, p. 258)

Removal

By an early act the county court was authorized to remove the jailer for neglect of duty. (13) The Constitution of 1850 provided that the jailer was subject to indictment or prosecution for any misdemeanor in office or for intentional neglect of official duties, in such manner as might be prescribed by law. Conviction for such misdemeanor automatically removed him from office, although he had the right of appeal to the Court of Appeals. The Kentucky General Assembly could also provide other methods for the removal or reinstatement of this officer. (14) The legislature passed an act March 20, 1924, which provided that if this officer were found guilty of gross misconduct, bribery, or gross neglect of duty, the Governor should remove him from office. He could, however, take an appeal to the Court of Appeals within 10 days after entry of the order of removal. (15)

Vacancy

In 1812 provision was made for the sheriff to perform the duties of the jailer in the event the jailer himself was committed to jail. (16) Later statutes provided that whenever the office of jailer became vacant the sheriff should act as jailer, unless unable to do so. In such case the county judge appointed a person to act in his stead. (17) The county court fills a vacancy in the office pending an election. (18)

Compensation

Early statutes provided that the jailer be compensated by fees. (19) In 1804 the jailer was allowed $1 per day for keeping the jail clean; furnishing fuel, candles, and ammunition to guards; and also for attending on called courts with prisoners. (20) Today, expenses of operating the jail, including the salaries of the jailer and jail employees, are paid from fees. (21)

The jailer has always been given a reasonable allowance for his attendance upon the various courts and boards (22), and today he receives from $2 to $4 for such attendance. He also received 50 cents and $1 per

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13. CONST. 1799, ART. 3, SEC. 9; LITTELL: 1799, II, 294; 1802, II, 89.
14. CONST. 1850, ART. 4, SEC. 36; CONST. 1891, SEC. 227, AMEND. 6.
15. ACTS, 1924, PP. 72-75; CARROLL, SECS. 3766A-6 TO 3766A-8.
16. LITTELL, 1812, V, 386, 387.
17. ACTS, 1891-93, P. 753; CARROLL, SEC. 2232.
18. ACTS: 1850-51, I, 329; 1891-93, P. 146; CARROLL, SEC. 1526.
19. LITTELL: 1802, III, 34, 90; 1805, III, 301; ACTS, 1817-18, P. 449.
20. LITTELL, 1804, III, 242; ACTS, 1817-18, P. 449.
21. GEN. STAT., 1873 ED., P. 468; ACTS: 1891-93, PP. 1140, 1141; 1910, PP. 198, 199, 273, 274; 1920, P. 626-628; 1932, P. 751 FF.; CARROLL, SEC. 1730.
22. LITTELL, 1805, III, 301.

day, respectively, for each county and State prisoner. (23) In addition, he receives an annual salary as custodian of both the courthouse and jail. For such services the Anderson County jailer received $720 for the year ending June 30, 1939. (24)

Deputies

Since the beginning of his office in Anderson County, the jailer has had the right to appoint a deputy, this power being recognized by the Court of Appeals in the case of Ellison v. Stevenson. (25) Later statutes reaffirmed this decision. (26)

Functions

Servant of Courts

By an act of 1891 the jailer was given the power to act in the county in civil, penal, or criminal cases, with the same authority as the sheriff. (27) In 1835 an act empowered him to execute process in the event the coroner or sheriff is unable to do so. (28) By later statutory provisions he was recognized as an officer of the county and circuit courts, and was directed to execute process of the quarterly court. (29) It was also his duty to attend sessions of the circuit court and execute its commands. (30)

Custody of Persons

Statutes in effect prior to the creation of Anderson County, later reaffirmed, directed the jailer to receive Federal prisoners. (31) Provisions under these statutes authorized him to receive and keep persons committed under ordinances of any town in the county, or by order of the circuit court. He was also required to receive and keep prisoners transferred from another county jail for safe-keeping until they were lawfully discharged. Upon order of the circuit judge he can impress or hire guards necessary for keeping prisoners safely. (32)

An act of 1893, reaffirmed in 1914, required the jailer to turn over to the superintendent of the workhouse or the work crew, all prisoners

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23. Acts, 1891-93, pp. 857, 1140; Carroll, sec. 356-1.
24. Report of Nat. B. Sewell. . . 1939.
25. Ellison v. Stevenson, 6 Monroe (T.B.) 271 (1827); Gen. Stat., 1873 ed., p. 565 ff.
26. Acts, 1891-93, p. 753.
27. Acts, 1891-93, p. 753; Carroll, sec. 2234; see Sheriff, p. 237.
28. Acts, 1835-36, p. 96.
29. Gen. Stat., 1873 ed., pp. 301, 566, 569.
30. Littell, 1802, III, 89; Acts, 1891-93, p. 752; Carroll, sec. 2225.
31. Littell: 1796, II, 57; 1800, II, 369; Gen. Stat., 1873 ed., pp.566-569; Acts, 1891-93, pp. 752-755.
32. Littell, 1802, III, 189; Gen. Stat., 1873 ed., pp. 566-569; Acts, 1891-93, pp. 752-755; Carroll, sec. 2236.

sentenced to hard labor, reporting to the county court once each month the disposition of such prisoners. (33) In 1910 he was required to cause persons under sentence of death by electrocution to be conveyed to the penitentiary. (34)

It is also his duty, upon request, to deliver the bodies of those who die in jail to their friends, or bury them decently at the county's expense. (35)

Custody of County Property

Statutes already in effect when Anderson County was created, gave the jailer supervision of the county buildings. (36) Later legislation, reaffirmed in 1830 and 1908, extended this duty to include supervision of the public square. (37) He has always had power to sue for any damage to property under his supervision. (38) In order to expedite his duties of superintending the care of the jail, he was required to reside near the jail, and since 1891 he has been required to live within a distance of not more than 400 yards from it. (39)

Since the beginning of his office the jailer has been exempt from jury duty and militia service. (40)

Recordation

He is required to keep a register and, at the expiration of his term, to deliver to his successor the custody of the county jail with its keys, furniture, and the prisoners, together with this register and all official papers of commitment or liberation. (41)

All records are located in the home of the jailer.

265. JAIL REGISTER, Nov. 4, 1918--. 1 vol.
Record made by jailer of prisoners committed to jail, showing: date committed, name of prisoner, charge, by what court committed, when released, by whose order released, number of days in jail, amount due jailer for

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33. Acts: 1891-93, p. 813; 1914, pp. 467, 468.
34. Acts, 1910, p. 111; Carroll, sec. 1137-2.
35. Gen. Stat., 1873 ed., pp. 536-569; Acts, 1891-93, p. 752; Carroll, sec. 2226.
36. Acts, 1820-21, p. 48.
37. Gen. Stat., 1873 ed., p. 703; Acts, 1879, I, 194, 195; 1908, p. 117; Carroll, sec. 3948.
38. Acts, 1820-21, p. 48; Gen. Stat., 1873 ed., p. 703; Acts: 1879, I, 194, 195; 1908, p. 117; Carroll, sec. 3948.
39. Acts, 1891-93, p. 752; Carroll, sec. 2229.
40. Littell, 1802, III, 89; Acts: 1851-52, p. 259; 1891-93, p. 956.
41. Acts, 1891-93, pp. 752, 753; Carroll, sec. 2230.

dieting, committing, and releasing prisoner, and whether chargeable to county or State. Arr. chron. by date committed. Alph. index direct by first letter of surname of prisoner showing p. no. where recorded. Hdw. under pr. hds. 237 pp. 16 x 12 x 2.

266. LIST OF CLAIMS CERTIFICATE BOOK, Jan. 1, 1934--. 1 vol. Record of claims made by jailer for services rendered courts and committing, releasing, and dieting prisoners, showing: date of claim, to what court presented, itemized list of claims for keeping prisoner and services rendered courts, date claim allowed, and amount allowed. Arr. chron. by date of claim. No index. Hdw. under pr. hds. 200 pp. 16 x 11 x 2.

XI. CORONER

Structure

Creation

The office of coroner, which was created as a county office in Kentucky by the first constitution (1), was established in Anderson County in 1827, when Everard White presented the county court with his commission from the Governor and qualified before the court as Anderson County's first coroner. (2)

Selection and Term

From 1827 to 1850, the Governor appointed the coroner from one of two persons recommended by the county court to hold office during good behavior. (3) In 1850, however, the office became elective and a coroner was elected every 4 years (4), as is the case today. (5)

Qualifications

Statutes in effect in 1827 provided that the coroner must be a resident of the county for 1 year prior to his appointment. Since the county had not

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1. CONST. 1792, ART. 6, SEC. 1.
2. CONST. 1799, ART. 4, SEC. 9; Acts, 1826-27, p. 44; COUNTY COURT ORDERS, FIRST VOL. NOT LABELED, p. 11, SEE ENTRY 194.
3. CONST. 1799, ART. 4, SECS. 8, 9.
4. CONST. 1850, ART. 6, SEC. 1.
5. CONST. 1891, SEC. 99; Acts, 1891-93, p. 143; CARROLL, SEC. 1519.

Coroner (Next entry 267, p. 275)

been in existence that long, the first coroner was required to have been a resident of one of the counties from which the new county was taken. (6) Since 1850, however, he has been required to be a citizen of the United States, and must have been a resident of the State 2 years, and of the county 1 year, preceding his election. (7)

Prior to 1850 there was no age requirement for the coroner. Since that time he has been required to be at least 24 years of age, at the time of his election. (8)

Oath

The coroner has always been required to take the oaths to support the constitution and to perform the duties of his office faithfully. In addition since 1850, he must not have participated in any way in duels. (9)

Bond

Legislation enacted prior to 1827 provided that the coroner must furnish bond and security. From 1850 to 1892, he gave such bond as often as was deemed necessary by the county court. Legislation passed in 1892, in force today, provided that he renew his bond every 2 years, or as often as required by the county judge. (10)

Removal

The coroner has always been liable to impeachment for misdemeanor in office, by concurrence of two-thirds of the House of Representatives. (11) In 1891, constitutional provision made him subject to indictment or prosecution for any misdemeanor in office or for willful neglect of official duties, in such mode as may be prescribed by law; he had the right, however, of appeal to the Court of Appeals. (12) Later legislation provided that if a coroner is found guilty of gross misconduct, bribery, or gross neglect of duty, he may be removed from office by the Governor; however, he has the right of appeal to the Court of Appeals within 10 days after the entry of the order of removal. If removed, he is disqualified from holding office in this State for 4 years. (13)

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6. CONST. 1799, ART. 3, SEC. 9.
7. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
8. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100.
9. CONST. 1799, ART. 6, SEC. 1; CONST. 1850, ART. 9, SEC. 1; CONST. 1891, SEC. 220; ACTS, 1891-93, P. 369; CARROLL, SEC. 527.
10. LITTELL, 1798, II, 69; CONST. 1850, ART. 6, SEC. 9; GEN. STAT., 1873 ED., P. 262; CONST. 1891, SEC. 103; ACTS, 1891-93, P. 369; CARROLL, SEC. 527.
11. CONST. 1799, ART. 5, SECS. 1-3; CONST. 1850, ART. 5, SECS. 1-3; CONST. 1891, SECS. 66-68.
12. IBID., SEC. 227, AMEND. 6.
13. ACTS: 1924, PP. 72-75; 1926, PP. 680-691; CARROLL, SECS. 3766A-6, TO 3766A-8.

Vacancy

In 1827, a vacancy in the office of coroner was filled by the Governor from one of two persons recommended by the county court, a majority of the magistrates concurring. Upon the failure of the court to recommend a proper successor within 12 months, the Governor, with the consent of the Senate, then made the appointment from other recommendations. (14) Since 1850, when the office of coroner became elective, the county court has filled a vacancy by making a temporary appointment, until a successor could be elected and qualified. (15) The office of coroner has always been considered as vacant, upon the coroner's removal of residence from the county, since this removal was construed to be incompatible with the performance of the functions of this office. (16)

Compensation

The coroner has always been compensated for his services on a fee basis, regulated by law. (17) When a coroner could not conduct an inquest, and a justice of the peace performed this duty, he was entitled to the same fee as that allowed the coroner. (18)

In 1852 the coroner was allowed a fee of $3 for holding an inquest, including burial. This amount was to be paid out of the estate if sufficient funds were available therefrom; if not, it was to be paid out of the county levy. (19) Recent legislation reaffirmed these provisions and increased this allowance to $12. For services similar to those performed by sheriffs and constables, the coroner's fees are the same as the fees received by those officers. (20)

Deputies

If the coroner is ill or unable to attend to his duties personally, he may appoint a deputy at his own expense to act with full power in his place. In the event no deputy is appointed and the condition of the body demands immediate interment, any justice of the peace may hold the inquest. (21)

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14. CONST. 1799, ART. 4, SEC. 8.
15. ACTS, 1850-51, I, 96; GEN. STAT., 1873 ED., P. 366; ACTS, 1891-93, P. 146; CARROLL, SEC. 1526.
16. LITTELL, 1796, III, 72; CONST. 1850, ART. 8, SEC. 11; CONST. 1891, SEC. 234; ACTS, 1891-93, P. 913; CARROLL, SEC. 3746.
17. LITTELL, 1792, I, 167; ACTS, 1851-52, P. 307; GEN. STAT., 1873 ED., P. 472; ACTS, 1891-93, P. 1145; CARROLL, SEC. 1739.
18. ACTS, 1851-52, P. 10; GEN. STAT., 1873 ED., P. 311; ACTS, 1891-93, P. 371; CARROLL, SEC. 535.
19. ACTS, 1851-52, P. 307; REV. STAT., I, 523.
20. ACTS, 1924, P. 77; CARROLL, SEC. 1739.
21. ACTS, 1936, P. 271; CARROLL, SEC. 1735.

Coroner (Next entry 267, p. 275)

Functions

Inquests

The paramount duty performed by the coroner is and always has been that of holding an inquisition, with the aid of a jury, over the body of any person whose death may have resulted from violence. (22)

Whenever he considered it necessary, the coroner had authority to search any sink or vault for a dead body. (23) If he had reason to believe a human being had died in his county from unnatural causes and without the attendance of a qualified physician, it was his duty to investigate such death, and hold an inquest over the body upon the request of any responsible citizen. (24) When death resulted from an act of violence or an accident within 90 days from the date of such occurrence, the coroner hold an inquest in the same manner as if death had occurred immediately. These laws govern the present procedure in the holding of inquests. (25)

In case of a violent death, the coroner ordered the sheriff or constable to summon a jury to the place where the death or crime occurred, to determine the cause or the culprit. (26) Formerly a jury of 12 persons was required in all cases of probable homicide (27), but subsequent legislation changed this number to 6 householders. This change also applied to juries summoned for inquests conducted by a justice of the peace, and is the law today. (28)

When an inquest results in the indictment of a person or persons for murder or manslaughter, or as an accessory or accessories thereto, it was the coroner's duty to put the evidence given the jury in writing; locate material witnesses to appear at the trial of the indicted person or persons; recognize such witnesses who were to appear before the circuit court on the first day of the next term; and to return the recognizances, with the testimony taken at the inquest, to the circuit court clerk's office. (29) He was further authorized to arrest and commit to the county jail any person who at an inquest was found guilty of murder, manslaughter, or of being an accessory thereto. If the culprit had fled, the coroner could summon aid, pursue, and arrest him whenever he was found in the State; also, at inquests, in cases of indictment of accused persons, he had the power to bind witnesses to appear before the circuit court. (30)

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22. LITTELL, 1798, II, 69, 70; REV. STAT., II, 349; Acts, 1859-60, I, 49; GEN. STAT., 1873 ED., P. 263; Acts, 1891-93, P. 369; CARROLL, SECS. 528, 533.
23. Acts, 1891-93, P. 371; CARROLL, SEC. 534.
24. Acts, 1936, PP. 269, 270; CARROLL, SEC. 528.
25. Acts, 1936, PP. 269, 270; CARROLL, SEC. 528.
26. LITTELL, 1798, II, 69; REV. STAT., II, 349, 350; Acts, 1891-93, PP. 369-371; CARROLL, SECS. 528, 533.
27. LITTELL, 1798, II, 69.
28. Acts, 1859-60, I, 49; GEN. STAT., 1873 ED., P. 263; Acts: 1891-93, P. 369; 1936, P. 270; CARROLL, SEC. 533.
29. REV. STAT., II, 350; GEN. STAT., 1873 ED., P. 263; Acts, 1891-93, P. 370; CARROLL, SECS. 529, 530.
30. Acts, 1891-93, PP. 369, 370; CARROLL, SECS. 529, 530.

Coroner

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Legislation in 1851 provided that, when the coroner was absent from the county, or at such distance that his immediate attendance could not be obtained when necessary, any justice of the peace through his common law powers could summon a jury and hold an inquest when the condition of the body warranted speedy interment. The justices' power to hold inquests in the absence of the coroner was first limited to certain counties; however, an act of 1858 extended it to all counties. (31)

Unless requested by an authorized person, or unless he has reason to believe a crime had been perpetrated, the coroner has no right to hold an inquest or post mortem. If he holds an autopsy without the fulfillment of the above conditions - as, for instance, at the request of an insurance company - he is liable to prosecution for damages by the relatives of the deceased. (32)

Following an inquest the coroner released the body to legitimate claimants for burial; however, if the identity of the deceased person was unknown, he arranged for burial at the expense of the county. (33) Statutory provision in 1892, effective today, required the coroner, or justice of the peace who acted for him, to turn over to the county judge within 10 days any money or valuables found upon an unknown deceased person. This money, if adequate to cover the burial expenses, was used for that purpose. The remainder, if not claimed by persons legally entitled thereto, was paid into the county treasury. (34) Recent legislative enactment required that the coroner be notified immediately by persons aware of deaths under suspicious circumstances. Removal of the body, or of anything from it, was strictly prohibited unless directed by the coroner or other authorized person, as is the case today. (35)

In 1860 the coroner had the power to employ a competent physician or surgeon to hold a post-mortem examination, if necessary, on the body over which an inquest was held, provided it assisted him in carrying out his common law powers and duties as previously set forth. (36) An act of 1892 authorized the coroner to employ a competent chemist to analyze the contents of the stomach of any deceased person, if he had reasonable grounds to believe that death resulted from poison. (37) Upon receipt of an affidavit from any person stating a reasonable belief that such deceased person now buried, had died from poison or other unknown illegal cause, it was the duty of the coroner, county judge, or justice of the peace, to have the body exhumed and a chemical or other examination made to determine the cause of death. (38)

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31. Acts: 1851-52, p. 10; 1857-58, I, 6; Gen. Stat., 1873 ed., p. 311; Acts: 1891-93, p. 371; 1936, p. 271; Carroll, sec. 535; see Justices' Courts, p. 229.
32. Striepe v. Liberty Mutual Insurance Company, 243 Ky. 15 (1932).
33. Littell, 1798, II, 69; Rev. Stat., III, 350; Gen. Stat., 1873 ed., p. 263; Acts, 1891-93, p. 370; Carroll, sec. 531.
34. Acts, 1891-93, p. 370; Carroll, sec. 531.
35. Acts, 1936, p. 270; Carroll, sec. 528.
36. Acts, 1859-60, I, 106.
37. Acts, 1891-93, p. 370; Carroll, sec. 537A.
38. Acts, 1912, p. 217; Carroll, sec. 537A.

The coroner and the person employed by him, immediately after the inquest proceedings had been concluded, were required to make out, sign, and file with the county court clerk, a concisely-written and sworn report of their findings. (39)

Peace Officer Functions

The coroner had the power to execute process in all criminal, penal, and civil cases; to execute warrants in bastardy proceedings in cases in which the sheriff was charged; and to remove to other counties property of the sheriff which is levied on for sale under an execution, and cannot be sold in the county in which the sheriff resides. He could also execute judgments in cases where the process is served by him and execute process in criminal cases where the sheriff is defendant or related to the defendant. When so acting, the laws in regard to the sheriff apply to and govern the coroner. (40)

Although the coroner, who always has been the highest peace officer in the county with power to arrest even the sheriff, was authorized to investigate housebreaking before the county had adequate police protection, he left such investigations to the sheriff or police, where they were available. (41)

The coroner is not required to keep any records. For reports of coroners to circuit court, see entry 136.

XII. TAX COMMISSIONER

Structure

Creation

Upon the establishment of Anderson County, the county court on March 5, 1827, upon authority of an act of 1810, appointed Alvin Herndon as first

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39. Acts, 1912, pp. 217, 218; Carroll, sec. 537A.
40. Littell: 1795, I, 202; 1798, II, 64, 72; 1805, III, 292; Acts, 1820-21, p. 117; Gen. Stat., 1873 ed., p. 263; Acts, 1891-93, p. 371; Carroll, sec. 536.
41. Littell, 1798, II, 69; Rev. Stat., II, 349; Acts, 1859-60, I, 49; Gen. Stat., 1873 ed., p. 263.

commissioner of the revenue tax and county levy for that year. (1)

Selection and Term

In 1818 the county court was authorized to partition the county into districts and appoint a commissioner for each district, to serve for 10 months. (2) An act of 1825 repealed the act of 1818 and reinstated provisions of an act of 1810, with the addition that, if the bounds of any militia company lay within the bounds of the two or more counties, the court of the county in which the company commander lived, made the appointment and necessary reappointments. (3) In 1831 the court was instructed to make such appointments every second year instead of annually (4), but this act was repealed by a statute approved January 17, 1834, which restored annual appointments. (5)

An act approved March 2, 1844, provided that, if the court failed to appoint commissioners of the tax before March of any year, the county court clerk, no court being in session, should fix a day in March 1844, and similarly in each year thereafter, for a meeting of the county court to appoint commissioners. If the court failed to make such appointments on or before April 1 of any year, the clerk was authorized to lay off the county into districts, if necessary, and to notify the Governor immediately of his action, whereupon the Governor appointed the commissioners for the county. (6)

The office of county assessor was created by constitutional provision in 1850. The incumbent, who was elected for a term of 4 years, assumed the duties of the former district commissioners of the tax. (7) The Constitution of 1891 provided that the General Assembly could abolish the office of assessor and authorize assignments by other officers, or reestablish the office and prescribe its duties. (8)

The Kentucky General Assembly by an act approved March 6, 1918, abolished the office of county assessor and established the office of county tax commissioner which assumed the powers and duties formerly exercised by the county assessor. The term of office remained the same. (9) However, in creating the office of county assessor the constitution failed to mention whether or not the incumbent was eligible for a succeeding term (10), but

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1. LITTELL, 1810, IV, 159-163; COUNTY COURT ORDERS, 1ST. VOL. NOT LABELED, P. 9, ENTRY 194.
2. ACTS, 1818-19, P. 652.
3. ACTS, 1825-26, PP. 84-87.
4. ACTS, 1831-32, P. 173.
5. ACTS, 1833-34, P. 342, 343.
6. ACTS, 1843-44, PP. 78-80.
7. CONST. 1850, ART. 6, SEC. 11; ACTS, 1850-51, I, 378; GEN. STAT., 1873 ED., PP. 718, 719.
8. CONST. 1891, SEC. 104.
9. ACTS, 1918, P. 32; CARROLL, SEC. 4042A-1.
10. CONST. 1850, ART. 6, SEC. 11.

an act of 1874 specifically barred him from a successive second term. (11) A later act made him eligible (12), but in 1891 by constitutional provision he was again made ineligible for a second successive term. (13) By recent legislation the tax commissioner may now be a candidate for reelection. (14)

Qualifications

No age limit for a commissioner of the tax was specified until an act approved February 18, 1840, provided that he must be at least 21 years of age preceding his election to office. (15) By provision in 1850 he was required to be at least 24 years of age (16), as he must be today. (17)

Oath

From the establishment of the office in Anderson County until the present day, the commissioners of the tax, the county assessors, and the county tax commissioners, respectively, have been required by both constitutional and statutory provisions, to take the oaths to support the constitution and to perform the duties of their office faithfully, with the added stipulation in 1850 that they must not have participated in any way in duels. (18)

Bond and Security

Early legislation directed the commissioner of the tax to give bond with sufficient security, in the amount of $2,000, payable to the Governor, (19) A later act, however, stipulated that each commissioner of the tax give bond in the amount of $500, with security approved by the county court. (20) Constitutional provision in 1850 and later legislation required the assessor to give bond with good surety. (21) More recent enactment, in effect today, directed the county tax commissioner to execute bond of $1,000 to the Commonwealth, with security approved by the county court for himself and his deputies. (22)

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11. Acts, 1873-74, p. 49.
12. Acts, 1877-78, I, 13-15.
13. Const. 1891, sec. 104.
14. Acts, 1918, p. 32; Carroll, sec. 4042a-2.
15. Acts, 1839-40, p. 224.
16. Const. 1850, art. 6, sec. 2.
17. Const. 1891, sec. 100.
18. Const. 1799, art. 6, sec. 1; Acts, 1827-28, p. 37; Const. 1850, art. 8, sec. 1; Gen. Stat., 1873 ed., p. 718, 719; Const. 1891, sec. 228; Acts, 1918, pp. 32, 33; Carroll, sec. 4042a-3.
19. Littell, 1799, II, 316.
20. Acts, 1828-29, p. 149.
21. Const. 1850, art. 6, sec. 9; Acts, 1850-51, I, 275; Gen. Stat., 1873 ed., p. 719; Const. 1891, sec. 103.
22. Acts, 1918, p. 33; Carroll, sec. 4042a-4.

Tax Commissioner (Next entry 267, p. 275)

Removal

At the beginning of his office, the commissioner of the tax was removable for cause by the court (23), and later acts made his removal automatic should he be convicted of any felony. (24) The county tax commissioner and prior assessing officials have also been liable to impeachment by the House of Representatives for any misdemeanor in office with conviction by concurrence of a two-thirds majority of the members present in the Senate. (25) By later constitutional provision, they were also subject to indictment or prosecution for any misdemeanor in office, or for willful neglect of official duties, conviction of which resulted in removal; however, the right of appeal to the Court of Appeals was extended. (26)

Vacancy

Under legislation passed before the creation of Anderson County until 1850, a vacancy in the office of commissioner of the tax was filled by appointment by the county court. (27)

Since 1850, when the assessor succeeded the commissioner of the tax, and was in turn succeeded by the tax commissioner, a vacancy has been filled by the county judge until a successor could be elected and qualified. (28)

Compensation

Early enactment provided that each commissioner of the tax be allowed 6 shillings for every day he served (29); however, later legislation repealed all previous laws with regard to compensation for commissioners of the tax. (30) Between 1825 and 1827, commissioners in many counties failed or refused to function because no compensation was allowed them. To remedy this situation, an act of 1827 provided $1 per day as their remuneration for each day worked. (31) In 1829 a commissioner was allowed 5 cents for each list of taxable property turned in, but if this rate yielded less than $1 per day, the county court could, if satisfied the commissioner had worked diligently, make up the difference. (32) In 1850, the rate per list of taxable property was increased to 8 cents (33); and still later, to 15 cents. (34) Legislation in 1924 and subsequently allowed the county tax commission-

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23. Acts, 1818-19, p. 652.
24. Acts, 1851-52, p. 13.
25. Const. 1799, art. 5, secs. 1-3; Const. 1850, art. 5, secs. 1-3.
26. Const. 1891, sec. 27, amend. 6; Acts, 1918, p. 34; Carroll, sec. 4042a-7.
27. Acts: 1818-19, pp. 652-650; 1825-26, p. 84; 1831-32, p. 173; 1833-34, p. 342.
28. Const. 1850, art. 6, sec. 11; Gen. Stat., 1873 ed., p. 386; Acts, 1918, p. 33; Carroll, sec. 4042a-6.
29. Acts, 1818-19, p. 658.
30. Acts, 1825-26, pp. 84-87.
31. Acts, 1826-27, pp. 28, 29.
32. Acts, 1828-29, p. 149.
33. Acts, 1850-51, 1, 276; Rev. Stat., II, 252.
34. Gen. Stat., 1873 ed., p. 720.

er 5 cents on each $100 of the first $1,000,000 assessed valuation and 2 cents on each additional $100 valuation, provided that his annual compensation did not exceed $4,000. (35)

Deputies

Prior to 1850 no provision was made for deputy commissioners. In 1850, a constitutional provision allowed the assessor to appoint, with the approval of the court, as many capable deputies, not under 24 years of age, as were necessary. These deputy assessors could be removed at the will of the assessor. (36) In 1918 the commissioner was authorized to appoint, with the approval of the State Tax Commission, as many deputies not under 21 years of age as necessary, and authorized him to remove them at his discretion. (37)

Requirements and Exemptions

Early enactment exempted the commissioner of the tax from military duty, highway work, and jury service. (38) Failure to perform his duties without reasonable excuse subjected him to a fine of not over $100, the amount to vary with the degree of the offense. (39) Later this limitation was raised to $500. (40) In 1918, the county tax commissioner was required to keep his office open at all reasonable times from July 1 to October 31. (41) He was required to attend the annual conference of the State Tax Commission held at Frankfort, Kentucky, for the purpose of receiving instructions with regard to assessment duties. (42) Since 1918, before becoming a candidate, he has been required to hold a certificate from the State Tax Commission, attesting his capability for the office. (43)

Functions

Since the county official responsible for making assessments has been designated, at various times, as commissioner of the tax, assessor, and tax commissioner, for the purpose of clarity the term "tax commissioner" will henceforth be used in this essay in the discussion of the functions of the office.

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35. Acts: 1924, pp. 319, 320; 1938, pp. 356-358; Carroll, sec. 4042A-8.
36. Const. 1850, art. 6, secs. 2, 11; Gen. Stat., 1873 ed., pp. 718, 719.
37. Acts, 1918, p. 32; Carroll, sec. 4042A-3.
38. Acts: 1818-19, p. 658; 1825-26, p. 86.
39. Ibid.
40. Gen. Stat., 1873 ed., p. 718; Acts, 1918, p. 32; Carroll, sec. 4042A-3.
41. Acts, 1918, p. 39; Carroll, sec. 4042A-12.
42. Acts, 1918, p. 558; Carroll, sec. 4114i-12.
43. Acts, 1918, pp. 36-39; Carroll, sec. 4042A-11.

Tax Commissioner (Next entry 267, p. 275)

Assessment

When Anderson County was created it became the duty of the tax commissioner, every August, to call on each person in his district subject to taxation, obtain a written list of taxables, and make a return on his own property, on oath, to another commissioner. (44) After collecting the lists of property in his district, he was required to make four alphabetical general lists, showing by columns the date of receipt of each list, each person chargeable with the tax, the number and quantity of each kind of property, and the number of free males over the age of 21 years, distinguishing those subject to county levies. (45) Each commissioner kept one list; a copy, with the original lists taken from individuals in the district, went to the county court clerk; a second copy, after being certified by the clerk, was delivered to the sheriff as his guide in collecting the taxes; and the third was transmitted by the commissioner to the State Auditor of Public Accounts. All lists were delivered to the above-mentioned persons on or before October 3. (46) The tax commissioner received from the county court clerk a report of the amounts of money collected as tax on filing certain legal papers, compared this report with the clerk's record, and certified the same to the State Auditor. He also received from the clerk a list of insolvents as compiled by the sheriff, and was required to enter this list in his tax books. He also was required to transmit to the State Auditor a list of all fines and additional taxes, and all taxpayers who had moved to other counties. (47) The commissioner submitted to the county court a list of property belonging to persons who had made a fraudulent return, or who had refused to give a list on oath; property belonging to such persons was subject to a triple tax, recoverable in the county court. (48) When the commissioner returned his tax books to the county court clerk, he also returned a list of names of persons failing to give in their lists, and of those giving in false returns. He placed a value on such unlisted property, which, together with competent evidence, was used by the court in determining the valuation upon which the triple tax was based. (49)

The commissioner compiled his list after March 10 of each year and was required to turn it over to the county court clerk by June 30. (50) By an act approved December 20, 1794, each commissioner was required to appraise the value of all town lots within his district, and to assess a tax of 3 shillings per 100 pounds valuation, exclusive of improvements. (51) An act of February 8, 1815, provided penalties for failure to make tax returns and in such instances authorized the commissioner, on the best in-

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44. LITTELL, 1792, I, 65, 66.
45. IBID., P. 67.
46. IBID.
47. IBID., P. 69.
48. IBID., P. 67.
49. ACTS: 1818-19, PP. 654-660; 1825-26, P. 86.
50. LITTELL, 1793, I, 215.
51. IBID., 1794, I, 268.

formation obtainable from any source and upon his own judgment, to impose a penalty. (52) In listing his personal property for taxation, a commissioner was required to make out his list under oath to another commissioner, who, in turn, gave it to the county court clerk. (53)

After giving 10 days' notice, each commissioner attended the muster of his company in April and June to receive lists of taxable persons. Included within this category were white men over 21, and slaves over 16 years of age, who were subject to a poll tax not exceeding $1.50 per person per year, and those owning property within the bounds of his militia company. Assessments were made as of March 10. Widows and infirm persons were not required to attend the muster, it being the duty of the commissioner to make a personal application to them. Single men and women not attending the muster were allowed until August 1 to hand in their tax lists. All taxpayers took oath and swore to the correctness of their lists and were required to so describe their property that the commissioner would be able to estimate its value. (54) This system of taxation whereby a commissioner functioned within the confines of his military company was abolished in 1828. (55) Later a decision was handed down by the Court of Appeals which ruled that it was the duty of the district commissioner to apply at the residence of each citizen for a list of taxable property, and that the citizen incurred no penalty for his failure to turn in a tax list unless he was called upon for it at home. (56)

An act approved February 23, 1874, and effective October 1, 1874, directed that each voting precinct constitute a revenue district; that the commissioner enter the assessment of each revenue district in a separate book; and that each taxpayer, regardless of race, be furnished with a blank tax form on which to report a complete list of all his taxable estate, real, personal, and mixed. (57)

Prior to 1874, the taxable property of Negroes, mulattoes, and Indians was listed in a separate book (58), but this provision was repealed in 1874 by the above-mentioned act approved February 23, 1874, which required the commissioner to assess all taxpayers regardless of color in the same book. (59) A later act directed the commissioner to make out and file with the county court clerk a complete list of property exempt from taxation. (60) Later statutes required the commissioner to assess his county by justices' districts, keeping the assessment of each district in a separate book.

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52. IBID., 1815, V, 289.
53. ACTS, 1818-19, P. 652 FF.
54. ACTS, 1825-26, PP. 84-86.
55. ACTS, 1827-28, P. 37.
56. LEE V. COMMONWEALTH, 6 DANA 311 (1838); ACTS, 1906, P. 112; CARROLL, SEC. 4065.
57. ACTS, 1873-74, PP. 47-49.
58. GEN. STAT., 1873 ED., P. 718.
59. ACTS, 1873-74, PP. 47-49.
60. ACTS, 1881-82, I, 8, 9.

By December 15 of each year he must have completed his list and returned his tax books to the county court clerk, together with the statement of property transfers furnished him before September 15 by that clerk. (61)

Later enactment required the commissioner, if he had added any item to a tax list after receiving it from a taxpayer, to report the name of the taxpayer to the board of tax supervisors, together with a short explanation of the reason for making the addition. (62)

Legislative provision made in 1892 and subsequently required him not only to assess his county by justices' districts, making a separate book for each district, but also to make a separate book for each incorporated city, town, or taxing district. (63)

By an act approved November 11, 1892, the commissioner was provided with blank tax schedules prepared by the State Auditor of Public Accounts, which contained numerous and searching interrogatories designed to elicit full and accurate information regarding every conceivable type of property. These schedules also contained two columns: In one column, the taxpayer fixed the value of his property; and in the other, the commissioner fixed what, in his judgment, was a proper valuation. If the value fixed by the commissioner was greater than the value fixed by the taxpayer, it was the commissioner's duty to notify the taxpayer, at the time of the assessment, of the amount of increase, and of the time and place of the meeting of the board of tax supervisors.

The commissioner was then required to give the board a list of all such taxpayers. (64) A later ruling held that if the commissioner raised the value of a taxpayer's property without notice being given to the taxpayer either by the commissioner or by the board of supervisors, the taxpayer did not have to pay the difference between his own valuation and the illegal assessment made by the commissioner. (65)

In 1906, legislation changed the assessment date from September 15 to September 1 (66), and later to July 1, the present assessment date. (67)

The tax commissioner is required to keep his office open at the county seat for the purpose of assessing property at all reasonable times, except Sundays and legal holidays, from July 1 to October 31, inclusive, each year. It is the duty of the tax commissioner or his deputy to see in person or to call at the residence of each taxpayer during the said time, to furnish

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61. Acts, 1885-86, I, 162.
62. Acts, 1889-90, I, 52-54.
63. Acts: 1891-93, p. 283; 1918, p. 33.
64. Acts, 1891-93, pp. 287-297.
65. Negley v. Henderson Bridge Company, 107 Ky. 414 (1899); Acts, 1906, p. 100; Carroll, sec. 4053.
66. Acts, 1906, p. 99.
67. Acts, 1918, pp. 33, 39, 40; Carroll, secs. 4042A-5, 4042A-12, 4042A-13.

a schedule, and to secure the assessment of the property of such taxpayer. If the taxpayer is not at his residence at the time of such call, the commissioner or his deputy must leave written notice, together with a copy of the schedule, stating that the purpose of such call was to assess his property. Then it becomes the duty of the taxpayer to report to the office of the commissioner and list his property within the required time. (68) It is also the duty of the commissioner to meet with the county board of supervisors to furnish necessary information in regard to assessment. (69)

Taxation

An act of 1814 required owners of wholesale and retail stores to add the value of imported merchandise to their lists of taxable property. (70) Later provisions required a value to be placed on imported, but not domestic merchandise. (71) Still later legislation required merchants to list both imported and domestic wares. (72)

In 1837 the requirements of the assessment procedure were such that each taxpayer had to fix a sum, under oath, to cover what he was worth, exclusive of the property heretofore required by law to be listed for taxation. This sum did not include his exemption of $300, nor did it include his lands or other property outside the State and subject to taxation there. The taxpayer was subject to a State ad valorem tax on this sum, and the amount was entered in a column designated "Value under the equalizing law," which did not include the growing crop, or 1 year's crop then on hand, or articles made at home for domestic use. (73)

By recent provision, the tax commissioner was required to fix a value on each note or lien, and to enter this value in his tax book against the owner or the beneficial holder of the same. He then returned the statements to the clerk for the use of the tax supervisors. (74)

Legislation in 1865 required the commissioner to list the number of dogs, over two, owned by each household, and this list the sheriff used in collecting the dog tax of $1 per dog. (75) Since 1918 the commissioner has kept a list of dog owners, as well as a list of dogs, and furnishes the sheriff and the Commissioner of Agriculture with duplicate lists. (76)

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68. Acts: 1918, p. 39; 1920, p. 186; Carroll, sec. 4042a-12.
69. Acts, 1918, pp. 40, 41; Carroll, sec. 4042a-15.
70. Littell, 1814, V, 110-116.
71. Acts, 1825-26, pp. 84-86.
72. Acts, 1830-31, pp. 173-178.
73. Acts, 1836-37, p. 313.
74. Acts, 1906, pp. 88, 98, 217; Carroll, secs. 4051a, 4051b.
75. Acts, 1865, I, 16.
76. Acts: 1918, p. 489; 1920, pp. 676-678; Carroll, sec. 688-16.

Tax Commissioner (Next entry 267, p. 275)

Before the abolition of slavery, the tax commissioner was required to list the number of free Negroes in the county in a separate column (77), but since the Emancipation Proclamation, all men over 21 years have been considered tithable. In 1863 the poll was raised from a maximum of $1.50 to a maximum of $3 per person per year; and slaves were dropped from the tax lists. (78)

Later legislation, however, provided that the fiscal court may collect a poll tax of $1.50 or less on each male residing in the county. (79)

Census and Statistics

From the creation of the county in 1827 until 1934, the tax commissioner added a column to his tax books in which he listed the number of children of school age in each school district. (80) Since 1934, this school census has been maintained by the district school attendance officer. (81)

From 1851 to 1934, each commissioner was required to return a list of the names and ages of deaf and dumb children between 7 and 21 years, on the backs of the tax books. (82) From 1852 to 1934 a similar list of blind children under 21 years of age was also returned on the backs of the tax books. (83) In 1934 legislation provided that deaf, dumb, and blind children from 7 to 21 years of age may now be enrolled by the State Superintendent of Public Instruction in one of the State institutions maintained for such special groups. (84) By an act of 1852, reaffirmed later, the commissioner was required to keep a list of births, deaths, and marriages occurring yearly in the county and to turn in this list to the county court clerk, together with the registries of clergymen, physicians, and midwives, from which the list had been compiled. (85) This statute requiring such lists of births, deaths, and marriages within the county to be kept by the commissioner, continued in effect until an act of 1910 repealed it, and transferred the duties connected with the listing of births and deaths to the Bureau of Vital Statistics under the State Board of Health. (86) Since 1910, the county court clerk has kept a list of the marriages within the county. (87) Since 1892, he has been required to furnish the Commissioner of Agriculture with crop statistics. (88)

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77. REV. STAT., II, 693.
78. Acts, 1863-64, p. 286; GEN. STAT., 1873 ED., pp. 269, 270, 710.
79. Acts: 1891-93, pp. 40, 268; 1908, p. 70; CARROLL, secs. 1039, 1382.
80. Acts: 1821-22, p. 353; 1895-96, I, 171.
81. Acts, 1934, p. 291; CARROLL, secs. 4434-25, 4434-26.
82. Acts, 1850-51, I, 26.
83. Acts, 1851-52, p. 361.
84. Acts, 1934, p. 279; CARROLL, sec. 4434-3.
85. Acts, 1851-52, p. 359; 1873-74, pp. 13, 14.
86. Acts, 1910, p. 96; CARROLL, sec. 2062A-1.
87. SEE COUNTY COURT CLERK, p. 124.
88. Acts, 1891-93, p. 20.

Tax Commissioner (Next entry 267, p. 275)

Beginning in 1825, the commissioner listed in his tax books the number of white men over 21 years old who lived within the bounds of his militia company, so that the legislature could apportion its Representatives. He also kept a separate list of all free white men over 21 years of age who lived in each town in his militia precinct. (89) In 1828 an annual census of voters was compiled by districts instead of by militia precincts. (90)

An act of 1831, effective in 1835, replaced this annual census of voters by a quadrennial census. (91) An act of 1851 required an octennial census of the qualified voters of the entire county, and a city or town was assigned a separate representation in either house of the legislature, which necessitated a separate voters' census of each city or town within each county. (92) By acts of 1878 and 1880, the commissioner was required to list in a special column in the tax book the names of all citizens who in 1879 and 1881 were entitled to vote for Representatives in the General Assembly. (93) An act of 1886, restored the annual census of voters, but did not require such a census for the years 1836 and 1887. (94) Later legislation reaffirmed this annual census. (95)

Recordation

An act of 1795 required the commissioner of the tax to make entries of land assessments in a separate book. (96) Upon returning his tax book to the county court clerk, the commissioner made a written report to the county court of the names of persons who had failed to give in a tax return or had made a false return. (97) Later statutes required him to list annually the enrolled militia. (98) In 1876, it was provided that unless the Governor publicly commanded the listing of members of the reserve militia, such listing should not be made. (99) Legislation approved January 10, 1882 directed the commissioner to make out and file with the county court clerk a complete list of property exempt from taxation. (100)

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89. Acts, 1825-26, p. 86.
90. Acts, 1827-28, p. 37.
91. Acts, 1831, p. 177.
92. Rev. Stat., II, 255.
93. Acts: 1877-78, I, 4; 1879-80, I, 4, 5.
94. Acts, 1885-86, p. 162.
95. Acts, 1906, p. 101; Carroll, sec. 4055.
96. Littell, 1795, I, 321.
97. Acts: 1818-19, pp. 654-660; 1825-26, p. 86.
98. Acts, 1865, I, 98.
99. Acts: 1875-76, I, 119; 1916, p. 477.
100. Acts, 1881-82, pp. 8, 9.

267. ASSESSORS BOOKS, 1934--. 15 vols. (numbered by dist. no.).
Title varies: Assessments, 9 vols., 1934-36.
Record of assessment lists of real and personal property subject to taxation as compiled by county tax commission, showing: tax bill number, name and address of taxpayer, name of nearest resident, itemized descriptive list of property, total tax value of land, timber, and improvements, assessed value, and amount of taxes due. Arr. numer. by dist. no. and alph. thereunder by name of taxpayer. No index. Hdw. on pr. fm. Aver. 400 pp. 17 x 20 x 4. Co. ct. clk. off.

268. ANDERSON COUNTY ASSESSMENTS, 1827-30, 1833, 1835, 1837. 7 vols. Old assessment lists of real and personal property in county, showing: name of taxpayer, description of property, number of slaves, number of head of livestock, valuation, date assessed, and signature of tax commissioner. Arr. numer. by dist. no. and alph. thereunder by name of taxpayer. No index. Hdw. under pr. hds. Aver. 100 pp. 15 x 12 x 1. Kentucky Historical Society, Old State Capitol, Frankfort, Ky.

XIII. BOARD OF TAX SUPERVISORS

Structure

Introduction

From Anderson County's establishment in 1827 until 1851, the county court had general supervision over the collection of taxes. (1) Legislation in 1851, however, provided that the county judge and the county court clerk should constitute a board to supervise matters pertaining to the collection of taxes. (2)

Creation: Selection and Term

In 1858, the county court was authorized to appoint three taxpaying citizens of the county as a board of tax supervisors to hold office for 1 year. These officials, however, were eligible for reappointment. (3) Provision in 1874 required the county judge and the justices, when sitting as a court of claims, each year to appoint a board of tax supervisors composed of one tax paying citizen from each voting precinct. (4) Later legis-

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1. LITTELL, 1792, I, 64, 67, 89.
2. ACTS, 1850-51, I, 279, 280.
3. ACTS, 1857-58, I, 57.
4. ACTS, 1873-74, p. 49.

 (Next entry 269, p. 278)

lation provided that a tax board composed of five housekeepers, residents of different sections of the county, should be appointed by the county judge. (5) In 1917 the members of the board were reduced from five to three taxpayers from different sections of the county, one of whom had to be a resident of the largest city in the county. Each was eligible for reappointment. (6) A year later the county judge was authorized to appoint three or more members to the board, provided that the total number did not exceed one person for each magisterial district in the county. (7) The present board in Anderson County is composed of six members.

Oath

Since 1858 each member of the tax board has been required to take an oath to discharge faithfully the duties of the office. (8)

Vacancy

In 1892, the legislature provided that when a vacancy occurred in the board of tax supervisors from any cause whatever, the county judge was authorized to fill such vacancy. Subsequent legislation reaffirmed this provision. (9)

Compensation

Early legislation fixed the compensation of the board members at $2 for each day they attended board meetings. (10) In 1892 the supervisors and clerk were allowed $3 for each day the board met, to be paid out of the State treasury. (11) Later acts provided for the same rate of pay, but specified that one-half was to be paid by the fiscal court and the other half out of the State treasury. (12)

Meetings

Formerly, the board met at different times of the year for a stipulated number of days. (13) At present the board meets each year on the second Monday in March at the county seat, and after having examined the county tax commissioner's books, and approved them, they attach their certificates and the number of days they were actually engaged, and return

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5. Acts: 1891-93, pp. 313-316; 1906, p. 148.
6. Acts, 1917, Special Session, p. 16.
7. Acts, 1918, p. 15; Carroll, sec. 4115.
8. Acts, 1857-58, I, 57; Gen. Stat., 1873 ed., p. 724; Acts: 1891-93, p. 314; 1906, p. 148, Carroll, sec. 4117.
9. Acts: 1891-93, p. 314; 1906, p. 149; 1917, Special Session, p. 17; Carroll, sec. 4118.
10. Acts, 1857-58, I, 57; Gen. Stat., 1873 ed., p. 724.
11. Acts, 1891-93, p. 316.
12. Acts: 1906, p. 151; 1917, Special Session, p. 20; 1922, p. 353; Carroll, sec. 4127.
13. Acts: 1906, p. 150; 1917, Special Session, p. 18; 1922, p. 350.

same with the record of their proceedings to the county court clerk, on or before the second Monday in April. (14)

Penalty

Members of the board of tax supervisors were required to be prompt in their attendance on the day fixed for the session of the board to begin. Without reasonable excuse, the members so failing were subject to a fine not exceeding $25. (15)

Functions

Prior to 1851, the county court was required to examine the tax books returned by the commissioner, compare them with those of previous years and also with the poll books in order to ascertain any omissions, and certify to the State Auditor of Public Accounts the amount allowed the commission. (16) After 1851 the newly-created board of tax supervisors retained the same powers and duties of their predecessors. (17)

From 1851 to 1858, the county judge and the county court clerk constituted the board of tax supervisors, and met annually at the county court clerk's office to examine the tax books, correct any errors made by the assessor, and determine the facts in relation to the valuation of the property listed. If they thought the property had been incorrectly valued, they fixed a proper value. (18) In 1858, the newly-created board (composed of three taxpayers appointed by the county court) was given the same powers and duties as the previous board (19), and later legislation specified that this board was subject to the same regulations as had governed the former board. (20) Subsequent legislation continued these duties and gave the board additional authority to revise items which were incorrect, to list all property omitted by the assessor, and to determine the value of property for which no owner was found. (21) The board had authority to compel attendance and conduct the examination of witnesses brought before it (22); to receive the tax list of any person omitted by the assessor; to report to the county court any omitted tax lists;and to certify to the State Auditor of Public Accounts its approval of the tax book. (23) Still later statutes provided that the tax board should list and assess all taxable property, whether or not it was omitted by the assessor or the property owner (24), and summon and swear

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14. Acts, 1924, p. 316; Carroll, secs. 4119, 4121, 4125.
15. Acts: 1891-93, p. 314; 1906, p. 149; 1917, Special Session, p. 17; Carroll, sec.4118.
16. Acts, 1831-32, p. 173 ff.
17. Acts, 1851-52, p. 57.
18. Rev. Stat., II, 257.
19. Acts, 1857-58, I, 57.
20. Gen. Stat., 1877 ed., p. 979.
21. Acts: 1891-93, pp. 313-316; 1917, Special Session, p. 19; Carroll, sec. 4120.
22. Rev. Stat., II, 257; Carroll, sec. 4123.
23. Rev. Stat., II, 257.
24. Acts: 1906, pp. 112, 151; 1922, pp. 350, 351.

witnesses. (25) The board of tax supervisors makes a careful examination of the assessor's book and each individual list thereof, and may increase or decrease any list; but the board does not reduce or raise any assessment unless the evidence is clear and unmistakable. (26) While the supervising board is in session, the sheriff notifies all taxpayers whose lists have been increased, and also informs them of the time of adjournment of the board. (27)

A previous act passed by the legislature made decisions of the board final (28), but legislation in 1906 gave the taxpayer the right of appeal to the quarterly court from the decision of the board, then to the circuit court, and finally to the Court of Appeals. (29)

Records

In 1892, an act required the board of tax supervisors to keep a record of its proceedings; to examine and correct the tax books; and to return them with the record of its proceedings to the county court. (30) Although the county court clerk had, from the beginning, kept the records of all proceedings of each successive tax-supervising body, this statute specifically directed him to serve as clerk of the tax board, and after examination and revision of the tax books by the board, to make and report a recapitulation of the book. (31) The county court clerk, as clerk of the board of tax supervisors, has the tax bills examined and approved by the board, makes and records a recapitulation of the tax bills, and on or before May 10, files a certified copy of this recapitulation with the State Tax Commission. (32)

269. SUPERVISORS' REPORTS, Dec. 1916--. 74 docs. in 1 f.d.
Reports of board of tax supervisors to fiscal court of revised assessments of real and personal property in county, showing: date of report, district number, name of taxpayer, location and description of property, assessed value, amount of increase or decrease in assessment, amount of tax, and signature of tax supervisors. No obvious arr. No index. Hdw. and typed. 11 x 5 x 13. Co. ct. clk. off.

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25. Acts, 1906, p. 151; Carroll, sec. 4123.
26. Acts: 1891-93, p. 314; 1906, p. 149; Carroll, sec. 4120.
27. Acts: 1910, p. 537; 1920, p. 446; Carroll, sec. 4122.
28. Acts, 1891-93, p. 315.
29. Acts: 1906, pp. 151, 152; 1917, Special Session, p. 32; Carroll, sec. 4128.
30. Acts, 1891-93, pp. 313-316.
31. Ibid.; 1917, Special Session, p. 21; Carroll, sec. 4128A-1.
32. Acts: 1906, p. 151; 1917, Special Session, p. 21; 1924, p. 314; Carroll, sec. 4128A-1.

270. SUPERVISORS' PROCEEDINGS, Nov. 1915--. 2 vols.
Record of proceedings of each daily session of board of tax supervisors' meetings for the purpose of making revisions in assessments of real and personal property, showing: date of meeting, names of members present, number of district, name and address of taxpayer, location and description of property, list of notes and cash, number of town lots, assessed valuation of real and personal property, amount of increase or decrease, and final assessment. Arr. chron. by date of meeting and numer. thereunder by dist. no. No index. Hdw. under pr. hds. Aver. 500 pp. 16 x 12 x 2½. Co. ct. clk. vt.

XIV. COUNTY BUDGET COMMISSION

Structure

Creation

Until 1892, the claims and levy sessions of the county courts administered the fiscal affairs of their several counties. Since that year, these functions have been handled solely by the fiscal court of each county. (1) In the absence of any laws specifying uniform procedure, the fiscal affairs of the county were conducted in a more or less random manner. (2) The inefficiency and corruption growing out of such practices resulted in high taxes and an increasing county indebtedness, and gave stimulus to a reform movement which culminated in 1934 in the passage of the County Uniform Budget Act. (3) This act provided for the creation in each county of a county budget commission to be composed of the county judge, the county attorney, and a third member appointed by the fiscal court.

Qualifications, Selection, and Term

The appointive member of the budget commission must be a resident taxpayer of the county, and must not have held any public office for 2 years prior to his appointment. He must be at least 30 years of age. His term is for 4 years and runs concurrently with that of the fiscal court, and he is eligible for reappointment. The fiscal court fills a vacancy in the

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1. Acts: 1851-52, p. 96; 1891-93, pp. 260, 274.
2. For a discussion of early budgetary practices, see Governmental Organization and Records System, p. 19.
3. Acts, 1934, p. 63.

County Budget Commission (Next entry 271, p. 281)

office. (4) In 1935 the first county budget commission of Anderson was composed of the County Judge, John T. Cox; County Attorney, William E. Dowling; and Carleton Rice. (5)

Functions

Under the uniform budget system, the fiscal court conducts all county financial affairs with the exception of those pertaining to education. The county is classified according to population and expenditures, or other appropriate specification, by the State budget officer, and all funds expended by the county are provided for in a budget schedule designed for the particular class. (6)

Preparation of Budget

Prior to May 1 of each year the budget commission makes a careful investigation of each activity of the county for which county funds are to be expended. It then classifies all expenditures into budget units, subdividing these units whenever necessary, so that the cost of each class of expenditure can always be ascertained and regulated in accordance with the financial needs of the county. This commission is required to make estimates of funds necessary for general and particular expenses, as well as an estimated statement of receipts anticipated from various sources of income. (7)

Adoption of Budget

Not less than 20 days before the time to adopt the county budget, the county judge, as chairman of the commission, must send two copies of the proposed budget to the State Inspector and Examiner, who is authorized to supervise and direct the form and classification of the budget. (8) In case the budget is not approved, the commission must accept the changes made by the State Inspector. If the budget is approved, the commission cannot make any change unless so authorized by the State Inspector. (9) All proposed county budgets adopted by the county budget commission and by the State Inspector must be submitted to the fiscal court for approval or rejection, not later than July 1 of each year. (10) In order that the expenditures of the county may be kept within budgetary limits, the county treasurer is required to file with the clerk of the fiscal court a monthly statement of the county's financial condition. (11)

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4. IBID.; CARROLL, SEC. 1051C-2.
5. FISCAL COURT MINUTES, VOL. 6, P. 262, SEE ENTRY 1.
6. ACTS, 1934, P. 63; CARROLL, SEC. 1051C-1.
7. ACTS, 1934, P. 64; CARROLL, SEC. 1051C-3.
8. ACTS, 1934, P. 65; CARROLL, SEC. 1051C-4.
9. ACTS, 1934, P. 65.
10. IBID., PP. 65, 66.
11. IBID., P. 69; SEE TREASURER, P. 282.

Debt Service

The bonded indebtedness of the county is paid out of the "Sinking Fund Principal Account," to which is annually allocated a sum equal to the proportional yearly amount required to retire the bonds at maturity. To the "Sinking Fund Interest Account," another fund of the county budget, is assigned each year a sum sufficient to pay the maturing interest on the bonded indebtedness during the current year. (12) Funds set aside in the county budget for a budget unit are accounted for separately, and constitute a separate budget fund to be appropriated. (13)

Publicity

The county judge, as chairman of the budget commission, must post conspicuously in the courthouse every 3 months a statement showing the appropriations and expenditures for the preceding quarter, and the balance on hand in the budget fund. All orders of claims approved by the fiscal court must designate the particular budget fund from which each claim is to be paid. All warrants or contracts paid by the county treasurer, unless certified as being within the budget appropriation, are null and void. (14)

Recordation

The county court clerk acts as clerk of the commission, and keeps the records of that body. He also keeps, in an appropriate ledger, separate accounts for each of the above-mentioned budget funds, showing in detail the amount of the original appropriation, all transfers to and from the budget fund, and all expenditures duly approved by the fiscal court and properly chargeable to the fund. The records kept by the county budget commission are accessible for public inspection, and for examination by the State Inspector and Examiner when making the regular audit of county officials' records. Payment is made from county funds for all forms, books, blanks, and materials used by the commission. (15)

271. BUDGET REPORT, 1935--. 5 docs. in 1 f.d.
Summary of budget requests made by budget commission to fiscal court for each fiscal year, showing: general expenditure fund, salaries, fees, office expense, miscellaneous expense, comparative income statement, general expense fund, names of county officials, salary of each official, police protection to persons and property, general health and sanitation, highways and bridges, charities, hospitals, infirmaries, and corrections, recreational,

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12. ACTS, 1934, PP. 66, 67; CARROLL, SEC. 1051C-6.
13. ACTS, 1934, P. 64; CARROLL, SEC. 1051C-4.
14. ACTS, 1934, P. 69.
15. IBID., PP. 67-69.

new property and improvements, interest and debt payments, miscellaneous and contingent, signatures of budget commission, and date filed. Arr. chron. by date filed. No index. Typed. 11 x 5 x 13. Cir. ct. clk. vt.

XV. TREASURER

Structure

Creation

Before statutory provision established the treasurer as a regular county official in 1893, and prior to special legislation from time to time, which authorized the appointment of a person to serve as county treasurer, the sheriff of Anderson County collected the levy and paid it out to creditors of the county as certified to him by the county court clerk. (1) Various treasurers were appointed under this special legislation, until an act approved February 27, 1893, created the regular county office of treasurer. (2) On April 5, 1898, H. S. Wise was appointed to this office in Anderson County. (3)

Selection and Term

The treasurer was appointed by the fiscal court for a term of 2 years, a majority of the justices concurring. (4) In 1912, the term of office was changed to 4 years. (5) By legislation passed in 1893 and subsequently, a member of the fiscal court was prohibited from holding the office of county treasurer. (6)

Qualifications

The treasurer was required to have resided in the county 4 years prior to his appointment. (7) An act of 1932, however, changed this residential qualification to 2 years. (8)

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1. LITTELL, 1797, I, 679-681; ACTS, 1851-52, P. 185.
2. ACTS, 1891-93, P. 522; CARROLL, SEC. 928.
3. COUNTY COURT ORDERS, VOL. 1, P. 121, SEE ENTRY 194.
4. ACTS, 1891-93, P. 522; SEE FISCAL COURT, P. 101.
5. ACTS: 1912, P. 290; 1932, P. 145; CARROLL, SEC. 929.
6. ACTS: 1891-93, P. 523; 1912, P. 290; 1920, P. 662; 1926, P. 763; 1932, P. 145; CARROLL, SEC. 929.
7. ACTS: 1891-93, P. 523; 1912, P. 290.
8. ACTS, 1932, P. 145; CARROLL, SEC. 939.

Treasurer (Next entry 272, p. 286)

In 1893 the county treasurer was required to be at least 30 years of age. (9) An amendment approved in 1894 provided that at the time of his appointment the treasurer must be at least 25 years of age. (10)

Oath, Bond, and Surety

The treasurer, upon entering office, took oath before the fiscal court and executed bond with at least two sureties. (11)

Removal

The fiscal court has always had the power to remove the county treasurer at any time for cause. (12)

Vacancy

In order to fill any vacancy which might occur in the office of county treasurer, the county judge must call a special meeting of the fiscal court. (13)

Compensation

In 1893, the act creating this office specified that the treasurer should receive a salary not to exceed $1,000 per annum, such compensation to be fixed by the fiscal court. (14) By legislation in 1932 the maximum compensation of the treasurer was increased to not more than $2,000 per year. (15) In 1939 the treasurer of Anderson County received an annual salary of $600. (16)

Functions

Receipt and Disbursement of Funds

In 1893 the treasurer was authorized to receive and receipt for all money due the county from collecting officers, or from any person whose duty it was to pay money into the county treasury. (17) Today, on May 1, and every 60 days thereafter, the sheriff turns over to the county treasurer all county money in his hands and receives duplicate receipts, one of which

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9. Acts, 1891-93, p. 523.
10. Acts: 1894, pp. 43, 44; 1912, p. 298; 1920, p. 662; 1932, p. 145; Carroll, sec. 929.
11. Acts: 1891-93, p. 523; 1932, p. 146; Carroll, secs. 929, 930.
12. Acts: 1891-93, p. 523; 1912, p. 298; 1932, p. 146; Carroll, sec. 929.
13. Acts: 1891-93, p. 523; 1912, p. 298; 1932, p. 146; Carroll, sec. 929.
14. Acts, 1891-93, p. 525.
15. Acts, 1932, p. 146; Carroll, sec. 934.
16. Report of Nat. B. Sewell. . . 1939.
17. Acts, 1891-93, pp. 523-525; Carroll, sec. 931.

(Next entry 272, p. 286)

Treasurer

he keeps and the other he delivers to the county judge. Upon final settlement with the fiscal court the county treasurer receives from the sheriff all county money on hand, giving receipts as before. All money so received is held subject to the order of the fiscal court and can not be used except for the purpose for which it was received. (18)

An act of 1926 authorized the county treasurer to assume the office of treasurer for the county board of education (19) but this legislation was repealed in 1928. (20) On May 5, 1928, the treasurer was made custodian of the livestock fund by an opinion of the Attorney General.(21) He was also authorized to institute action in the name of the county, when directed by the fiscal court, against a delinquent sheriff or collector for the county, or against anyone failing to pay over to him, on demand, money due the county. (22)

Depositories for County Funds

Legislation in 1932 made the treasurer exclusive custodian of all county funds, and the exclusive checking agency of the county. In this connection, it became the duty of the fiscal court to designate one or more banks or trust companies as county depositories, in which the treasurer was required to deposit all county funds on which the interest rate could not be less than 2 percent. The depositories executed sufficient bond or gave the court collateral security in lieu of bond, to pay over and account for all county funds deposited with them. (23)

Settlements

As provided in 1893, the treasurer must settle his accounts whenever required by the fiscal court. He makes a complete settlement in April of each year and must submit all settlements for the approval of the fiscal court. (24) He also files with the court on the first day of each regular and special meeting - except the first meeting - a financial statement showing the balance in each budget fund as it appears on the budget ledger. This statement must bear the treasurer's signature, and is recorded by the county court clerk upon the fiscal court order book. (25)

On or before April 1, after the close of each fiscal year, the treasurer makes a financial statement of the preceding year, as of December 31,

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18. Acts, 1891-93, p. 523.ff.; Carroll, sec. 932.
19. Acts, 1926, p. 813.
20. Acts, 1928, pp. 219, 220.
21. 1928, O.A.G. No. 422.
22. Acts, 1891-93, p. 523; Carroll, sec. 931.
23. Acts: 1932, p. 148; 1934, pp. 62-70; Carroll, sec. 938h-57.
24. Acts, 1891-93, p. 523.
25. Ibid.: p. 526; 1926, p. 783; 1932, pp. 135, 136; Carroll, sec. 935.

showing in detail his receipts and disbursements of county funds. This statement also contains a separate accounting of each budget fund, one copy of which he delivers to the county court clerk for recording, and another he sends to the State Inspector and Examiner of the Commonwealth of Kentucky. (26) These provisions went into effect in 1954 when the county budget commission became operative under the supervision of the State Budget Commission. (27)

The treasurer is required to keep his office open at all reasonable times for the collection of money, and to hold his books open to inspection by the fiscal court, by any member thereof, or by any taxpayer of the county. (28)

Recordation

Under provisions made in 1893, settlements submitted by the treasurer for approval of the fiscal court are required to be recorded by the county court clerk, in a book kept for that purpose. (29) The original record of settlements of the treasurer, approved by the fiscal court, are filed in the office of the county court clerk and kept as a record of the fiscal court. (30) The treasurer must keep an accurate set of books showing receipts and disbursements in separate and distinct accounts (31); he is further required to balance his books on the first day of each month to show the correct amount on hand belonging to each fund. (32)

Since the beginning of his office the treasurer has kept a record of suits filed by him in the county's behalf, as directed by the fiscal court, against all delinquent sheriffs or collectors. (33) He also reports to the county judge, in writing, all money paid to him. (34)

He must keep as part of his records a book designated as the "Budget Ledger," in which he keeps the county budgets and accounts for each budget fund separately. (35) An act of 1934 and the Governmental Reorganization Act passed in 1936 require the treasurer to file a monthly statement with the clerk of the fiscal court, containing a list of warrants paid by the treasurer during the month, and to certify that each warrant or contract is within the budget appropriation. If these requirements are not complied with, each warrant or contract will be considered null and void. (36)

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26. Acts, 1932, p. 147.
27. Acts, 1934, p. 69; State Budget Commission v. Adams, County Judge, et al., 249 Ky. 600 (1933); Carroll, sec. 934.
28. Acts, 1891-93, pp. 524, 526; Carroll, secs. 931, 935.
29. Acts, 1891-93, p. 525.
30. Ibid.
31. Ibid., pp. 524-526.
32. Ibid., p. 524; Carroll, sec. 931.
33. Acts, 1891-93, p. 524.
34. Ibid.; Carroll, sec. 931.
35. Acts, 1932, pp. 135, 136; Carroll, sec. 935.
36. Acts, 1934, p. 69; see County Budget Commission, p. 279.

Treasurer - Receipts and Disbursements; Reports (272-275)

By an act approved March 15, 1926, and amended March 20, 1928, the treasurer is directed to publish in the newspaper having the largest circulation in the county a complete statement yearly, showing all receipts and disbursements. (37) When vacating office, the county treasurer is required to make a complete and final settlement of his accounts with the fiscal court. (38) He is also required to deliver all books, papers, and other records of his office to his successor. (39) The treasurer of Anderson County also acts as master commissioner. (40)

The treasurer's records are located in the treasurer's office, unless otherwise specified.

Receipts and Disbursements

272. CASH LEDGER, 1934--. 1 vol.
Record of county treasurers' cash collections, showing: date, balances first of month, debits and credits during month, and cash balance at end of month. Arr. chron. by date recorded. No index. Hdw. under pr. hds. 600 pp. 18 x 14 x 2.

273. TREASURERS ACCOUNTS, Feb. 1926--. 2 vols.
Record of treasurers' revenue receipts and check distribution ledger of county's general funds, showing on receipts: date received, total receipts, from whom, from what source derived, and bills payable; and on check distribution, showing: date, check number, to whom issued, amount, warrant number, appropriation number, fund payable from, and bills payable. Arr. chron. by date recorded. No index. Hdw. under pr. hds. Aver. 600 pp. 22 x 18 x 2. Feb. 1826-Oct. 1829, 1 vol., co. ct. clk. vt.; Nov. 1929--, 1 vol., treasurer's off.

274. CANCELLED CHECKS, 1920--. 4,000 docs. in 12 f.b.
County treasurers' cancelled checks, showing: date issued, to whom, amount, purpose of payment, signature of treasurer, bank's cancellation, and date cancelled. Arr. chron. by date of check. No index. Hdw. and typed on pr. fm. 11 x 5 x 13. 1920-34, 8 f.b., co. ct. clk. vt.; 1935--, 4 f.b., treasurer's off.

Reports

275. REPORT OF DOG LICENSES, Jan. 31, 1938--.17 docs. in 1 f.b.
Sheriff's monthly reports made to county treasurer of dog license fees collected, showing: number of male, female, and kennel licenses issued, amount

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37. ACTS: 1926, PP. 287, 288; 1928, PP. 460-462; 1938, P. 112; BALDWIN'S SUPP., SEC. 3747A-1.
38. ACTS, 1891-93, P. 526.
39. IBID.; CARROLL, SEC. 937.
40. SEE MASTER COMMISSIONER, P. 166.

of fees collected, amount remitted to State Commissioner of Agriculture, amount of sheriff's commission, amount deposited to credit of county livestock fund, and signature of sheriff. No obvious arr. No index. Typed. 4 x 4 x 10.

276. (COUNTY JUDGE'S REPORTS), Jan. 1, 1935--. 72 docs. in 1 f.d. Reports made monthly by county judge to treasurer of fines and fees collected in misdemeanor cases tried before quarterly court, showing: name of defendant, offense, case number, date of trial, amount and date fine or fee was paid, total amount received, and signature of county court judge. Arr. chron. by date of report. No index. Typed. 4 x 4 x 10.

XVI. COUNTY BOARD OF ELECTION COMMISSIONERS

Structure

Creation

The General Assembly in 1898 authorized the establishment, in each county, of a county board of election commissioners. (1) In accordance with the provisions of this act and a later amendment, Anderson County established its first county board of election commissioners. (2)

Selection and Term

Under an early election law the county court had power to appoint, annually, two of its body, to act as judges of the election, and a competent person to act as clerk. (3) In 1837, this court was given authority to appoint two justices as judges, and a clerk for each election precinct. If there were not enough justices for that purpose, then the court appointed one justice and a qualified citizen to serve as judges of the election. (4) Statutory provision in 1842 specified that the county court appoint two voters, preferably justices of the peace of different political leanings, to act as judges in each precinct, and a clerk whose political views opposed those of the sheriff, all of whom should serve for 1 year.(5)

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1. Acts, 1898, p. 43 ff.
2. Acts, 1900, Special Session, p. 27 ff.; Carroll, sec. 1596a-2.
3. Littell, 1799, II, 340, 341.
4. Acts, 1836-37, p. 23.
5. Acts, 1841-42, p. 85.

County Board of Election Commissioners (Next entry 277, p. 292)

Legislation of 1852 named the county judge, the county court clerk, and the sheriff as a board to examine the poll books. (6) At this time the method of appointing judges of the election in each precinct by the county court was reaffirmed, and the court was also authorized to appoint, every second year, two judges and a clerk in each district, to officiate at the election of justices of the peace and a constable in the county. If either of the judges or the clerk failed to appear at the voting place, the sheriff had the power to appoint a voter of the precinct to fill the vacancy. (7) An act passed in 1892 provided that the county court appoint, annually, in every election for each precinct, two judges, a clerk, and a sheriff of the election, to serve until these commissioners were appointed and qualified. (8) In 1898 the legislature established a State Board of Election Commissioners (9), and that body was instructed to appoint two electors in each county who, with the sheriff, composed the county board of election commissioners whose duties were more fully outlined by an act of 1900. (10) In 1900, the two members of the board were appointed for a term of 1 year, from names designated by each of the State Central Committees of the two dominant political parties in the last preceding election. (11)

Qualifications

Election officials have always been required to be residents of the county. These officers were usually either members of the county court, or incumbents of other county offices, who were required to be residents of the county they served. (12) An act of 1892, reaffirmed in 1900, specified that the precinct election officials must be resident householders of the precinct for which they were appointed. They could not serve, however, as election officials and be candidates for office at that election. The two members of the county board of election commissioners must be citizens and electors of their county, and are designated for appointment as members of the board by the county executive committees of the two major political parties of the State. (13)

Election officials, whether serving on examining boards or as precinct officials, have always been required to be at least 21 years of age. (14)

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6. Acts, 1851-52, p. 124 ff.
7. Ibid.; Rev. Stat., I, 432 ff.
8. Acts: 1891-93, p. 109; 1900, Special Session, p. 27 ff.; Carroll, sec. 1596a-3.
9. Acts, 1898, p. 43 ff.
10. Acts, 1900, Special Session, p. 27 ff.
11. Ibid., pp. 28, 29; Carroll, sec. 1596a-2.
12. Littell, 1799, II, 340, 341; Acts: 1836-37, p. 23; 1841-42, p. 85; Rev. Stat., I, 432 ff.; Acts, 1851-52, p. 124 ff.
13. Acts: 1891-93, p. 109; 1900, Special Session, p. 28; Carroll, sec. 1596a-2.
14. Littell, 1799, II, 340, 341; Acts: 1836-37, p. 23; 1841-42, p. 85; Rev. Stat., I, 432 ff.; Acts: 1851-52, p. 124 ff.; 1891-93, p. 109; 1900, Special Session, p. 30; Carroll, sec. 1596a-3.

The two appointive members of the county board of election commissioners, however, must be at least 25 years of age at the time of their appointment. (15)

Oath

All election officials were required to take an oath before an officer authorized to administer one, that they would discharge their duties faithfully. The oath could be taken before a justice of the peace, or if necessary, the sheriff, or before the clerk of the election who, himself, must have been sworn by one of the judges of the election. (16) The members of the county board of election commissioners qualify for office today by taking an oath before the clerk of the county court, to perform their duties faithfully. (17)

Removal

In 1852, power was given the county court to appoint or remove any member of the election board or any precinct official. (18) At the present time, the State Board of Election Commissioners may remove any member of the county board, and the county board may remove the precinct officials prior to 5 days before the election. (19)

Vacancy

Before the creation of the State and county boards of election commissioners, the county court filled all vacancies that occurred among the election officials. (20) At the present time, vacancies on the county board of election commissioners are filled by the State Board of Election Commissioners from names supplied to the board by the county executive committees of the two strongest political parties in the State. The county board fills vacancies on the precinct boards from lists already submitted to the executive committees of the two major political parties in the county. (21) If any official refuses to act or is absent on the day of election, the attending officer of his party, or the voters of his party who are present, may elect a person to serve in his stead. (22)

Compensation

By legislation passed prior to 1827, the county court was directed to

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15. Acts, 1900, Special Session, p. 28; Carroll, sec. 1596A-2.
16. Acts: 1851-52, p. 124; 1891-93, p. 110.
17. Acts, 1900, Special Session, p. 29; Carroll, sec. 1596A-2.
18. Acts, 1851-52, p. 124.
19. Acts: 1898, p. 43 ff.; 1900, Special Session, pp. 30, 31; Carroll, sec. 1596A-3.
20. Acts: 1851-52, p. 124; 1891-93, p. 110.
21. Acts, 1900, Special Session, pp. 29, 30.
22. Acts, 1851-52, p. 124; Rev. Stat., I, 432; Acts: 1891-93, p. 110; 1900, Special Session, p. 30; Carroll, sec. 1596A-2.

compensate the precinct officers at a rate not exceeding $1 per day. (23) In 1852, for every day that the judge and sheriff served as election officers they each received $1 and the clerk $2. For comparing the returns of two or more counties in the election of a State Senator or Representative, the sheriff was paid $2 per day, and $1.50 for each 25 miles of travel in the performance of his duty. (24) An act of 1892 allowed each precinct official $2 per day, and the sheriff an extra allowance of 8 cents per mile for traveling duty. (25) In 1900, members of the county board of election commissioners were paid $2 each, for every day they were in session, but the total amount paid them for any 1 year, could not exceed $20. (26) In 1928, the precinct officers each received $3 per day. The sheriff and the judge accompanying him were each allowed 8 cents per mile for returning the ballot boxes to the county seat. (27) At present, the fiscal court is directed to allow reasonable compensation, determined by the number of votes counted, the cost of the count, and the number of days the board is in session. (28)

Functions

Appointment of Local Election Officials

The county board of election commissioners annually appointed, for each election precinct, two judges, a clerk, and a sheriff of elections, all of whom must have been voters of the precinct for which they were appointed. If, however, a list of names for each precinct was submitted by each of the county executive committees of the two major political parties, a judge and a clerk must be appointed from one party, and a judge and a sheriff from the other. As stated earlier in this essay, the board could remove any of the officers prior to 5 days before the election. If an election officer refused to act at the polls, the attending officer of his party could appoint some person to take his place; if both were absent, the voters of his party who were present could elect persons to act in their stead. (29)

Canvass of Election Returns

In 1827, the county courthouse was the only voting place in the county. At this time the presiding judge of the county court arranged to receive the votes and made the final statement of the result of the election, which the sheriff announced to the public. (30) Later, when election precincts had

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23. LITTELL, 1799, III 341.
24. Acts, 1851-52, p. 135.
25. Acts: 1891-93, p. 153; 1908, pp. 64, 65.
26. Acts, 1900, Special Session, p. 41.
27. Acts, 1928, p. 400.
28. Acts, 1936, pp. 142, 143; Carroll, sec. 1596A-14.
29. Acts, 1900, Special Session, pp. 30-32; Carroll, sec. 1596A-3.
30. LITTELL, 1799, II, 340, 341.

been established in the county, the sheriff appointed a deputy to attend each precinct to preserve order and, when the polls were closed, to take charge of the election books, which he carried to the county seat. There he assisted the sheriff in comparing the polls and in making the certificates of election. (31) In 1852, the county judge, the county court clerk, and the sheriff constituted a county election board, any two members of which could act. They examined the poll books and made out certificates of election. If a member of the board was a candidate for office, he had no voice in deciding his own case. (32)

In an act of 1892, the legislature specified that the election officers in each precinct, after the closing of the polls, should count the votes in the presence of the sheriff and inspectors and announce the result. After this was done, they destroyed the ballots voted, mutilated, spoiled, or unused, saving only those ballots whose legality appeared to be doubtful. Such ballots the election officers sealed and returned to the clerk of the county court with the election returns. (33) By legislation in 1898, and subsequently the county election machinery was placed under the control of the county board of election commissioners. The sheriff, in case of disagreement between the appointive members, acted as umpire and was permitted to vote. The two appointive members or the sheriff and one member, constituted a quorum for the transaction of business. (34)

The basic election law of 1900, reaffirmed by later legislation, required the county board of election commissioners to examine and canvass the election returns, and to issue election certificates. After the polls closed the precinct officials immediately sealed and sent the ballot boxes with other election material to the office of the county court clerk. (35) On the following day the board met at the clerk's office; opened and canvassed the votes cast in the election; and, over the signatures of the members, issued triplicate or more certificates of those receiving the highest number of votes. One copy was given to each of those elected, one was mailed to the Secretary of State, and a third copy to the county court clerk to be kept for his record. For offices not within the gift of the voters of the county, the board made signed duplicate certificates of the number of votes received in the county, city, town, or district, particularizing the precinct where the votes were cast. One copy was retained by the county court clerk; another was given to the sheriff; and one, in the case of a municipal or district election, was sent to the city council or the governing authority of the district, as the case might be. The board was authorized to employ at county expense the necessary clerical help to count the votes. (36)

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31. Acts, 1836-37, p. 23.
32. Acts, 1851-52, p. 127; Rev. Stat., I, 436.
33. Acts, 1891-93, p. 127.
34. Acts: 1898, pp. 43-47; 1900, Special Session, p. 27 ff.; Carroll, sec. 1596A-2.
35. Acts: 1900, Special Session, p. 27 ff.; 1914, pp. 417, 418; 1930, pp. 147, 148; 1932, p. 382; 1936, p. 143 ff.; Carroll, sec. 1482.
36. Acts: 1891-93, p. 127; 1900, Special Session, p. 32 ff.; 1936, p. 143 ff.; Carroll, sec. 1596A-5.

County Board of Election Commissioners - (277-278)
Petitions

Enforcement of the Election Laws

It was and still is the duty of the clerk of the election to compare each prospective voter's signature with that opposite his name on the registration book; to swear and keep a record of those who are unable to sign their names; and, after issuing a ballot to any voter, to note that such person has actually voted. (37) It is the duty of the precinct election officials to inform the grand jury, or the commonwealth's attorney, of all infractions of the election laws. When there is reason to fear such an offender might escape from the county, it is also the duty of any election official to cause his immediate arrest. If any member of the county board of election commissioners fails to carry out the provisions of the law, he is subject to a fine of not less than $100 or more than $1,000, and to imprisonment of not more than 60 days. (38)

Recordation

One member of the board, selected to act as secretary, keeps a record of the proceedings of the board's meetings, and the record is open to public inspection at all times in the office of the county court clerk. (39)

Unless otherwise specified, the records of the board may be found in the county court clerk's vault.

Petitions

277. CANDIDATES PETITIONS, 1914--. 170 docs. in 1 f.d.
Petitions filed with board of election commissioners to have certain candidates' names placed on ballots and candidates' declarations of intent to run for public office filed with board of election commissioners; showing on petitions: date of petition, name and party affiliation of candidate, title of office sought, signatures of petitioners, date petition filed, and acknowledgment of county court clerk; and showing on candidates' declarations: name, address, qualifications, and party affiliation of candidate, date declaration filed, signature of candidate, and acknowledgment of county court clerk. No obvious arr. No index. Hdw. and typed. 11 x 5 x 13.

278. PETITIONS FOR SPECIAL ELECTIONS, 1908--. 24 docs. in 1 f.d.
Petitions filed with board of election commissioners by qualified voters of county seeking to have special elections held, showing: date of petition, purpose of special election, signatures of petitioners, date filed, and acknowledgment of county court clerk. Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 13.

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37. ACTS, 1891-93, P. 172.
38. IBID.; ACTS, 1900, SPECIAL SESSION, P. 42; CARROLL, SEC. 1596A-15.
39. ACTS, 1900, SPECIAL SESSION, PP. 28, 29; CARROLL, SEC. 1596A-2.

County Board of Election Commissioners - (279-284)
Registrations; Affidavits

279. LOCAL OPTION PETITIONS, 1934--. 2 docs. in 1 f.d.
Petitions filed with board of election commissioners by qualified voters in county seeking elections to determine whether spirituous liquors may be sold under State local option law, showing: date of petition, signatures of petitioners, date filed, and acknowledgment of county court clerk. No obvious arr. No index. Hdw. 11 x 5 x 13.

Registrations

280. REGISTER OF CANDIDATES, Nov. 1915--. 1 vol.
Register of candidates for nomination to public office, showing: title of office sought, name, age, address, and party affiliation of candidate, date petition filed, and certification of county court clerk. Arr. chron. by date recorded. No index. Hdw. under pr. hds. 680 pp. 13 x 14 x 3.

281. (VOTERS' REGISTRATION BOOKS), 1911-13, 1939--. 32 vols.
Register of qualified voters in county, showing: ward or precinct number, name and address of voter, sex, party affiliation, occupation, term of residence, weight, height, date of registration, signature of voter, and acknowledgment of county court clerk. Arr. numer. by precinct no. and alph. thereunder by first letter in surname of voter. No index. Hdw. on pr. fm. Aver. 300 pp. 14 x 12 x 3. 1911-13, 13 vols., clock tower; 1939--, 19 vols., co. ct. clk. vt.

282. DUPLICATE CERTIFICATES OF REGISTRATION, 1904-17, 1939--. 37 vols.
Duplicate record of registrations of voters, showing: ward or precinct number, name and address of voter, sex, party affiliation, occupation, term of residence, weight, height, date of registration, signature of voter, and acknowledgment of county court clerk. Arr. numer. by precinct no. and alph. thereunder by name of voter. No index. Hdw. on pr. fm. Aver. 300 pp. 14 x 12 x 3. 1904-17, 18 vols., clock tower; 1939--, 19 vols., co. ct. clk. vt.

Affidavits

283. AFFIDAVITS TO PROCURE CERTIFICATES OF REGISTRATION, 1904--. 2 vols.
Original affidavits furnished county court clerk by qualified voters desiring duplicate certificates of registration, showing: date of affidavit, name of affiant, precinct number, signature of affiant, and attestation of county court clerk. Arr. chron. by date recorded. No index. Hdw. on pr. fm. Aver. 225 pp. 14 x 12 x 2. 1904-17, 1 vol., clock tower; 1918--, 1 vol., co. ct. clk. vt.

284. ABSENT VOTERS APPLICATIONS FOR BALLOTS, Oct. 21, 1918-Oct. 27, 1924. 75 docs. in 1 f.d.
Affidavits furnished county court clerk by registered voters who are to be absent on election day and desire to vote in advance of election, showing: name, age, and address of voter, date filed, number of precinct, party affiliation, signature of voter, and certification of notary public. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11 x 5 x 13.

County Board of Election Commissioners - (285-290)
Tabulation of Votes; Certificates

285. ELECTION OFFICERS AFFIDAVITS, 1930--. 40 docs. in 1 f.d.
Affidavits filed with board of election commissioners by precinct officers upon return of ballot boxes, poll books, and election supplies, showing: name of precinct officer, title of office, date of election, sworn statement that all unused supplies were returned, date returned, signature of precinct officer, and attestation of county court clerk. Arr. chron. by date of election. No index. Hdw. on pr. fm. 11 x 5 x 13

Tabulation of Votes

286. POLL SHEET, 1915-17. 60 docs. in 1 f.b.
Record of votes cast in elections, showing: date of election, title of office sought, names of candidates for each office, and number of votes cast for each candidate. No obvious arr. No index. Hdw. on pr. fm. 4½ x 4½ x 10. Clock tower.

287. COMMISSIONERS REPORTS, 1932--. 10 docs. in 1 f.d.
Election commissioners' reports of votes cast in primary election held in county, showing: date of election, name of each candidate for office, title of office sought, number of votes cast for each candidate, total number of votes cast, name of each candidate nominated, signatures of commissioners, and date filed. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11 x 5 x 13.

288. ELECTION COM'RS (Commissioner's) RECORD, Nov. 4, 1914--. 2 vols.
Tabulated statement of votes cast at the various precincts of county for candidates of various offices to be filled and recorded by county court clerk upon approval of board of election commissioners, showing: date of election, number and name of precinct, name of candidate for each office, number of votes cast in each precinct for each candidate, total votes cast, approval of board of election commissioners, attestation of county court clerk, and date recorded. Arr. chron. by date recorded. No index. Hdw. under pr. hds. Aver. 480 pp. 18 x 12 x 2½.

Certifications

289. (CERTIFICATES OF NOMINATION), Sept. 6, 1929--. In Certificates of Nomination, Notifications and Declarations, Statements of Expenses, entry 293; 1932-34 also in Election Commissioners and County Examiners (Appointments), entry 291.
Duplicates of certificates of nomination issued to successful candidates in primary elections, showing: name of candidate, title of office, date certified, date of primary, and signature of county court clerk.

290. (CERTIFICATES OF ELECTION), Aug. 9, 1921--. In Certificates of Nomination, Notifications and Declarations, Statements of Expense, entry 293; 1934-36 also in Election Commissioners and County Examiners (Appointments), entry 291.
Duplicate of election certificates issued to candidates elected to county of-

fices, showing: date of certificate, date of election, name of candidate, party affiliation, title of office, and signatures of election commissioners.

Election Officers

291. ELECTION COMMISSIONERS AND COUNTY EXAMINERS (Appointments), 1915--. 1 f.d.

Notices of appointment issued by State Board of Election Commissioners to persons appointed as members of county board of election commissioners, showing: date, political party, term of service, and signature of chairman. Also, copies of notices of appointments issued by county board of education to persons appointed as county examiners for the purpose of examining applicants for positions as teachers in the county public schools, showing: date of appointment, term of service, and signature of chairman of county board of education. Also contains: (Certificates of Nomination), 1932-34, entry 289; (Certificates of Election), 1934-36, entry 290. Arr. chron. by date of appointment. No index. Typed. 11 x 5 x 13.

292. LISTS SUBMITTED FOR SELECTION OF ELECTION OFFICERS, Aug. 22, 1936--. 75 docs. in 1 f.d.

Lists of names submitted by chairmen of political committees to the board of election commissioners for selection of election officers, showing: date, name of person recommended for appointment, title or duty of each, and party affiliation, and signature of chairman submitting recommendation. No obvious arr. No index. Hdw. and typed. 11 x 5 x 13.

Campaign Expenses and Claims

293. CERTIFICATES OF NOMINATION, NOTIFICATIONS AND DECLARATIONS, STATEMENTS OF EXPENSES, May 27, 1933--. 200 docs. in 1 f.d. Prior records missing.

Expense accounts filed with county court clerk by candidates seeking election to county offices, showing: name of candidate, date of election, title of office sought, items of expense, to whom paid, amounts contributed and by whom, attested signature of candidate, date filed, and signature of county court clerk. Also contains: (Certificates of Nomination), Sept. 6, 1929--, entry 289; (Certificates of Election), Aug. 9, 1921--, entry 290. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11 x 5 x 13.

294. ELECTION OFFICERS' CLAIMS, 1933--. 70 docs. in 1 f.d.

Claims filed with board of election commissioners by precinct election officers for services rendered during county elections, showing: date of claim, name of claimant, nature of services rendered, date of election, amount of claim, signature of claimant, and acknowledgment of county court clerk. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11 x 5 x 13.

(Next entry 295, p. 309)

XVII. COUNTY BOARD OF REGISTRATION AND PURGATION

Structure

Introduction

Constitutional provision in 1891 provided for the registration of all persons entitled to vote, and the following year the Kentucky General Assembly passed an act which set up a system of registration. (1) Legislation in 1904 and 1908 amended the act of 1892 and provided for registration in cities of certain classes. (2) An act of 1922 provided for the registration of every voter in the Commonwealth, but was declared unconstitutional by the Court of Appeals (3), and the registration provisions of the act of 1892 continued in force until repealed by an act of 1924. This act permitted any voter, upon belief that a person was illegally registered, to move that the county court strike the name of such registered voter from the registry. It also gave detailed instructions concerning the procedure for keeping the registration book for each precinct up to date. (4) In 1936, the "General Registration Act" brought all voters in the Commonwealth, with the exception of Louisville voters, under the provisions of the act of 1924. (5) In 1938, however, registration was made a general requirement throughout the State. (6)

Creation

In 1938 legislation creating the State Board of Registration and Purgation provided that, within 20 days after the passage of this act, a county board of registration and purgation should be established in each county of the Commonwealth. (7)

Selection and Term

The board is composed of three members appointed by the State Board of Registration and Purgation on January 1 of each year. (8)

Qualifications

The three members of the county board of registration and purgation are chosen, one from each of the two dominant political parties, and the third, a citizen of the county selected by the State Board of Registration and Pur-

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1. CONST. 1891, SEC. 147; ACTS, 1891-93, P. 129.
2. ACTS: 1904, PP. 31-33; 1908, P. 126.
3. ACTS, 1922, P. 413; PERKINS V. LUCAS, 197 KY. 1 (1922).
4. ACTS: 1924, P. 153; 1936, P. 131.
5. IBID., P. 114 FF.
6. ACTS, 1938, P. 576 FF.; BALDWIN'S SUPP. SECS. 1496-1, 1496-2.
7. ACTS, 1938, P. 576; FF.; BALDWIN'S SUPP., SEC. 1496-2.
8. ACTS, 1938, P. 580; BALDWIN'S SUPP., SEC. 1496-9.

County Board of Registration and Purgation - (Next entry 295, p. 309)

gation. All three must be residents of the county, possess all the qualifications of legal voters, and be at least 21 years of age. (9)

Oath and Bond

The members of this board are each required to take the oath of office and furnish bond of $1,000 for the faithful performance of their duties. (10)

Removal and Vacancy

Any member of the county board may be removed by the State Board of Registration and Purgation at its discretion. The State Board also fills any vacancy that may occur in the county board. (11)

Compensation

The members of the Anderson County board receive no compensation for their services. Only in counties containing cities of the first class are they paid a salary of $1,200 a year, in monthly installments allowed by the fiscal court. (12)

Meetings

The newly-appointed county board, at its first meeting, selects a chairman and a secretary who must belong to different political parties. The board must meet not more than 15 days before the election, and meetings are generally held in the courthouse. If circumstances, however, demand another meeting place, the members receive a written notice showing the time and place of such meeting.. (13)

Penalty

Any officer of the board who fails to perform his duty as required by law is guilty of a misdemeanor and may be fined not less than $10 or more than $100. (14)

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9. Acts, 1938, p. 580; Baldwin's Supp., sec. 1496-9.
10. Acts, 1938, p. 581; Baldwin's Supp., sec. 1496-10.
11. Acts, 1938, p. 580; Baldwin's Supp., sec. 1496-9.
12. Acts, 1938, pp. 583, 584; Baldwin's Supp., sec. 1496-11.
13. Acts, 1939, pp. 581, 584; Baldwin's Supp., secs. 1496-10, 1496-11.
14. Acts, 1938, p. 597; Baldwin's Supp., 1496-18.

County Board of Registration and Purgation - (Next entry 295, p. 309)

Functions

Registration and Purgation

The chief responsibility of the board is to enforce the provisions of the General Registration Act of 1936 regarding the registration of voters, and to this end it may adopt reasonable rules for the performance of its duties. No rule, however, may be adopted by the board until it has been submitted in writing to the State Board of Registration and Purgation and approved by that body. (15)

The county board must examine the registration books and lists in the county clerk's office as often as it may deem necessary, and particularly the registration books after the closing date of the books and before any election, to remove the names of persons who have died, moved, or otherwise been disqualified to vote since the date of their registration. The board prepares a list of such names, but no name is stricken until the challenged voter has first been given an opportunity to be heard. A challenged voter must be notified in writing, at the address shown on his registration record, that his name will be stricken unless he appears within 5 days to show cause why such action should not be taken. If, after proper notice, the voter fails to appear, the board deletes his name. If the voter appears and the board determines that he is legally registered, his name remains on the registration lists. In the event of a contrary decision, however, the board enters an order directing the county court clerk to strike off the name of the voter. The required notices may be served by any authorized process server or by special process servers selected by the board. (16) Process servers of such notices are paid fees by law, such payments to be made by the fiscal court upon proper qualification. (17)

A legal voter must appear before the county court clerk at least 60 days prior to any election in order to register, change his residence, or change his party affiliation, as the clerk must close his registration books or lists 59 days prior to an election, and these books are not reopened until 10 days after the election. (18)

Purgation Officers

Whenever the county executive committee of either of the two dominant political parties applies to the county board of registration and purgation between September 5 and October 15, in any year preceding a general election, the board appoints two purgation officers, one from each party. These officers are selected by the board from a list of names submitted by each of

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15. Acts: 1936, pp. 114-145; 1938, pp. 581, 582; Baldwin's Supp., sec. 1496-10.
16. Acts, 1938, pp. 582, 583; Baldwin's Supp., sec. 1496-10.
17. Acts, 1938, p. 585; Baldwin's Supp., sec. 1496-11.
18. Acts, 1938, pp. 590, 591; Baldwin's Supp., sec. 1496-14.

County Board of Registration and Purgation

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the county executive committees, to purge the registration list in any precinct of names of voters who should be stricken from the list. Such purgation officers serve without pay and need not live in the precinct they serve. Requests filed by a county executive committee must contain the names of the challenged voters and grounds for the challenges. In like manner, any group of candidates in a primary election may request a purge if their request is filed between June 5 and July 10. In complying with such a request for purgation of registration in a primary election, the county board may appoint purgation officers from voters of the county without regard to their party affiliation. (19)

The list of challenged voters in either the primary or general election is turned over to the two purgation officers, who are sworn to discharge their duties faithfully. They meet in the precinct in which they are to act, at some place and time designated by the sheriff. These officers are authorized to summon and swear witnesses and conduct hearings in the precinct. Each challenged voter, unless investigation reveals that the challenge is unfounded, is notified in writing of the time and place of the meeting at which the challenge against him is to be heard. This notice is served upon the challenged voter by delivering a copy of the notice to him in person. If he cannot be found at his place of residence shown on the registration records, a copy of the notice must be left with any person over the age of 16 living in the family of the voter, or if no such person be there, a copy of the notice must be affixed to the front door of the residence. The server then returns a copy of the notice to the purgation officers with his endorsement stating when and how the notice was served. (20)

After investigation and hearing of such evidence as may be presented, the purgation officers determine the status of the challenged voter. If they decide he is not legally registered, his registration is cancelled. Failure of such voter to appear at a hearing after due notice constitutes ample warrant for the cancellation of his registration. If the challenged voter is found to be legally registered, no further action is necessary. (21)

Appeals from the action of the purgation officers or the county board of registration and purgation may be taken to the county judge or to any circuit judge 5 days before any election, and no decision affecting the right of a voter may be made by any purgation officer or by the county board of registration and purgation later than 8 days before any election. (22)

The board of registration and purgation may employ necessary clerical help and may buy supplies and equipment, to be paid for by the fiscal court

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19. Acts, 1938, pp. 591-595; Baldwin's Supp., sec. 1406BB-13.
20. Acts, 1938, pp. 593, 594; Baldwin's Supp., sec. 1406BB-13.
21. Acts, 1938, p. 594; Baldwin's Supp., sec. 1406BB-13.
22. Acts, 1938, p. 595; Baldwin's Supp., sec. 1406-15.

on sworn statements certified by the chairman and secretary of the board that such costs are reasonable and necessary. (23)

This body keeps no records.

XVIII. COUNTY BOARD OF EDUCATION

Introduction

When Anderson County was created in 1827, the educational development of the State as a whole was very meager. Aside from "old-field schools," erected on waste and unappropriated land, and certain privately-owned schools where the more prosperous citizens educated their children, Anderson County had little to offer in educational facilities until 1830 when the Kentucky General Assembly provided for the establishment and financial support of a uniform system of public schools. (1) The act creating this system of education provided for the election of three school commissioners, who were a body corporate and constituted the forerunner of the county board of education. (2) This corporate body was the first attempt to have the educational policies of the county regulated by a central governing body and was a predecessor of the present county board of education.

Structure

Creation

In 1838 the State Board of Education was created, which in turn established in each county a five-member board of school commissioners. (3) The latter was reduced to three members by an amendment approved in 1839 (4), and later legislation reduced it to one commissioner. (5)

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23. Acts, 1938, p.584 ; BALDWIN'S SUPP., SEC. 1496-11.
1. FOR DETAILS OF EARLY EDUCATION IN THE COUNTY, SEE HISTORICAL SKETCH, P. 1.
2. Acts, 1829-30, pp. 272-281.
3. Acts, 1837-38, pp. 276, 277, 281.
4. Acts, 1838-39, pp. 381, 382.
5. Acts, 1855-56, 1, 103-105.

County Board of Education (Next entry 295, p. 309)

Selection and Term

The first board of school commissioners, created in 1838, was appointed by the State Board of Education for a term of 1 year. (6) This appointive authority was later given to the State Superintendent of Public Instruction, who acted only upon the advice and consent of the State Board of Education. (7) This power was subsequently given to the county court. (8) Later statutes extended the term of the members of this board to 2 years. (9)

Legislation in 1908 provided for a county board of education to consist of the chairmen of the educational boards established in each of the several educational divisions into which the county was divided. These chairmen, elected as subdistrict trustees, held office for 2 years. (10) Anderson County, on April 19, 1909, established such a board. (11) In 1920 a five-member county board of education was authorized to be elected from the county at large for a term of 4 years, one to be elected each year, except in those years in which the terms of two members expired, thus making necessary the election of two members. (12) In 1922 this arrangement was altered, however, by an act which provided that the county be divided into five districts, each district electing one member of the board for a term of 2 years. (13) By an act passed in 1924 and reaffirmed in 1928, the district system of election was retained, but the term was lengthened to 4 years. (14) The general school code adopted in 1934 continued the five-member board elected for 4 years; however, the district method of election was discontinued and all members were made elective from the county at large. (15)

Qualifications

No particular qualifications were required of the early county school commissioners. In 1920, however, each member of the county board of education was required to be at least 21 years of age and to have been a resident of the county for 1 year prior to his election. (16) Today, a board member must be at least 24 years of age, and must have been a citizen of Kentucky for 3 or more years preceding his election. Since 1922, he must also have had at least a common school education. (17) He is prohibited

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6. Acts, 1837-38, pp. 276, 277, 281.
7. Acts, 1844-45, pp. 47-51.
8. Acts, 1849-50, pp. 29-31.
9. Acts: 1855-56, 1, 103-105; 1861-63, p. 132.
10. Acts, 1908, pp. 138-142.
11. Fiscal Court Minutes (Orders) vol. 3, p. 136, see entry 1.
12. Acts, 1920, pp. 148-153.
13. Acts, 1922, pp. 150-153.
14. Acts: 1924, p. 81; 1928, pp. 215-217.
15. Acts, 1934, pp. 242, 247; Carroll, sec. 4399-24.
16. Acts, 1920, p. 149.
17. Acts: 1922, p. 151; 1924, p. 79; 1934, p. 245.

from holding any other civil or political office while serving on the board and from voting on the employment of a relative. No person, if he had previously been removed for cause, is eligible for membership on the board. (18)

Removal

Formerly a county school commissioner was subject to removal for cause, by the State Superintendent of Public Instruction upon the advice and consent of the State Board of Education. (19) Under present statutes the State Board of Education is authorized to remove from office for immorality, misconduct in office, incompetency, or willful neglect of duty, any school board member under its jurisdiction, whether appointed or elected to office by popular vote. Also, if a member fails to attend three consecutive meetings without excuse, he must vacate his office. (20)

Vacancy

Originally the State Superintendent of Public Instruction, with the consent of the State Board of Education, had authority to fill any vacancy on the county board. (21) Later legislation authorized the county judge, sitting alone, to fill such vacancy, his appointee to hold office until the next session of the court of claims. (22) Since 1920 a vacancy occurring from any cause has been filled by the members of the board within 90 days of its occurrence; if not so filled, the State Board of Education, within 30 days after being notified of the failure of the county board to make such appointment, fills the vacancy. (23)

Compensation

In 1858 the county school commissioners received $1 for each day engaged in school duties. (24) This amount was later increased to $2 per day, not exceeding 50 days per annum. (25) Subsequent legislation provided that, in addition to the maximum compensation in any one year, each commissioner received 1 percent of all money received and disbursed by him and $3 for each of his districts in which school was taught. (26) Members of the county board of education in 1908 were each paid $3 per day, not to exceed 12 days in any year. (27) In 1922, this amount was increased and each member

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18. IBID.; Acts, 1938, pp. 134-136; Carroll, sec. 4399-22.
19. Acts, 1944-45, pp. 47-51.
20. Acts, 1934, pp. 217, 252; Carroll, secs. 4377-13, 4399-29.
21. Acts, 1944-45, pp. 47-51.
22. Acts, 1861-63, p. 132.
23. Acts: 1920, p. 150; 1922, p. 152; 1924, p. 60; 1934, p. 252; Carroll, sec. 4399-30.
24. Acts, 1838-39, pp. 381, 382.
25. Acts, 1855-56, I, 103-105.
26. Acts, 1869-70, p. 123.
27. Acts, 1908, p. 142.

received $5 per day for his services, plus necessary expenses incurred in attendance upon board meetings, to be paid from county school funds. (28) In 1934 members were not paid salaries, but were allowed the expenses which they incurred in the performance of their duties. (29) At present each member of the board receives a per diem of $5 and expenses for each regular or special meeting attended, but the total amount paid each member of the board must not exceed $100 a year. (30)

Functions

General Administration

The legislature, in creating the county board of school commissioners, invested the office with general corporate powers to hold real and personal property for the sole use of the common schools of the county, but held the board liable for any loss resulting from mismanagement or neglect of the funds entrusted to its care. (31) The board was given authority to divide the county into school districts; change or modify them; call meetings in the various districts; hold elections of trustees without an order from the county court (32); and fill vacancies in the office of subdistrict trustees until the next election. (33) It could also appoint three Negro trustees for each Negro school district. (34)

The county board of education created in 1908 assumed the general administrative functions formerly exercised by the board of school commissioners. In 1912 it was further empowered to provide supervisors to serve as substitute teachers or truant officers under the direction of the county school superintendent. (35) In 1920 it was authorized to call meetings of teachers for instruction in their work; to suspend or remove from office the county school superintendent, teachers, subdistrict trustees, or other employees for cause; and to employ attendance officers and supervisors. This act also gave the county board the authority to appoint the county school superintendent for a term of 4 years. (36) An act of 1932 sought to elect the county superintendent of schools by popular vote, but the measure was annulled by the Court of Appeals before it became effective. (37) Later, the board was given authority to appoint an assistant school superintendent, when necessary, and also an attendance officer and assistants,

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20. Acts, 1922, pp. 150-153.
29. Acts, 1934, pp. 247, 251-253.
30. Acts, 1930, p. 151; Baldwin's Supp., sec. 4309-32.
31. Acts, 1837-38, pp. 276, 277, 281.
32. Ibid., pp. 277, 278; Acts, 1841-42, pp. 31, 32.
33. Acts, 1855-56, pp. 103-105.
34. Acts, 1873-74, pp. 63-66.
35. Acts, 1912, pp. 401, 402.
36. Acts, 1920, pp. 146-152, 150.
37. Acts, 1932, pp. 357-358; Robertson v. Hopkins County, 247 Ky. 129 (1933).

upon the nomination of the superintendent. (38)

The county school superintendent is the administrative agent of the board of education, and all his acts and policies are subject to the approval of the board. The board also elects a secretary and a treasurer, or it may confer both functions upon the same individual. (39) It is the board's duty to provide sanitary facilities for each school (40); to supply educational facilities for handicapped children who are home-bound but mentally fit (41); and to summon and force the attendance of witnesses in any investigation or proceeding before it. (42)

The provisions contained in the act creating the county board of education, aside from certain features of structure, differed in no fundamental respect from those controlling the present board. This act required the board to establish one or more high schools in the county within 2 years; purchase, lease, sell, rent school sites, and repair buildings and furnishings; condemn property for school purposes; and employ and fix salaries of teachers in the high schools established. (43) Today the county board is required to furnish at least a 12 grade school service for pupils in the district, either by establishing such a school or by contract with another district. (44) An act of 1938 provides that the board furnish high school facilities within the county, and, if the number of such children of either race, in any one county or independent district is insufficient to warrant a high school, transportation must be given these children to another district. Board and room must also be furnished within reasonable walking distance of the school, provided the expenses for such accommodations do not exceed $100 a year for each pupil. (45)

For the purpose of qualifying for financial assistance from the Federal Government, Anderson County in 1934 was authorized to acquire elementary and high school buildings and to issue bonds for them, payable from revenue derived from the lease of such buildings to local boards of education. District boards of education were also authorized to convey school sites to other boards to permit amortization of school construction costs under Federal grants. (46)

Financial Administration

In 1830 when the legislature established the county public school system,

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38. Acts, 1934, pp. 265, 283,288; Carroll, secs. 4399-34, 4434-6.
39. Acts, 1934, p. 264; Carroll, secs. 4399-34, 4399-38, 4399-42.
40. Acts, 1920, p. 154.
41. Acts, 1934, p. 279; Carroll, sec. 4434-3.
42. Acts, 1934, pp. 274, 275; Carroll, sec. 4399-55.
43. Acts, 1908, pp. 135-142.
44. Acts, 1934, pp. 228, 229; Carroll, sec. 4399-2.
45. Acts, 1938, First Special Session, pp. 1039, 1040; Baldwin's Supp., sec. 4363-5A.
46. Acts, 1934, Special Session, pp. 119, 129; Carroll, secs. 4421-1 to 4421-38.

the district school commissioners were authorized to provide necessary funds to operate the schools in their districts by levying and collecting taxes not to exceed 6¼ cents on each $100 of assessed valuation. They could also levy a poll tax of not more than 50 cents. (47) Where counties failed to adopt the common school system, they received the amount due them from the State school fund to be paid to the county school commissioners for the education of indigent children of school age in the county. (48)

The county board of education has complete control of the county school fund, and, before any amount for school purposes can be appropriated from the school treasury, it must be so ordered by a majority of the board. (49) When the board was empowered to appoint a treasurer, it was also authorized to appoint a bank or trust company as a depository for school funds, and should the annual receipts exceed $100,000, to appoint two such depositories. (50) If necessary, the board could borrow money and apply to the fiscal court to issue bonds in anticipation of revenue from school taxes for acquiring or building schools, subject to the approval of two-thirds of the voters of the district. (51) The board was given authority to take possession of, sell, or convey property within its district, that had reverted to the State (52) and to convert to the general fund any income derived from the invested money which it owned. (53)

In 1838 the county school commissioners were required to apply for and receive from the State Superintendent of Public Instruction the money apportioned to the county for school purposes. They also received from the sheriff all money raised in the county for the same purpose. From these funds the board allotted to each subdistrict a pro rata share based on the ratio of the number of children of school age within the subdistrict to the total number of such children in the county. (54)

At the time the public school system of Kentucky was inaugurated, the county courts were required to submit to the voters of each school district the question of levying a sum upon the taxable property which, when added to the funds to be received from the State, would be sufficient to meet all the school expenses of the district. (55) This method of raising revenue by district taxation ceased in 1845, and the raising of money by private subscription was substituted. (56) Later legislation gave the board authority

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47. Acts, 1829-30, pp. 272-281.
48. Acts, 1842-43, pp. 72-75.
49. Acts: 1908, pp. 138-143; 1920, p. 153; 1922, p. 154; 1934, pp. 243-245; Carroll, sec. 4399-20.
50. Acts, 1934, pp. 266, 267; Carroll, sec. 4399-43.
51. Acts: 1912, pp. 141, 146; 1934, pp. 268-272; Carroll, secs. 4399-44, 4399-47.
52. Acts, 1934, p. 275; Carroll, sec. 4399-56.
53. Acts, 1934, p. 276; Carroll, sec. 4399-60.
54. Acts, 1837-38, pp. 276-279.
55. Ibid., pp. 276, 277.
56. Acts, 1844-45, pp. 53, 54.

to impose a capitation tax of not more than $2 per annum on parents whose children were attending the district school, and further stipulated that all fines and forfeitures recovered from violations of the liquor laws should be applied toward the erection and furnishing of school buildings. (57) The power to raise school revenue locally was broadened by an act which authorized the district trustees, subsequent to the approval of the district voters, to levy an annual ad valorem tax not to exceed 70 cents on the $100 valuation, and a poll tax not to exceed $2. Power to issue bonds for the erection of school buildings was also granted. (58) In 1920 the board was required to request the fiscal court to levy a minimum tax of 25 cents on each $100 assessed valuation of property, and more if necessary, to provide funds to pay teachers a minimum salary of $75 per month. (59)

The county board of education in 1926 was authorized to submit to the voters of the county, or any subdistrict, the question of levying an annual tax not to exceed 75 cents in addition to the regular annual levy for specified school purposes. (60) In 1934 the board was required to submit to the voters of the subdistricts, upon written petition of 40 percent of the voters therein, such additional levy up to 75 cents per $100 assessed valuation, or a bond issue, in order to raise revenue to be used for such specified school purposes within the subdistrict. (61)

In 1843 the office of county school treasurer was created, the incumbent to be appointed by the county court. (62) Later, the appointive power was given the county board of school commissioners. (63) The office of treasurer was abolished in 1850 and provision was made for the board of school commissioners, or any one of them, to act as treasurer. (64) Subsequently the school trustees appointed a district treasurer to handle all school funds of the school district (65), or, as was later provided, if the trustees considered it preferable, the sheriff could act as treasurer. (66) In 1922 all moneys and securities belonging to the county board of education were deposited with a treasurer elected by the board. (67) This was reaffirmed by the general school code adopted in 1934. (68)

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57. Acts, 1883-84, pp. 135, 136.
58. Acts, 1887-88, I, 194-220.
59. Acts, 1920, pp. 8, 9.
60. Acts, 1926, p. 282.
61. Acts, 1934, pp. 237-240; Carroll, sec. 4399-12.
62. Acts, 1842-43, p. 72.
63. Acts, 1844-45, p. 50.
64. Acts, 1849-50, pp. 29-31.
65. Acts, 1891-93, pp. 1455-1457.
66. Acts, 1898, pp. 29-33.
67. Acts, 1922, pp. 153, 154.
68. Acts, 1934, pp. 264, 265; Carroll, sec. 4399-42.

County Board of Education (Next entry 295, p. 309)

While the county board of school commissioners, and later the county board of education, has always had general charge of the financial administration of the county public school system, until recently only the most rudimentary principles of budgetary procedure were followed. The act of 1908 made it the "duty of the county board of education to estimate and lay before the fiscal court the educational needs of the county." (69) A more detailed budget was required by an act of 1920, which provided that the board "prepare subject to the rules and regulations of the State Board of Education and on and with the advice of the county superintendent an itemized and detailed school budget. . . ." This budget was required to show a particularized estimate both of expense and the anticipated revenue, the latter based on the State per capita allotment and on the levy set by the board, which could not be less than 25 cents or more than 50 cents on each $100 valuation, and a capitation tax not exceeding $1. (70) Essentially the same budget requirement was reenacted in the general school code of 1934, with the exception that the maximum levy was raised to $1.50 per $100 assessed valuation, and the capitation tax to $2. This act also required that "school money shall be expended by the board of education in accordance with the recommendations contained in the budget submitted." (71)

Certification and Employment of Teachers

In 1838 the county board of school commissioners, with the district school trustees, had authority to examine and classify applications for teaching positions and to issue certificates to those meeting all requirements. (72) The board in 1842 was empowered to appoint three examiners, who were required to be professional teachers, to examine and certify applicants for employment as teachers. (73) This authority of the county board over certification was continued in an act which made it necessary for the prospective teacher to obtain a qualifying certificate signed by two members of the county board of examiners or the State Board of Examiners. (74) An act of 1906 established two normal schools in the State of which the boards of regents were given "power and authority to confer by diploma. . .such certificates as are usually granted by normal schools." (75) Students of such normal schools, however, could also take the regular examination for teachers' certificates. (76) The method of certification by examinations was continued and revised by an act of 1920 (77); but in this and later acts dealing with certification of teachers the county board was relieved of all functions in this connection by the State Board of Examiners and the various teachers' training institutions of the State. (78)

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69. Acts, 1908, p. 139.
70. Acts, 1920, p. 155.
71. Acts, 1934, pp. 260-262; Carroll, sec. 4399-40.
72. Acts, 1837-38, pp. 277, 288.
73. Acts, 1841-42, pp. 81, 82.
74. Acts, 1883-84, p. 139.
75. Acts, 1906, p. 397.
76. Acts, 1908, p. 163.
77. Acts, 1920, pp. 172-185.
78. Acts: 1924, pp. 126-136; 1934, pp. 295-297; Carroll, sec. 4502-1.

County Board of Education (Next entry 295, p. 309)

The county board of school commissioners and later, the board of education, has always had the duty of employing teachers for the public schools of the county. (79) The act of 1908, which required the county boards of education to provide high school facilities to pupils within their counties, made it the duty of such boards to employ and fix the salaries for the teachers of such schools. (80) All principals, assistant principals, and teachers were later made appointive by the board upon recommendation of the county school superintendent from a list of names submitted by him. Power to suspend these officials for incompetency, neglect of duty, or immoral conduct was also vested in the board. (81) In 1934 the board was authorized to elect teachers upon the nomination of the subdistrict trustees. (82)

Reports

The board of school commissioners was early required to report annually all school funds received and disbursed. (83) In 1838 it was further specified that the annual report of the commissioners include the number of school districts; the number of children of school age in the district; the number attending school as reported to the State Auditor; the length of the term in each district; the amount of money received other than State funds; the total expenditure for the period; and the balance on hand. (84) Later statutes required the county school commissioners to make, or cause to be made, to the State Superintendent of Public Instruction or the State Board of Education on or before December 1, annually such school reports as were required by law. (85)

The legislature, in 1844, required the county school commissioners to report to the State Superintendent of Public Instruction, on or before the first Monday in December the number of school districts in the county; the number maintaining schools according to law; the number of children in each district between the ages of 5 and 16; the average number attending school during the year; and the cost of each scholar, quarter, or session. (86) In 1855 the county school commissioners were required to submit a report to the Superintendent of Public Instruction, between January 15 and February 15, based on reports received from the district trustees. This report was to be used by the State Auditor in determining what proportion of the income from the common school fund was due the county. (87) Under present legislation the board of education must report to the State Board of Education all

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79. Acts: 1829-30, pp. 272-281; 1837-38, pp. 279-282.
80. Acts, 1908, p. 142.
81. Acts, 1920, p. 154.
82. Acts, 1934, pp. 235-237; Carroll, sec. 4399-9.
83. Acts, 1829-30, pp. 272-281.
84. Acts, 1837-38, pp. 275-279.
85. Acts, 1842-43, pp. 72-74.
86. Acts, 1844-45, pp. 47-51.
87. Acts, 1855-56, I, 103-105.

phases of the school services, and it is also required to publish for the benefit of the public a report on the progress of the schools. (88)

Unless otherwise specified, the records of the board of education are housed in the office of the county school superintendent.

Business Administration

Instruments of Conveyance

295. DEEDS, Sept. 29, 1883-Nov. 15, 1935. 15 docs. in 1 f.d. Transcript of deeds of conveyance for land purchased by county board of education to be used for school purposes, showing: names of grantor and grantee, location and description of property, date and terms of instrument, amount of consideration involved, signature of grantor, and attestation of notary public. Arr. chron. by date of deed. No index. Typed. 11 x 5 x 13.

296. BUILDING CONTRACTS AND SCHOOL BONDS, 1924--. 20 docs. in 1 f.d. Bids furnished county board of education, contracts made by board, and surety bonds executed before board for work to be done on county school property. Bids for work proposed on school property or buildings, showing: date bid accepted, name and location of property and building, nature of proposed work, building specifications, type of material to be used, bidder's estimate and signature, and acknowledgment of county school superintendent. Contracts for work to be done on school property and buildings, show: date of contract, name and location of property or building, name of contractor, nature of work, building specifications, type of material to be used, amount of contract, date work to commence and date to be completed, amount of surety bond required, signatures of contractor and county school superintendent, and attestation of county court clerk. Surety bonds executed before county board of education by contractors guaranteeing fulfillment of contract, showing: names of principal and surety, date of bond, amount secured, affidavit of surety, signatures of principal and surety, acknowledgment of county school superintendent, and attestation of county court clerk. Arr. chron. by date of record. No index. Hdw. and typed on pr. fm. 12 x 16 x 24.

Financial Records

297. BUDGET, 1926--. 25 docs. in 1 f.d.
Annual budgets prepared by county superintendent of schools and submitted to State Board of Education for approval, showing: itemized list of estimated receipts and disbursements, amount of each, grand totals, date, approval, and signatures of chairman and secretary of county board of education, and signature of approval of Superintendent of State Board of Education. Arr. chron. by date of budget. No index. Hdw. on pr. fm. 11 x 5 x 13.

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88. Acts, 1934, p. 274; Carroll, sec. 4399-54.

County Board of Education - Business Administration (293-302)

298. FINANCIAL RECORD BOOK, July 1, 1916--. 6 vols. Title varies: Record Book of County Board of Education, 2 vols. 1916-June 30, 1923; Financial Records of the Board of Education, 2 vols., July 1, 1923-Apr. 2, 1928.
Record of proceedings at meetings of county board of education and financial reports made to State Board of Education of monthly receipts, disbursements, and financial recapitulation. Record of proceedings shows: date of meeting, names of members attending, full record of board's actions, signature of county school superintendent, and certification of board secretary; reports of receipts show: date received, from whom received, nature of fund, and total funds received for month; reports of disbursements show: date and amount disbursed, to whom paid, purpose of payment, order or minute number approving payment, and total monthly expenditures; and monthly recapitulation reports show: date of report, balance at beginning of month, amounts received and disbursed during month, and balance in treasury at close of month. Arr. chron. by date recorded. No index. Hdw. under pr. hds. Aver. 300 pp. 18 x 14 x 2½.

299. SALARY SCHEDULE, July 1, 1922--. 40 docs. in 1 f.d.
Salary schedules prepared by county school superintendent approved by county board of education and submitted to State Board of Education, showing: date, name of teacher, number of months employed, semester hours of college training, years of previous experience, grade taught, number of teachers in charge, amount paid each teacher, quality of service, and signature of county school superintendent. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

300. SHERIFF'S SETTLEMENT WITH FISCAL COURT, May 5, 1923-Apr. 1933. 10 docs. in 1 f.d. May 1933-- in Sheriff's Monthly Reports, entry 301.
Copies of settlements of county school tax collections made annually by sheriffs with commissioners appointed by fiscal court, showing: amount collected, names of commissioners, from whom tax collected, total amount due, copy of commissioners' signatures, acknowledgment of county court clerk, and date of settlement. No obvious arr. No index. Typed. 11 x 5 x 13.

301. SHERIFF'S MONTHLY REPORTS, Jan. 1, 1922--. 100 docs. in 1 f.d.
Reports of county school tax collections made monthly by sheriff to county school superintendent, showing: date of report, period covered, date of collection, from whom collected, amount, total amount collected, and signature of sheriff. Also contains: Sheriff's Settlement with Fiscal Court, May 1933--, entry 300. Arr. chron. by date of report. No index. 1922-33, hdw. and typed; 1934--, hdw. on pr. fm. 11 x 5 x 13.

302. TREASURER'S REPORT TO BOARD OF EDUCATION, July 1921--. 85 docs. in 1 f.d.
Reports of receipts and expenditures made monthly to county board of education by school treasurer, showing: date of report, period covered, balance at beginning of month, from what sources funds were received during month, amount from each source, total amount, amount disbursed, identification numbers of checks issued, balance in school fund at end of month, and sig-

nature of school treasurer. Arr. chron. by date of report. No index. Typed on pr. fm. 11 x 5 x 13.

303. MONTHLY REPORT TO STATE DEPARTMENT, Aug. 9, 1933--. 75 docs. in 1 f.d.
Copies of financial statements submitted monthly to State Board of Education by county board of education, showing: itemized lists of receipts and disbursements, amount of each, actual balance in depository, and date and signature of county school superintendent. Arr. chron. by date of report. No index. Hdw. on pr. fm. 11 x 5 x 13.

304. STATISTICAL AUDIT AND SUPERINTENDENTS ANNUAL REPORT, June 30, 1923--. 50 docs. in 1 f.d.
Copies of annual statements of financial settlements made by county board of education with fiscal court and statistical reports of State Auditor supporting settlements, showing: indebtedness at beginning of school year, to whom indebteded, date incurred, reason, amount, itemized list of disbursements during school year, amount of each, total, amount of receipts during school year, source, amount received from each source, itemized list of assets and liabilities, amounts and balance, certification of auditor, approval of fiscal court judge, and signatures of chairman and secretary of county board of education. Also contains: Anderson County Board of Education (Financial Reports), Dec. 1925--, entry 305. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

305. ANDERSON COUNTY BOARD OF EDUCATION (Financial Reports), 1920-Nov. 7, 1925. 50 docs. in 1 f.d. Dec. 1925-- in Statistical Audit and Superintendents Annual Report, entry 304.
Duplicates of reports of receipts and disbursements made by county board of education monthly to fiscal court, showing: period covered by report, itemized list of receipts and disbursements, balance, date of report, and signature of chairman of county board of education. No obvious arr. No index. Typed on pr. fm. 11 x 5 x 13.

306. PAID BILLS, 1915--. 1,875 docs. in 2 f.b., 5 f.d.
Original claims presented to county school superintendent by creditors for services and supplies furnished to be paid upon orders of the fiscal court, showing: date of claim, name of creditor, date of purchase or service rendered, itemized list of supplies furnished or type of service rendered, total amount of claim, date paid, and number of fiscal court order allowing payment of claim. No obvious arr. No index. Hdw. F.b., 4½ x 4½ x 10; f.d., 11 x 5 x 13. 1915-21, 2 f.b., clock tower; 1922--, 5 f.d., co. sch. supt. off.

307. WARRANTS ON TREASURER B. E. (Board of Education), July 1924--. 100 docs. in 1 f.d.
Orders on county school treasurer issued by board of education in payment for services and supplies furnished by various individuals, showing: date of warrant, name of treasurer, date of board meeting, number of order, name of creditor, reason for claim, amount, and signature of chairman. Arr. chron. by date issued. No index. Typed under pr. hds. 11 x 5 x 13.

County Board of Education - Business Administration (308-313)

Purchases

308. BIDS, Apr. 2, 1928-Jan. 17, 1933. 50 docs. in 1 f.d.
Offers submitted to county school superintendent by distributors desiring contracts to furnish school supplies, showing: date, name of county school superintendent, name, unit price, and description of article offered, name of firm, and signature of firm's representative. No obvious arr. No index. Hdw. and typed. 11 x 5 x 13.

309. PURCHASE ORDER, Nov. 4, 1933-Dec. 24, 1937. 100 docs. in 2 f.d.
Requisitions for supplies issued by county school superintendent to county board of education, showing: date, school district, name and location of school, description of article needed, quantity, unit cost, total, and signature of county school superintendent. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

310. LIST OF SUPPLIES, n.d. 20 docs. in 1 f.d.
Inventory list of school supplies in each school prepared by teachers and submitted to county school superintendent at end of school term, showing: name of school, subdistrict number, and itemized list of supplies in teacher's custody. No obvious arr. No index. Hdw. under typed hds. 11 x 5 x 13.

Miscellaneous

311. FREE TEXTBOOKS, July 1924--. 700 docs. in 6 f.d.
Lists of free textbooks distributed to indigent school children prepared by county school superintendent and submitted to county court judge, showing: names of child and parents or guardian, school attended, district number, title and cost of book, signature of parent or guardian, and attestation of county school superintendent. No obvious arr. No index. Typed on pr. fm. 11 x 5 x 13.

312. BOND OF TREASURER, June 20, 1924--. 17 docs. in 1 f.d.
Original surety bonds furnished county board of education by treasurer guaranteeing faithful performance of duties in administering the affairs of office, showing: amount of bond, dates covered, terms, signatures of principal and surety, approval of county judge, and attestation of county court clerk. No obvious arr. No index. Typed on pr. fm. 11 x 5 x 13.

313. INSURANCE POLICY, 1938--. 10 docs. in 1 f.d.
Original insurance policies executed in favor of county board of education and covering loss or damage to county school buildings from causes of fire and windstorm or both, showing: name of carrying company, date and number of policy, nature of coverage, policy limit, amount of premium, date of expiration, description of property insured, terms, date issued, and signature of agent for carrying company. No obvious arr. No index. Typed on pr. fm. 11 x 5 x 13.

314. INSTITUTE CERTIFICATES, June 15, 1921. 6 docs. in 1 f.d.
Duplicates of receipts for fees collected by county school superintendent from teachers attending institute, showing: date, name of teacher, amount received, morning or afternoon attendance, and signature of county school superintendent. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

315. TUITION CONTRACTS AND PERMITS TO OTHER COUNTIES, Sept. 1924--. 48 docs. in 12 f.d.
Articles of agreement with other counties for the tutoring of resident students attending schools outside of county, showing: names of contracting counties, terms of contract, rate of tuition, and signatures of secretaries and chairmen of boards of education of counties entering contract. No obvious arr. No index. Typed. 11 x 5 x 13.

316. GASOLINE BUS REPORTS, Oct. 30, 1936-May 26, 1939. 30 docs. in 1 f.d.
Reports of mileage and operating expenses of county school buses submitted monthly to county board of education by school principals, showing: name of school principal, name and number of school, period covered by report, number of round trips completed by bus, amounts of gasoline and oil used, cost of each, and total expense of operation. No obvious arr. No index. Typed on pr. fm. 11 x 5 x 13.

General Administration

Applications and Contracts

317. APPLICATIONS FOR SCHOOLS, 1928--. 300 docs. in 2 f.d.
Original applications to county board of education from persons applying for positions as teachers in county schools, showing: type, name, and location of school attended, period of attendance, number of credits received, previous experience, date of birth, type of teacher's certificate held, references, date and signature of applicant. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

318. CONTRACT, June 1, 1918--. 120 docs. in 2 f.d.
Articles of agreement entered into by teachers and county board of education, showing: date of contract, name and address of teacher, school district number, period covered by contract, teacher's agreement to comply with school laws and rules and regulations of State and county boards of education, salary schedule, signatures of chairman and secretary of county board of education, and signature of teacher. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

Certificates and Qualifications

319. TEACHERS CERTIFICATES, July 2, 1935-June 29, 1938. 30 docs in 1 f.d.
Original teachers' certificates filed with county board of education, showing:

name of teacher, provisions under which certificate granted, basis of issuance, validity and period covered, date issued, signature of State Superintendent of Public Instruction and Director of Certifications, and Seal of Commonwealth. No obvious arr. No index. Typed on pr. fm. 11 x 5 x 13.

320. RATING PAPERS, June 14, 1921-Dec. 19, 1925. 70 docs. in 1 f.d. Statements of academic credits of county school teachers from college attended and presented to county school superintendent in support of statement of qualifications, showing: name and address of county school teacher, name of college or school attended, degree received, date of graduation, subjects studied, number of years completing course, number of recitations required each week, grade, credit unit or semester hour value of weekly recitations, total credits required for graduation, date of certificate, and signature of school president or principal. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

321. COLLEGE CREDITS, Dec. 9, 1925--. 75 docs. in 1 f.d. Record of credits furnished teacher by college attended and filed with county school superintendent, showing: name of teacher, date of report, year entered college, name of high school graduated from, entrance units, name of course, catalogue number, descriptive title, grade, semester hours, name of degree received, date granted, names of major or minor subjects studied, and signature of registrar. Arr. numer. by no. of sch. dist. No index. Typed under pr. hds. 11 x 5 x 13.

322. EXAMINATION REPORTS, June, 1920-June, 1932. 35 docs. in 1 f.d. Reports made by State Board of Education to county school superintendent of examinations taken by persons applying for positions as teachers in county schools, showing: name of applicant, address, subjects on which examined, grade, date of examination, signature of county school superintendent, examiner's acknowledgment, and signature of county court judge. No obvious arr. No index. Hdw. on pr. fm. and under pr. hds. 11 x 5 x 13.

323. ELIGIBLE PAPERS FOR EXAMINATIONS, June 1, 1922-May 28, 1926. 20 docs. in 1 f.d. Duplicates of applications to State Board of Examiners for elementary teachers' certificates, showing: date, name and address of applicant, date of birth, type of previous certificate held, name of board issuing certificate, date issued, signature of applicant, and signatures of county school superintendent and examiners. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

Miscellaneous

324. ELECTION OF SUB-DISTRICT TRUSTEES, May 1923-July 1, 1933. 125 docs. in 1 f.d. Original records of votes cast in each subdistrict for the office of subdistrict trustee, showing: number of subdistrict, date of election, name of voter, name of candidate, total number of votes cast for each candidate, and certification of judge and clerk of election. Arr. numer by subdist. no. and chron. thereunder by date of election. No index. Hdw. under pr. hds. 11 x 5 x 13.

325. RECORD OF BOARD MEMBERS OATH, Jan. 6, 1936-July 6, 1936. 8 docs. in 1 f.d.
Oaths administered by county school superintendent to persons elected as members of county board of education and resignations of board members; oaths show: name of principal, bond requirements, statement of oath, signature of principal, and date and signature of county school superintendent; resignations show: date resignation to become effective, reason for resignation, and signature of principal. No obvious arr. No index. Typed. 11 x 5 x 13.

326. TRIAL DOCUMENTS, n.d. 1 doc. in 1 f.d.
Copies of documents in suit concerning school district boundaries, with board of education of Lawrenceburg as plaintiff and county board of education as defendant, tried before circuit court, showing: style of case, description of disputed boundaries, action taken, and attestation of circuit court clerk. No obvious arr. No index. Typed. 11 x 5 x 13.

327. TYRONE GRADED SCHOOL (Minutes of Meeting of Board of Trustees of Tyrone Graded School), May 25, 1925-Sept. 18, 1932. 1 vol. Record discontinued.
Record of proceedings of the board of trustees of Tyrone Graded School, showing: date of meeting, names of members present, full report of proceedings, signatures of president and secretary of board. Arr. chron. by date of meeting. No index. Hdw. 198 pp. 12 x 7 x 1.

XIX. COUNTY SCHOOL SUPERINTENDENT

Structure

Creation

The general functions pertaining to the administration of the public school system, formerly exercised by the county board of school commissioners or other similar agency (1), were given to the county school superintendent upon the creation of this office in 1884. (2) On August 16, 1886, John W. Gudgel was elected the first superintendent of schools for Anderson County.(3) An act of 1908 gave these general administrative powers to the board of education created by this act, and the superintendent thereby became the ad-

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1. SEE COUNTY BOARD OF EDUCATION, P. 300.
2. Acts: 1883-84, I, 127.
3. COUNTY COURT ORDERS, VOL. G, P. 358, SEE ENTRY 194.

ministrative agent of the board. (4)

Selection and Term

The first superintendent was elected for a term of 2 years. (5) Later his term of office was increased to 4 years. (6) At the present time his term may be 2, 3, or 4 years, according to the decision of the county board of education. (7) This office continued to be elective until 1920, when the county board was authorized to appoint the county school superintendent. (8) An act of 1932 again made the office elective by the voters of the county, excluding cities of the first four classes, but because of a violation of section six of the Constitution of 1891, which provides that all elections be free and equal, the act was nullifed by a decision of the Court of Appeals in the case of Robertson et al. v. Hopkins County et al. (9) Two years later, the county board of education was authorized to appoint the county school superintendent for a term of from 1 to 4 years, according to the decision of the board. (10)

Qualifications

The county superintendent of schools was required to be of good moral character, to possess a good education, to be capable of examining and certifying teachers, and to have the ability necessary for the management of the common school interests of the county. (11) Later statutes provided that he must be at least 24 years of age and must hold a diploma or certificate from the State Board of Examiners. He was also required to have resided 2 years in the State, and 1 year in the county in which he is a candidate. (12) An act of 1932 required the county school superintendent to have had 4 years of college work; and before assuming his duties he must present to the county board of education a statement, signed by the State Superintendent of Public Instruction, that he has been issued a certificate of administration and supervision. (13)

Oath and Bond

In 1884 the county school superintendent took the oath of office, and furnished bond in the amount required by the county court. (14) Later stat-

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4. Acts, 1908, pp. 140, 142.
5. Acts, 1883-84, I, 121 ff.
6. Acts: 1887-88, I, 163; 1891-93, p. 1428.
7. Acts, 1934, p. 253.
8. Acts, 1920, p. 150.
9. Const. 1891, sec. 6; Acts, 1932, pp. 357-359; 247 Ky. 129-132 (1933).
10. Acts, 1934, p. 253; Carroll, sec. 4399-34.
11. Acts: 1883-84, I, 121, 1887-88, I, 163; 1891-93, p. 1426.
12. Acts: 1887-88, I, 163; 1891-93, p. 1426; 1912, p. 399.
13. Acts: 1932, p. 365; 1934, p. 253; Carroll, sec. 4399-34.
14. Acts, 1883-84, I, 121; Const. 1891, sec. 228; Acts: 1891-93, p. 1429; 1908, p. 140.

(Next entry 328, p. 321)

utes provided that he must furnish bond in duplicate for twice the amount he received at any one installment from the State treasury. One copy he gave to the State Superintendent of Public Instruction and the other to the county court clerk. (15) At present, the superintendent takes the oath of office but is not required to give bond, since he no longer has any financial functions. (16)

Removal

The county school superintendent has always been subject to removal by the county court for inability, habitual neglect of duty, or for malfeasance in office. If this officer knowingly falsified his reports to the State Superintendent of Public Instruction, or failed to make the required financial statements to the State Auditor, he could be removed from office, fined, and imprisoned. (17) Under statutes in force at present, the county board of education has the authority to remove him for cause. (18)

Vacancy

Prior to 1920, a vacancy in this office was filled by the county court. Legislation enacted in that year, and in effect today, authorized the county board of education to fill such vacancy. (19)

Compensation

Included in the act which created the office were provisions that a reasonable remuneration be allowed the county school superintendent for his services, the amount to be fixed annually and paid out of the fund raised by taxation, as directed by the act. In the event no such tax was levied, he was paid out of the general county levy, as the county judge and county attorney were paid. (20) In 1887, the court of claims based his salary on the number of pupil children reported in the census taken by the district trustees. He received not less than 10 cents or more than 20 cents for each pupil child, and in no case more than $1,500 annually. (21) In 1892, the superintendent received from 8 to 20 cents for each pupil child; however, his annual salary was still fixed at an amount not to exceed $1,500. (22) An act passed in 1912 authorized the fiscal court to pay him not less

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15. Acts: 1912, p. 401; 1916, pp. 184, 185; 1920, p. 161.
16. Acts, 1934, p. 253; Carroll, sec. 4399-34.
17. Acts: 1883-84, I, 121 ff.; 1891-93, pp. 1433, 1434, 1438; 1916, pp. 196, 197.
18. Acts: 1920, p. 154; 1934, p. 254; Carroll, sec. 4399-34.
19. Acts: 1883-84, I, 121 ff.; 1891-93, p. 1438; 1920, p. 159; 1934, p. 253; Carroll, sec. 4399-34.
20. Acts, 1883-84, I, 127.
21. Acts, 1887-88, I, 170, 171.
22. Acts, 1891-93, pp. 1437, 1438.

than $600 or more than $2,500 a year (23); but in 1916 he received from 8 to 20 cents for each pupil reported in the school census. In counties having less than $1,000,000 of taxable property, his salary was fixed at from $400 to $1,500 per annum. In counties having more than $1,000,000 of taxable property, he was paid not less than $600 and not more than $2,500. (24) Under the law as it exists today, the county board of education determines the county school superintendent's salary, the minimum of which is $1,200 per annum. (25)

Functions

General Administration

With the creation of his office the county school superintendent assumed the several duties formerly discharged by the county school commissioner in the management of the educational system of the county. These duties were, in part, to inspect the trustees' record books; to advise them and see that they discharge their respective duties, particularly with regard to securing pupil attendance; to confer with them concerning schoolhouse repairs or additions and, if necessary, new furniture; to consult with teachers; and also, to admonish them for abuse or neglect of school property. The superintendent held office at the county seat on the second Saturday of each month, and at other times when necessary, to transact official business. It was his duty to do his utmost to promote and advance the interests of the common schools. He was forbidden, however, to act as textbook agent. (26) For the better qualification and educational improvement of teachers in the county, the legislature in 1893 passed an act which directed the superintendent to hold an annual teachers' institute, which should last for not less than 3 or more than 5 days. The proceedings at such institutes were published in the county papers. (27) Further duties of the superintendent were to designate the time and place for all meetings of the county board of education; to approve plans for new schoolhouses, although he could not have an interest in contracts to build or repair them (28); and to exercise jurisdiction over the supervisors provided by the county board. (29)

The county superintendent advises the county board regarding the educational policy of the county, and prepares rules, regulations, by-laws, and statements of policy, for the approval and adoption by the county board of education and subject to its control. He has general supervision of the conduct, course of instruction, management of teachers, discipline of pupils, and management of school business affairs. He is also authorized to adminis-

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23. Acts, 1912, pp. 401, 402.
24. Acts, 1916, p. 185.
25. Acts, 1934, p. 254; Carroll, sec. 4399-34.
26. Acts: 1883-84, I, 121 ff.; 1887-88, I, 165 ff.; 1891-93, p. 1455 ff.; 1934, pp. 236, 255, 256, 257.
27. Acts, 1891-93, p. 1484.
28. Acts, 1908, pp. 140, 143.
29. Acts, 1912, p. 402.

ter the oath, required by the board, to any teacher or any other person. The superintendent of county schools, as well as all teachers and county school employees, are exempt from jury service during the school term. These provisions are in force today. (30)

Financial Administration

Under provisions of an act of 1884, reaffirmed later, the county superintendent received the school tax which was collected and paid over to him on, or before, December 1. (31) He was then required to pay the teachers' salaries upon receipt of certificates from the district board of trustees. (32)

A railroad tax, levied for school purposes, was authorized in 1892 by the General Assembly. This tax was collected by the sheriff and deposited with the county school superintendent, who distributed it pro rata to the district school treasurers. (33) Later statutes required him to report annually, on or before July 1, to the company or companies operating railroads or bridges, the boundary of school districts through which the railroad passed, or in which bridges were located. Until 1926, payment of all taxes levied against such utility concerns operating in a school district, was made to the county school superintendent for the benefit of such school district. (34) Today, he prepares all budgets and salary schedules required of his board by the State Board of Education. (35) By an act of 1920, amended in 1922 and reaffirmed in 1934, the county school superintendent was appointed executive officer and secretary of the county board of education. He is required to attend all board and committee meetings, unless his own salary, term, or the administration of his office is under discussion. He can advise on any question but is prohibited from voting. (36)

Appointments

Since the creation of his office the county school superintendent has been authorized to fill vacancies of district trustees by written appointment. (37) At the present time he may appoint members to any free library board that may be established (38); appoint necessary clerical help; recommend teachers to the board of education for appointment when the subdistrict trustee fails to do so; and nominate to the same body, school attendance officers and such other necessary assistants. (39) In 1928 the superintendent of county schools, together with the county judge, was authorized to recommend nine

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30. Acts: 1920, p. 153; 1924, p. 62; 1934, pp. 253, 254, 306; Carroll, secs. 4399-31, 4399-34, 4503-9.
31. Acts: 1883-84, I, 114, 115; 1908, p. 140.
32. Acts, 1887-88, I, 167, 169, 170.
33. Acts, 1891-93, p. 1456.
34. Acts: 1906, pp. 88, 142; 1916, p. 198.
35. Acts, 1934, p. 256; Carroll, sec. 4399-34.
36. Acts: 1920, p. 153; 1922, p. 153; 1934, p. 254; Carroll, secs. 4399-34, 4399-38.
37. Acts, 1883-84, I, 131-139.
38. Acts, 1920, p. 644.
39. Acts, 1934, pp. 236, 253, 283, 284; Carroll, secs. 4399-9, 4399-34.

persons to the Kentucky Children's Bureau, for membership on the county children's bureau. (40) To date, Anderson County has no such bureau.

Ex-Officio Functions

At the beginning of his office, the superintendent was made a member of the commission to re-form old and define new school districts; he was also a member of the county teachers' examining board, which issued certificates of qualification. (41) Later he became a member of the library committee and was required to keep a teachers' library in his office. (42) He also served as a member of the county textbook commission from its origin in 1904 until it was abolished. (43) Legislation of 1908 defined each county as one school district, except where a city or town maintained a separate system of public schools. In such cases, that part of the county outside the city constituted a school district, and the county superintendent was required to meet with the county attorney and the county judge for the purpose of dividing each county school district into educational divisions containing approximately an equal number of children of school age, including both white and colored children. The board separated such divisions into subdistricts, in each of which there were required to be from 30 to 100 white children, in order to secure funds to pay 1 teacher. The voters of each subdistrict elected for a 2-year term, one trustee who was required to be a resident of the subdistrict. These trustees of the various subdistricts of each educational division, with the county school superintendent, formed a division board of trustees. One trustee was appointed chairman and one, secretary. The superintendent was a member of the board, but could not vote except in case of a tie. At this time he became an ex-officio member of the county board of education and acted as its treasurer. (44)

Settlements

An early duty of the county school superintendent was to make an annual settlement with the county judge for the previous school year, and forward to the State Superintendent of Public Instruction a copy of this settlement, showing receipts and disbursements for that year and bearing the certification of the county court clerk. (45) Later he was required to keep an account of receipts and disbursements, and to present reports to the county board of education and the fiscal court as often as those bodies deemed it necessary. (46)

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40. Acts, 1928, p. 135.
41. Acts, 1883-84, I, 128, 129, 139.
42. Acts, 1891-93, p. 1488.
43. Acts, 1904, p. 13.
44. Acts, 1908, pp. 133, 134, 136, 140.
45. Acts, 1887-88, I, 167, 169, 170.
46. Acts, 1908, pp. 140, 142.

County School Superintendent - Census Reports (328-329)

Since 1934, the superintendent has been required to present all claims to the county board of education which passed upon them. If it approved, the board issued an order to the treasurer to pay such claims from the county school fund. At the close of the year, the county school superintendent must send the State Board of Education an itemized account of all funds received from the State and other sources, with a statement of all expenditures during the year. (47)

Reports

The county school superintendent has always been required to make a complete report on August 1, annually, to the State Superintendent of Public Instruction, and later to the State Board of Education. In addition, he reports to the county judge the number and cost of textbooks needed for indigent children. (48) The county judge also received an annual report from each district school treasurer until 1908, when the county superintendent, himself, assumed the duties of school treasurer. Unless otherwise specified, all records are found in the county school superintendent's office.

Census Records

328. CENSUS (Reports), Apr. 17, 1915-Apr. 29, 1916, Apr. 13, 1918-Apr. 28, 1934. 675 docs. in 9 f.d. Record discontinued. Title varies: Census Reports, 6 f.d., Apr. 17, 1915-Apr. 29, 1916, Apr. 13, 1918-May 22, 1927, Apr. 14, 1930-May 1, 1932. No title, 1 f.d., Apr. 14, 1930-May 1, 1932.

Annual census reports of children between ages of 6 and 18 years in each school district prepared by subdistrict trustee and submitted to county board of education, showing: name and address of child, race, date of birth, age, sex, school grade attending, names and address of parents or guardian, distance child resides from school, name and number of school, school district number, signature of trustee, date and signature of acknowledgment by county school superintendent. No obvious arr. No index. Hdw. under pr. hds. 11 x 5 x 13.

329. SCHOOL CENSUS, Apr. 20, 1895-Apr. 29, 1918. 8 vols. (1, two vols. not labeled, 3, 1905, 4-6). Record discontinued. Title varies: Record of Census Report, 1 vol. Apr. 20, 1895-Apr. 27, 1897, School Census White, 1 vol., Apr. 19, 1898-May 1, 1899, Record School Census 1 vol., May 8, 1899-May 22, 1901, Record of Reports of School Census, 1 vol., Apr. 21, 1902-Apr. 19, 1904, Record of School Census, 1 vol., May 29, 1905-Feb. 7, 1911, Record of Report of School Census, 2 vols., Jan. 1908-Apr. 20, 1914.

School census records compiled by county school superintendent from census reports submitted by school district trustees, showing: district number, names of parents, guardians, heads of families or persons having charge of

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47. Acts, 1934, pp. 211, 256, 264, 265; Carroll, sec. 4370-5.
48. Acts: 1887-88, T, 167, 169, 170; 1934, pp. 253-256; Carroll, sec. 4434-11.
49. Acts: 1891-93, p. 1456; 1908, p. 140; 1934, p. 264; Carroll, sec. 4399-42.

child, name of child, date of birth, age, and sex, name, address, and signature of parent or guardian, remarks, certification of district trustee, and signature of county school superintendent. Arr. numer. by dist. no. and alph. thereunder by name of child. No index. Hdw. under pr. hds. Aver. 640 pp. 18 x 12 x 3. Co. ct. clk. vt.

330. PERMANENT CENSUS RECORD, 1935--. 2,000 docs. in 2 f.d.
Census cards of children of school age in county filed with county school superintendent as a permanent census record, showing: school district, name of child, race, sex, date of birth, authority for age, address, date of census, school attending, grade, date entered, cause of non-enrollment or late entrance, parents' names, occupation, whether living or dead, name and relation of person child lives with, whether enrolled in public, private, parochial school, or not enrolled, cause of permanent withdrawal from school, comes from what school outside this district and date, gone to what school outside this district and date, physical disability, nativity, American or foreign born, and remarks. Arr. numer. by school dist. no. and alph. thereunder by name of child. No index. Hdw. on pr. fm. 11 x 13 x 24.

331. CENSUS SUMMARY REPORTS, 1918-May 3, 1932. 1 f.d.
Copies of census reports submitted to State Superintendent of Public Instruction of children between the ages of six and eighteen years, showing: subdistrict number, date, race, sex, total, name of graded school, school census of graded school district, total school census, number of illiterate children over ten years of age, number of children attending parochial or private schools, and signatures of county school superintendent and county court judge. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

332. COLORED SCHOOL CENSUS REPORT, 1916-17. 43 docs. in 1 f.d.
Copies of school trustees' reports to county board of education of colored children in school districts between ages of six and eighteen years, showing: names of parents or guardian, name and address of child, date of birth, age, sex, signature of trustee, date of report, and signature of county school superintendent. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13. Co. ct. clk. vt.

Enrollment

333. SCHOOL ENROLLMENT CARD, n.d. 1,000 docs. in 1 f.b.
Enrollment cards prepared by teachers of pupils attending county schools, showing: number of school district and school, name of pupil, race, sex, name and occupation of parent or guardian, and signature of teacher. Arr. alph. by first letter of surname of pupil. No index. Hdw. on pr. fm. 4 x 8 x 17.

334. WITHDRAWAL REPORTS, 1928--. 40 docs. in 1 f.b.
Report of children withdrawing from county schools furnished attendance officers by teachers, showing: school district number, name of school, name of child, address, grade, date of birth, names of parents, and reason for

withdrawal. Arr. alph. by name of child. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

335. TRANSFER NOTICES, 1930--. 44 docs. in 1 f.b.
Record of children transferring from one school to another, furnished attendance officers by school principals, showing: name of child, grade, date of birth, race, names of parents, new address, county, old address, county, name of school child expects to enter, date of withdrawal, signature of principal of school withdrawing from, date entered new school, signature of principal of school entering, and name of attendance officer. Arr. alph. by name of child. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

Attendance

336. TEACHER'S REPORTS, Aug. 30, 1915-17, 1920-37, 1939--. 4,000 docs. in 16 f.d. Title varies: Teacher Report, 13 f.d., 1917, 1920-25, 1927-37; Teacher's Monthly Report, 1 f.d., 1926-27.
Reports of school attendance reported monthly to county school superintendents by teachers, showing: name of school, period covered by report, number of days taught, number of absences, number times pupils were tardy, and total percentage of attendance. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

337. TEACHER'S REGISTER OF ATTENDANCE FOR KENTUCKY SCHOOLS, 1923--. 300 vols.
Records of attendance and work completed made by teachers and presented to county board of education at end of each school term, showing: name of school, term dates, daily program of work, data concerning pupils and parents or guardians, total and average attendance. No obvious arr. No index. Hdw. under pr. hds. Aver. 100 pp. 11 x 9 x ½.

338. SUPERINTENDENTS AND TEACHER'S ANNUAL REPORT, 1915-19. 10 docs. in 1 f.d.
Annual reports of attendance made by teachers to county school superintendent and board of education, showing: subdistrict, date, total number of pupils, race, number in elementary schools, number in high schools, average daily attendance, name of teacher, address, monthly salary, length of school year, description of school building, and signatures of teacher and county school superintendent. No obvious arr. No index. Hdw. 11 x 5 x 13.

339. EMPLOYMENT CERTIFICATES (Annual Report of Principal and Board of Trustees), June 30, 1918-July 7, 1920. 12 docs. in 1 f.d.
Annual reports, determining percentage of attendance as based on census, made by board of trustees and school principals to county school superintendent, showing: race, subdistrict number, date, number of pupils in census report, number of pupils enrolled between ages of six and eighteen years, number of principals in graded school districts, number of schools and amount of furniture in each, total number of colleges and private schools, name and address of teachers under principals' supervision, type of certificate held,

salary, financial statement, names of members of school board, financial summary, date, and signature of chairman of school board and principals. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

340. DELINQUENTS REPORT, Oct. 18, 1922-Jan. 19, 1923. 40 docs. in 1 f.d.
Reports made weekly by teachers to county school attendance officer, showing: date of report, names of teacher and school, name and address of delinquent child, names of parents, number of days absent, and reason for absence. No obvious arr. No index. Hdw. on pr. fm. 11 x 5 x 13.

341. MONTHLY REPORT OF ATTENDANCE OFFICER DELINQUENT LISTS, Feb. 1934--. 150 docs. in 1 f.d.
Monthly reports made by county school teachers to county school attendance officer concerning absences of pupils and causes, showing: date of report, names of teacher and school, number enrolled in school, number of absences, and causes. No obvious arr. No index. Hdw. on typed fm. 11 x 5 x 13.

342. MONTHLY REPORT OF ATTENDANCE OFFICER AND ANNUAL REPORT, Jan. 1936--, 40 docs. in 1 f.d.
Monthly reports of activities submitted to county board of education by attendance officers and copies of census reports sent to State Board of Education. Activity reports show: number of absences reported each day, number absences investigated, visits to homes of pupils and schools, total home visits and school visits, number transfers issued in district, number transfers received from other districts, number phone calls made, number letters written, forms mailed, teachers meetings attended, children provided clothing, food, and medical attention, days spent in office and in field, and signature of attendance officer; census reports show: date of report, total school census at beginning of month, number children in district reaching school age during month, number pupils transferred to other districts, number pupils leaving school after becoming eighteen years of age, number moving out of school district, net census at end of month, and signature of attendance officer and county school superintendent. Arr. chron. by date of report. No index. Hdw. on pr. fm. 11 x 5 x 13.

Grades

343. HIGH SCHOOL GRADUATES, Jan. 1921-June 11, 1926. 10 docs. in 1 f.d.
Reports made by county school superintendent to State Superintendent of Public Instruction certifying that pupils have completed course of instruction prescribed for county high schools, showing: name of graduate, age, date, name of course completed, average yearly record, and certification by county school superintendent. No obvious arr. No index. Hdw. under pr. hds. 11 x 5 x 13.

County School Superintendent - Health Records; Miscellaneous (344-349)

344. COMMON SCHOOL GRADUATES, 1916--. 100 docs. in 2 f.d. Title varies: Children Completed Eighth Grade, 1 f.d., 1916-23. Duplicate reports of pupils completing instructions prescribed for common schools prepared by county school superintendent and submitted to State Superintendent of Public Instruction, showing: date pupil passed examination, date of report, name of county school, name and address of pupil, age, grade in each subject, and general average. Arr. chron. by date of report. No index. Hdw. on pr. fm. 11 x 5 x 13.

Health Records

345. HEALTH CERTIFICATE, Sept. 1922-Aug. 6, 1924. 3 docs. in 1 f.d. Certificates from family physicians of school pupils to county school superintendent stating illness of pupil or member of family as reason for not attending school, showing: date of certificate, name and address of pupil, statement of illness, and signature of physician. No obvious arr. No index. Hdw. 11 x 5 x 13.

346. COUNTY SCHOOL RECORDS (Health Records), 1931--. 1,600 docs. in 2 f.d. Title varies: Rural School Records, 1 f.d., 1931--. Record of health examinations made by county health officers of pupils attending county schools, showing: name and address of child examined, name of doctor or nurse making examination, date and type of examination, diagnosis, and signature of examiner. No obvious arr. No index. Hdw. on pr. fm. 12 x 14 x 25. Hlth. dept.

347. TYPHOID IMMUNIZATION, 1925--. 1 f.b. Record of typhoid immunizations administered to school children by county health doctor, showing: name, age, address, sex, and color of child, school attending, name of parents, date of immunization, dose, and remarks. Arr. alph. by name of child. No index. Hdw. on pr. fm. 4⅝ x 4⅜ x 10.

348. SMALLPOX VACCINATIONS, 1926--. 120 docs. in 1 f.b. Records of smallpox immunizations administered to school children by county health doctor, showing: name, age, address, sex, and color of child, school attending, names of parents, date of immunization, result, and remarks. Arr. alph. by name of child. No index. Hdw. on pr. fm. 4⅝ x 4⅜ x 10.

Miscellaneous

349. PETITION AND CHILDREN TRANSFERRED, Mar. 2, 1918-Mar. 25, 1924. 10 docs. in 1 f.d. Petitions presented to county school superintendent and board of education by parents of children in subdistricts asking that changes be made concerning teachers, trustees, school district boundaries, or that pupils be transferred from one subdistrict to another, showing: number of subdistrict explanation of petition, and signatures of petitioners. No obvious arr. No index. Typed. 11 x 5 x 13.

350. LOCAL REPORTS ORGANIZATION REPORTS, 1933--. 15 docs. in 1 f.d.
Annual reports made by county school superintendent to State Department of Education, showing: number of subdistrict, name of school, names of teachers, race, type of certificate, where issued, when expires, length of school term, number of pupils attending, and signature of county school superintendent. No obvious arr. No index. Hdw. under pr. hds. 11 x 5 x 13.

351. COUNTY HIGH SCHOOL (Annual High School Report), Aug. 27, 1934. 2 docs. in 1 f.d.
Annual reports made by principals to county school superintendent, showing: date, name of school, location, post office address, name of principal, type of school, registration of high school pupils, list of previous year graduates, value of laboratory equipment and laboratory, value of library, names of teachers, academic and professional training, daily schedule of recitations, program of studies, and signature of principal. No obvious arr. No index. Hdw. and typed on pr. fm. 11 x 5 x 13.

352. COPIES OF LETTERS, 1922--. 140 docs. in 7 f.d.
Original letters from correspondents to county school superintendent, showing: date of letter, name of addressee, subject matter, and signature of correspondent. No obvious arr. No index. Hdw. 11 x 5 x 13.

353. EXAMINATION INSTRUCTION, Jan. 12, 1923-July 3, 1926. 5 docs. in 1 f.d.
Original letters of instruction written by State Board of Education to county school superintendent, stating: rules to be obeyed during examination for county school teachers. No obvious arr. No index. Typed. 11 x 5 x 13.

354. RECORD BOOK OF COUNTY SCHOOL SUPERINTENDENT, 1913-21. 4 vols. (dated). Record discontinued.
County school superintendents' record of teachers certified and receipts for salaries paid, showing: name of teacher, educational division and subdistrict numbers, amount of salary and date paid, amount received from State and county funds, and signature of teacher. Other record series contained are:

i. County school superintendent's summary reports of term attendance compiled from teacher's weekly reports, showing: term of school, name of teacher, educational division and subdistrict numbers, number enrolled, average attendance, opening and closing dates, and salary of teachers;

ii. Record of attendance at county high schools, 1913-20, showing: name and address of pupil, numbers of subdistrict and educational division, date entered, months attended, amount of tuition, and by whom paid;

iii. County school superintendent's record of applications for teachers' certificates, 1917, showing: name, age, address, and experience of applicant, date of examination, grades awarded on each subject, class of certificate, date certified, and duration of certificate;

iv. Record of settlements with county board of education made by county school superintendent covering state funds received, showing: term of school, date of settlement, amounts received, numbers of educational division and subdistrict, name of teacher, class of certificate, and amount of salary.

Arr. numer. by educational division and subdistrict numbers and chron. thereunder by date of record. No index. Hdw. under pr. hds. Aver. 200 pp. 14 x $8\frac{1}{2}$ x 1.

XX. COUNTY HEALTH UNIT

County Board of Health - Structure

Creation

Pursuant to an act of 1893, which established the State Board of Health and authorized that body to appoint local health boards in counties (1), Anderson County established its first board of health on May 1, 1931. Since this date the county has maintained the county board of health as a permanent and full-time health service. The order establishing the first health department in the county read as follows: "Whereas there is need for a permanent and full-time public health service in Anderson County, therefore, be it resolved, that Anderson County is hereby declared a district for the creation, establishment and maintenance of a full-time health department in accordance with section 2052a-2 and section 2054a-8 Carroll's Kentucky Statutes. It is the order of this Court that One thousand ($1000.00) is hereby appropriated from the County funds of the County to support the work of the Anderson County Health Department for one year. The resolution is offered by Esquire C. E. Champion, and seconded by Esquire Ollie Hume and the members vote as follows:- W. T. Overstreet votes aye, Joe B. Young votes aye, Ollie Hume votes aye, C. E. Champion votes aye, F. M. Ellis votes aye and John Robinson votes aye."(2)

Selection and Term

By legislation passed in 1904, amending an earlier act of 1893, the

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1. Acts, 1891-93, pp. 820, 824.
2. Fiscal Court Minutes (Orders) vol. 6, p. 115, see entry 1; Carroll, secs. 2052a-2, 2052a-8. For further details of the early provisions for public health, see the essay on Governmental Organization and Records System, p. 19.

State Board of Health was authorized to appoint three "intelligent and discreet licensed, practicing physicians, who, with the county judge and one person elected by the fiscal court of each county," composed the county board of health. Their term of office was for 2 years. (3)

Residence

The members of the county board of health were required to be residents of Anderson County. (4)

Removal

The members of the county board of health could be removed for cause at any time by the State Board of Health. (5)

Compensation

By legislation passed before the Anderson County Health Unit was established, the legislature provided that the members of the local board of health should receive no compensation. This provision remains in force today. (6)

County Board of Health - Functions

The chief functions which the county board of health was authorized to perform were as follows: To require heads of families and other persons to execute necessary sanitary regulations to prevent the outbreak and spread of cholera, smallpox, yellow fever, scarlet fever, and other communicable diseases; to treat infected populations promptly during premonitory or other stages of such diseases; and to inspect premises believed to be unclean and infectious. The board was required to examine all nuisances which might endanger the health of the inhabitants; to determine and fix the location of a county hospital for treatment of smallpox and other eruptive diseases, at a site sufficiently remote from habitation and public highways; to enforce the rules and regulations adopted by the State Board of Health; and to subject persons failing to comply with such rules to a fine of not less than $10 or more than $100 for each day of non-compliance. Local physicians and heads of families were directed to report all communicable diseases to the county board of health. (7) These functions are exercised by this board today. (8)

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3. Acts, 1904, p. 107; Carroll, sec. 2055.
4. Acts: 1891-93, p. 824; 1904, p. 107; Carroll, sec. 2055.
5. Acts: 1891-93, p. 828; 1918, p. 352.
6. Acts, 1904, p. 108.
7. Acts: 1891-93, p. 825; 1904, pp. 107, 108; 1918, p. 300 ff.
8. Ibid.

County Board of Health - Reports

The county board has always made reports to the State Board of Health at least every 3 months concerning, 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 in arresting the progress of epidemics; and fourth, the visible effect of such action. The local board also makes such special reports as are required or requested by the State Board of Health. (9) During 1938 the fiscal court appropriated $1,000 for the work of the county health unit for the fiscal year beginning July 1, 1938. (10)

County Health Officer - Structure

The county board of health, has always been authorized to appoint a competent physician to serve as health officer for the county. It may also employ an assistant health officer. (11)

Selection and Term

An act of 1904, amending earlier legislation, provided that the health officer hold office at the pleasure of the board. (12) This procedure was changed by legislation passed in 1918, when a majority of the board was empowered to elect a health officer for a term of 4 years. (13)

Qualifications

Until 1918 the only requirement for the health officer was that he be a physician, competent to perform his duties as required by the board. (14) Since 1918, however, he has been required to be a graduate in medicine and surgery from a recognized medical college, and must have had at least 6 months of special training in preventive medicine and public health work in some school or college approved by the State Board of Health. (15)

Removal

The county health officer may be removed at any time by the county board of health. (16)

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9. Acts: 1891-93, p. 825; 1904, p. 108.
10. Fiscal Court Minutes (Orders) vol. 6, p. 470, see entry 1.
11. Acts: 1891-93, p. 826; 1904, p. 108; 1918, pp. 300, 301.
12. Acts, 1904, p. 108.
13. Acts, 1918, p. 301.
14. Acts: 1891-93, p. 826; 1904, p. 108.
15. Acts, 1918, p. 300.
16. Acts: 1891-93, p. 826; 1918, pp. 291, 301.

Compensation

An act of 1904 provided that the salary of the health officer be fixed by the fiscal court. (17) Legislation in 1918 reaffirmed this provision and specified that a full-time health officer should receive a reasonable salary of not less than $2,000 or more than $3,000 per annum, to be paid at regular intervals as other county officials were paid. He was also allowed the necessary expenses for traveling in the performance of his duties. These provisions are in force at the present time. (18)

Assistant

An assistant to the health officer, if one should be necessary, could be appointed by the local board. (19)

County Health Officer - Functions

Provision of an act passed in 1904, in force today, authorized the county health officer to serve as secretary for the county board of health (20), and in a book provided for the purpose he is required to keep full minutes of its proceedings. (21) His chief duty is to execute the orders of the county board of health and enforce the rules and regulations of the State Board of Health. In addition, he must be prepared to make examinations of milk and water, as well as examinations of all dairies or sources of drinking water suspected of being dangerous to the public health. He must also keep properly safeguarded a supply of fresh smallpox virus, typhoid vaccine, and diphtheria antitoxin for free distribution and use for the citizens of the county. (22)

County Nurse

An act of March 26, 1918 provided that any county may employ a registered, visiting nurse to care for the sick and give instructions to tubercular and other patients concerning hygienic measures to be observed, under the direction of the county board of health and health officer. (23) The county receives State aid in providing compensation for the nurse. Such compensation allowed by the State equals one-third of the money paid to the nurse, and in no case can the amount be more than $25 per month. (24) Anderson County employs two full-time nurses in the operation of its well-organized health department.

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17. Acts, 1904, p. 106.
18. Acts, 1918, pp. 291, 300, 301.
19. Ibid., p. 301.
20. Acts: 1904, pp. 106-108; 1918, p. 300.
21. Ibid.
22. Ibid., pp. 300, 302.
23. Ibid., p. 149.
24. Ibid., p. 150.

County Health Unit - Vital Statistics; (355-360)
Clinic Records

All records are located in the grand jury room adjoining the county health office.

Vital Statistics

355. BIRTH SUMMARY, 1927--. 3,000 cards in 2 f.d.
Card record of births reported to county health department by attending physicians, showing: name of child, date of birth, sex, race, names and address of parents, place of birth, and name of attending physician. Arr. chron. by year of birth and alph. thereunder by name of child. No index. Hdw. on pr. fm. 4 x 5½ x 17.

356. (CERTIFICATION OF BIRTH), 1927--. 6 vols.
Original certificates of birth made by attending physicians with county health department, showing: registration number of district, primary registration number, name of child, date of birth, name of parents, race and sex of child, signature of physician, and date of certification. Arr. alph. by first letter of surname of child. No index. Hdw. on pr. fm. Aver. 350 pp. 8½ x 7 x 3.

357. DEATH SUMMARY, 1927--. 2,000 cards in 2 f.d.
Record of deaths reported to county health department by attending physicians showing: name and address of deceased, date of decease, age, name of physician and cause of death. Arr. chron. by year of death and alph. thereunder by first letter of surname of deceased. No index. Hdw. on pr. fm. 4 x 5½ x 17.

358. CERTIFICATES OF DEATH, 1927--. 4 vols.
Certificates of deaths in county submitted to county health department by attending physicians, showing: name, age, and sex of deceased, name of attending physician, date and cause of death, and certification of attending physician. Arr. alph. by first letter of surname of deceased. No index. Hdw. on pr. fm. Aver. 200 pp. 9 x 8 x 2.

Clinic Records

359. INDEX CARDS, 1931--. 1,500 cards in 1 f.d.
General card index to records of county health patients receiving treatment or examinations by county health department, showing: name of patient, type of treatment received, and location of file box in which record is contained. Arr. alph. by first letter of surname of patient. Hdw. on pr. fm. 5 x 13 x 23.

360. T. B. (TUBERCULOSIS) RECORDS, PRE-NATAL CON-CLINICS, CRIPPLED CHILDREN, 1931--. 100 docs. in 1 f.d.
Card records of examinations made by county health physician, including:
i. Record of examinations of tuberculosis patients, showing: name and address of patient, age, occupation, complete history of case, report of physical examination and x-rays, and signature of county health physician;

ii. Record of pre-natal non-clinic visits made by county health physicians, showing: name, address, age, marital status, and race of patient, history of case, and diagnosis of physician;

iii. Record of examination of crippled children by county health physician, showing: name of child, date of birth, race, name of parents, address, physical history of case, and final diagnosis of physician.

Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 8½ x 6 x 15.

361. COMMUNICABLE DISEASE CARDS, 1931--. 4,000 docs. in 4 f.d. Records of communicable diseases treated by county health department, showing: date, name of patient, age, address, race, names of parents, and type of disease. Arr. alph. by first letter of surname of patient. No index. Typed on pr. fm. 5 x 13 x 23.

362. TUBERCULOSIS CLINIC RECORD, 1931--. 100 cards in 1 f.d. Record of tuberculosis patients examined and treated by county health clinic, showing: name and address of patient, age, sex, race, result of tuberculin tests, and history of case. Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 4 x 8 x 15.

363. VENEREAL DISEASES, 1931--. 300 docs. in 1 f.d. Records of active and closed cases of venereal diseases that have been treated by county health department, showing: name of patient, date of birth, occupation, type of disease, treatment given, and dates entered and released. Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 6 x 9 x 12.

364. CRIPPLED CHILDREN REGISTRY, 1931--. 200 docs. in 1 f.d. Record of crippled children examined by county health department, showing: date, name of child, age, sex, race, name of parents, address, number of children in family, name of family physician, physical history, part of body deformed, and cause of crippled condition. Arr. alph. by first letter of surname of child. No index. Hdw. on pr. fm. 4 x 5½ x 17.

365. TUBERCULINE TESTS X-RAY REPORTS, 1931--. 500 cards in 1 f.d. Record of x-ray reports received by county health department of result of tuberculosis tests of county health patients, showing: name and address of patient, age, sex, race, school, x-ray plate number, name and address of parents, results of tuberculin test and x-ray photograph, and date read. Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 5 x 13 x 23.

366. X-RAY REPORTS, 1931--. 250 cards in 1 f.d. Record of x-ray reports received by county health department, showing: name and address of patient x-rayed, age, sex, race, school, history of case, date of report, and date read. Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 4 x 8 x 15.

County Health Unit - Immunizations; Sanitation Records; Miscellaneous (367-372)

367. LABORATORY REPORTS, 1931--. 300 docs. in 1 f.d.
Reports of laboratory tests made by county health department, showing: name and address of patient, age, sex, race, date, name of family physician, type of test, and findings. Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 5 x 13 x 23.

Immunizations

368. INCOMPLETE TYPHOID IMMUNIZATIONS, 1931--. 400 docs. in 1 f.d.
Records of incomplete typhoid immunizations made by county health department, showing: name and address of patient, age, sex, race, school attended, names of parents, date, and history of case. Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 5 x 13 x 23.

369. EXPIRED TYPHOID IMMUNIZATIONS, 1931--. 1,800 cards in 2 f.d.
Record of persons inoculated for typhoid immunization, and date of effectiveness has expired since inoculation, showing: name and address of patient, age, sex, race, school attended, names of parents, date of inoculation, and history of case. Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 4 x 5½ x 17.

Sanitation Records

370. SANITATION RECORDS, 1936--. 1,000 cards in 1 f.d.
Reports of sanitary inspections of private properties by county health officers, showing: names of property owner and residents, date of inspection, conditions prevailing, improvements made or to be made, and signature of inspector. Arr. alph. by first letter of surname of property owner. No index. Typed on pr. fm. 6 x 8 x 15.

371. SANITATION REPORTS, 1939--. 1 vol.
Summary reports of sanitary inspections made by health officers of dairy farms, pasteurization plants, creameries, grocery stores, hotels, restaurants and other food handling establishments, showing: date of inspection, name and address of establishment, name of owner or operator, conditions prevailing, improvements made or to be made, and signature of inspecting officer. All. alph. by name of establishment. No index. Hdw. under pr. hds. 150 pp. 15 x 12 x 1½.

Miscellaneous

372. LETTERS - INC. AND OUT (Incoming and outgoing), LABORATORY REPORTS, PRE-NATAL CLINICS RECORDS, DAILY REPORTS, MONTHLY REPORTS, EPIDEM. (Epidemiological) RECORDS, IMMUNIZATION SUMMARIES, 1940--. 50 docs. in 1 f.d.
Miscellaneous papers filed in county health office, including:
i. Miscellaneous letters received by county health department and copies of outgoing letters, showing: names of addressee and

writer, dates received and written, subject matter, and signature of writer;

ii. Analysis reports of laboratory tests made by health department, showing: date, type of test, name of patient, and findings;

iii. Laboratory reports of examinations of pre-natal patients made by county health physician, showing: name and address of patient, age, history of case, and physician's analysis;

iv. Daily reports of work performed by field workers and filed by personnel of county health office, showing: name of worker, date district, code, name of patient, address, and remarks;

v. Copies of monthly reports of services performed by county health department and submitted to State Board of Health, showing: date of report, itemized list of services, and signature of county health officer;

vi. Record of cases of contagious diseases reported by physicians to county health department, showing: name and address of patient, race, type of disease, name and address of physician, history of case, and record of visits made by physician;

vii. Reports made by health department of immunizations given, showing: type of inoculation, name of patient, age at time of inoculation, and date of inoculation.

No obvious arr. No index. Typed. 12 x 14 x 25.

373. T.B. (Tuberculosis) SEAL SALE FILE, 1931--. 250 cards in 1 f.d. Record of tuberculosis seals sold in county, showing: name and address of purchaser, change of address, date of purchase, number of seals purchased, amount remitted, and remarks. Arr. alph. by first letter of surname of purchaser. No index. Hdw. on pr. fm. 6 x 8½ x 15.

XXI. COUNTY LIVESTOCK INSPECTOR

Structure

Creation; Selection

The office of county livestock inspector was created by authority of an act passed in the Kentucky General Assembly on March 22, 1910, when the county judge was authorized to appoint a livestock inspector for the county. This same act created the State Livestock Sanitary Board, and gave it power to appoint any inspector or employee of the United States Department of Agriculture as State Inspector of Livestock. This officer could exercise

the powers of the county livestock inspector, but who, when acting in such capacity, could not receive compensation for his services from either the State or the county. (1)

In 1918, the fiscal court was authorized to appoint a county livestock inspector, his appointment being subject to the approval of the State Livestock Sanitary Board. (2) By authority of this act, on February 27, 1927, the Anderson County Fiscal Court appointed Dr. W. W. Wash as the first county livestock inspector. (3)

Qualifications

The act of 1910 mentioned no special qualifications for this officer, but the act of 1918 provided that the county livestock inspector must be a citizen of the county and a licensed, practicing veterinarian, should one be available in the county; if not, the appointee was required to be a reputable citizen familiar with livestock. (4)

Compensation

Since the beginning of his office the salary of the county livestock inspector has been fixed and paid by the fiscal court. (5)

Functions

The county livestock inspector was required to report in writing to the State Veterinarian all outbreaks of communicable diseases of livestock, giving the names and addresses of the owners of the animals. It was his duty to report the number of animals that died, the number diseased, and the number exposed to disease. He was authorized by the State Veterinarian to enter any premises and examine any such livestock as may be necessary in the furtherance of any investigation in connection with his office; to order any quarantine of animals or premises as circumstances may warrant; and to see that quarantine restrictions were observed until released by order of the State Board of Agriculture. The county livestock inspector was further required to cooperate at all times with the board in preventing, suppressing, controlling, and eradicating communicable diseases in livestock, and to report his official action to the State Veterinarian, who, upon receipt of such report, must give him all necessary assistance. Failure on the part of the county livestock inspector to comply with instructions of the State Veterinarian was cause for removal from office at the direction of the State Livestock Sanitary Board. (6)

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1. Acts, 1910, pp. 192, 197.
2. Acts, 1918, pp. 375, 376.
3. Fiscal Court Minutes (Orders) vol. 5, p. 377, see entry 1.
4. Acts, 1918, p. 375.
5. Acts: 1910, p. 197; 1918, p. 376.
6. Ibid., pp. 375-377.

The county livestock inspector, as the local agent and representative of the State Livestock Board, whose functions were transferred in 1936 to to the State Board of Agriculture, enforced the laws, rules, and regulations of this body, under the direction of the State Veterinarian. (7)

Since December 11, 1934, Anderson County has had no livestock inspector. This officer kept no records.

XXII. COUNTY SURVEYOR

Structure

Creation

In 1792, the year of Kentucky's admission to the Union, the initial legislature, sitting at Lexington, empowered the Governor to appoint, with the approval of the Senate, a well-qualified surveyor for each county, who held office during good behavior. (1) Therefore, when Anderson County was created, Lewis J. Witherspoon, whom the Governor had appointed and commissioned its first surveyor, appeared for duty on April 2, 1827. (2)

Selection and Term

The second constitution provided that the county court recommend two qualified persons to the Governor, one of whom he appointed as county surveyor, to hold office during good behavior. (3) In 1850 the method of selection changed when constitutional provision made the office an elective one (4), and stipulated that the term be for 4 years, as it is today. (5) The incumbent was not permitted to hold any other office while acting as county surveyor. (6)

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7. Acts: 1910, pp. 192-196; 1918, pp. 361-376; 1936, First Extra Session, p. 5.
1. Littell, 1792, I, 61, 62.
2. County Court Orders, first vol. not numbered, p. 10, see entry 194.
3. Const. 1799, art. 4, sec. 8; Littell, 1806, III, 405.
4. Const. 1850, art. 6, sec. 1.
5. Ibid., art. 6, secs. I, 3; Const. 1891, sec. 99; Carroll, sec. 1519.
6. Acts, 1891-93, p. 913; Carroll, sec. 3746.

County Surveyor

(Next entry 374, p. 345)

Qualifications

In 1799, to qualify for this appointment, the county surveyor must have been a resident of his county for 1 year; but since Anderson County was not created until 1827, the first surveyor must have lived for 1 year in one of the counties from which the new county was taken. (7) Since 1850 the surveyor has been required to be a citizen of the United States and to have resided in the State 2 years, and in the county 1 year preceding his election. (8)

Prior to 1850, no age limitation was specified for the county surveyor. Since 1850, however, he has been required to be at least 24 years of age to qualify for office. (9)

Oath

In 1827, before assuming his office, the county surveyor appeared before the county court and took the oath to support the constitution and to perform in good faith all the duties of his office. (10) Since 1850 the oath has required, in addition, that "he must not have participated in any way in duels." (11)

Bond

An act of 1792 required the newly-appointed surveyor to present his credentials to the court and furnish bond of $3,000 to the Governor. (12) Later provisions exacted bond and security as often as the legislature deemed necessary. (13) Beginning in 1810, and every fifth year thereafter, surveyors were required to renew their bonds, with two or more sureties approved by the court. For failure to carry out the foregoing provisions, the surveyor became automatically guilty of a misdemeanor and was subject to removal from office. (14)

Removal

For any misdemeanor while in office, the county surveyor has always been liable to impeachment by a two-thirds concurrence of the House of Representatives. (15) He is also subject to indictment and prosecution for willful neglect of official duties, in such mode as may be prescribed by law. He has, however, the right of appeal to the Court of Appeals. (16)

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7. CONST. 1799, ART. 3, SEC. 9.
8. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SECS. 100, 234.
9. CONST. 1850, ART. 6, SEC. 2; CONST. 1891, SEC. 100; ACTS, 1904, P. 263.
10. CONST. 1799, ART. 6, SEC. 1; LITTELL, 1806, III, 405.
11. CONST. 1850, ART. 8, SEC. 1; CONST. 1891, SEC. 228.
12. LITTELL: 1792, I, 61, 62; 1806, III, 405.
13. CONST. 1850, ART. 6, SEC. 9; CONST. 1891, SEC. 103.
14. LITTELL, 1810, IV, 123-125; ACTS, 1891-93, P. 915.
15. CONST. 1799, ART. 5, SECS. 1-3; CONST. 1850, ART. 5, SECS. 1-3; CONST. 1891, SECS.66-68.
16. IBID., SEC. 227; ACTS, 1891-93, PP. 913, 914; CARROLL, SEC. 3748.

County Surveyor (Next entry 374, p. 345)

Vacancy

After 1799, when the term of office lasted during good behavior, the Governor filled a vacancy in the regular manner. (17) Acts of 1851 and 1891 provided that, if the unexpired term ended at the next election, the vacancy to be filled by the county judge, pending the election. If, however, the unexpired term did not end at the next election, the county judge made a temporary appointment; and he, or, in his absence from the county, the county clerk issued a writ of election to fill the office for the remainder of the term. (18)

Componsation

Today, as formerly, the county surveyor receives no salary. Instead, as remuneration for his services, he retains the fees which he charges in the performance of his duties. These fees are fixed by law and are collected by the sheriff. (19)

Deputies

Upon recommendation of the county surveyor, the county court appointed one or more deputy surveyors, for whose conduct the county surveyor was responsible. (20) In all orders of the court, the county surveyor, in 1804, was permitted to select his chainmen and other needed workers. (21) He was later given authority to administer oaths to his chainmen. (22)

Functions

Early legislation specifically instructed the county surveyor to receive orders directly from the county court. (23) Statutory provisions passed after 1850 required the surveyor to execute promptly and faithfully every order of survey issued by the court, and to make and return a true plat of each survey. (24) Unless otherwise provided by court orders, statutes enacted after 1891 required that surveying or civil engineering work ordered by the court to be performed, must be considered as being part of the regular duties belonging to the office of county surveyor. For non-compliance with the orders of the court, the county surveyor was subject to a fine. His functions were increased in 1904 when he was made a member of

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17. CONST. 1799, ART. 4, SEC. 8.
18. CONST. 1850, ART. 6, SEC. 7; ACTS, 1850-51, 1, 90; CONST. 1891, SEC. 152; ACTS, 1891-93, PP. 144, 146; CARROLL, SEC. 1526.
19. LITTELL: 1796, I, 588, 589; 1801, II, 435; 1814, V, 147, 267; ACTS: 1851-52, PP. 301, 302; 1891-93, PP. 1148, 1149; CARROLL, SEC. 1744.
20. REV. STAT., II, 402; ACTS, 1851-52, P. 84; GEN. STAT., 1873 ED., P. 800; CARROLL, SEC. 4673.
21. LITTELL, 1804, III, 263.
22. ACTS, 1840-41, P. 27.
23. LITTELL, 1800, II, 403; ACTS, 1851-52, P. 85.
24. GEN. STAT., 1873 ED., PP. 800, 801; CARROLL, SEC. 4674.

committees or served with a group of commissioners to locate, inspect, care for, and report on bridges and other public improvements. (25) While so serving, he had authority to administer oaths to his fellow commissioners, acting himself upon his oath of office. (26) The county surveyor became a member of a commission appointed by the county judge to re-form school districts, or define new ones when conditions made it necessary to enlarge or to define such districts. (27) In addition to his specific duties connected with surveying, locating, and superintending the construction of roads, canals, levees, and ditches financed by taxation (28), the surveyor had other duties which comprised the processioning of land, the locating of lost corners and dividing lines, and, when the court so directed, the surveying and dividing of estates upon their sale. (29)

Before 1827 the county surveyor had been authorized to survey lands in the county and to return the survey to the register of the land office, who issued patents thereon. (30) In 1898, the office of land register was abolished, and its duties were assigned to the State Auditor of Public Accounts. (31)

To prevent illegal surveys, the county surveyor was forbidden to make any entry for land, or receive or issue any plat or certificate of survey on any entry made after May 1, 1792. He was subject to a fine of 200 pounds for any contravention of this provision, to be recovered with costs in any court of record in the State. He was also required to certify on each plat, certificate, or survey, the date of the survey. (32) For the prevention of fraudulent appropriation of lands under cover of treasury warrants, the legislature early made it a misdemeanor and malfeasance in office for any surveyor to issue, illegally, certificates of survey on Virginia land office treasury warrants, on military reserved lands, on lands in counties where such lands were located, or on lands acquired by the treaty of Tellico. For such offense the surveyor, at the discretion of the jury, was liable to indictment and imprisonment not to exceed 1 year, plus a fine amounting to twice the value of the lands illegally surveyed. (33)

Recordation

By legislation passed in 1794 the county surveyor was directed to keep a record of lands in which title, interest, or claims had been relinquished by the persons concerned. (34) For the safety as well as the convenience of

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25. Acts, 1904, p. 263 ff.; Carroll, secs. 4672a-2, 4672a-4.
26. Acts: 1886, I, 9; 1904, p. 263 ff.; Carroll, sec. 4679.
27. Acts, 1883-84, I, 128, 129.
28. Acts, 1904, p. 263; Carroll, sec. 4672a-2.
29. Acts: 1891-93, pp. 502, 503; 1904, p. 263 ff.; Carroll, sec. 2370.
30. Littell, 1814, V, 92.
31. Acts, 1898, p. 41.
32. Littell: 1792, I, 165; 1798, II, 109-111.
33. Ibid., 1809, IV, 71-73.
34. Ibid., 1794, I, 233.

the public, all surveyors who possessed books of original land entries were required to transcribe such entries in a fair, legible hand, in good books bound in calf, and to deposit them, certified under the hand and seal of each surveyor, with the register of the land office until its abolishment in 1898. (35)

An act of 1882 specified that the surveyor must append to his field notes the date of the survey, and the variation of the needle from the true meridian, at the time of making the survey. (36) Statutory provision in 1904 gave the surveyor the duty of keeping the records of all plats and explanatory notes of surveys made by him and his deputies, in a book furnished by the county court. (37)

At the present time Anderson County does not have a surveyor, and the archives disclosed no record of surveys or plats kept by former incumbents of this office.

XXIII. COUNTY ROAD ENGINEER

Introduction

From 1827 to 1851, the Anderson County Court exercised supervision of county roads and bridges; from 1851 to 1892 the claims and levy session of the court performed this function; and after 1892 the fiscal court directed the management of this work in the county. (1) In its supervision of road work, the county court has always had the duty of appointing road overseers. Since the composition of the court changed in 1851, the appointive function was first a power of the court, composed of justices from 1824 to 1851. Thereafter it became the power of the county judge who, from 1851 to the present time, has been the sole member of the court. (2) From 1799 until 1894, the technical duties pertaining to the construction and maintenance of the county's road and bridge system were carried on by precinct overseers. In 1894, the office of county road supervisor was established to take over the general supervision of the entire road system, under the

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35. IBID., 1799, II, 302.
36. ACTS, 1881-82, PP. 11, 12; CARROLL, SEC. 4676.
37. ACTS, 1904, P. 264; CARROLL, SEC. 4672A-5.

1. LITTELL, 1797, I, 634; ACTS, 1850-51, I, 40 FF.; GEN. STAT., 1873 ED., P. 759; ACTS, 1891-93, PP. 1194, 1195.
2. SEE COUNTY COURT, P. 180.

(Next entry 374, p. 345)

direction of the fiscal court, the road overseers continuing their individual jobs in their assigned precincts. (3)

Structure

Creation

The office of road supervisor was abolished by an act approved March 18, 1912, and all the duties, powers, and qualifications pertaining to this office were assumed by the county road engineer whose office was created by this act. (4) On October 1, 1912, M. C. Champion was appointed the first road engineer for Anderson County. (5)

The office of the county road engineer was created by the legislature to meet the need in each county of a trained road man to exercise county-wide supervision of the construction and repair of modern rural roads, and to integrate each county's road system with the State and Federal highway systems. (6) In the same year, when the Department of Public Roads, a State body, was created and took over the duty of building and maintaining the public State roads, the Commissioners of this Department fixed the duties of the county road engineer in respect to public roads and bridges composing the public road system of the State.(7) The provisions of acts of 1914 and 1918 in respect to road engineers, surveyors, and overseers are in effect today. (8)

Selection and Term

In 1914, the somewhat vague act of 1912 was superseded by an act providing for the appointment of a county road engineer to supervise all road work in the county. This appointment was made by the county judge, with the approval of the fiscal court, for a term of 2 years. (9) If the county court failed to appoint a road engineer, his duties were performed by the county surveyor, a road commissioner, or another person appointed by the county court. The compensation of such person was the same as that given commissioners for dividing land. (10)

Qualifications

The road engineer must be either a civil engineer possessing qualified

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3. Acts, 1894, p. 79.
4. Acts: 1912, pp. 329, 330; 1914, p. 358; 1918, pp. 66-69; Carroll, sec. 4325.
5. Fiscal Court Minutes (Orders), vol. 3, p. 331, see entry 1.
6. Acts, 1912, p. 329; Carroll, sec. 4325.
7. Acts, 1912, pp. 96-100.
8. Acts: 1914, pp. 330-332; 1918, pp. 66-68; Carroll, secs. 4325-4356a.
9. Acts: 1914, pp. 357-369; 1918, pp. 66-69; Carroll, sec. 4325.
10. Acts: 1914, pp. 357-359; 1918, pp. 66-69; Carroll, sec. 4325.

technical training, or a man who has had practical experience as a road supervisor or builder for 2 years, and has passed a creditable examination by State road authorities. (11) If he is competent, the county surveyor may receive the appointment as county road engineer. (12)

Oath and Bond

The appointed road engineer must make bond to the county court within 10 days of the notice of his appointment. He also takes an oath of office. (13)

Removal

The county road engineer may be removed from office at any time for adequate cause by the county judge. (14)

Vacancy

In case of a vacancy in the office of county road engineer, the county judge, with the consent and approval of the fiscal court, appoints a person to serve for the unexpired term. (15)

Compensation

The county road engineer in 1912 was compensated by salary or per diem, as decided by the fiscal court, but under the provisions of the act of 1914 he received a salary of not less than $600 per year, to be designated by the fiscal court. (16) The road engineer received $1,500 as salary for the fiscal year ending June 30, 1939. (17)

Penalty

Should the county road engineer neglect or refuse to perform his duty, he may be penalized, upon conviction, by a fine of not more than $100. (18)

Functions

As provided by an act of 1914, effective today, the county road engineer is required to post on the courthouse door a printed notice for bids on contracts to build or repair roads and bridges; and to exercise general charge

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11. Acts: 1912, p. 329; 1914, pp. 357, 358; Carroll, sec. 4325.
12. Acts: 1912, p. 330; 1914, p. 358; 1918, pp. 66-69; Carroll, sec. 4325.
13. Const. 1891, sec. 228; Acts: 1914, p. 358; 1918, pp. 66-69; Carroll, sec. 4325.
14. Acts: 1912, p. 330; 1914, p. 359; Carroll, sec. 4326.
15. Acts: 1912, p. 330; 1914, pp. 357, 358; 1918, pp. 66-69; Carroll, sec. 4325.
16. Acts: 1912, p. 330; 1914, p. 358; 1918, pp. 66-69; Carroll, sec. 4325.
17. Report of Nat. B. Sewell. . . 1939.
18. Acts, 1914, pp. 359, 360; Carroll, sec. 4327.

County Road Engineer (Next entry 374, p. 345)

over all public roads and bridges within the county, except privately-owned turnpikes and bridges, keeping such roads and bridges in repair and supervising all construction work on them. (19) It is his duty, 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 kept in repair; to be responsible for implements furnished to him by order of the fiscal court (20); and to advise and direct those employed by contractors concerning the best way to repair, maintain, and improve county roads and bridges.

He is also required to examine various formations and deposits of gravel for suitability of materials; to submit such samples of gravel upon request to the State highway authorities; to acquire gravel beds and stone quarries for grading purposes, with the approval of the fiscal court (21); to provide for necessary grades and drainage; to enter any lands adjacent to public roads in order to drain them; and to have roads measured when so directed by the State highway authorities. The county road engineer together with the fiscal court will consider plans, specifications, and estimates submitted for the construction and maintenance of public roads. It is his duty to hold road meetings in each magisterial district yearly (22); to inspect or cause the inspection of the county's roads and bridges every 6 months and at such other times as the fiscal court may require (23); to certify to the fiscal court that construction on roads and bridges is being carried on according to contract; and, when it is not being so done, to stop such work until the fiscal court passes on it. He also hears and examines complaints and holds hearings; adjusts damages; and certifies claims of contractors. It is his duty to remove obstructions, post guideboards, and place foot bridges across streams; to post notices of closed roads; to have hills cut down by contract; to plant, care for, and control public shade trees; to establish wells and cisterns; to lease machinery; and to have water troughs maintained. The county road engineer must not be personally interested in contracts and must not seek to employ a relative as a road worker. It is the duty of the county road engineer to serve notice of the court's order for the appointment of a road overseer, in the absence of other officers required to issue such summons. (24) The fiscal court may summon in hands to work on public roads in the county, when they decide to use man power instead of machinery. (25) The county road engineer is assisted by overseers who, under his supervision, superintend work in their respective road precincts. (26)

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19. Acts, 1914, p. 360; Carroll, sec. 4328.
20. Acts, 1914, p. 366; Carroll, sec. 4335.
21. Acts: 1914, p. 367; 1920, p. 690, 1924, p. 592; Carroll, sec. 4337.
22. Acts, 1914, p. 361; Carroll, sec. 4328.
23. Acts, 1914, pp. 364-366; Carroll, sec. 4334.
24. Acts: 1912, pp. 337-353; 1914, pp. 344-367; Carroll, secs. 4325-4356.
25. Acts, 1914, p. 379; Carroll, sec. 4356A.
26. Acts: 1914, pp. 379, 382; 1932, p. 724; Carroll, sec. 4356R.

Recordation

It is the duty of the county road engineer to make reports as directed by the county judge and fiscal court. (27) At the expiration of his term he is required to turn over his books to his successor. (28) A search of the archives revealed no records kept by this office.

XXIV. COUNTY AGRICULTURAL AGENT

Although the office of county agricultural agent is not specifically provided for by law, acts of Congress passed in 1914, 1928, and 1930, provided money for cooperative extension work in agriculture in all counties, and for the employment of extension agents to carry out this work. (1)

An act approved March 15, 1916, accepted the provisions of an act of Congress providing for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefit of an act of Congress approved July 2, 1861, and the Federal Government. (2) This act of 1916 also empowered the fiscal court and county board of education to appropriate such sums of money out of their annual funds as they might decide were necessary to aid in carrying on extension work in the county. (3) A later act accepted provisions of an act of Congress approved May 22, 1928, which provided for further development of agricultural work between the agricultural colleges and the United States Department of Agriculture. (4)

Anderson County's first agricultural agent was George Insco, appointed September 6, 1933. (5) He resigned in 1938 and the fiscal court appointed Robert H. Ford, as county agent at a salary of $1,000 per year. (6)

The chief functions of the agent are to present to the farmers in the community the latest improved agricultural methods developed by the agricultural experiment stations throughout the country; to direct the work of

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27. Acts, 1914, pp. 360, 362, 363; Carroll, sec. 4831.
28. Acts, 1914, p. 378; Carroll, sec. 4356h.
1. U. S. Code, Title 7, secs. 341, et seq.
2. U. S. Code, Title 2, p. 135; Acts, 1861-63, p. 335-336; see Governmental Organization and Records System, section on Educational Administration, p. 69.
3. Acts, 1916, p. 156; U. S. Code, Title 7, sec. 341, et seq.
4. Ibid.; Acts, 1930, pp. 37, 38; Carroll, secs. 4636f-9, 4636h-1.
5. Fiscal Court Minutes (Orders) vol. 6, p. 210, see entry 1.
6. Fiscal Court Minutes (Orders) vol. 6, p. 467, see entry 1; Report of Nat. B. Sewell . . . 1939.

4-H Clubs, and to promote the agricultural interests in his county.

The duties and powers of the county agricultural agent are not statutory, but are regulated jointly by the Secretary of Agriculture, the trustees of the University of Kentucky, and the fiscal court of the county.

All records are located in the office of the county agricultural agent, unless otherwise specified.

Contracts

374. (CORN-HOG CONTRACTS), 1934-35. 487 docs. in 2 bdls.
Corn-Hog contract compliance certificates, showing: contract number, name and address of producer, permitted corn acreage, local supervisor's signature, and statement of acreage planted, certification of county allotment committee, hog production of farm, number sold, average weight when sold, to whom sold, proof of sale, and number butchered for home consumption, farm records supporting production statements, affirmation of producer and landlord, and certification of local supervisor. Arr. numer. by contract no. No index. Hdw. and typed on pr. fm. 9 x 12 x 6.

375. (SPECIAL BASE TOBACCO CONTRACTS), 1934-35. 500 docs. in 1 f.d.
Applications for special base tobacco contracts and contracts between Department of Agriculture and farm producer, showing on applications: type of special base tobacco to be raised, signatures of producer, tenants, and witnesses, acreage of tobacco grown from 1929 to 1934 inclusive, dimensions and acreage capacity of tobacco barns in usable condition on farm, tobacco history of persons living on farm, average acreage tobacco grown, acreage that can be produced with present equipment, recommendations of committee for producers, and signature of community or county committee; and contracts show: terms of contract, producers agreement to number of acres to be grown by tenants, base acreage and production provided by agreement, name of producer, location and description of farm, signatures of producer and witnesses, certification by committee, and approval by representative of Secretary of Agriculture. Arr. chron. by date of contract. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

376. (TOBACCO CONTRACTS), 1934-36. 3,750 docs. in 5 f.d.
Original tobacco production adjustment contracts between tobacco producers and Agriculture Adjustment Administration pursuant to the Agricultural Adjustment Act approved May 12, 1933, as amended, showing: name and address of producer, number of acres in farm, number of acres under cultivation, producer's statement of tobacco acreage planted and pounds production for years 1931, 1932, and 1933, committee's corrections of acreage and production statement, producer's signature of agreement to corrections, name of person to whom rental payments due producer shall be paid, signatures of producer and witnesses, signatures of other interested persons, signature of representative of Secretary of Agriculture, certification by county control committee of producer's production data, certification of audit by Auditor of Controller's Office, approval of payment by Administrative Officer, Pay-

ment Unit, Tobacco Section, Agriculture Adjustment Administration, amount of check issued for rental payment, and date paid. Arr. numer. by contract number. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

377. (WHEAT CONTRACTS), Sept. 15, 1933-July 3, 1936. 62 docs. in 1 f.d.

Original wheat production adjustment contracts between Agriculture Adjustment Administration and wheat producers, showing: name and address of producer, farm acreage, location, wheat acreage planted and number bushels produced during three year period prior to contract year, verification of wheat field measurements by local supervisor, proof of compliance with terms of contract, thresher's certification of number of bushels of wheat threshed each of previous three years, and signatures of producer, representative of Secretary of Agriculture, and witnesses. Arr. chron. by date of contract. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

Conservation Records

378. (FARM COMPLIANCE RECORDS), 1936--. 3,000 docs. in 3 f.d.

Records pertaining to farm producers compliance with Agricultural Conservation Program, including:

i. Requests for soil building material as grant of aid under conservation program, showing: name and address of applicant, tenure of residence on farm, description and quantity of material requested, description of soil building practice on farm, acres to be treated, rate of application, cost of material requested, maximum payment that can be collected for soil building practice, deduction of material requested, balance, signature of producer, and approval by secretary of county agricultural conservation program;

ii. Acreage calculation sheets of fields measured by farm supervisor, showing: name of farmer, number of farm, acreage correction factor, field reading, differences in field acreage, gross, deduction, net acres, serial number, aerial photo number, and signature of supervisor;

iii. Farm practice plan, showing: name and address of operator, total acres in farm, number acres cropland, amount of maximum payment that can be earned, practice units of soil building goal, description of soil building practice, signature of operator, and signature of county agent's representative;

iv. Supervisors' farm reports, showing: name and address of farm operator, aerial photo number of farm, materials furnished by Agricultural Conservation Program, field number, operator's estimate and determined acreage in each field, crop or land use, depleting and non-depleting acreage, soil building practices carried out, division of crops, other farms in which producer has an interest, and signature of operator and supervisor;

v. Summaries of supervisors' reports, showing: serial and code numbers, name of farm operator, soil depleting allotments,

soil building practices and goal, names of producers on farm, other farms in which producers have an interest, division of payment, division of soil building units, grants of aid, acreage of depleting and non-depleting crops, and additional committee determinations.

Arr. numer. by code no. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

379. EXPENSE ACCOUNTS A. C. P. (Agriculture Conservation Program), 1936--. 500 docs. in 1 f.d.

Copies of administrative expense accounts of agricultural conservation associations and committees of producers, containing:

i. Estimate of monthly administrative expenses, showing: name of association or committee, name and address of person to whom payment is to be made, estimated days to be worked by personnel, rate of pay and amount to receive, cost of purchase and rental of equipment, purchase price of office supplies and stationery, bank service charges, postage, printing and publication, office rental, telephone and telegraph, fee for treasurer's bond, miscellaneous expenses, and certification by president and secretary of agricultural conservation association or committee of producers;

ii. Public voucher for payments to agricultural conservation associations or committees of producers, showing: Disbursing Officer's voucher number, name of AAA office, description of project, name and address of payee, unexpended balance of previous voucher, collections made, expenditures since previous voucher, unexpended balance, unpaid obligations, balance, estimate for next period, amount of payment required, amount approved and signature of State executive officer, signatures of president and secretary of association or committee, and certification of payment by disbursing officer;

iii. Statement of administrative expenses, showing: statement and code numbers, name of association or committee, names of personnel and amount due for services, automobile expense incurred, services and supplies furnished by individuals and dealers and amounts due, and signatures of president and secretary of association or committee;

iv. Receipt schedule, showing: code and receipt numbers, name of association or committee for whom payment was made by treasurer, name, amount, signature of person receiving payment, and certification of treasurer;

v. Individual receipts of persons receiving payments from treasurer and filed in support of receipt schedule, showing: names of treasurer and association or committee represented, amount paid, and signature and title of payee;

vi. Monthly certificate of expense for personal service, showing: name of association, name of claimant, nature of work performed each day, total days of service, rate per day, total amount claimed, and signature and title of claimant.

County Agricultural Agent - Conservation Records (380-384)

Arr. chron. by date paid. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

380. (BURLEY DATA SHEET), 1938. 1,500 docs. in 5 bdls.
Reports to county extension agent from extension workers of information obtained regarding burley tobacco marketing quotas, showing: community, name and address of farm operator, labor working regularly on farm, and tobacco curing barns on farm in usable condition, burley tobacco acreage, cropland, other tobacco, and other soil depleting crop acreages, base, harvested, diverted, and total acreage, warehouse bills, farm accounts, sales records, total reported, and adjusted total of marketings for years 1935-37, computed yield per acre before and after adjustments for previous three years, increase or decrease in production from land, labor, equipment, and land rotation practices, present farm production quota, and certification of report by farm operator and extension worker. No obvious arr. No index. Hdw. and typed on pr. fm. 9 x 12 x 6.

381. (FARM PAYMENT), 1936--. 12,000 docs. in 14 f.d.
Farm payment applications and record of farm payments made by Agriculture Adjustment Administration under Agriculture Conservation Program. Applications show: name and address of applicant, kind of crop, division of soil building practices, gross payment due, superphosphate furnished, and signatures of applicant and witnesses; farm payment record shows: serial number, community, name and address of farm operator, soil depleting acreage allotment, yield, rate, and amount of payment, total acreage of farm, non-crop land, soil building practices, and signatures of extension workers making computations. Arr. chron. by date of payment. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

382. LISTING SHEETS OF MARKETING QUOTAS, 1938. 150 docs. in 5 bdls.
Lists of tobacco allotment cards issued to each producer, showing: name of producer and pounds allotted for sale. Arr. numer. by allotment card code no. No index. Hdw. and typed. 9 x 12 x 3.

383. (FARM PROGRAM PRODUCERS), 1936--. 500 docs. in 1 f.d.
Lists of farm producers complying with farm program each year, showing: name and address of producer, total acres in farm, total acres cropland, tobacco allotment acreage, general crop allotment, and wheat allotments. Arr. numer. by code no. No index. Hdw. and typed. 18 x 12 x 28.

384. WHEAT APPLICATIONS 1939 T. V. A. (Tennessee Valley Authority) PHOSPHATE, 1938--. 1,000 docs. in 2 f.d.
Applications from wheat producers for payment under 1939 price adjustment program, conservation committee's data sheet determining wheat yield and acreage allotment of each farm under contract, and requests from farmers for soil building materials as grant of aid under the Agricultural Conservation Program. Applications show: State and county code and serial numbers, farm number, acreage planted to wheat, current acreage allotment, normal wheat yield per acre, computation of payment due, names, addresses, and

signatures of producers on farm and witnesses, date certified, and signature of certification by county committeeman; wheat data sheets show: serial number, name and address of operator, name and address of owner if other than operator, location of farm, determination of wheat yield for each year since 1928, total and average yield, determination of acreage allotment, crop rotation practices, type of soil, topography, normal production for market, signature of extension worker obtaining data, date reviewed by conservation committeeman, and signature of approval by committeeman; and requests for soil building material show: code number, name, address, and tenure of applicant, description of material requested, quantity and unit, description of soil building practice for which material will be used, number acres to be treated, rate of application, and total amount of material needed, maximum amount of payment that can be paid for soil building practices, deduction of materials requested, amount of deductions on previous receipt of materials, date and signature of applicant, and approval of county committee and secretary of county agricultural conservation association. Arr. chron. by date of request. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

385. (CROPS AND LAND USES), 1936--. 5 bdls.
Annual summary reports of crops and land uses from farmers under contract with Soil Conservation Program, showing: kind of crops raised, date harvested, acreage, base acres, usual acreage, allotments, rate per acre, maximum payment, name and address of operator, and assigned code number. Arr. numer. by code no. No index. Hdw. and typed on pr. fm. 9 x 12 x 6.

386. (TOBACCO SALES RECORD), 1933-36. 2,500 docs. in 5 bdls.
Sales record sheets of tobacco marketings, showing: code number, name of farm, community, name of operator, address, date of marketing, warehouse where sold, number of pounds, price per pound, total, and signature of operator. Arr. numer. by contract code no. No index. Hdw. and typed. 9 x 12 x 6.

Reports

387. COUNTY AGENTS ANNUAL AND MONTHLY REPORTS, Feb. 1, 1928--. 500 docs. in 1 f.d.
Copies of monthly and annual summary reports of activities submitted to State Director, Extension Service, by county extension workers, showing: communities visited, time spent in field, time spent in office, time absent, mode of travel, total days absent from official duties, reason for absence, meetings held, date, community or place, project and nature of meetings, and attendance, assistance received from college or other sources outside county, date and name of person or group giving assistance, and nature of assistance received, summary of days spent in office, field, vacation, and sick leave each month, days devoted to adjustment work, days out of county, number of community programs built, commodity programs built, 4-H clubs organized, 4-H club

members enrolled, home visits made, farms or homes visited for first time, office calls, telephone calls, news stories published, individual and circular letters written, bulletins distributed, radio talks made, events at which exhibits were displayed, number of farms on which changes in practices resulted from Extension Service, training meetings held for leaders or committeemen, demonstration meetings held, tours conducted, encampments held, other meetings held with and without attendance of extension worker, and totals to date for year, summary of days devoted to each project by extension agent and specialists, number of communities in which work was conducted, number of committeemen or leaders rendering assistance and days assisting, totals for all projects, and AAA educational features for each month, meetings held, methods used and results obtained, plans for educational procedure next month, indicated improved coordination of programs, change of attitude of general public toward AAA, educational aids or difficulties, and signature of county agent. Arr. chron. by date of report. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

388. DAILY REPORT OF LOCAL SUPERVISOR, 1939--. 500 docs. in 1 f.b. Daily reports to county agent of fields checked by local supervisors, showing: name of farm operator, farm serial numbers for original check and recheck, photo number, time supervisor began and ceased work, date of report, and signature of supervisor. Arr. chron. by date of report. No index. Hdw. and typed on pr. fm. 5½ x 4½ x 10.

Miscellaneous

389. (SHEEP GROWERS ASSOCIATION AND FARM BUREAU MEMBERSHIP), Mar. 1, 1936-Apr. 2, 1938. 5 vols. in 1 f.d.
Membership record of sheep growers protective association and record of members enrolling in county farm bureau. Sheep growers membership record shows: membership agreement, name of sheep grower, number of farms owned, number of tenants on farms, date of enrollment, number of sheep insured by association, and compliance agreement of member; and farm bureau membership record shows: date of enrollment, name of bank on which order for membership fee is drawn, amount of fee, county, signature and address of enrollee, joint membership agreement for family, and signatures of member and solicitor. Arr. alph. by first letter in surname of member. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

390. (BULLETINS, CIRCULAR LETTERS, RULES AND REGULATIONS), 1933--. 2,500 docs. in 5 f.d.
General file of bulletins, regulations, and other information relating to farm programs, showing: general information published by College of Agriculture, corn-hog and wheat program information, tobacco information and correspondence with tobacco growers seeking information, and circular letters and other information relating to 1940 Agriculture Conservation Program. Arr. alph. by subject matter. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

391. ANNUAL CORRESPONDENCE PROJECT FILE, Apr. 7, 1931--. 1,000 docs. in 2 f.d.
General correspondence between experiment station at Lexington, Kentucky, and county agent pertaining to farm projects and farm problems in county, showing: date of letter, to whom written, subject of letter, and signature of writer. Arr. chron. by date of letter. No index. Hdw. and typed on pr. fm. 18 x 12 x 28.

XXV. HOME DEMONSTRATION AGENT

Structure

Creation

The Anderson County Fiscal Court, in January 1936, established the office of home demonstration agent in the county. (1)

This office was not specifically provided for by the Kentucky General Assembly, but home demonstration agents are employed in certain counties of the State under the same act that authorized the employment of a county agricultural agent. (2) This act provided for an appropriation to carry on cooperative extension work in home economics and to give instruction and practical demonstrations to persons not attending college.

Compensation

The fiscal court fixes the salary of the home demonstration agent, and on July 1, 1938, the court allowed Miss Helen Morgan $600, to be paid in monthly installments, for one year's salary as home demonstration agent. (3)

Functions

The statutes do not enumerate the duties of the home demonstration agent, who, in the same manner as the agricultural agent, depends upon agreements and regulations made by and between the Secretary of Agriculture, the

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1. FISCAL COURT MINUTES (ORDERS), VOL. 6, P. 11; SEE ENTRY 1.
2. UNITED STATES CODE, TITLE 7, SECS. 341, ET SEQ.; SEE COUNTY AGRICULTURAL AGENT, P. 344.
3. FISCAL COURT MINUTES (ORDERS), VOL. 7, P. 64; SEE ENTRY 1; REPORT OF NAT. B. SEWELL . . . 1939.

Home Demonstration Agent

trustees of the University of Kentucky, and the fiscal court of the county.

The fiscal court and the board of education are authorized to appropriate such sums of money out of their annual funds as they believe necessary to aid in carrying out this extension work. (4)

No records were found for this office.

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4. Acts, 1916, p. 156; See Fiscal Court, p. 101.

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1. Inventory of the County Archives of Kentucky, No. 34, Fayette County (Lexington), August 1937. mim. i-ii, 1-121.

2. Inventory of the County Archives of Kentucky, No. 61, Knox County (Barbourville), December 1937. mim. (a) i-ii, 1-149.

3. Inventory of the County Archives of Kentucky, No. 74, McCreary County (Whitley City), February 1938. mim. (a-b) (i-ii) iii, 1-82.

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